

Aiken City Council MinutesREGULAR MEETINGJanuary 13, 2011

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

Absent: Councilmember Clyburn

Others Present: Roger LeDuc, Gary Smith, Richard Pearce, Glenn Parker, Pete Frommer, Kim Abney, Ed Evans, Ben Moore, Larry Morris, Sara Ridout, Amy Banton of the Aiken Standard, and about 40 citizens.

CALL TO ORDER

Mayor Cavanaugh called the meeting to order at 7:01 P.M. He stated the regular meeting scheduled for Monday, January 10, 2011, had been rescheduled for Thursday, January 13, 2011, due to the snow and ice storm. Councilman Dewar led in prayer, which was followed by the pledge of allegiance to the flag.

ADDITIONS OR DELETIONS TO THE AGENDA

Mayor Cavanaugh asked if there were any additions or deletions to the agenda. Mr. LeDuc stated because of the bad weather and change in date of the Council meeting, Item 5 under New Business concerning amendment to Concept Plan for Lacy School of Cosmetology and Item 8 first reading of an ordinance to approve the Concept Plan for Murphy Oil need to be deleted from this agenda and carried to the January 24, 2011, meeting as those representing these items could not be present at this meeting. Councilman Dewar moved, seconded by Councilwoman Price, that the agenda be approved as amended. The motion was unanimously approved. Councilman Ebner thanked the staff for their efforts and work in putting together the zero based budget series for Council.

MINUTES

The minutes of the regular meeting of December 13, 2010, and Work Sessions of December 7 and 16, 2010, were considered for approval. Councilman Wells moved, seconded by Councilwoman Price, that the minutes of the regular meeting of December 13, 2010, and the work sessions of December 7 and 16, 2010, be approved as submitted. The motion was unanimously approved.

PRESENTATIONS

Parks, Recreation & Tourism Department

Athletics Division

Community Volunteer

Mike Hutto

South Carolina Recreation & Parks Association

Mayor Cavanaugh stated Council would like to recognize the Parks, Recreation, & Tourism Department and a Community Volunteer who was recognized by the South Carolina Parks & Recreation Association recently.

Mr. LeDuc stated the City of Aiken is blessed with tremendous staff and volunteers that make us an All America City. At this year's 65th South Carolina Recreation and Parks Association Conference one community volunteer was recognized for his outstanding leadership, and the City's Athletic Division was recognized as the top department in the state (population 25,000 - 50,000).

Our Athletic Division is headed up by Jeff Metz, who last year was given the South Carolina Young Professional Award. This award is presented to a Park and Recreation staff member who has been employed for less than ten years. The Athletic Division

manages 20 full and part-time employees, along with a long list of volunteers within this division. The Athletic Division yearly oversees 30 weekend tournaments in soccer, tennis, baseball and softball and works with the Farmers' Market Committee. Recently the Athletic Division worked with the United States Tennis Association tournament officials allowing Aiken to host our second state tournament this past year. This division has made a tremendous difference not only with tournaments, but most importantly with our children and adults who actively participate daily in all their programs.

Mike Hutto was also recognized at the banquet as the South Carolina Athletic Volunteer of the Year. Volunteer coaches are the backbone of the Athletic Division, and without them our programs wouldn't exist. Mike has been coaching for nine years and organizes Cedar Creek Church Basketball with 21 teams. During this time he has been a coach in the City of Aiken Youth Church Basketball Program, Youth Soccer and Youth Baseball Program. He exemplifies all the positive attributes you want to see from a coach, a dedicated dad, and a husband. He displays great sportsmanship and constant patience on and off the field. He is knowledgeable in every sport he coaches. His good sportsmanship is seen in both the games and in the practices throughout the season. Mike's practices are designed to be fun and yet instructional, and he utilizes every moment to motivate the team. Most importantly, whether they win or lose, they build a team relationship as players continue to come back over and over again to our program. We congratulate Mike on being named the South Carolina Athletic Volunteer of the Year and look forward to many more years of a great partnership with our city.

Mr. Glenn Parker, Recreation Director, stated it was an honor for the Department to receive the Athletic Agency of the Year award. The award was specifically given to the Athletic Division but it is recognition of the talent pool that we have in the Recreation Department. He pointed out that Phil Berley, Assistant Director and Parks Superintendent, and Jeff Metz, Athletic Superintendent, were present at this meeting. The other special award recognized Mike Hutto a volunteer. He pointed out that in Parks and Recreation, when the full time staff leaves in the evening, all the programs are basically run by college students and volunteers. He said the volunteers are very good and help staff in so many ways. He said the volunteer being recognized at this time is Mike Hutto, who is a coach on the softball program, the soccer program, and basketball program. He stated Mr. Hutto coordinates all the youth basketball teams for Cedar Creek Church, and at this time there are 21 teams. He said this involves a lot of work. He said one of the reasons Mr. Hutto was nominated for the award is his attitude that he brings to the game and to the practice field each day. He not only teaches kids how to play the game, but he also teaches them the proper way to play the game, and the attitude they present for the games. He has been volunteering for about 9 years. He presented an award to Mr. Hutto.

Mr. Hutto thanked the Recreation Department for nominating him for the award.

Mayor Cavanaugh thanked Mr. Hutto on behalf of City Council for his time, effort and volunteerism in the community. He said this makes a difference.

#### Robotics Team Recognition.

Mayor Cavanaugh stated Council would like to recognize the Robotics Teams at Aiken High School.

He said several months ago he and Clyde Ward had a conversation regarding what the Robotics Teams had accomplished and the hard work and diligence of the team members. He said he had asked that the team members come to a Council meeting so Council could honor and recognize the teams.

Mr. LeDuc stated that in 2002 M' Aiken Tech Magic Robotics Team was formed and has competed for the last eight years in the First Robotic Competition (FRC). The team is based at Aiken High School but is open to any Aiken County High School students, with most students from Aiken High School and South Aiken High School. The FRC team has qualified for the world championships in five of the last seven years.

Four years ago they started a First Technical Challenge (FTC) Team. This is part of the FIRST (For Inspiration and Recognition of Science and Technology) organization which holds two competitions for high school students, the FRC and FTC. The M' Aiken Tech Magic won the state championship in 2008-2009, and again in 2009-2010. This produced a lot of student interest and, since only ten students can be on the FTC team, they expanded to three teams this past year. This year M' Aiken Tech Magic came in first in the State Championship; Atomix second and G-Force third. G-Force had outstanding success at the preliminaries of the World Championship and was selected to move forward. They won the Division Championship and went on to win the World Championship.

Between FRC and FTC, Aiken has qualified one or more teams in the World Championship in each of the last seven years. Their teams have consistently been in the top 15% of the FRC and the top 4% of the FTC for the last seven years.

Mr. Clyde Ward stated he had been a mentor for the last eight years for the Robotics Teams. He said he had been blessed to have the opportunity. He introduced the Senior Co-Captain Casey Izard, who will be an engineering student at Clemson next year.

Casey stated the group is the Aiken Magic Team for Aiken County, which includes Aiken High, South Aiken High and some other schools. He said FIRST is the organization under which they work. FIRST stands for For Inspiration and Recognition of Science and Technology. It was formed to bring excitement like sports to technology and science. He said they had been called the "Sport for Smart People." In 1992 the FRC, the first robotics competition began and, in 1998 was the first lego league. In 2005 the First Tech Challenge started. He said their team started in 2002. In 2007 the FTC team was started. He said since 2003 they have had at least one team qualified for the World Championship every year. He pointed out for the Tech Challenge the first team was Making Magic Team, 1102, and they won the state tournament in 2009. Last year two more teams were added, making three Tech Challenge Teams. They finished first, second, and third in the state competition. All three teams qualified for World Championship last year. All three teams made it into the top 100 in the entire world which is 1,500 teams. G-Force won the World Championship. They were number one in the world when they joined with two other teams and won.

Mr. Ward then explained and showed some of the details of the game. He said the games are different every year and you have to start from scratch and cannot use any systems from an old robot. He said they have about three months to build the robots. The students have to learn how to adjust and adapt, find out where the strengths and weakness are in the matches. He said it was exciting to see the students get excited and involved. He said they had sent a robot to the World Championship every year for the last seven years. He said the real success is the success in the alumni continuing their education and getting excited about engineering and science. The group then performed some demonstrations with the robots which were displayed.

Mayor Cavanaugh then presented a character certificate to each of the coaches, leaders and team members for their great leadership and outstanding competitiveness in winning the State and World Championships.

#### BOARDS AND COMMISSIONS

McDonald Law

Design Review Board

Mark Hudgins

Environmental and Energy Committee

Mayor Cavanaugh stated Council needs to consider appointments to boards and commissions of the city.

Mr. LeDuc stated there are 21 pending appointments to boards and commissions of the city, and 2 appointments are presented for Council's consideration.

Mayor Cavanaugh has recommended the reappointment of McDonald Law to the Design Review Board. If reappointed Mr. Law's term would expire December 31, 2012.

Mayor Cavanaugh has also recommended the reappointment of Mark Hudgins to the Environmental and Energy Committee. If reappointed Mr. Hudgin's term would expire December 31, 2012.

Councilwoman Price moved, seconded by Councilman Wells, that McDonald Law be reappointed to the Design Review Board with the term to expire December 31, 2012, and that Mark Hudgins be reappointed to the Environmental and Energy Committee with the term to expire December 31, 2012. The motion was unanimously approved.

Mayor Cavanaugh stated he would like to recommend that William Price be appointed to the Senior Commission, representing the education community. He is presently Headmaster at Second Baptist School.

Mayor Cavanaugh stated Councilwoman Clyburn would like to recommend that Marilyn Brown be reappointed to the Environmental and Energy Committee, Mary Barnett be reappointed to the Park Commission, and Phillip Merry to the Design Review Board. She also asked that Scott Murphy of the Council on Aging be appointed to the Senior Commission.

Councilman Dewar stated that Peter Seaha has asked that he not be reappointed to the Planning Commission as he is undergoing some medical issues. He said he would like to recommend that Keimpe Andringa be appointed to the Planning Commission to replace Peter Seaha.

Councilwoman Price stated she would like to recommend that Velice Cummings be reappointed to the Design Review Board, that Frank Wright be reappointed to the Environmental and Energy Committee, and Brian Parks to the Park Commission. Councilman Wells recommended the reappointment of Henry Craig, Jr. to the Community Development Committee, the reappointment of Charles Newton to the Environmental and Energy Committee, and Liz Stewart to the Planning Commission.

#### PARADE PERMITS – ORDINANCE 01132011

##### City Code Amendment

##### S.C. Department of Transportation

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the City code regarding parade permits.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE REVISING CHAPTER 24 OF THE AIKEN CITY CODE TO AMEND ARTICLE II PARADE PERMITS SECTION 24-32 APPLICATIONS.

Mr. LeDuc stated the City of Aiken's Public Safety Department approves parade permits to temporarily close roadways for events within our community. State law has recently changed, and the South Carolina Department of Transportation (SCDOT) regulations now require a municipality to submit a request for a temporary state road closure no less than three weeks prior to the event. Our current regulations state that the applicant must submit their permit no less than ten days prior to the event.

We have revised the permit ordinance and increased the deadline to apply for a permit from the current ten to thirty days. This would give Public Safety ample time to submit the proper paper work to SCDOT to meet their three week deadline.

City Council approved this ordinance on first reading at their December 13, 2010, meeting. For City Council consideration, this is the second reading and public hearing of

an ordinance revising Section 24-32 of the Aiken City Code to increase the deadline to apply for a parade permit from ten days to thirty days.

The public hearing was held and no one spoke.

Councilman Dewar stated he understood the proposed ordinance applies when closing a state street, which applies to many of the streets in Aiken. He asked if it would include a group meeting at the Courthouse, off the street, to voice some kind of political discord. He asked if there was a provision to ask for a parade permit on a reduced time basis. He said he was thinking more of demonstrations.

Public Safety Director Frommer stated a demonstration would not be a parade permit. A parade permit is the closing of streets for a parade such as the Christmas parade, etc.

Councilman Homoki stated he had the same concern that he had in December. He said his understanding now is that it does not apply to city streets like The Alley, Bee Lane, etc. He also asked if there was some provision for a parade where there might not be notification 30 days in advance of the parade. He pointed out that for some political events such as primaries, etc. would not give adequate time between events to apply for a parade permit for a candidate. He wondered if there was a way to accommodate something less than 30 days notification. He wondered if we might run into some legal problems with restricting political expression.

Mr. LeDuc stated there were no provisions for a permit less than 30 days notice on a state street.

Mr. Gary Smith, City Attorney, stated the city does have the right to impose reasonable time limits and restrictions on a person's ability to exercise free speech. Also, the city, as a subdivision of the State of South Carolina, is obligated to comply with state rules.

Mr. LeDuc pointed out a parade is different from a demonstration. He said a demonstration at the Courthouse or on Newberry Street is different from having a street closed for several blocks for a parade.

Mr. Ben Moore, Staff Attorney, stated there were no exceptions in the state law. He said as far as political speeches, if a reasonable alternative is given where they can still voice their opinion, such as at the Courthouse or in The Alley, the city would be on legal ground, because they would not be preventing them from having their political speech.

Councilwoman Price moved, seconded by Councilman Ebner, that Council pass on second and final reading an ordinance revising Section 24-32 of the Aiken City Code to increase the deadline to apply for a parade permit from ten days to thirty days. The motion was unanimously approved.

#### AIKEN ELECTRIC COOPERATIVE

##### Grant

##### Ventures Park

Mayor Cavanaugh stated Council needed to accept a grant from Aiken Electric Cooperative.

Mr. LeDuc stated the Aiken Electric Cooperative through the Rural Development Act of 1996 awards economic development grants to communities for investment in infrastructure and other qualified projects to help encourage development within the area. Over the last ten years the City has received over \$1 million, which has been used to help build the Airport Terminal and to provide infrastructure for Ventures Park.

About eight years ago Aiken Electric Cooperative provided us with \$300,000 towards the construction of a speculative building in Ventures Park, now occupied by South Carolina Metals Products. The funds we received from the sale of that building were used to

provide funding for our portion of the runway extension and strengthening, the total overlay of the secondary runway, and funding to help with the current ILS project. This year Aiken Electric Cooperative would like to present to the City checks for \$150,000 and \$9,214.29 (Central Electric Power) which will be used to grade and construct a building pad in the Ventures Industrial Park for a future site. We could also install any infrastructure needed, such as water and sewer to the site. We could develop a computer model that would allow individuals to see how the building could look. The City will set up through the Economic Development Partnership a virtual spec building for this site, which prospective clients can use as a tool for relocation. By preparing and grading the site, the buyer can reduce the length of time for the project by several months, which is sometimes very important when relocating to a new area.

Mr. Gary Stooksbury, of Aiken Electric Cooperative, stated they appreciate the partnership they have had with the City of Aiken since 1996, when the Rural Development Act was first approved by the State Legislature. He said these monies are funds that they would historically pay to the State of South Carolina, but because of the RDA they are able to divert the dollars to cities and municipalities. He said the City had been a great partner with Aiken Electric Cooperative over the years to improve the community in which we live and work.

Mayor Cavanaugh thanked Mr. Stooksbury and Aiken Electric Cooperative for being there and helping to build our community.

For City Council consideration, this is acceptance of a grant in the amount of \$159,214.29 for the construction of a building pad and road in Ventures Industrial Park owned by the City of Aiken. The Aiken Electric Cooperative was under a very short timetable in developing this grant and determining the actual funding. Therefore, it was not known until the latter part of December what the total amount would be, and we have already accepted the checks subject to final approval by City Council.

Councilman Wells moved, seconded by Councilman Homoki, that Council accept a grant in the amount of \$159,214.29 from the Aiken Electric Cooperative for the construction of a building pad and infrastructure in the Ventures Industrial Park. The motion was unanimously approved.

#### CITY PENSION PLAN – ORDINANCE

##### Update Plan

##### Retirement Plan

Mayor Cavanaugh stated an ordinance had been prepared for first reading to update the city's Pension Plan.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE FOR THE PURPOSE OF AUTHORIZING THE AMENDMENT AND RESTATEMENT OF THE CITY OF AIKEN EMPLOYEES' RETIREMENT PLAN (THE "PLAN") IN ORDER TO COMPLY WITH RECENT FEDERAL LEGISLATION, TO MAINTAIN THE TAX-QUALIFIED STATUS OF THE PLAN AND TO INCORPORATE PRIOR AMENDMENTS AND PLAN INTERPRETATIONS INTO A SINGLE RESTATED DOCUMENT.

Mr. LeDuc stated the City offers a retirement program for all full time city employees except Public Safety. Warner Anthony, our pension attorney, has incorporated several minor changes that are required by the IRS into the revised plan. During our audit review and zero based budgeting meetings, Council had some questions concerning our pension plan. Specifically, the questions centered around the actuarial assumptions used in determining the plan's liabilities in funding levels. Normally it would not be necessary for him to be at this meeting concerning these changes, however, he is present to answer any City Council questions.

He will share with Council the various interrelated items that together are used in the design of the plan to meet future liabilities. Every year he reviews the actuarial assumptions used previously to determine how well these assumptions match the plan's actual experience. Then the actuary compares the actual operations of the plan to the assumptions and makes an annual adjustment to reflect the difference between these assumptions and the actual plan's result. Therefore, these adjustments to the liabilities and funding needs are made each year which reflects the gains and losses for the actual operation versus the actuarial assumptions. He will answer any other questions that Council might have concerning these assumptions and how he arrives at the annual contribution the city should contribute to the plan on a yearly basis.

Mr. LeDuc stated the last time the Plan was updated was in 2007, when there were some changes made in the program for City Council. He said there had been several changes because of federal regulations, and these need to be incorporated into the Plan. He said Mr. Warner Anthony was present to answer any questions Council may have about the plan.

Mr. Anthony stated the purpose of the restatement is to bring the plan into compliance with a number of legislative changes and IRS regulations since the last restatement in 2003-2004. He said about every 5 to 6 years the IRS requires a restatement of the plan. There have been no substantive changes, the proposal just incorporates the amendments, the IRS regulations, and the statutory changes that have occurred since the last restatement of the plan. He said he does not see any issues on the restatement, but he is present to answer any questions Council might have regarding the actuarial assumptions or other provisions of the plan.

Councilman Dewar stated the first issue is that he is not sure how we get around the issue of assuming the plan is going to make 8% per year. He stated he has been reading about other cities and states whose retirement plans are significantly underfunded.

Mr. Anthony then explained how the actuarial calculations work. He also pointed out that in relationship to the city's plan versus what one may read in the press about other plans, the city has been very aggressive in its approach to funding its plan ever since he had represented the City of Aiken. He said the GASB rules generally suggest that government entities fund each year the annual normal costs, which is the cost associated with the service of active employees for the year, the costs related to service that year, plus amortize any investment gains, losses, or actuarial changes over a 30 year period. The cities and governmental entities that are in trouble have not been following the GASB recommendation. He said the City of Aiken funds the normal cost each year and funds the actuarial adjustments over less than 15 years, so substantially funding greater than what GASB requires. This is one of the reasons the plan is in good shape on a funding basis. He said the purpose of the plan is to put enough money in for each person so when that person reaches their normal retirement age there is enough money in the plan to pay the benefits for that person over their retirement years. He said you try to have current employees pay current benefits so when someone reaches retirement age there is enough money to pay their retirement. You don't want to put in money after the person has stopped working for their retirement. You associate the contribution for each person with the time they are working for the city. The contributions are calculated on the plan as a whole, not on each individual. The government plans that have been in trouble have avoided that and have basically tried shifting the pension costs to future taxpayers, which the City of Aiken has not done. He said they calculate the costs associated with the service for that year. Then they take into account the pension operations for the year. They look at the actuarial assumptions and what actually happened that year. The principal actuarial assumptions are the interest rate which is assumed at 8%, assume a salary scale which assumes how much salaries will increase. Also, a turnover rate is assumed meaning how often people will leave before they are entitled to a pension, and an early retirement rate is assumed when people might retire before 65. The operations are looked at for the year for each of the assumptions and create an actuarial gain or loss. You look at the actual operations for the year over what is projected that creates an actuarial gain or loss. Then they amortize the actuarial gain or loss over the average working careers of the current participants which is about 15 years. He said they take into account what happens every year, and do not go for a 10 year

period. He said the assumptions are interrelated, those being the interest rate assumption, which is 8%, and the salary increase assumption which is 4%. He said when economic times are booming, generally there are higher interest rates and higher increases in salaries. In the last several years we have had lower interest rates, so there have been actuarial losses from the plan on the interest rate. However, we have also had significantly lower salary increases so we have had actuarial gains from the salary increases that offset and create a total actuarial adjustment for the year.

In response to a question about working with other municipalities, Mr. Anthony stated he works with government plans, but he does not work with other municipalities. He said Aiken was unique in the state of South Carolina in that Aiken is the only municipality not in the state retirement system.

Councilman Dewar stated one of the concerns he had was that the plan is 100% funded by the city, which he felt is a challenge. He said the city put \$1.4 million into the pension plan last year, which does not include Public Safety, which has their own plan. He was concerned that the contribution will increase over the years. He said he was not comfortable with the city funding 100% of the employee retirement plan, and he did not see why there is a City Council retirement plan.

Mr. Anthony stated the main thing to increase the contribution is new and younger employees coming into the system. He said we should expect the dollar amount of the contribution to increase as the work force increases.

Councilwoman Price stated she had never seen something that can be so complicated in terms of discussion so well explained in lay terms and commended Mr. Anthony for his explanation. She pointed out Councilman Ebner had commended the staff earlier on zero based budgeting. She said there were issues regarding the city and zero based budgeting. She stated they started from scratch and moved through the whole process with all the departments. She said in listening to Mr. Anthony talk about the planning and how well the city has planned for retirees, she wants to commend Mr. LeDuc and the staff on their level of competency and planning for the future of the employees. She pointed out many of the employees make less than \$20,000 a year. She said they need something in terms of a pension to rely on when they can retire. She said the budget had been planned well and staff had been proactive in all the planning. She said Aiken is a well run city.

Councilman Dewar asked for an explanation on how the Social Security fits into a person's pension.

Mr. Anthony stated the plan is not integrated with Social Security. The benefit under the plan is a benefit regardless of what Social Security pays. Several years ago a study was done looking at compensation levels, the amount of Social Security and the amount of pension a person would get as a percent of income, to see if the city was providing adequate retirement benefits for the employees. Generally the lower the compensation, the higher the replacement ratio needs to be. In looking at the replacement ratio they were in the 80% to 85% of replacement ratio for their retirement. He reviewed the formulas used in the plan to figure the retirement amount.

Councilman Ebner was concerned that the State might be able to raid the city's plan. He also asked if under normal retirement would the gross amount, including Social Security, equal 100% or would it be 80%.

Mr. Anthony stated the city's plan is a separate trust, and the assets are held in a separate trust not subject to the claims of anyone. The City cannot raid the assets nor can the state or federal government. The assets are held as a separate trust solely for the purpose of paying retirements under the city's plan. He said under the plan, the gross amount could equal over 100% including Social Security.

In response to a question Mr. Anthony explained the survivor benefits of the plan. Once a person is fully vested, a beneficiary will receive the accrued benefits upon the death of an employee. The city pays 100% of the cost of the retirement plan. The plan is a

defined benefit plan, not a defined contribution plan. The accrued benefit is a projected benefit of a monthly amount payable for life at age 65. He explained how the accrued benefit is figured. In response to a question, he said the city does have a retiree medical plan. Mr. LeDuc reviewed the retiree medical plan.

For City Council consideration, this is first reading of an ordinance to update the city's pension plan as per required IRS mandates. Upon City Council consideration, a second reading and public hearing will be held.

Councilman Ebner moved, seconded by Councilwoman Price, that Council approve on first reading an ordinance to update the city's pension plan and that second reading and public hearing be held at the next regular meeting. The motion was unanimously approved.

#### COLLETON PARK – ORDINANCE

Concept Plan Revision

Planned Residential

Signs

Increase Number of Dwelling Units

Silver Bluff Road

Pascalis Place

New Colony Partners

TPN 107-09-01-001

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to revise the Planned Residential Concept Plan for Colleton Park.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING THE CONCEPT PLAN FOR PROPERTY LOCATED ON THE WEST SIDE OF SILVER BLUFF ROAD AT PASCALIS PLACE AND OWNED BY NEW COLONY PARTNERS, LLC.

Mr. LeDuc stated Phillip Merry of New Colony Partners is asking Council to consider approval of a revised Concept Plan for Colleton Park, which is located off of Silver Bluff Road. They presented a revised plan to the Planning Commission at their November 9, 2010, meeting. At this meeting they requested three items:

1. an increase in the number of permitted dwelling units;
2. lot reconfiguration which differs from the approved Concept Plan;
3. signage not allowed by the Zoning Ordinance.

Council can consider the first two items separately from the third, all three together, or individually.

In September, 2005, a Concept Plan was submitted for the entire 74.6 acre tract, including Colleton Park, Pin Oak, and an unnamed 11.22 acre tract which was annexed on the condition that there would be no more than 300 dwelling units. Pin Oak Farms to the east of the subject property has been approved for 62 units. The Concept Plan for Colleton Park which was approved on October 9, 2006, limited the number of dwelling units to 117. The 11.22 acre portion of the tract was approved for a maximum of 121 dwelling units.

The applicant is requesting that the maximum number of dwelling units in Colleton Park be increased from 117 to 119 and that the number of dwelling units on the total site be increased to 302. By adding two additional lots there would be a slightly smaller amount of open space, and it appears that the community center would be eliminated. The Planned Residential zone requires a minimum of 20% open space. This particular area would still have 28% open space, and therefore would still have more open space than the City requires. Otherwise the overall nature of the neighborhood would remain.

The third item concerned signage which is not allowed by the Zoning Ordinance; he has revised his request as stated in his letter dated December 30, 2010. Previously he had requested the Planning Commission consider a 4' x 8' sign to be located in the median entrance to the subdivision. He is now asking that the sign be resized to a 4' x 6' and has received permission to locate the sign on the neighboring property owner's 11.22 acres. Without Council's permission the signs could not be located on the other property. The regulations state the signs have to be on the property owner's property or in the public right of way. With Council's permission they could relocate all three signs requested onto the undeveloped tract.

For City Council consideration, this is first reading of an ordinance to revise the Planned Residential Plan and number of housing units located in Colleton Park along with requests for signage. Upon City Council consideration, a second reading and public hearing will be held.

Mr. Phillip Merry asked if the requests could be considered separately, so the items don't get confused. He said the first two items are revisions to the Concept Plan, with one request being that two additional lots be allowed and that the lots be reconfigured in the Concept Plan. He said Colleton Park was subdivided out of a larger parcel, and Colleton Park, the rear portion, was originally approved for 117 home sites. At the time it was meant to be a patio home neighborhood with 20% green space. He said he bought the property from the original developer and asked City Council for a revision to the approved plan. He maintained the 117 unit home approval, but changed the idea of the concept plan for the development to what is known as traditional neighborhood development where the streets are narrow, smaller lots, rear alleyways with rear garages, sidewalks, street lights, curbing. He said in changing the plan he set a premium on green space and set the open space at 30% with his request for revision of the concept plan. He said he drew only 109 home sites on the plan although he was requesting approval for 117 lots which had been approved on the previous plan. At the time he said he would like to keep the approval for 117 lots, but try to develop the subdivision with 109 lots, so as to maximize the green space. He said he specifically requested the option for the 117 lots to stay in place in the event that market conditions would force him to add the 8 lots. He said as Council knows we are in "the worst housing market since the great depression." He said the market conditions have forced him into the situation where he needs to include the 8 lots, and he is also asking to be able to add 2 more lots, making 119 lots. He said basically his application is to reconfigure the concept plan for the 117 lots that was originally approved and add 2 lots, making 119 lots. He said by adding these lots the green space will be reduced. Presently the Concept Plan has 30% green space. With the proposed revisions the green space would be reduced to 28%, which would still be nearly 50% more green space than required. He said there would still be areas for community activity. A walking trail has already been built at the rear of the property. There are small parks and spaces throughout the property. There are also sidewalks, and the streetscapes are one of the amenities. It is meant to be a walkable neighborhood. He said he was asking that he be allowed to realize the 8 lots which had previously been approved, but not drawn on the plan, and that he be allowed to add 2 more lots, making a total of 119 lots. He said the entire three parcel development, Pin Oak Farms, Colleton Park and the undeveloped tract were originally approved for a total of 300 home sites. If Council approves his request for 2 additional lots, there would be 302 home sites in the three parcels.

Mayor Cavanaugh restated his understanding of the request. The development was originally approved for 117 lots. The development was drawn with 109 lots with 30% green space. The request now is that the original 117 lots be allowed plus 2 more lots, making 119 lots. This would reduce the green space from 30% to 28% which is still over the city requirement of 20% green space. He said he understood the Planning Commission did not approve the reconfiguration of the lots.

Mr. Merry stated the Planning Commission did not approve the lot configuration, as they were concerned about the green space. He pointed out the reconfiguration does reduce the green space, but the green space would still be at 28%, which is more than the 20%

required. He said he had wanted to develop it with fewer lots, but with the economic times he needs to develop the area with 119 lots. He pointed out he had been approved for 117 lots, and just wanted to request that he be able to reconfigure the lots for 117 and add 2 lots for a total of 119 lots. He said with the revised plan the community center would not be included.

There was discussion on how to deal with the requests and whether Council should take the requests individually, or consider the first two together. Mr. Gary Smith, City Attorney, stated Council did not need a motion to separate the consideration of the items, but could make a motion for approval or disapproval of any item. The general consensus of Council was that items 1 and 2 be considered together first for action.

Mayor Cavanaugh asked if anyone present wished to speak on items 1 and 2 of the request. No one spoke.

Councilman Ebner moved, seconded by Mayor Cavanaugh, that items 1 and 2 be approved, with item 1 allowing an increase in the number of permitted dwelling units to a total of 119 and item 2 allowing the reconfiguration of the lots, which differs from the approved Concept Plan and eliminates the community center. The motion was unanimously approved.

Councilman Dewar asked if anyone had purchased a lot in Colleton Park with the expectation that there would be a community center. He asked if the parks included playground equipment for children and what type tenants he expected to have and whether there would be families with children as principal purchasers.

Mr. Merry stated no one owns a lot in Colleton Park with the expectation of a community center. He said builders own lots, but no individuals. He said the parks would not include equipment for children, but may include spaces for benches and walks. He said there would be a good percentage of families with children, and probably a number of empty nesters and retirement age people. Mr. Merry stated when it was decided not to do the community center, they negotiated with Woodside that anyone who buys a lot in Colleton Park could have a membership to Woodside.

Mayor Cavanaugh stated Council now needs to consider the third item of the request, which concerns signage not allowed by the Zoning Ordinance.

Mr. Merry stated what he was asking Council to approve regarding signs varies from what he had originally asked the Planning Commission to approve. He said it had been suggested that he go to the Planning Commission with a grand plan for his signage for the development. After the Planning Commission hearing, he had changed his request to ask only for temporary signs at this time. He stated copies of the proposed signs and their locations had been given to Council for their review. He said there is a site plan which shows the entry road, known as Pascalis Place. Along Pascalis there are three points where he is asking permission to place temporary signs. The original application to the Planning Commission also asked for some permanent signs in the medians. He said the permanent signs had been eliminated from the request. One of the temporary signs is to be located at Silver Bluff Road. Another is a directional sign at the intersection of the entry to Pin Oak Farms to make it clear how to proceed to get to Colleton Park. The third temporary sign would be at the entrance to Colleton Park. All three signs were on the tract of land known as Pascalis Place, owned by Ed Bergen, who had given his permission for the signs to be placed on his property. He said he did not realize that he needed city approval for the signs even though Mr. Bergen had given permission for the signs to be placed on his property. He pointed out the signs are already up, since he had permission from Mr. Bergen. He pointed out that Pascalis Place had been deeded to the city. He said in order to get the signs off city right of way he had received permission from the owner of the adjacent undeveloped parcel owned by Grand South Bank. He said the request is still for the three temporary signs. He said he had down sized the sign out by Silver Bluff Road to be 4' x 6' rather than 4' x 8'. He pointed out Colleton Park is on the rear of the tract of land and with the large buffer between the two front parcels and Colleton Park, Colleton Park is invisible from Silver Bluff Road. He said the problem is

that people have trouble finding Colleton Park from Silver Bluff Road without some signage. He said he had had the lots for sale for two years and had sold one lot. He put signs up in late fall and since that time has sold 7 lots. He felt temporary signs are important for people to find the area and to sell the lots. He felt the signs make a difference. He said he would move the signs over from Pascalis Place to the undeveloped tract owned by Grand South Bank tract. He pointed out he would like to place the sign labeled T-1 near Silver Bluff Road. Sign T-2 is a smaller sign and would be placed at the junction of the roads that go into Pin Oak Farms and the Grand South Bank tract. The third sign would be at the entrance to Colleton Park and is a temporary sign. He said it is a banner type sign. He said if the sign is approved he intends to place it on the wall at the entrance to Colleton Park. He pointed out that a similar package for signs was approved for the Village at Woodside where they have a very large sign at Silver Bluff Road and directional signs within the development.

Councilman Ebner pointed out in the agenda package there were signs marked as P-1 and P-2 and then a T-1, T-2 and T-3.

Mr. Merry stated he was not asking for permission for all those signs. He said the P-1 and P-2 are marked for permanent signs. He said the T signs are temporary signs. He said he is only asking permission for temporary signs at this time, not any permanent signs. It was pointed out that the time limit for temporary signs is when 75% of the lots are sold. Mr. Merry stated he would interpret that to mean when 75% of the 119 lots in his development are sold, not 75% of the whole large tract of 302 lots. He said eventually he does want to erect some permanent signs, but will come back later with permanent signs.

Mr. Charles Spillman asked if he was understanding that Mr. Merry was not asking for permanent signs at this time, but only asking for temporary signs at this time.

Mr. Merry stated he is only asking for temporary signs at this time, but does plan to ask for permanent signs in the future. He said it had been suggested that he meet with the owners of Pin Oak Farms and the owner of the undeveloped tract, and possibly the three could erect a sign in the median for all three developments.

Mayor Cavanaugh asked if the temporary signs meet the city's requirements for signs.

Mr. Merry responded that the signs do not meet the sign requirements. He said he had downsized the T-1 sign to 4' x 6' and the banner sign T-3 is larger than the sign requirements.

Mr. Ed Evans stated the sign ordinance sets a limit of 16 square feet on the temporary signs.

Mr. Merry stated his sign would be 4' x 6' which would be 24 square feet. He said the sign would be the same size as some other signs in the area such as at Woodside, which is across the street.

Councilman Ebner pointed out that Council had approved some signs for Woodside across the street that are larger than allowed by the Zoning Ordinance and that are located on city property. He said there is a precedent across the street.

Mr. Merry stated the sign he erected was a 4' x 8', but he was asking that he be allowed to reduce the sign to a 4' x 6' sign, which would be an exception to the sign ordinance. He said he had been told by sign professionals that the signs are not large enough even though they are larger than the requirements. They state the words aren't big enough; the phone numbers are not large enough with the speed limit in the area. He pointed out with a 4' x 6' sign he is able to get the logo on the sign, an image, and a phone number. He pointed out that the sign at Silver Bluff is critical. If the development cannot be found, he cannot sell lots.

Councilwoman Price pointed out one of the key comments is that the signs are temporary signs. She also stated Mr. Merry had stated that when placing a permanent sign for the subdivision the sign would be smaller.

Mr. Merry stated the permanent sign for the subdivision would be smaller for several reasons. He stated residents in the area object to the size of the temporary signs, so out of respect he would make the permanent sign smaller. He also pointed out that any permanent sign would have to be approved by City Council, and Council would have authority to require the sign to be smaller. He stated the easement that the original developer granted him to put a sign in the median in Pascalis at the entry road is close to some residences in the area, and because of that he felt it was important to make the sign smaller. He said he did like the idea that staff suggested of maybe the three developments go together for a sign for the three developments. He pointed out that since he had put his signs up the traffic had been unbelievable. Previously people had said they could not find the area.

Mr. Jim Williams, developer of Pin Oak Farms, stated he felt the first dispute was when Mr. Merry put the sign in the middle island going back to the entrance. He said the road is narrow and one does not see the sign as they drive by on Silver Bluff. He said he can understand what Mr. Merry is trying to do, as he needs a sign for location purposes. He felt the temporary signs which he has put up now are fine, and he has no objections. He said the problem may be the permanent sign. He said at this time Pin Oak Farms has no objections to the temporary signs. He said the concern is the permanent sign size and location.

Helen Healy McLaughlin, a resident of the area, stated she had been in Aiken for five years and she felt it was beginning to look like a Vegas strip with all the signs. She stated there just seems to be so many more signs up everywhere now than when she first came to Aiken. She felt the signs are beginning to encroach on the beauty of Aiken. In response to a question as to whether she objected to the temporary signs erected by Mr. Merry, she said signs just seem to be everywhere. She said she understood that Mr. Merry has to sell his houses, but she did not feel that the signs had to be so big for people to know where the area is.

Councilman Wells stated to Mr. Merry that he would like for him to sit down with the residents in the area and come up with something that everyone can agree to, something that would work for the subdivision, as well as something that would be pleasing to the neighbors, before coming back to Council for approval of a permanent sign. He said he could understand in light of the economic situation someone wanting to do something to help sell a lot or a product.

Councilman Wells stated with the signs being temporary and with the residents not having a complaint with the temporary signs, he would move that Council approve the temporary signs at the locations and the square footage of 24 feet as requested. The motion was seconded by Councilman Ebner and unanimously approved.

Councilman Ebner asked Mr. Merry if sign T-3 is currently located in the place proposed in the picture. Mr. Merry responded that he put the sign on posts, as he wanted it up high and to be seen. He said, however, it doesn't look very good on the posts. He said originally he thought it was going to be on the wall. He said staff also advised him that they thought it would be better for the T-3 sign to be on the wall. He said his plan was to place the sign on the wall, unless directed otherwise by Council, as there is an area that is straight that would accommodate the sign.

Councilwoman Price thanked the residents of Pin Oak for expressing their opinions regarding the signs, but doing it in a kind, nice way. She thanked them for being concerned about Aiken and their community.

Councilman Dewar also pointed out that this was first reading of the ordinance and residents would have an opportunity to express their feelings at the next meeting if they change their mind in the meantime.

ANIMAL SHELTEROne Cent Sales TaxFundingSPCA

Mayor Cavanaugh stated Council needed to approve allocating funds to the SPCA for a future animal control facility.

Mr. LeDuc stated that at a recent zero based budget meeting we discussed the future of our animal control program and what the city was going to do to provide shelter for animals in the future. In November, 2010, the citizens of Aiken County approved the One Cent Sales Tax funds, and \$1 million was included in these funds to obtain some type of animal shelter. City Council discussed how these funds should be used in providing the most cost effective long-term solution for the City's Animal Control Program. Our Public Safety Department looked at four possible scenarios to consider for this funding. These included:

1. The City could purchase some property and provide its own animal shelter.
2. The city could negotiate with the SPCA to purchase their current facility when their new facility is built.
3. The city could partner with the County of Aiken for an animal shelter.
4. The city could continue their partnership with the SPCA

As stated in the information from Pete Frommer, Director of Public Safety, the cost to purchase a new facility or to purchase the current SPCA facility is prohibitive. Additional daily expenses to operate the facility with staff, utilities, veterinarian, the spay/neuter program and other costs would far exceed what the City is currently paying the SPCA yearly.

The third option would be to partner with the County. They propose that the City and County would pool their funds to purchase the existing SPCA property and construct a new building between the SPCA site and the Aiken County site. Daily fees under this option would be similar to what we are currently paying for boarding animals. However, the euthanizing costs would most likely increase and the spay/neuter program would be diminished. Results from the spay/neuter program show our yearly costs have been decreasing due to less stray animals being brought to the facility.

Option 4 is to continue our partnership with the SPCA. For over 20 years we have had a contractual agreement with the SPCA and under this scenario we would provide funding from the City of Aiken to own the parcel of land on which the SPCA would build facilities for the City of Aiken. They would operate and maintain the animal shelter and continue with the highly successful spay/neuter program. As Director Frommer has shown, the costs have dramatically decreased over the last five years since the spay/neuter program began in 2005. About five years ago the City was paying the SPCA about \$55,000 a year to board, euthanize and take care of the animals. This year our projected costs will be less than \$45,000 which is a decrease of 35% during this timeframe. We anticipate these costs will continue to decrease with an active spay/neuter program.

Mr. LeDuc stated the end result after Public Safety's study is that they are making a recommendation that the City continue the contractual agreement with the SPCA, and that funds be allocated to the SPCA by purchasing the ground on which the SPCA would construct a new building and operate. The city would have a portion of the new building for the housing of city animals. An agreement would have to be prepared for Council's consideration.

He said Ben Moore could work with Mary Guynn, Attorney with the SPCA, on developing an agreement which would allow the City of Aiken to have ownership of the parcel of land upon which our portion of the facility would be built. This agreement

would be brought back to City Council at a later date should Council decide to use public funds for this non-profit facility. Mr. Moore and Ms. Guynn would make sure that the public purpose of how these funds were set up through the referendum vote will remain, so that if the SPCA should choose another location or the SPCA goes out of business that the City of Aiken would have a vested interest in the building and the ground on which the building will be constructed. He said the purpose at this time is for Council's discussion and consideration, and if approved, the city could make a commitment to the SPCA so they will know what funds they have available toward the funding of the building. He said the SPCA hopes to break ground later this year for construction of the new building.

For City Council consideration, this is approval of allocating funds to the SPCA for a future animal control facility.

Councilwoman Price asked for clarification on the matter. Mr. LeDuc stated the request is for Council to consider allocating \$1 million of the One Cent Sales Tax funds which was listed for an animal control shelter to the SPCA for the ground and construction of the city's portion of the new SPCA building. He said for consideration is option 4 of the recommendations of Public Safety that the city continue its agreement with the SPCA and to allocate \$1 million of the One Cent Sales tax funds designated for an animal shelter to the SPCA for the new facility that will be built.

Councilman Dewar asked when it is anticipated that money would be given to the SPCA. He pointed out presently the City is not receiving monies from that round of the sales tax funds.

Mr. LeDuc stated it is not known when the groundbreaking will take place, but it is hoped that it will be in the spring. If funds are needed this year, the funds can be borrowed from some city reserved funds. After construction is started, as funds are needed a certain amount of the allocated funds could be given to the SPCA for the building.

In response to a question by Councilwoman Price, it was pointed out that \$1 million was allocated in the One Cent Sales Tax for an animal shelter. The recommendation is that the \$1 million be allocated to the SPCA to be used in the construction of their new facility on Willow Run Road to provide a portion of the building for use in providing care for animals from the city of Aiken. The cost of the building is projected to be about \$4 to \$5 million. The City of Aiken would be providing \$1 million toward the cost of the project for the SPCA to provide an animal shelter for the City of Aiken.

Ms. Barbara Nelson stated the SPCA had raised over \$3 million towards the construction of a new facility. It is estimated the project will cost about \$4.5 to \$5.5 million. If city sales tax funds are allocated to the SPCA, they can go forward with the project and hope to break ground the end of April, 2011. She said the city would not be stuck in the position where the building would not be finished. She said the city Staff Attorney and the SPCA attorney would work together for an agreement for use of the money so the city actually owns the land under the building. It was also pointed out the city would have a portion of the building to be constructed, and the SPCA would continue to provide animal shelter space for the city animals which are picked up. She explained what would be provided at the shelter for the City of Aiken's animals, which would be about 3,000 square feet.

Ms. LeDuc stated when he went before the Aiken County One Cent Sales Tax Commission the question of the Commission was if the City was giving the money to the SPCA. His response was that the City of Aiken was asking for \$1 million for an animal shelter, and the city would have to determine in the future how to deal with the matter. He said the City would be looking at a number of options to determine the best option for providing an animal shelter for the City of Aiken. He said approval was given to allocate the \$1 million for an animal shelter. Now the City is determining how the money is to be used to provide the shelter for the city. Under the proposal at tonight's meeting, the city will own a portion of the land on which the building is to be constructed and a portion of the building will be allocated to the City of Aiken for use as an animal shelter.

Ms. Nelson stated the spay/neuter program had worked and had reduced the number of city animals at the SPCA. She said presently the City of Aiken admissions to the SPCA are 60% of the admissions. The SPCA not only works with the City of Aiken, but also works with a number of entities in the area such as Barnwell and Allendale.

Councilman Dewar moved, seconded by Councilman Ebner, that Council approve the allocation of the \$1 million in the One Cent Sales Tax allocated for an animal shelter to the SPCA for the SPCA to provide animal shelter space for the City of Aiken. An agreement is to be drawn up and brought back to Council for approval for the City of Aiken to own a portion of the land on which the building is to be constructed, and a portion of the building will be designated for use as the city's animal shelter. The motion was unanimously approved.

Mr. Gary Smith, City Attorney, stated his interpretation of the motion was to approve Option 4, which is to allocate the \$1 million in the One Cent Sales Tax for an animal shelter to the SPCA to provide an animal shelter for the City of Aiken.

#### ANNEXATION – ORDINANCE

3411 Saratoga Street  
Donald Winslow  
Gregg Avenue  
TPN 087-20-08-001

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property at 3411 Saratoga Street.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY OWNED BY DONALD E. WINSLOW AND LOCATED AT 3411 SARATOGA STREET AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-15)

Mr. LeDuc stated Donald Winslow, owner of a .92 acre lot at 3411 Saratoga Street, is requesting annexation of a single family dwelling under the RS-15 zone. The owner is interested in the lower in-city rates and other city services. The proposed RS-15 zone is compatible with the size of the property, and the zoning in the area meets or exceeds the minimum standards.

The Planning Commission voted unanimously to approve the annexation of this property at their December 14, 2010, meeting.

For City Council consideration, this is first reading of an ordinance to annex property at 3411 Saratoga Street under the RS-15 zone. Upon City Council consideration, a second reading and public hearing will be held.

Councilwoman Price moved, seconded by Mayor Cavanaugh, that Council approve on first reading an ordinance to annex property at 3411 Saratoga Street under the RS-15 zone, and that second reading and public hearing be set for the next regular meeting. The motion was unanimously approved.

#### ANNEXATION – ORDINANCE

114 Lynwood Drive  
Jennifer Coffey  
Chris Coffey  
TPN 106-06-11-001

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex property at 114 Lynwood Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY OWNED BY JENNIFER AND CHRIS COFFEY AND LOCATED AT 114 LYNWOOD DRIVE AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-15).

Mr. LeDuc stated Jennifer and Chris Coffey, owners of a .39 acre lot at 114 Lynwood Drive, are requesting annexation. We recently annexed two other properties on this street, and this will be the third lot and home within this established neighborhood. The applicant is interested in lower rates and city services. The proposed RS-15 zone is compatible to city standards.

The Planning Commission unanimously approved this request at their December 14, 2010, meeting.

For City Council consideration, this is first reading of an ordinance to annex property at 114 Lynwood Drive under the RS-15 zone. Upon City Council consideration, a second reading and public hearing will be held.

Councilman Wells moved, seconded by Councilman Ebner, that Council pass on first reading an ordinance to annex property at 114 Lynwood Drive under the RS-15 zone, and that second reading and public hearing be set for the next regular meeting of Council.

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

Legislative Agenda

Resolution

Mayor Cavanaugh stated Council needed to consider a resolution supporting the S.C. Municipal Association's Legislative Agenda.

Mr. LeDuc stated every year the Municipal Association approves an agenda which recognizes the common goals and core functions of cities and towns. Each year the MASC agenda ties back to the core principles of promoting economic growth, enhancing a positive quality of life, and encouraging local accountability and fiscal responsibility. This year's agenda sets forth four priorities to change state law to better serve residents and businesses by increasing the flexibility of local elected leaders to meet these needs.

1. Update the state annexation laws to allow more flexibility in annexing property completely surrounded by a city or town to ensure efficient and effective service delivery.
2. Allow municipal residents to pursue a capital project sales tax to fund specific projects when the county has opted not to pursue this option.
3. Allow cities increased flexibility under the millage cap to choose when to increase millage rather than be forced by law to increase it on an annual basis.
4. Increase the tools and opportunities for cities to eliminate blight and encourage economic development.

The Municipal Association has asked cities and towns within the state to support this legislative agenda for 2011-2012. A copy of the resolution concerning the legislative agenda was given to Council.

For City Council consideration, this is approval of a resolution supporting the Municipal Association's legislative agenda for 2011-2012.

Councilwoman Price moved, seconded by Mayor Cavanaugh, that Council approve the resolution supporting the Municipal Association's Legislative agenda for 2011-12

containing four items of concern for municipalities. She said these are four key areas which can help many municipalities across South Carolina.

Councilman Ebner stated about a year ago there was discussion on Act 388 regarding point of sale tax, and there was a request at that time for municipalities to support or oppose the bill. At that time City Council did not make a decision on the matter. He wondered if Council might be getting too involved as a Council or as an individual, saying how we can tax people and how the rest of the state should do that. He wondered that as a Council should they be that involved in the political process. He said he was just making this as a comment and he did not know the answer.

Councilman Homoki stated the Municipal Association has a political agenda which really doesn't reflect the concerns of Aiken City Council. They send representatives to the global warming type conferences throughout the world, and they try to push an agenda. He said he was not sure of their position on taxes, etc. He felt that by responding to their request for Council to endorse their legislative agenda could be interpreted that we support the rest of their agenda. He felt Council should abstain from supporting the agenda. He felt if Councilmembers as individuals want to support some of their initiatives that would be fine, but he did not feel that Council as a body should get involved in issues that really get political. He said it was not the immediate matters he had a concern with, but it was supporting anything publicly by vote. He felt their support for it could be interpreted and extrapolated into the Association's other more political areas. He said one of their political initiatives is non-partisan elections for municipalities. He said he very strongly disagrees with that. He felt by giving credence to some of their initiatives, it could be interpreted that the Aiken City Council or City of Aiken supports many of their other initiatives.

Mayor Cavanaugh stated he did not understand, but felt the issues are loose and Council would not be saying they are going to do anything specific. He stated he had served on the MASC Board for nine years and Councilwoman Price had served on the Board for a number of years. They stated they had not heard of the MASC support of non-partisan elections. He stated Council does what the citizens want and that the City of Aiken had had an election for the citizens to decide whether the elections should be partisan or non-partisan. The Aiken citizens did not support a non-partisan election.

Councilman Dewar stated he had less concern with the resolution, but in looking at some of the supporting information there were a couple of areas that he was not pleased with, one being, "Support the continued authority of local councils to set business license fees that are administered in a fair and consistent manner." He said he did not agree with that. He felt the State ties the city's hands in the business license tax program. He felt the city should have more authority and flexibility with the business license program. He also stated he was not willing to consider Act 388 until he could see what some alternatives are.

Mr. LeDuc stated the city has some flexibility in the business license. He said the city has flexibility in how much is charged in each category. However, the city does not have flexibility as to whether the rate is on gross or net.

Mayor Cavanaugh suggested that if Councilmembers are opposed to some of the items they could be taken out of the resolution of support.

Councilwoman Price stated with the questions she wondered if it would be worthwhile to have someone from the Municipal Association to come explain some of the issues. She said she had had experience with the MASC over the years and knows that they work on behalf of municipalities across the state and have been of tremendous benefit to many cities.

Councilman Dewar stated he was not intending to be negative for the Municipal Association, as he was a fan of the MASC. He said he does like what they do. He said he just does not see any benefit of the Aiken City Council approving of their legislative

agenda. He said if they were to discuss some of the items for action, they might not agree with some of them.

After discussion Councilwoman Price stated she would like to withdraw her motion for support of the resolution supporting the MASC legislative agenda for 2011-12. She said her recommendation is that if individual Councilmembers want to support the MASC legislative agenda that they individually write a letter of support.

Mr. LeDuc stated the MASC wanted something in January so that they would have the support from the cities for the legislature. He said if Council does not want to support the resolution there is no point in going further with the matter.

#### HISTORICAL MARKER

Downtown Aiken

Richland Avenue E.

Neutrino

Savannah River Site

Nobel Prize in Physics

Mayor Cavanaugh stated Council needed to consider approval of the placing of a Historical Marker in downtown Aiken on Richland Avenue E. regarding the Detection of the Neutrino at the Savannah River Site in 1956

Mr. LeDuc stated that at the December, 2010, Design Review Board meeting, they considered a request for a historical marker to be erected on Richland Avenue. This marker would recognize the Detection of the Neutrino at the Savannah River Site in 1956 and the awarding in 1995 of the Nobel Prize in physics related to the discovery. He pointed out the sign had already been erected, but permission had not been received from the Design Review Board and City Council.

The wording for the marker has been approved by the South Carolina Department of Archives and History and a copy of the drawing showing the location of the marker between York Street and Chesterfield Street at 121 Richland Avenue E was provided to Council. The present location may be temporary or permanent until the SRS Heritage Foundation finally establishes its permanent location. Currently they are located in office space provided by the Aiken Chamber of Commerce.

The Design Review Board voted unanimously to recommend its approval.

For City Council consideration, this is approval of a historical marker for the recognition of the Detection of the Neutrino at the Savannah River Site in 1956.

Councilman Dewar stated he had not heard anything on the SRS Heritage Foundation in a while. He wanted to be sure approval of the historical marker would not in any way indicate approval of another project. He wondered if they had any affiliation with the city.

Councilman Ebner stated he had talked to Mr. Walt Joseph over the years. The SRS Heritage Foundation is a separate organization from the citizens for Nuclear Information. It is an organization on its own at this point.

Councilman Ebner moved, seconded by Councilman Homoki, that Council approve the location of a historical marker for the recognition of the Detection of the Neutrino at the Savannah River Site in 1956.

DEED OF DEDICATION – RESOLUTION 01132011A

Spencer Drive  
Detention Pond  
TCA, LLC  
Hallum, LLC  
TPN 123-05-02-001  
TPN 123-05-13-085

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to accept a deed of dedication from TCA, LLC and Hallum, LLC for the roadway known as Spencer Drive and the existing detention pond.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING ACCEPTANCE OF A DEED OF DEDICATION FROM TCA, LLC AND HALLUM, LLC FOR THE ROADWAY KNOWN AS SPENCER DRIVE AND EXISTING DETENTION POND.

Mr. LeDuc stated that several years ago City Council approved the development of attached housing along Spencer Drive. One of the conditions for approval was the development of Spencer Drive from East Gate Drive to the back of the Target Shopping Center. This road was completed several years ago, along with a detention pond for the roadway which they are now ready to deed to the City of Aiken.

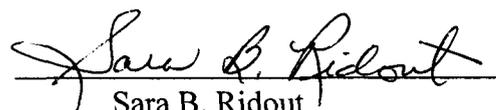
Our Engineering personnel have observed the road and state that the developer has completed the remedial work from the punch list and the road is now complete and ready for dedication. The dedication would also include the detention pond for this roadway.

For City Council consideration, this is approval of a resolution authorizing the acceptance of the deed of dedication for Spencer Drive and the existing detention pond.

Councilman Ebner moved, seconded by Councilman Dewar, that Council approve the resolution accepting a deed of dedication for Spencer Drive and the existing detention pond. The motion was unanimously approved.

ADJOURNMENT

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

  
Sara B. Ridout  
City Clerk