

Aiken City Council Minutes

REGULAR MEETING

February 23, 2015

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

Others Present: Roger LeDuc, Stuart Bedenbaugh, Gary Smith, George Grinton, Kim Abney, Tommy Paradise, Kim Coleman, Charles Barranco, Tim Coakley, 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. Mayor Cavanaugh led in prayer, which was followed by the pledge of allegiance to the flag.

GUIDELINES

Mayor Cavanaugh reviewed the guidelines for speaking at the Council meeting. He asked that those who would like to speak raise their hand and be recognized and limit their comments to five minutes. Mayor Cavanaugh pointed out the new 5 minute clock on the screen. He said many cities have something like this and Council decided we needed it also.

Mayor Cavanaugh read some proposed guidelines for City Council meetings that he had written. "For years now as we have begun our Council meeting I have been announcing that those present may speak about any item on the agenda, but please hold your comments to three to five minutes. The purpose of this is not only to allow the opportunity for everyone who wishes to address Council to do so, but to allow enough time to say what they need to say within the five time period. In Council's opinion that should be enough time in most cases if the speaker has prepared their statement before coming to the podium. Also we ask that you please address your comments to the Council members. In my view in most cases this has been done. However, in recent years there have been more occasions where speakers have taken advantage and spoken much more than five minutes. As a result Council has agreed to have a five minute clock installed to let the speakers know when they are approaching the five minute limit. If Council has questions of the speakers then Sara Ridout will stop and restart the clock as needed. We know there will be times when speakers need more than five minutes for such as a special presentation, proclamations, staff reports to Council, etc. Also, in recent years and as recent as our last City Council meeting we have had more people who have spoken out and/or yelled in loud voices. Also, there have been occasional clapping and booing in the Council meetings. As a result of these interruptions and distractions, Council has agreed that we will not accept this kind of attendee response in the future. If necessary those who do this will be asked to leave or be escorted out of the building. We know there will be obvious times when clapping is appropriate such as special presentations, special guests, etc. Please note that Council does not want to make it difficult for speakers. We want everyone and always have wanted everyone to speak if they desire. Instead we want to make it easier and have a more pleasant Council meeting experience for all who attend. It is not right for some citizens to disrupt a meeting when other citizens have the right and act as they should. Council is asking that you please be respectful of all of our citizens in the Council Chamber treating them as you would like to be treated yourself. The City of Aiken is known as a Character City, and we all need to act accordingly."

Mayor Cavanaugh stated this is a work in progress and there are many more things that might need to be added or something taken out so we get the comments down to what we want. He pointed out the brochure "Welcome to your Aiken City Council Meeting." We have had the brochure for years and it is being updated. We will work on that over the next week.

Mayor Cavanaugh stated he did not want the citizens present to think because they are here that we decided to do this. Council decided some time ago that this needed to be done. He said it just so happens that the audience present tonight is the first one hearing it. He said he had presented some thoughts and Council will be working on the guidelines.

Councilman Merry thanked Mayor Cavanaugh for saying what he did. He said the Mayor has his full support in the comments. He said speaking for himself he agrees with Mayor Cavanaugh and was grateful to him for taking a lead on this.

Mayor Cavanaugh thanked Councilman Merry and stated the guidelines were a long time coming, and he should have done a better job on this some time ago. He said now is the time, and we are going to do the best we can to keep things in order and not let them get out of control. He said it is hard when someone all of a sudden stands up in a Council meeting because they are agitated about something and starts talking. We have had several of them recently on some of the major issues that Council has had such as the bike lanes. He said at times some citizens have stood up all of a sudden and start saying something. He said it depends on Council as we talk about this more whether we want to say we will give a warning to the citizens and if they do that again, ask them to leave the Chambers, or, if we say that is enough already, and ask them to leave the Chambers. He said there are other matters that we will have to tweak until we get what we really are looking for.

ADDITIONS OR DELETIONS TO AGENDA

Mayor Cavanaugh asked if there were any additions or deletions to the agenda. Councilman Ebner stated he would comment that the Mayor had made some good suggestions on how Council attendees need to behave, and he felt it would be good to revise the guidelines by the next meeting. He felt that should be done for the reasons the Mayor said.

Mayor Cavanaugh commented that we probably will have different groups at the meetings, so Council needs to be thinking about whether he should make these comments at several meetings.

MINUTES

The minutes of the Work Session of February 3 and Regular Meeting of February 9, 2015, were considered for approval. Councilman Ebner moved, seconded by Councilman Homoki that the minutes of February 3 and 9, 2015, meetings be approved. The motion was unanimously approved.

PRESENTATIONS

Silver Palmetto Award

Tri-Development Center

Proclamation

Disabilities Awareness Month

Mayor Cavanaugh stated Mr. Ralph Courtney of Tri-Development Center wanted to make a presentation of the Silver Palmetto Award, and also Council had a proclamation to declare March as Disabilities Awareness Month.

Mr. Ralph Courtney, Director of the Tri-Development Center, stated that each year the South Carolina Commission on Disabilities and Special Needs, recognizes one city for exemplary support of services for individuals with disabilities and special needs and the prevention of disabilities. He said the Tri-Development Center and the Aiken County Board of Disabilities nominated the City of Aiken for this award. This year the City of Aiken was awarded the Silver Palmetto Award at a meeting of the Municipal Association of South Carolina. He said the Tri-Development Center had been partners with the City

of Aiken for many years and has worked on many projects. Over the past year the City of Aiken chose again to expand its provision of work opportunities to individuals the Tri-Development Center serves.

Mr. Courtney stated he wanted to review some of the ways that the City has worked with the Tri-Development Center over the past year. He said the City has provided numerous work opportunities. The City contracted with the Tri-Development Center for the periodic cleaning of homes in Aiken that the city has renovated and offered to low income households for sale. He said the Tri-Development Center goes in and cleans them up and makes sure they are presentable as we know that is what the City wants. Our agency's janitorial mobile service crews also clean the City's Public Works and Engineering and Water and Sewer Offices. The work with the Public Works Division has been going on for over 20 years. These opportunities provide limited work for 25 individuals of whom three work at or above minimum wage with the average wage for the rest of the workers being \$3.69 per hour. It is based on productivity. Two ground maintenance services are used for the upkeep of the Stoney Home and Apartment Complex operated by the Housing Authority of the City of Aiken. Services are provided one day each week, and 20 of the workers over the past year have participated in this contract, 10 of whom are paid at minimum wage or higher. He said they focus on abilities. We are known as the people with disabilities, but we focus on abilities, not disabilities. He said thanks to the City the abilities of these 35 individuals are being utilized for the good of the community. Additionally, the City periodically utilizes the services of the Busy Bakers Bakery, and for that they are very appreciative. He said they had brought a treat for Council as a token of their appreciation. He said it is a token, but they did expect them to buy some from the Bakery. He recognized a couple of the individuals who were present who benefit from the work opportunities. He also recognized several members of the Board of the Tri-Development Center and the Aiken County Board of Disabilities.

Mr. Courtney stated the City did not just provide work opportunities, but provided emergency assistance during the ice storm last February. He said the City provided about 80 people the Tri-Development Center serves with shelter at the Smith-Hazel facility for several days when the ice storm resulted in many of the 30 homes Tri-Development operates in Aiken being without power. Assistance included allowing Tri-Development to use the kitchen facilities which was a life saver. Additionally, the staff of the City was on hand 24 hours a day, and he never heard them complain once. He said the City always helps them in their efforts to prevent disabilities as well. Once again the City participated in the Walk to School Safety Programs. They utilized their child passenger safety seat instructor to the extent that finally one officer on every shift is certified as a technician and is able to correctly install child passenger safety seats. Together we participated in Halloween Trick or Treat on Pendleton Street. Also, the City helped them with their safety fairs, bicycle rodeos, child safety passenger seating clinics, etc. He said City Officers come over and visit the Tri-Development Center and do other things such as serving as an instructional resource, talking to their people about good citizenship, fire safety, and other types of community safety. He said they are very grateful for that.

Mr. Courtney said finally something a lot of people would leave out of the presentation is that the City's Public Safety has been very responsive when SLED vets to them cases involving allegations of abuse of venerable adults. This quick response from investigators benefits both victims, possibly innocent people with allegations being made against them, and the agency. He said the City of Aiken serves and provides necessary support as partners in serving our area citizens with and without disabilities. Such partners are key to our service area discovering their abilities and preventing disabilities. Mr. Courtney thanked the City leaders and staff for helping Tri-Development to increase the inclusiveness present in our community. He said the Silver Palmetto Award was presented to the City of Aiken for the work in 2014 for support of the people with disabilities.

Mayor Cavanaugh thanked Mr. Courtney for the award. He said it was a real honor and privilege to receive the award two weeks ago at the Municipal Association meeting. He said this is a very important award for the City as it is for work truly helping people, especially those who need it the most.

Mr. Courtney pointed out that Councilmember Diggs serves on one of their boards. Councilmember Diggs stated it was her pleasure to serve the Tri-Development. She thanked Mr. Courtney for his many years of service. She said she enjoys the Board meetings. She said having served on both the Board of Disabilities and now on the board for Tri-Development, she said they never have a problem finding new board members. She said the board members are so committed that they come back and serve again and again. She said the board members get paid every month with cookies.

Mayor Cavanaugh read a proclamation declaring March as Disabilities Awareness Month in Aiken.

BOARDS AND COMMISSIONS

Appointments

David Fauth

Energy and Environmental Committee

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

Mr. LeDuc stated Council has 21 pending appointments to fill vacancies on different City boards, commissions, and committees. One appointment is presented for Council's consideration and vote at the meeting tonight.

Mayor Cavanaugh has recommended the reappointment of David Fauth to the Energy and Environmental Committee. If reappointed his term would expire December 31, 2016.

For Council consideration is the reappointment of David Fauth to the Energy and Environmental Committee.

Councilman Dewar moved, seconded by Councilwoman Diggs, that David Fauth be reappointed to the Energy and Environmental Committee with the term to expire December 31, 2016.

Mayor Cavanaugh asked if there were any nominations for appointments at the next Council meeting.

Councilman Dewar stated he would like to nominate James Archibald to the Building Code Appeals Committee, Stephen Mueller to the Accommodations Tax Committee, and Elizabeth Neal to the Senior Commission.

Mayor Cavanaugh stated the nominations would be on the agenda for consideration at the March 9, 2015, Council meeting.

COLONY PARKWAY – ORDINANCE 02232015

Mid-American Apartments, L.P.

BRE/MAAC South Park L.L.C.

Quitclaim Deed

Colony Parkway

Whiskey Road

Median

Islands

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to consider authorizing a quitclaim deed on three islands on Colony Parkway.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO QUITCLAIM ANY RIGHT, TITLE, AND INTEREST IN CERTAIN REAL ESTATE LOCATED ON COLONY PARKWAY.

Mr. LeDuc stated in March 2004, the City of Aiken deeded the three islands on Colony Parkway to the owners of The Colony at South Park Apartments, Mid-American Apartment Communities. Council made this decision because they had been maintaining the property since 1998, and it would benefit all the owners in the South Park development. In the ordinance it stated that if the apartments were ever sold the islands would automatically be deeded back to the City of Aiken.

The owners of the apartment complex would like to sell the apartment complex and are asking the City to allow title to the islands to transfer to the purchaser (and any future purchaser) subject to a Right of Reverter for the three islands under conditions which provide the City with the protection it needs if the islands are not maintained. The proposed ordinance would authorize the City to quitclaim any rights to this real estate and to grant it to the successors of the property.

A copy of the existing quit-claim deed with the existing Right of Reverter, and a plat showing the location of the islands was provided to Council for reference.

Council approved this ordinance on first reading at the February 9, 2015, meeting. For City Council consideration is second reading and public hearing of an ordinance authorizing the quitclaim of any right, title and interest on the three islands on Colony Parkway.

The public hearing was held.

Councilwoman Diggs moved, seconded by Councilman Ebner, that Council approve the ordinance on second and final reading to authorize the quitclaim of any right, title and interest in the three islands on Colony Parkway. The motion was unanimously approved.

SALE OF PROPERTY – ORDINANCE 02232015A

911 Murrah Avenue
S&C Properties

Mayor Cavanaugh stated this is the time advertised for second reading and public hearing on an ordinance to approve the sale of 911 Murrah Avenue to S&C Properties.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE OF 911 MURRAH AVENUE.

Mr. LeDuc stated that at the January 26 meeting, Council approved a resolution accepting the highest bid for a portion of the City-owned property at 911 Murrah Avenue. This property was purchased by the City in January, 2014 to extend Christee Place into the rear of the Publix Shopping Center. Council authorized staff to advertise for the sale of this property. It was listed for 30 days and received two bids. A house sits on a portion of the 0.7 acre property. S&C Properties of Aiken submitted a bid of \$32,000 for the property containing the structure. We have had the existing parcel surveyed for subdivision into two lots. As part of the agreement, the City will remove the out building that straddles the proposed property line in exchange for a temporary construction easement during the duration of the Christee Place Extension project. The Planning Department has approved the subdivision, and if Council approves this ordinance, we will record the subdivision with the Aiken County Registrar of Deeds office. This ordinance formally approves the sale of this property to S&C Properties along with a Purchase and Sales Agreement.

City Council approved this ordinance on first reading at the February 9, 2015, meeting. For Council approval on second reading and public hearing is an ordinance to sell 911 Murrah Avenue to S&C Properties.

The public hearing was held.

Councilman Dewar asked about the status of discussions with Publix to create the entrance to the shopping center from Christee Place. Mr. LeDuc responded that he had met with representatives from Publix today. He said there were two representatives from Atlanta, and one representative from Chicago. They had some concerns. We thought they owned the entire shopping center, but there are actually two owners. We may have to deal with the second owner now. In looking at the proposal their major concern was how we would restrict traffic from going behind Publix which is a loading/unloading area. He said we gave them some thoughts on their concerns. He said the road would essentially become a road like Fabian through Hitchcock Plaza. They had a number of thoughts to take back to their folks in Chicago. They will get back to us. In the meantime we are looking at whether we need the other property or not. One thought we had is that the vast majority of the traffic that will go into the center would be entering into the Publix Shopping Center. Especially during the day probably very few will exit out of the Publix Shopping Center because it is almost impossible to turn left from Christee onto Dougherty Road. He said the question is whether we need two ways or could it just be one way. It is moving forward.

Councilman Merry stated he would not assume that cars would not leave the Publix Shopping Center by that road. He said a lot of people would like to avoid Whiskey Road and then people turn left onto Whiskey Road coming out of the shopping center, not from the light, but other roads. He felt there would be some demand for two way traffic on that road all times of the day.

Councilman Ebner stated it would appear that once we add the lane by the bowling alley, that would enhance a right turn onto Dougherty Road coming out of the Publix parking lot. He said he was like Councilman Merry, and felt that we should be careful making the cut through from Christee to Publix one way.

Mr. LeDuc stated Christee would still remain two way traffic, but the entrance to Publix would be one way. He said staff was just looking at that to see if it would work or not. He said we would have to acquire some property from the other shopping center developer if we want traffic to be two way internally.

Councilman Ebner asked if Mr. LeDuc when he said internally, meant one could leave the parking lot at Publix to go towards Dougherty Road. He asked if that was the two way issue. Mr. LeDuc stated it is the first couple of hundred feet between Publix and the property of the other owner in the shopping center. Councilman Ebner asked if the gap was not wide enough for two way traffic. Mr. LeDuc responded the gap is not wide enough for two way traffic. It would be very tight. It is only about 18 feet wide and for two lanes we would have to acquire land from the other owner. Councilman Ebner stated we could come from the road by Checkers that goes behind it. He said we should be careful making it one way as we are trying to relieve some traffic off Whiskey Road. Mr. LeDuc stated he would say that the majority of the traffic would go in and whether it would come back out or not could depend on the time of day and whether it will be safe or not.

Councilman Merry stated it surprises him that we did not know there were two property owners involved. He said we are where we are now, but he thought it was something that we should have easily figured out earlier. He said the point is to relieve traffic pressure on Whiskey Road and the intersection of Whiskey and Dougherty. He felt we need to do the best we can to have two way traffic into the Public Shopping Center.

Councilman Homoki stated the road behind Publix is not marked for any kind of load. He said it is like a public road. He said a lot of people use it. He said if you designate it something else, other than an open city road, he did not understand Publix's concern. Mr. LeDuc stated if you are leaving Christee and getting ready to go into the shopping center there probably would be a sign saying no right turn. We would probably put a speed hump there to slow traffic down. He said when he was standing there today, there

were at least a half dozen cars at a fairly high rate of speed going into that area. He said they were either going to the theater or just going around the shopping center to avoid the shopping center traffic.

Councilman Ebner moved, seconded by Councilman Dewar, that Council approve on second reading an ordinance to sell 911 Murrah Avenue to S&C Properties for \$32,000. The motion was unanimously approved by a vote of 6 in favor and 1 opposed. Councilwoman Price opposed the motion. She said she was not going to support the sale of the property. She said the reason is that the City paid \$120,000 for the property a year ago, and we are selling it for \$32,000. She said it was not that she did not want to sell it, but felt that purchase price was too low.

Mr. LeDuc pointed out that the property was divided and part of the property would be used for a road, leaving a smaller lot to be sold and which has been sold.

SALE OF PROPERTY – ORDINANCE 02232015B

Silver Bluff Road

Pascalis Place

S.C. Department of Transportation

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to sell property located at the intersection of Pascalis Place and Silver Bluff Road to the South Carolina Department of Transportation.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO CONVEY REAL PROPERTY TO THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION.

Mr. LeDuc stated as part of the Silver Bluff Road improvements from Indian Creek Trail to Richardsons Lake Road, SC DOT is currently acquiring necessary rights-of-way. Approximately 0.102 acre of property at the intersection of Pascalis Place and Silver Bluff Road is owned by the City and will need to be acquired by SC DOT. If approved by Council, SC DOT will use the acquisition to construct a slope in order to meet federal EPA National Pollutant Discharge Elimination System [NPDES] regulations. SC DOT will also repave this portion of Pascalis Place and install new curbing. SC DOT is offering us \$12,550 for purchase of this property. Staff has reviewed this offer and recommends Council approval. Mr. LeDuc stated most of the property is a road, and they will reconstruct the road to fit what needs to be done in this area.

Council approved this ordinance on first reading at the February 9, 2015, meeting. For Council consideration is second reading and public hearing of an ordinance to sell property located at the intersection of Pascalis Place and Silver Bluff Road to the South Carolina Department of Transportation.

The public hearing was held.

Councilwoman Diggs moved, seconded by Councilman Ebner, that Council approve on second and final reading an ordinance to sell property located at the intersection of Pascalis Place and Silver Bluff Road to the South Carolina Department of Transportation as part of the Silver Bluff Road widening project. The motion was unanimously approved.

ANNEXATION – ORDINANCEAnnexation Conditions AmendmentTown Creek RoadMike CalhounCurb CutEntrance Road

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the conditions of annexation of 6 acres on Town Creek Road.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO AMEND ORDINANCE NUMBER 07122004.

Mr. LeDuc stated on July 12, 2004, Council adopted an ordinance to annex approximately 5.93 acres on the west side of Town Creek Road. The annexation was subject to three conditions, one of which stated that there be only one curb cut onto Town Creek Road and that it be aligned with Seven Oaks Drive. However, the ownership of the property opposite Seven Oaks Drive is in question and the owner cannot be identified. No development has taken place on this property since it was annexed in 2004. Mike Calhoun has a contract to purchase the property from the Findley Brothers, and he is seeking relief from the condition that the access road be aligned with Seven Oaks Drive.

The Planning Commission considered this request at their regular meeting on February 10, 2015. The Planning Commission unanimously recommended approval of the request with the condition that the entrance be further from Silver Bluff Road than what is allowed in Ordinance 07122004.

For Council consideration is first reading of an ordinance to amend Ordinance 07122004 by deleting the requirement that the one curb cut onto Town Creek Road be aligned with Seven Oaks Drive and allow the curb cut to be farther down Town Creek Road.

The public hearing was held.

Councilman Ebner asked if there were laws in the State of South Carolina that one can quit claim some property. He said if the deed can't be found, then obviously it has been cut off of another block if you look at it.

Mr. Gary Smith, City Attorney, said a quiet title action may be available to the person who may want to own the property, but it is a process that takes several months. You have to assume that heirs would be involved, and you have to appoint a guardian ad litem to represent them. He said it is about a \$3,000 to \$5,000 process which may take as long as six months, and there is no guarantee you will get the result you want when you finish the process. He said that is possible, but it is not as simple as doing a quit claim deed.

Councilman Ebner stated he was just curious. He said it seems odd that the owner of the property can't be found, but he can see why the developer would not want to spend any money on it as he could chase it down and nothing would happen.

Councilman Dewar moved, seconded by Councilman Ebner, that Council approve on first reading an ordinance to amend Ordinance 07122004 by deleting the requirement that the one curb cut onto Town Creek Road be aligned with Seven Oaks Drive and allow the curb cut to be farther down Town Creek Road. The motion was unanimously approved.

DEED OF DEDICATION – RESOLUTION 02232015CUtilitiesDeodar Plantation Section VICrowell & CompanySanitary Sewer LinesStorm Sewer LinesEasement

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to accept deed of dedication of utilities in Deodar Plantation Section VI.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DEED OF DEDICATION FROM CROWELL & CO., INC.

Mr. LeDuc stated Crowell & Co., Inc. is the developer of Deodar Plantation Section VI. They are requesting that the City accept a deed of dedication that includes sanitary sewer lines and related equipment, storm sewer lines and related equipment, and an easement to access and maintain these utilities.

Our Engineering and Utilities Department has reviewed this request and are recommending that the City accept this deed of dedication.

For Council consideration is approval of a resolution accepting the deed of dedication for the sanitary sewer and storm water lines and related equipment, and an easement to access and maintain these utilities in Deodar Plantation Section VI.

Councilwoman Price stated her only concern was that the city would not be inheriting a problem. She asked Mr. Grinton if everything had been checked out.

Mr. Grinton stated the Engineering Department has certifications from the Engineer of Record and our Engineering Department has done our inspections and everything looks okay.

Councilwoman Diggs moved, seconded by Councilman Merry, that Council approve the resolution accepting the deed of dedication for the sanitary sewer and storm water lines and related equipment, and an easement to access and maintain these utilities in Deodar Plantation Section VI. The motion was unanimously approved.

BUDGET AMENDMENT – ORDINANCEMeter Change Out ProgramAmend BudgetWater Meter Replacement Project

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the 2014-2015 budget to provide additional funding for the Meter Change Out Program.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015.

Mr. LeDuc stated in the 2014 - 15 budget \$1,000,000 was approved to replace approximately 5,000 water meters during this fiscal year. We have seen an average increase in consumption of 8% with the new meters, and we would like to accelerate the installation process. We have developed a strategy to increase the number of meters installed and are now installing an average of 150 meters per week. At this pace we will spend the entire million dollars sometime in May, and we would like to request a budget

adjustment of an additional \$410,000 to purchase additional meters and back flow preventers. This will allow us to continue replacement at the current pace and have enough meters to start the next fiscal year.

At the end of this fiscal year we expect to have replaced 7,500 or about half of the total. In next year's budget we will be requesting approximately \$1.6 million, and our goal is to replace 6,400 meters and therefore be able to complete the project before the end of 2016.

For City Council consideration is first reading of an ordinance to amend the 2014 -15 budget by adding an additional \$410,000 to the water meter replacement budget. Funds would be taken from the water and sewer depreciation account. Upon City Council approval a second reading and public hearing will be held at the next regularly scheduled meeting.

Councilman Dewar moved, seconded by Councilwoman Diggs, that Council approve on first reading an ordinance to amend the 2014-15 budget by adding \$410,000 to the water meter replacement budget with the funds to be taken from the water and sewer depreciation account. The motion was unanimously approved.

RECOGNITION

Boy Scouts

Councilwoman Diggs asked if she could interrupt. She pointed out there was a group of Boy Scouts who were present earlier at the meeting. She pointed out they had not been recognized as we usually do for Boy Scouts as we did not realize they were present. She pointed out it is a school night, and they were getting ready to leave. She wondered if Council could recognize the Boy Scouts at this time.

Mayor Cavanaugh apologized and stated he did not realize they were present. He asked what Troop they were from and that the boys introduce themselves. The Scout Master responded that they were from Troop 2013. He said they appreciate the support they get in the community. It allows these young men to have the opportunity to give to the community. He said it is a great relationship that the City has developed with the Scouts. He pointed out those present are a small portion of their group. He said they were working on a Citizenship and Community Merit Badge.

CAPITAL PROJECTS SALES TAX FUNDS

Repurposing of Funds

CPST II

CPST III

Mayor Cavanaugh stated Council needed to consider approval of repurposing of CPST funds.

Mr. LeDuc stated in July, 2014, City Council approved the re-purposing of the CPST II & III funds. CPST II was approved by the voters in 2004, and CPST III was approved by the voters in 2010. At that time we did some consolidation of some projects, especially in the 2004 listing. He felt it would be good to review the listing every six months to a year. He said we need to make sure that the next City Manager looks at this. He said there are changes that are constantly occurring with these projects such as the funding and how much money should be allocated to each one. He said what he had submitted to Council was an attempt to repurpose some of the projects and change some of the funding. He said he had listed them so we could get some discussion started on the projects. He said if Council decides to go ahead with the repurposing, we will have first reading of an ordinance at the next meeting of Council for Council's approval.

Mr. LeDuc stated we have advanced several projects and would like City Council to consider the following funding changes. He said he would review the suggestions and then Council can decide how they would like to proceed.

CPST II

Project 13 Whiskey Road improvements - decrease funding from \$579,801.94 to \$200,000
 Project 14 Downtown Streetscape - increase funding by \$100,000 to \$145,065.63
 Project 23 Proposed park on landfill - decrease funding from \$2,563,344.28 to \$300,000
 Project 35 Northside regional recreational park - increase funding from \$1,985,282.79 to \$4,560,605.62

CPST III

Project 8 Water system improvements - increase funding from \$4,197,039.21 to \$5,637,051.14
 Project 9 Sewer system improvements - increase funding from \$2,678,663.88 to \$4,118,675.81
 Project 15 & 19 Public safety improvements - combine the funding of both projects to \$2,400,000
 Project 20 Move project up in the priority ahead of Hitchcock Parkway
 Project 18 Hitchcock Parkway decrease funding from \$3,902,552.56 to \$0.00

Mr. LeDuc stated in CPST II 2004 projects there was money listed under Ballot Item 13 for Sidewalks, Curb and Gutter for the Whiskey Road project. That at one time was to install piping along Whiskey Road. We thought we could do it by just putting in the same size pipe that was already underneath the driveways currently. That is what we did on the portion from Centennial Drive back up to Pine Log Road in the mid-2000's. When we started the process for this project, the Highway Department wanted to see some detention ponds built and enlarge the pipes by a couple of different sizes, and the cost grew from just a few hundreds of thousands of dollars to several million dollars. At this point in time we are not going to go ahead and continue the project as it was originally purposed. We can leave the funding in there which amounts to \$579,801 for other work on Whiskey Road. He said he and Councilman Ebner had looked at TD Bank which is now vacant and the Ladd Britt property which is vacant. If we stay by the current standards we have, whatever is built there in the future would probably have to have a right turn in and right turn out. He said that is what we have required on several other properties on Whiskey Road. Another way of looking at this would be if there could be an entrance off of the road by Cracker Barrel and Tire Kingdom. If you go down Oak Lane and look to the left there is a trailer park and a road that goes back to the trailer park. The question is could we go ahead and build a secondary roadway into these properties and behind Tire Kingdom. He said money could be used for that to relieve some of the traffic off Whiskey Road. Or, if Council would like another way, would be to take this money and use it for other projects. He said that is one item for discussion.

The second, Project 14, Downtown Streetscape. This is primarily looking at making changes to The Alley between Laurens Street and Newberry Street. We know that the \$40,000 that we currently have available is not enough to put in the necessary landscaping, lighting, and arbor way structures. We could add \$100,000 from the Whiskey Road project to Project 14 Downtown Streetscape, or, it could also come from Project 23 the former landfill. The landfill was originally considered for a recreational facility. We are now looking at just securing it, and spending about \$200,000 there, and taking that money and moving it primarily to the Northside Recreation Project. Or, it could go towards the Downtown Streetscape if Council wants to keep all the money allocated in Project 13 for Whiskey Road improvements. Then we could use the money for Project 23 to increase the funding for the Northside Recreation park.

Mr. LeDuc stated he would like for Council to discuss CPST II proposals first. He said he was proposing four changes. One is reducing the money from Project 13 for Whiskey Road to \$200,000. One is to increase Project 14 Downtown Streetscape by \$100,000. The other proposal is to reduce the funding for Project 23 Landfill from \$2.5 million to \$300,000 and increase the funding for Project 35 Northside Recreation Park by approximately \$2 million to \$4.56 million.

Councilman Dewar asked why would we leave any money in the Whiskey Road project. He felt we were never going to be able to do anything with that. Mr. LeDuc stated we do know that we have made a commitment to George's Pond to do some landscaping and to put a trail or walking path around the pond. He said some money was left to do our commitment for George's Pond.

Councilman Dewar stated he did not know how Council would feel about using the money for a walking trail around George's Pond. He said George's Pond is a major challenge for the City. He said obviously it will take a few million dollars to do something with George's Pond. He said we probably should never have bought George's Pond, but we did. He said he thought the project would be well over a million dollars to get the pond to the point where we can then make Whiskey Road look as a lot of citizens want it to look.

Mr. LeDuc stated we would probably have to have a pond somewhere between George's Pond and Powderhouse Road to accomplish improvements on Whiskey Road. He said that is what our discussions would be with the Engineering Department with the County. He pointed out that all the rest of the land is in the County downstream.

Councilman Dewar stated given what Mr. LeDuc is recommending, if we were to build a walking trail, would we have to tear it up if we started to do some more work there. Mr. LeDuc stated right now the contractual agreement we had with John George when we purchased the property was to do some landscaping and some kind of trail around the pond.

Councilman Dewar stated that was based on the assumption that George's Pond was big enough to do what needed to be done to help with drainage. He said while the SC Department of Transportation may have known about that, City Council certainly did not. He said he did not remember the agreement, but he was sure it must be there since Mr. LeDuc brought it up. He said we can't do anything to George's Pond without a lot more money.

Mr. LeDuc stated he would have the City Attorney look at the agreement for the purchase of George's Pond between now and the next meeting. He said he felt the City is obligated, but the City Attorney may find a way that we are not. Mr. LeDuc stated he did not disagree with Councilman Dewar.

Councilman Dewar stated Project 13 was originally for the filling in of the ditches on Whiskey Road. Mr. LeDuc stated that was correct. Councilman Dewar stated it did not mention George's Pond by name. Mr. LeDuc stated the idea was to put some sidewalks, curb and gutter, and close the ditches. We had some money from the State Highway Department for this, but it is not nearly enough.

Councilman Dewar stated he would be interested to see what the City Attorney says about our obligations for George's Pond. He said he was not inclined to want to put a walking trail around George's Pond. He said he could not imagine anyone going over there to walk.

Councilman Homoki stated it seems that we always run into a problem with trying to reorder, rename, and redesignate all the CPST funds. He said perhaps if there is a CPST IV we should put a line item in there for emergency recovery of Capital Projects for funds that would not upset our budget. He said we always count on money coming out of CPST, but we don't really plan on any emergency transfer or emergency recovery like we had with the ice storm. We would basically leave the money there as needed for true emergencies. If it is not needed by the time CPST IV runs out, then you could redesignate it to something more useable. He said we are just planning on a margin. There is no flexibility.

Councilman Dewar stated the challenge is that you are trying to say in 2009 the items you want to do and vote in 2010, and you are talking about things you will not do until 2017 or 2018. He said it is impossible to know the environment. It is a best guess.

Councilman Homoki stated he understood that. He said we can bank that we will get another ice storm probably in the next 15 to 20 years. Councilman Dewar stated that is not a capital project. Councilman Homoki stated to recover capital items, it would be a capital project. Councilman Dewar stated he was not sure that could be put in the ballot. Councilman Merry stated he was not sure he understood what Councilman Homoki was saying. Councilman Homoki stated he was saying to put in emergency funds in CPST for the recovery or repair of capital items. He said then we would have some funds available for recovery of some of the capital projects.

Mr. LeDuc stated he thought the state laws governing the CPST projects have to be very specific as to the projects you list for the voters to consider. He said he would ask Mr. Smith, City Attorney, to check on that matter to see if something like that could be done.

Councilwoman Diggs stated her question was about the \$300,000 for the landfill. Mr. LeDuc stated the \$300,000 that was included for the landfill was primarily to put fencing where there is no fencing and to make sure the landfill is secured so it is closed. Presently we don't feel it is as closed as it should be. If there is any erosion, we want to make sure that the areas where the cover that was on the landfill is still there, and if there is some erosion we need to go in and put some cover back on certain areas. He said we don't think it will cost \$300,000, but we did not want to put the funding too low and not have enough money.

Councilwoman Diggs asked what happens to the money that is left if we don't use it for the landfill. Mr. LeDuc stated then six months to a year from now, Council needs to look at this again and if there is some money left over, they could reallocate it.

Councilman Ebner stated he wanted to go back to the Whiskey Road sidewalk, curb and gutter. He said there are some other areas that also tie into this and that this money covers from his understanding not only what has been done but the original concept. At this point we need to leave the full amount of money in there whether we use it for George's Pond or other areas. He said there are some drainage issues with Ladd Britt's property and the TD property that drains into this same Whiskey Road group. He felt that money needs to be left in that particular line item and review it again in six months or a year. He said there is a ditch back there. Eventually the ditch winds up in the Whiskey Road water. He felt we need to leave the money there to help some development out if something does come to that area. He said he would leave the whole \$579,801. Whether George's Pond is part of it or not, Mr. Smith can determine.

Mr. LeDuc stated one of the things that Council has talked about for the last several months is trying to have a source of funds to encourage business development within our community. This is one way of doing that. We have not gotten involved in having some incentives for business to come to our area. He said he had talked to a couple of developers for that property. It has a lot of issues. One is how to get sewer to that area, and another is how to get a secondary entrance to that area. If we would like to see a quality development come into that area, it is kind of like what we are doing for Christee and Publix, how do we go ahead and make this work. If we keep the \$579,801 in the Project 13 for Whiskey Road and a developer comes to the City, this money could be used for an incentive to do some things on Whiskey Road or off Whiskey Road to make the traffic situation better and safer for the residents.

Councilman Ebner stated we have some water issues also at the old Teresa's and potentially at the old Ryan's that fall into this category. He said that is the bottom line.

Councilman Dewar stated the fact is that it is money that was designated to a project that we are not going to be able to do. He felt it is stretching to say we can't do the water project here so let's do it at this place or that place. He said, however, he would be more inclined to use it for that purpose than not. Certainly he would want to use it more for that purpose than to build a walking trail.

Mr. LeDuc stated then if Council feels comfortable with this for first reading of the ordinance we will keep Project 13 Whiskey Road Improvements at \$579,801. We will not make a change.

Councilman Dewar asked about the Downtown Streetscape. He said Mr. LeDuc was suggesting that we increase that funding to \$145,000. He said he thought that was more than what the whole project was going to cost. He said he thought we were supposed to get some help from the utilities.

Mr. LeDuc stated he thought the last estimate for the entire project was \$1,250,000. Most of that was for the undergrounding and for things below the surface. Half of that money would come from SCE&G with the City providing the other half. Mr. LeDuc stated he did not think it would be that much, but thought it might be less. We have received proposals from five engineering firms. Staff is working on narrowing that down to three firms and should have a recommendation to Council sometime in March as to who we should hire to do the engineering for The Alley project. Until we get the engineering completed, it is hard to say what the cost will be for the project. He pointed out that most of the cost will be for work below the surface. We do know that we are going to replace the sewer line, the water line, and the storm drainage line in The Alley which are probably six feet in the ground. Also, the utilities for SCE&G will have to be in conduit. We will be digging up the vast majority of asphalt presently there. The undergrounding funds would pay for undergrounding the lines. The water and sewer lines would come out of another account. The only thing remaining would be street lights, landscaping, paver bricks or some other surface, and arborway on either end or bollards that are moved back and forth when we close The Alley. He said that is what the \$144,000 would be for. It would be for the things above the surface.

Councilwoman Price stated she wanted to make a statement regarding the proposed park on the old landfill and repurposing some of those dollars from the landfill and moving them to the Northside Recreational Park. She said it is proposed to leave \$300,000 to help with some future emergencies or what. Mr. LeDuc responded the funds would be used to finalize the closure of the landfill. He said he felt it would not take \$300,000, but he would rather have more money in the fund than to have to come back and say we need more money for the landfill. He said within a year we should have that work completed.

Councilwoman Price stated her reason for pointing this out as we move into other areas that the voters approved funding for projects on the ballot is that we don't look at reducing some of these other projects. She said if we continue to reduce, before we know it we don't have enough to do what we had planned to do such as the Northside facility or whether it is other things we have planned to do. She said there is always a need for projects that we can support in this community. She said where we targeted specific projects, we may not have enough to do what we need to do with the Northside Recreational Park when we get ready to do the project. She said that is her concern.

Councilman Dewar pointed out the proposal is actually to increase the Northside Recreational Park fund. We would be taking everything away from the landfill, and a little more, to put on the Northside Park. Councilwoman Price stated that was discussed years ago in terms of both items being on the ballot and none of us felt comfortable about building a recreational facility on a former landfill. It was planned to repurpose the fund, and Councilman Ebner wanted to formalize it sometime ago in terms of saying let's repurpose these funds and document it.

Councilman Dewar stated he felt the best case scenario that we were dealing with at that time, was the expectation that would be mitigated. Obviously a lot of folks realized that would never happen, but that was the basis on which we put it in that category.

Councilman Ebner stated he would like the City Attorney to look at the definition of the bottom line of what we are talking about. It says \$2 million for Northside Recreation. He felt we need to look at what the voters voted on. They voted for future construction and capital improvements of a Northside Recreation Park. He said he was not complaining about the combination of money, but he thought we will also purchase land out of that money. Councilwoman Price stated that was correct. Councilman Ebner stated the title should say something other than Northside Recreation. It should say something about land purchase and construction of a park. He felt the title should be appropriate for what we are going to do.

Mr. Smith stated he did think we should be careful making sure that we are staying within what the ballot question said. He said he thought that was what the ballot said we were going to use the money for—a Northside Recreational Park. Mr. LeDuc said it did not say we were going to buy land, what we are going to do on the park, etc.

Mr. Smith stated Council could make things as specific as they want to. He said he was being careful. He said he did not think Council did not have the ability to buy the land for the park simply because they did not say we are going to buy land for the Northside Recreational Park and then we are going to develop the Northside Recreational Park.

Councilman Ebner suggested that they read the wording on the ballot. He felt it is okay, but it specifically says construction and capital improvements so you could do anything with it for the Northside Recreational Park. He asked if those other words needed to be there or is that enough. He felt the City Attorney needed to look at it and say yea or nay.

Mr. Smith stated he would have this for Council before they consider the ordinance.

Councilwoman Diggs stated she had received a lot of calls from people talking about this item on the agenda. A lot of them wanted to be at the meeting tonight and ask some questions, but they were not able to be here. She said she was requesting that Council table this item until the next meeting.

Mr. LeDuc pointed out that this item will be an ordinance on the agenda so there will be two readings on the item. He said tonight will not be the first reading. It was pointed out that this is just discussion.

Mr. LeDuc stated what he is hearing on the CPST II is that for the Whiskey Road curb and gutter project, we will keep that money as it is, \$579,801.94. We will increase the Downtown Streetscape project by \$100,000, we will reduce the landfill recreational site from \$2,553,000 to \$300,000 and the majority of that money will go into the Northside Recreational facility.

Councilman Ebner stated that was his understanding.

Mr. LeDuc stated the next page is for repurposing CPST III. He said there are really only two changes. Those two changes affect two other changes.

Mr. LeDuc stated one change is pretty simple. He pointed out Project 15 and 19, with one being for the Public Safety Headquarters and the other for the Training Grounds facility. He said staff would like to combine those two into one project. Instead of \$900,000 in one project and \$1.5 million in the other, Project 15 would now just be for Public Safety Headquarters up to \$2.4 million. The reason for that is most of the changes at the Training Facility were completed a few years ago with a new classroom, a shooting range, and other improvements. He said as pointed out earlier when you decide what you want to do in 2009 and you don't get to the projects until 2016, 2017, 2018 things do change. He said Chief Barranco mentioned combining those two projects. He said we would not be changing the dollar amount, but combining the two projects.

Mr. LeDuc stated the major change is with Hitchcock Parkway. He said Hitchcock Parkway is an ARTS project. It is being reranked. It will go to the Policy Committee, of which the Mayor and Councilmember Dewar are members. At that time there may be reranking. He said it looks as though it will be at the top of the list again which means that they should have funding, if not immediately, within the new few years to go ahead and look at widening, intersection improvements, safety improvements, a pedestrian/bike lane either on both sides or separated half way. He said we do not need the CPST money at this point in time for that project. He said he took the \$3.9 million and split it between the water system and sewer system projects. If we find out two to three years from now that more money is needed for Hitchcock Parkway that ARTS money will not be enough, we could always repurpose again and take the money back out of the water and sewer projects. He said there seems to be a lot of water and sewer projects. Council has indicated to him on more than one occasion that if we could avoid having to raise the

rates, that would be a high priority. By putting that money into these two categories—water and sewer system—as he is going through the budget for next year and future budgets, anything such as lift station repairs, sewer lines, and water line replacements needed would come from these two funds. Then we would not have to use the Depreciation Fund as much as we have had to use it in the past. He said those are the changes in CPST III.

Mayor Cavanaugh stated he wanted to be sure he understood. He said Mr. LeDuc had indicated that it looks like Hitchcock Parkway will be near the top of the list again. He said that was quite different from what we had thought some weeks ago.

Mr. LeDuc stated when we had the meeting in early February, they had gone through some preliminary ranking of projects and Gerald Jefferson mentioned that in the new ranking they had looked at putting Hitchcock Parkway near the top of the listing for our ARTS area.

Mayor Cavanaugh stated what bothers him is that if we do give up this money there is some State money already there in the amount of \$13 million. He said if we give up our \$4 million what will the State think about this situation. He said maybe they will not be interested enough to do anything with the Parkway and take back the \$13 million.

Mr. LeDuc stated based on what the Mayor said, it could go either way. He said ARTS had never asked the local community to provide any funding. Mayor Cavanaugh stated he was not sure about that. Mr. LeDuc pointed out that Silver Bluff Road is the next project to be completed with ARTS, and the City of Aiken is not contributing any local funds for Silver Bluff Road. He said the same thing was true when we did Pine Log Road. He said he knew that North Augusta was doing some projects. He said when a project is done and completed under ARTS they are funding it 100%. He said that is the way it had been in the past. He said it could change in the future. He said ARTS could say that the local community has to come up with 10% to 20%, but they have not so far.

Councilman Merry asked why the City was putting in its share and the County putting in their share if normally ARTS and the State pay 100%.

Mr. LeDuc responded the City had the State Infrastructure Bank money, and the allocation was that the County and the City would put something towards the project. He said that is when we were looking at widening the road to five lanes. He said Hitchcock Parkway is not scheduled to be widened to five lanes any more.

Councilman Merry stated that Mr. LeDuc had just said that ARTS normally do projects without looking for the local community to contribute funds to it. He said for the project for widening of Hitchcock Parkway everyone was looking to the local community to provide funds and if the funds ran short, the local community would be left holding the bag to cover the shortfall. Mr. LeDuc stated that was to do the entire six mile section of Hitchcock Parkway. Councilman Merry asked why they were looking for the local community to provide funds when he had said normally ARTS and others don't normally do that. He asked why is Hitchcock Parkway unique. Mr. LeDuc stated he was not sure that was the first time that local money has ever been used that way. He said he was not sure how that came about with the ARTS, local funding and the County.

Councilwoman Price stated the city was told that we needed to come up with \$8 million. Mayor Cavanaugh stated we were \$8 million short on the project. Councilwoman Price stated that is why there was some skepticism in terms of moving forward because of what was needed. Mr. LeDuc stated that is not typically how ARTS operates.

Mr. Smith stated State Infrastructure Bank money was to be used on that project, and he thought SIB does require matching funds. Mr. LeDuc stated they require some local funds be supporting a project.

Councilman Ebner stated he thought that is what it was. He said if you go back and look at the SIB, it is based on local involvement and County involvement. The City's involvement was \$4 million and the County's share was \$3.3 million. Since the funds

were not there, then the whole thing goes away. It was not a requirement of the SCDOT to put money in. It was a requirement of SIB to get a forgivable loan to do the work. He said Mr. Jim Holly is the one that puts those loans together.

Councilman Merry stated his point is that if ARTS was on board with our project for Hitchcock Parkway, and we had \$13 million from the State, why were we needing City money and SIB money anyway. If ARTS normally does these widening projects and we were on the list and it was a capacity driven analysis and they had approved the project, they might have done the project without city and county involvement at all.

Councilman Dewar stated the Hitchcock Parkway widening was developed years ago and it was in the process of going from the bottom to the top. He said there were two people from Council on the ARTS at that time and possibly they could tell us why we put our money into it. He said he suspected it might have been as an incentive to get more money from outside sources. He said we guessed years ago as to how much that project would cost. Councilman Merry stated he understood what decisions were made, and why we made them. He said his question was why we were in that position in the first place.

Councilman Dewar stated he suspects the reason why the money was there for the corridor and safety improvements and not the widening is because we are spending less money on the corridor improvements than we proposed for the widening project. He said the ARTS money is already there, and they agreed to keep that money there. The money that ARTS and SIB set aside for the Hitchcock Parkway widening, which was not enough, is enough for the corridor safety improvements.

Councilman Merry stated he understands that. He said he was not talking about the difference between the corridor safety improvements and the widening. He said he had not been on Council long enough to do anything to any roads. He said if normally a state road gets widened with non-local money, why were we looking at having to put local money into the road. He said Council was told very clearly that the County was not putting their money in so we would have to cover the County share; plus, if the project cost went over, which everyone expected it to do, that the City would be on the hook for anything over the project cost. He said he was now hearing that no local governments have to fund any of it. He said we were at the point that we would be funding more than half of it if we had shortfalls and everything else. He said we would have had \$10 to \$12 million in it by the time it was done. He said he just wondered why we were in that position in the first place.

Councilwoman Price stated she did not know that we would have been caught at the very end on the hook for the money, given the time the project would have started and given the money from the ARTS Council, by the time we got around to building that road, her personal feeling is that there would have been enough money in the account to pay for everything if it were \$8 million or \$10 million. She said, however, that is hind sight. Councilwoman Price stated she does think there is some disappointment with the business people in town with the fact that we did not move forward with the widening of Hitchcock Parkway.

Mayor Cavanaugh pointed out the money was not there. Even if we had phased the project, we would have had to say how we would finish the second phase and where we would get the money for the second phase.

Councilwoman Price stated she thought there was \$3 million that goes to ARTS every year. The project would not have started for at least three or four years. By the time the project began, we would have had money going into the account that could have been designated for Hitchcock Parkway. Mayor Cavanaugh pointed out, however, that in the meantime, the cost of the project would have increased. Councilwoman Price stated that is the risk that you take.

Councilman Dewar stated the \$3 million every year is not a guarantee to go to the City of Aiken. That is \$3 million that is available to the area. He pointed out that North Augusta has projects that they want to do as well as the City of Aiken. There are also other

projects within the area of the ARTS so the City of Aiken would not get \$3 million automatically.

Councilman Merry stated his question is very simple. Why does every other community in South Carolina get funding for projects. Mr. LeDuc stated ARTS has not required local funding in the past. He said he was not speaking with the greatest knowledge because he was not here when that was approved. He said other communities have supported these projects with local dollars. He said in ARTS, to his knowledge, there have not been any projects that Aiken or North Augusta have completed, that we have supported with local dollars up until now. He said part of that was ARTS said they have \$13 million that they have allocated toward Hitchcock Parkway. He said as we know \$13 million was not enough to even come close to doing all the work on Hitchcock Parkway. He said then in 2011 or 2012 SIB came along and said they could contribute toward Hitchcock Parkway so more could be done, if SIB, the City and the County, contributed to the project for the full six miles.

Mr. LeDuc stated Council would not have to move any of the money if they did not want to. He said there is enough money in water and sewer for a while. He said we do know that we are going to move University Parkway ahead of this because we do have full funding for that project, and we are ready to move forward. He said if we move one up and one down, then do we want to keep the \$4 million in this account for the possibility that ARTS may come back to us or we may want to do something more than what ARTS will do. Or, do we want to go ahead and repurpose it at this time.

Councilman Merry and Mayor Cavanaugh stated they would like to keep the money in the Hitchcock Parkway project. Councilman Ebner stated you can't keep the money in there and do University Parkway because you are over budget. He said if you do University Parkway and you add Hitchcock Parkway that is \$7 million dollars. He said that would get over the \$33 million goal. Mr. LeDuc stated there is enough money to go ahead and do University Parkway with money left over for Hitchcock Parkway. He said he was not sure there was exactly \$4 million left.

Councilman Dewar stated at one point we thought we were going to get \$42 million, but we think now we may get \$33 million. He said the bottom \$9 million in the project list will not be there. He said one of those projects is Hitchcock Parkway if we move University Parkway up.

Councilman Merry said keeping it there is not spending it. He said the point is that if that money does not show up you can't spend it anyway. He said he was just saying leave it in that line item. If the money does not show up, it does not show up.

Councilman Dewar stated that is the danger of moving it up. You are playing a game in the priority list, and when we submitted the list to the voters, that was the priority we were going to do the projects. If we take that Hitchcock Parkway money and move it up, it would be very well used in water and sewer, but we are probably only going to get \$33 million.

Councilman Merry stated he would spend the money allocated to water and sewer first. He said Council could reallocate the funds at any time. He said he would spend the money the way it is allocated first, and after we have also seen what progress is made through ARTS and through DOT on the planning of the enhancements to Hitchcock Parkway. He said he would not go ahead and have this spent and gone because we don't know what and when we might need this money for relative to Hitchcock Parkway if we get it all or if we can do anything at all. He said he would not just go ahead and reallocate the money yet.

Councilwoman Price asked what money they were talking about. Councilman Merry stated he was talking about Project 18 in CPST III to move \$3,902,552 to zero for Hitchcock Parkway and take the \$3.9 million and split it evenly with water and sewer funds available. He said he would at least like to hold it in that category as long as we can until we know more about what we can and can't do.

Mayor Cavanaugh stated he felt that if we move the Hitchcock Parkway \$3.9 million and decrease it to zero that it will look like we have given up totally on the Parkway so ARTS might lose interest if we move the money.

Councilman Dewar pointed out that the money is not factored in as far as ARTS is concerned.

Councilman Ebner suggested that Mr. Jim Holley, attorney for SIB, come to a Council meeting and explain this to Council. Councilman Ebner stated from the information that he has none of the loans were ever approved. He said Council voted on them, but the record copy that the City Clerk has was not signed by SIB. He said none of the paper work every got approved in 2011 and 2012. He said that is one reason it died. He said Mr. Holly is very familiar with the agreements as he writes the agreements. He said if Council needs these questions answered Mr. Holly would be the one to do it.

Councilman Merry pointed out that all Council is doing at this time is giving direction as Council is not voting on anything. Councilman Ebner said if you want to know how it works, then ask the City Manager to have Mr. Holly come and explain it to Council. He said we have to deal with it on University Park. Councilman Merry said perhaps that could be done in a work session environment.

Councilman Dewar stated he was not sure he understood what the concern is. Councilman Ebner stated he was just saying that the money was never approved by SIB for Hitchcock Parkway. None of the legal paperwork ever got signed. Councilman Dewar asked what that had to do with this money. Councilman Ebner stated this money was part of the SIB agreement. The County was part of the agreement also for \$3.3 million. The City was responsible for \$4.8 million. All of that was in the agreement that was put together by SIB which Jim Holly wrote. The County never sent their documents in to agree to pay the \$3.3 million, and the City never sent its in. The SIB loan agreement was never signed. Councilman Dewar stated that is why Council went back with a change in purpose and need. Councilman Homoki pointed out that we are talking about CPST money. He said we don't have any SIB money.

Councilman Ebner stated we need to get Mr. Holly to explain this. He said the money from SIB does not count in ARTS. Councilman Homoki stated that is what he said. The money from SIB does not exist. He said everything we are talking about moving the \$3.9 million is actually CPST III money. Councilman Ebner stated he would suggest that Mr. Holly come to a work session to talk to Council.

Councilwoman Price stated she supports that, but she would also like for Council to have a joint meeting to talk to the Delegation members. She said they never sat down with the Delegation, but speculated that they were not in support of the widening of Hitchcock Parkway because of a letter that was sent. She said she hears different things when she talks to them one on one.

Mayor Cavanaugh asked what the point is in this conversation. He asked whether we want to get back into this now. He said we are doing a lot of discussion about something that's in the past. Councilman Merry stated he just would not reallocate the funds right now from the Hitchcock Parkway project. He said he would leave the funds where they are now.

Mayor Cavanaugh stated we are talking about \$4 million. Councilman Merry stated he would leave the funds in the Hitchcock Parkway project for now. Mayor Cavanaugh stated at any point in time we can move the money. He said there could be a chance that they would look at that as if the city is not involved in this and does not want to get involved in this anymore as they have taken away their \$4 million they had for Hitchcock Parkway. He said that could be a wild thought, but it bothers him. He said unless we actually need this money somewhere else now, we can move it later. He said why not leave it.

Mr. LeDuc stated we could leave it. By repositioning and putting University Parkway first and then Hitchcock Parkway second, knowing that we are not going to receive the

full \$32 million that we originally thought we were going to receive, it means that Hitchcock Parkway will have \$2,880,000 approximately in it. Councilman Dewar asked Mr. LeDuc if he figured that by adding from the bottom up. Mr. LeDuc responded, yes.

Councilman Dewar stated keep in mind there is no guarantee about University Parkway either. Mr. LeDuc stated we have an agreement that Council has approved for University Parkway and for Dougherty Road at Whiskey Road for SIB money. He said as far as what's happened to Hitchcock Parkway, that is gone. He said we could talk to the Delegation or Jim Holly, but basically that is a dead issue. He said we are now looking at corridor improvements for Hitchcock Parkway from ARTS money.

Mayor Cavanaugh stated we used some of the SIB money for other projects. Mr. LeDuc stated we increased the funding for University Parkway and for Dougherty Road.

Councilman Dewar stated there is an issue that we probably need to have in our next agenda packet. He said we continue to borrow in advance for projects that we feel need to be done ahead of getting the money. He said he would like to see a list of the projects that we have funded in advance and how many are yet to be funded before we can start to go back to the priority list that the voters approved.

Mr. LeDuc pointed out that the top of the page shows cash on hand. He said for every project that Council has approved so far to borrow money, we have paid all that back, and we have \$2 million on hand in the bank. He said we will receive about \$1 million plus in May and August. He said unless we have some major expenses that come up, we should be on the positive side from this point forward. He said we are hoping that for the projects that Council approves, that we will not have to borrow the money. Councilman Dewar asked where we are on the list. He said we have done Citizens Park. He asked if the next would be Project 6 for Building Improvements. Mr. LeDuc stated the first project is the Eustis Park Senior/Youth Center which is a \$3.5 million project. We have the proposals back from the architect firms. Staff will narrow that down to three. We will be asking a few of Council to sit in on the interviews for three firms. We should have the architect chosen and back to City Council for approval at the March 23, 2015, meeting. Mr. LeDuc said after the architectural work is done, we will not break ground until the end of the year.

Councilman Ebner pointed out that Mr. Grinton has most of the money. He said the sewer work is a big part of that. Most of that is supposed to be finished by the end of the second quarter or early third quarter of 2015. He asked if that was still on schedule. Mr. Grinton responded that the project on Silver Bluff should be starting soon. He stated that Crosland Park is still going on, and we are pushing the contractor to get that done by the end of July so we can do the paving.

Councilwoman Diggs asked who was doing the work in Crosland Park. Mr. Grinton stated the contractor is Mike Rogers of Gene Ray Fulmer Construction Co. He stated the contractor has finished Vincent, Sommer, Schroder, and a part of Aldrich. Councilwoman Diggs stated she has been getting a lot of calls from Crosland Park. She said she drove out there on Saturday, especially on Sommer. She said it is so messed up. Mr. Grinton pointed out the project is a major issue. He said we are trying to get it all done. We have made arrangements with SCDOT for the paving allocation so we can complete all the streets we have worked on so they can all be paved at the same time with our allocation of state paving funds. Mr. Grinton stated all the streets where we are working will be paved. He said some of the roads are literally crumbling as the subgrade is so poor. He said some areas are fine, and we have a nice little straight narrow cut and patch, but other areas it just keeps expanding. Councilwoman Diggs stated she thinks that many of the residents were thinking that the patching is what will be done to the streets. Mr. Grinton stated the paving would not be done under this contract. He said all along we said that we would coordinate our state money for resurfacing roads so those roads would be done after the sanitary sewers were replaced, and that is what we are doing. Councilwoman Diggs asked what the timeline was. Mr. Grinton stated the resurfacing would be done by no later than the end of November as that is when the state stops paving for the season.

Councilwoman Diggs asked if there were any plans in the near future for the entrance to Crosland Park. Mr. Grinton stated that is under the Safe Routes to School program as far as the sidewalks and going down and doing the crossings over to the schools through the city property and the School District property.

Councilwoman Diggs stated she was referring to the entrance to Crosland Park by Burger King. Mr. Grinton stated that project goes from York Street to the sidewalk on Aldrich which we completed. Then it jumps over as we have completed the sidewalks to the two properties. Councilwoman Diggs stated that work had been done on half of the street, and it looks good. Mr. Grinton stated that is what we would be matching up to. He pointed out that is different money for funding to complete. He said he had a conference call today with the State. He said we are down to five comments. He said this has been going on before he started working with the city. He said everything needs to be in to the state by March 23 to meet their schedule. He said the goal is to have everything wrapped up by March 23. At that point they would be able to review it, and come back and say whether we have the money. He said we would try to complete the project during the summer season when school is out. He said the paving is also part of our allocation with the state contract. It is a different area, so both constructions have to be completed, but they are both independent. We still have to bid, and there will be some funding challenges to do a complete project from the Safe Routes to School. He said Council may hear from him once he has some numbers. He said when we first started the project we said we would coordinate the paving and construction work. He said that should be done this year.

Councilwoman Diggs stated the residents were actually working on a petition. They were so upset about the condition of the roads. Mr. Grinton stated the construction takes time to complete. He said when construction is completed, we will be repaving.

Councilman Ebner stated this goes back since has been on Council three or four years ago. He said this money was approved, but nothing happened for two or three years. He said we got close to losing some of the funds. When Mr. Grinton came on board, he picked them up and got them going again. He said most of this other than CPST is grant money. We also said that the \$95,000 for road work that is in Capital Sales Tax II would supplement this. He said this goes back three years ago when all this was done. He said it was voted on by Council, and it is in the minutes of Council. He said it will come to fruition finally.

Mr. LeDuc stated he will have something for Council at the next meeting. He said he will try to capture everything for the ordinance for Council to review. He said Council can always make changes between first and second readings.

CITIZENS PARK FENCING

Capital Projects Sales Tax Funds

Change Order

CPST III

Mayor Cavanaugh stated Council needed to consider a change order to CPST III Citizens Park Fencing Project.

Mr. LeDuc stated any time there is a change in the amount of money that we have allocated for a project or if we are not able to pay back a project, we need to come to Council with a request for a change order or a request for making whatever conditions match what we currently have as far as funding or distribution of the funds.

Mr. LeDuc stated Council approved on November 24, 2014, an ordinance to borrow up to \$300,000 to provide for fencing at several ballfields at Citizens Park. One contractor, Maner Builders Supply, submitted a sealed bid. During the course of the project, staff and Maner realized that fencing around the dugouts was not included in the vendor's bid, but this work is necessary to complete the project. Since November, we now have sufficient cash in our CPST III [017] account on hand to execute a change order without borrowing money through an interfund loan. The total of the change order will be

\$49,000. This will make the total amount spent on fencing to be \$349,000 which is \$151,000 less than the \$500,000 that voters approved for fencing at Citizens Park. He said we currently have money on hand to pay for the additional cost so we are not asking that Council increase the loan.

Since this is within the CPST III referendum budget, and we currently have adequate cash on hand in our CPST III [017] account we are presenting this for Council approval as a request from the Interim City Manager.

Councilman Merry stated it seemed like a lot of money for a fence. Councilman Homoki asked about the \$151,000 which is the balance from the projected cost. He wondered where the balance will go. Mr. LeDuc responded that the balance of \$151,000 is the balance left from the \$500,000 allocated for the project. He said the original bid cost was \$300,000 and \$49,000 was added for the fencing around the dugouts. Mr. LeDuc stated until we completely finish the project, which is projected to cost \$349,000, we do not want to repurpose the \$151,000. Once the project is totally completed, then we will come back to Council for the repurposing of the balance.

Councilman Dewar asked if the \$49,000 was beyond the fencing for the dugouts. Mr. LeDuc stated there are several spots, the outfields and dugouts and other areas that were not included in the original bid.

Councilman Ebner stated this goes back at least a year or two years ago when this all started. He said this has been before Council previously. He said the original plan was to change all the fencing out because some of it has been there since 1987 and rusting and some falling down. For some reason as time went on and changes made, we did not get there. He said this fencing should get it done.

Councilman Ebner moved, seconded by Councilwoman Price, that Council approve the request to spend up to \$349,000 for fencing at Citizens Park. The motion was unanimously approved.

LOAN ORDINANCES

Councilman Ebner Repayment of Loans

Mayor Cavanaugh stated Councilman Ebner had made a request that the City Manager explain the process of loan ordinances and the process for repayment.

Mr. LeDuc stated that he and Councilman Ebner had been discussing loans, and following loans and ordinances. He said probably 99% of the time there has never been a need to change most of the ordinances. He said, however, we just had one on the fencing for Citizens Park and for money for the meter change out. He said when we come to Council with an ordinance or for a loan, there probably will not be a change. He pointed out that in the real world changes are needed. He pointed out, for example, for the meter change out program we are asking for \$410,000 more. In these cases we need to be coming back to Council for approval to make those changes.

Mr. LeDuc stated the one that Councilman Ebner has brought up to him more than once is the ordinance that was passed in 2009 when Council authorized staff to borrow money from Utilities to pay for improvements at Crosland Park. That loan was supposed to be paid back with \$300,000 every year over a five year period of time between 2009 and 2014. Mr. LeDuc stated in looking at the loan, hindsight is always great. In 2010 and 2011, we should have come back to Council and said houses are not selling like originally intended, and we will not be able to pay back the \$300,000 each year. We need to change the ordinance to reflect what is actually happening in Crosland Park and here is how we propose to pay back that loan. He said that is what we should have done. Obviously that was not done. He said we just need to be more careful. The question is who will make sure that we follow these ordinances. He said he would recommend that that responsibility fall on two individuals—one being the City Manager. He said the primary purpose of the City Manager is to follow these things, but the City Manager is

fallible. He said the other person is the Assistant City Manager. He said between the City Manager and the Assistant City Manager they will need to make certain that if there are changes with the ordinances because of funding situations that we bring those matters back to Council at an appropriate time.

Councilman Ebner stated the reason he brought that up is that we usually do basically financial and operational type ordinances. He felt for the ones that we do on the finances, most of which are hundreds of thousands or several millions of dollars spread over several years, that we need to be more diligent with that. It should also be showing up in our Finance Department too. If we have these loans, they show up in the audit every year. He said that is how he picked the loan up in three places. He thanked Mr. LeDuc for the explanation.

VARIOUS ITEMS

Councilwoman Diggs stated sometimes if we ignore things they will go away and at other times they won't. She said she was referring to the incident that happened here a few weeks ago. She pointed out that all of Council is her family. She said she had been getting a lot of calls and everywhere she goes people ask her about the incident with the open microphone. She said her father was a Church of Christ minister, and he always told his family that if we wronged our brother and brought open shame to our family or our church, then we needed to go to our brother or to the church and repent and ask for forgiveness. She said a lot of people had been asking her if Councilman Dewar was going to make a public apology. She said she was not sure whether he had already or not. She said her personal opinion is that a public apology is the right thing to do, but it was up to Councilman Dewar to decide. She said it may not be her business.

Councilman Ebner pointed out that we are getting into religious issues here. He said if we are going to talk about that he felt we need to be sure we can. He pointed out that the City Attorney about three years ago told us that we were facing a lawsuit for using and talking about religion at Council meetings. He said they could have their discussion however they want to, but he felt we need to be cautious talking about religious items at the meeting. Mr. Smith stated he agreed with Councilman Ebner.

Councilman Dewar stated if you are expecting him to say anything, he would say something. He said first of all he did not appreciate raising the issue. He said he did not insult the public. He said he did not insult anyone quite frankly. He said he made a comment that many people viewed as inappropriate. He said it probably was inappropriate. He said what he had done between him and the individual involved is between him and the individual.

Councilman Dewar stated he had some items from the Issues and Updates. He said Item 4 is the Planning Commission consideration of the Five Year Capital Improvements Program. He asked if that would be in the Council packet for approval. Mr. LeDuc stated we have not done that in the past. He said the first year of the CIP will be in this year's budget. The rest of it is for planning purposes. It is a planning document, but none of them are hard and fast until Council approves each one of the items.

Councilman Dewar stated Item 5 is about the noise ordinance. He said he had been involved with an individual's concerns about noise at the Reserve. He said he was not sure what we are saying. Mr. LeDuc stated that matter is going to court this week.

Councilman Dewar asked about the bicycle lanes on Hayne Avenue. He said he knows we have to go through the formal process to get SCDOT approval to remove them. He asked if the fact that Council has voted to remove the bicycle markings permits parking on Hayne Avenue at this point. Chief Barranco stated the bicycle markings were still on the road and until the emblems are removed there should be no parking on Hayne Avenue.

Mr. LeDuc asked the status of the Highway Department permit for removing the emblems. Mr. Grinton stated he did not have an update at this time. He said he could

check on it and provide that information. Councilman Homoki asked if we are actually going to remove the line. Mr. Grinton stated the bicycle symbols and arrows would be removed from the lane, and we would install some "share the road" signs. Mr. LeDuc pointed out then that bicycle symbols would go on the outside of what was the bike lane.

Mayor Cavanaugh stated are we talking about removing the bicycle symbols in the bike lane and then placing the symbols in the traffic lane. He asked how far out the symbols would be. He asked if the symbols would be in the middle of the road. Councilman Merry stated the guidelines say mid-way between the curb and the stripe in the middle of the road. Mr. Lex wants to put the symbols in the middle of the automobile lane closer to the middle of the road. He said the Bicycle Ped Guidelines say the symbols should be mid-way between the curb and the stripe in the middle of the road. Mr. LeDuc stated the emblems would be just to the left of the curb stripe. He said it would be great if we could lift the current emblems up and move them.

Councilman Dewar stated the Bike Guidelines have excellent diagrams to show you exactly where the emblems go.

Councilman Dewar stated there is a lot going on in Columbia that Council needs to be aware of. He said those folks are apparently playing some games with the local funds that could be reflected as a betrayal to the people in the counties and cities of the state. They promised to provide that local fund. They have selectively reduced it, and now they have come up with a scheme that will not restore it. Mayor Cavanaugh stated they have never provided what they said they would originally provide.

Councilman Dewar stated there are a couple of bills on Business License taxes that would have a serious impact to us. There is a bill that he does not quite understand. There is a telephone tax increase apparently. He said it seems to him it would increase fees if you have a land line and not so much if you have mobile phones which more people have these days. There are still a lot of people who have land lines. He said he brings this up because he feels Council needs to stay close to the Municipal Association, and in cases where we have to we need to deal with our local Delegation. A Freedom of Information Act was passed, but it still protected the members of the Legislature. If you believe the Policy Council, it set up some procedures where if you use it too much you could become a nuisance and are categorized that way. He said we need to stay close to the Municipal Association as some of these things have a major impact on the cities.

Councilwoman Price asked if we need to write a letter to the Delegation members letting them know our position on these matters. Mayor Cavanaugh stated he felt individual letters would be better. He said if we could have everyone here on top of these issues to call the Delegation members, then that would be the thing to do.

Mr. LeDuc stated there is a fight on the local fund that comes to the cities. When they passed the bill in the 1980's it was supposed to be 100%. He thought it might have been 100% for one or two years, and then they have been going down. It has been a fight every year trying to get what we got the year before. He said there used to be what they called "dual taxation" within the County, and they were giving us several hundred dollars a year until about five years ago. He said they steadily reduced that until now we have nothing. One of the concerns is fighting that every year as part of the budget. He said the last few years, it has been on the Business Licenses also. There are two bills now in front of the Legislators. One is to cap a Business License at \$100. Another one is to eliminate the Business License altogether. For us that would be somewhere between \$2.2 and \$2.3 million lost revenue. He said for the cities larger than Aiken, it is even more money. He said Aiken was number 13 in the state. He said it is a major, major issue. He said the Chamber of Commerce invited the legislators to a meeting a couple of weeks ago. Even the Chamber was not very favorable because they asked questions like how the cities and counties would make up the lost money. They asked if that would mean that they would have to raise taxes. The Legislators said that would be up to each of the cities and counties how they make up this loss. He said for Aiken it would mean a major tax increase or major service decrease. In the past they have not gone very far with these bills, but every year when they meet these matters come up. He said it is like the Federal

government, sometimes we just wish they would not be in session any more. Mr. LeDuc stated if the Council members are not receiving information from the State on a weekly basis, they need to get on the email list. He said there is a report from the Dome giving a report on all these different issues each week. Councilman Merry stated he did not think he was getting the emails. The City Clerk was asked to check to be sure Councilman Merry is on the email list for the updates.

Councilman Merry stated these are not the first bills that have ever been proposed to do something with the Business License tax. He said there is a long way to go between someone grandstanding on a bill in Columbia and it actually getting passed by both houses and passed by the Governor. He felt Council should not ignore it. He felt Councilman Dewar was right, but at the same time he did not want to suddenly be the ones that cried wolf to our State Delegation on too many things too often and overact too soon. He said he did not know what will happen to the Business License tax bill, but he felt there was a long way to go before it passes.

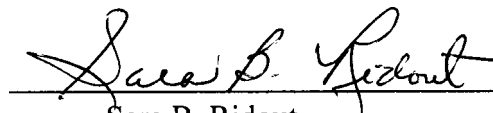
Councilman Dewar stated it reflects a disconnect on the part of those people in offering those bills. He felt we should not go without letting our Delegation know the City of Aiken's views on it. Mayor Cavanaugh stated he felt Councilman Dewar was right. He stated he was concerned too. He felt there are more this time than he has seen in a while.

Councilwoman Price stated the State seems to want to push more funding down to the local level, and they will keep trying and trying until they are successful.

Councilman Merry stated the state funding is different from the Business License tax. He said he did not disagree that they are more successful with the Business License thing. He said you have to ask yourself who you want your State Legislators to be accountable to—whether they are to be accountable to government or the taxpayers and business owners throughout the state. That is what they are asking themselves. Right now they are listening to the business owners and taxpayers throughout the state. At some point hopefully that will listen to City Council as well. He said anyone can write anything down on a piece of paper and call it a bill, but that does not make it something that will pass.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:01 P.M.


Sara B. Ridout
City Clerk