

Aiken City Council Minutes

WORK SESSION

August 24, 2020

Present: Mayor Osbon, Councilmembers Brohl, Diggs, Girardeau, Gregory, Price, and Woltz.

Others Present: Stuart Bedenbaugh, Gary Smith, Kim Abney, Sara Ridout, Charles Barranco, Gary Meadows, Kym Wheat, Ryan Bland, Mike Przybylowicz, Lex Kirkland, Jessica Campbell, Mary Rosbach, Pam Royal, Gary Meadows, and Colin Demarest of the Aiken Standard.

The work session was held in the Council Chambers at 214 Park Avenue SW; however, the number of citizens that could attend at one time was limited to 22 persons because of the COVID-19 virus and social distancing.

CALL TO ORDER

Mayor Osbon called the work session of August 24, 2020, to order at 4:05 P.M. He stated there were four items on the work session to discuss: a Bandwagon Marketing presentation, Fiscal Year 2019-20 budget review and carry forward funds, Municipal Development Commission membership, and discussion of the noise ordinance.

BANDWAGON MARKETING

Mayor Osbon stated the first item was a presentation by Bandwagon Marketing.

Mr. Bedenbaugh stated in March 2020, City Council approved a marketing contract with Bandwagon, a destination marketing firm. They have joined us electronically via teleconference. We will be joined by Cory Cart, Chief Client Officer, and Boone Clemmons, Chief Strategy Officer, of Bandwagon. They are the marketing firm we use for destination marketing. Their fee is paid out of Accommodations Tax and Hospitality Tax which is geared towards visitors and tourists. They will review the Fiscal year 2020-21 Destination Marketing Plan for Aiken.

Ms. Jessica Campbell, Parks, Recreation & Tourism Director, stated we signed a contract with Bandwagon Marketing in February, 2020, to market Aiken. She said the Tourism staff had been working with Bandwagon since March through telecalls, emails, and many, many meetings. She pointed out that Mary Rosbach, Tourism Supervisor, and Pam Royal, Tourism Manager, were present to answer any questions.

The meeting was conducted via teleconference with Mr. Cart and Mr. Clemmons giving the presentation from New Orleans because of the Coronavirus and the threat of two hurricanes heading their way. Mr. Cart stated he would review the Strategic Marketing Plan that was put together for Aiken and at the end would be happy to take any questions.

Mr. Cart stated one of the things talked to the local team was the importance of measuring ROI of the services that they provide for the city. That should include occupancy tax, increases during COVID, trying to maintain and keep some of the thresholds to limit any negative impact that the pandemic could have on the local tourism industry. He said at the end he would outline some of the matrix they have in place, but throughout the year they will be tracking the ROI on the services that they provide.

Mr. Cart noted that they did a lot of research before they put the marketing plan together. They looked at research from South Carolina Tourism, zip codes of where people were coming from, foot traffic in and out of the Visitors Center, looked at national trends, and they are daily monitoring what is happening with COVID 19 and how that is impacting traffic patterns. From the research they derived some comparative destinations or competitors. He said they looked at how they could differentiate Aiken from the comparatives.

Mr. Cart stated when they started developing a brand architecture, The Sporting South was something that kept coming out of the research that they were doing whether it was polo, horse racing, steeplechase, etc. He said The Sporting South was going to be the guiding direction for the campaigns that they are working on.

Mr. Cart stated the campaigns would include COVID-19 recovery. Meetings and conventions would be another marketing emphasis, trying to recruit events that are trying to relocate to smaller markets outside of large urban markets. He said people are traveling to rural destinations now and this gives a great way coming out of COVID to position Aiken as a premier meeting and convention destination. There will be an equestrian focused campaign, not only for those interested in attending the equestrian events, but also those that travel with the horses. He said COVID 19 recovery will lead into a fall/winter 2020 leisure campaign and a summer 2021 campaign that will run through the spring trying to promote the summer market of 2021.

Mr. Cart noted additional projects that they will be working on include a new tourism website, consolidating collateral and redesigning with modern visitor in mind, aligning social media with campaigns, and public relations. They would modernize the website, making it more user friendly and making sure that it is optimized for the visitor marketing campaign and that they can track and convert people who are clicking to the site into overnight bookings. He said they would also work with the in-house team overseeing social media. They are working with them to make sure they are aligning the social media content with the campaigns. They are getting ready to kick that off possibly next week. They are also in the middle of a PR campaign, looking ahead for the opportunities that we know to publish after the pandemic is over and also making sure that they are keeping Aiken at the top of the line for journalists when they are looking for stories.

Mr. Cart noted the audiences with which they are communicating include the equestrians, sports roadtrippers, tournament families, out-of-state flyer, event and festival attendee, meeting and convention planner, and sporting event planners. He said they are looking at summer months and how we can best sell those.

Mr. Cart stated they are measuring these campaigns and events through the total occupancy tax collections. He said they are going to try not only to restore those to their previous level, but keep them within a certain percentage of how they have been in the past years or grow them if the opportunity arises. Other measurements include the number of leads, value of earned media, collateral distribution numbers, and social media engagement.

Mr. Cart stated in addition to the marketing plan in the large document in the agenda packet, they did an analysis and talked about Aiken's strength, weaknesses, any threats, and also opportunities. He pointed out one thing noticed in the research was the primary market that is coming to the website—visitaikensc.com—outside of in-state is Georgia. The least amount of focus is being placed on advertising to travelers in Georgia. With the COVID 19 recovery plan they have already beefed up digital ads and are placing billboards in the area along I-20 to try to get that overnight traveler from Georgia into Aiken. Other opportunities are the military travelers, summer meetings and conventions, and innovative/reimagined ways for presenting history. One thing which came out in the research phase, and which staff is working on, is the trolley tours and presenting the history accurately and in way that will connect and bridge the gap between the older visitor base and the younger generation. They are looking at the historical brochures and considering whether there are ways the information can be presented in the form of audio driving tours, a pod cast, or something that would engage younger folks.

Councilwoman Diggs pointed out on page 20 of the Destination Marketing Plan under Threats—Negative connotation of southern history. She wondered if we were incorporating in our tours and the brochures on Aiken about the founding fathers.

Ms. Mary Roshbach stated we have done some research and some information has recently been added to the tour route and that information has been provided to all the

tour guides along with adding that to the tour guide test. That way when we have future guides, they have that information.

Councilwoman Brohl stated she was impressed with what we are aiming for, and that we probably will have to take this in increments and decide, with Bandwagon's advice going forward, what would be the best areas to attack first. She said she look forward to hearing more and seeing what the first steps are and how we add to it. She said it is an impressive plan.

Councilwoman Gregory stated she was glad that we are moving in this direction and felt it is something that has been very much needed in the City of Aiken and something that many have harped on for quite some time. She was glad that we are going in this direction and excited to see it going to fruition. She felt this was one of the main aspects to grow and one of the many components to get Aiken to the next level.

Mayor Osbon stated he had a question and comment. He stated at the last meeting we had a presentation by one of our hotel owners, and we were talking about a trend that we are seeing of destination tourism. Because of COVID it seems that people are choosing small areas with southern pace. He said it seems that Aiken has a niche in that. He said he knew that we were targeting small events and the equestrian community. He asked if there was something for empty nest couples and young families to come to Aiken as a destination.

Mr. Cart stated there was quite a bit of demand for people looking for destinations like Aiken. A few things were feeding into that prior to the pandemic and now during the pandemic. He felt that will continue for a while after the pandemic. Coming into the pandemic people were looking for experiences where they could engage with locals and something budget friendly. In the majority of people who are traveling now there is a high percentage of people looking for rural destinations over beach destinations because they feel safer. It was pointed out that many of the people are looking for experiences. They don't just want to go somewhere and spend the weekend in a hotel room. They want to go and do something and have an experience they could not have at home. Aiken has a lot of tourism products. There are a lot of things to do. He said they are trying to help this by looking at the tourism products that are available and sort of reimagining those and giving them an experience where it is not just equestrian stuff, but other things as well. He said they would break things down where it is more understandable and manageable for the younger groups to be able to come and experience it. He pointed out that he felt we will see, with people staying closer to home with travel bans, people staying closer to home for many more years. It will take several years before international travel will likely be up and going the way it was. Aiken offers a very unique experience compared to many other destinations in the country and if you compare it even to other equestrian destinations, Aiken is still very unique. He said focusing on the Sporting South brand and, when we are able to chat with you, they will be able to show Council how that is beginning to look visually and the personalities that has taken on. He pointed out that Aiken has more tourism products than any other destination Aiken's size in the country. He said Aiken has more products than some of the destinations that they work with that are three to five times the size of Aiken. He said it is almost overwhelming and confusing for the visitor. Normally they come in to a place and tell them they need to develop products. That they need to have better visitor information services, kiosks where people can pick up maps, etc. He pointed out for the most part every struggle they have when beginning work with new clients across the country, even some state tourism departments, Aiken has already thought of the issue and the infrastructure is there. He said they are working hard, especially through the pandemic, to figure out how we group the products together so that the families choose Aiken. He said Aiken has a lot of potential to grow that side of the travel industry. There are also huge opportunities within the youth sports group and the meetings and conventions group.

Mr. Cart noted that people like to live where they like to play. He said they can position Aiken in a way that makes sense to the visitor and something that translates over very easily to what Aiken is doing with economic development. It begins to not promote the visitor aspect, but heightens the quality of life in a way that is digestible for businesses

and individuals looking to relocate. They feel this approach will help Aiken in many areas.

Mayor Osbon asked at the end of a marketing strategy what type of matrix do they set up to say it was a success and that the city can look at and see where there was a turning point.

Mr. Cart stated the matrix that they had outlined is on page 38 of the Destination Marketing Plan for each campaign. He said once they come up with the exact strategy they will apply those. He said they work with the in-house team and meet with them every other week and present the strategies. He said presently they are working on the final strategies for the fall/winter campaign. He said staying within 10% of the previous occupancy tax collections despite COVID is something they are hoping to be able to get back on track by the end of the fiscal year. He said there are a lot of ways they judge the quality of a campaign. They look at how it is performed, and how they performed, and if it was in the best interest of the city as well, in addition to how the campaign performed.

Mayor Osbon thanked Mr. Cart for the presentation from Bandwagon. He said Council would look forward to continued updates and staff will be working closely with them as they campaign in our city.

Mr. Cart stated they were honored to work with the City of Aiken. He noted that on the performance the city's in-house team receives a monthly report, called the FTR report. It allows them to see where occupancy is shifting up, staying level, going down. It allows them to track average daily rates. It also will alert them if any motel goes off line for renovations or if they close for a few weeks, etc. They are able to monitor month to month in real time what is happening with the local hotel industry. He said they monitor that and overlay that and cross reference with what they do as well to see if there are spikes in occupancy at the time certain campaigns are running. He said the city's team has access to that and that is sent to them every month.

Mr. Bedenbaugh stated staff could share those reports with Council each month.

Councilwoman Price stated Bandwagon had made an impressive presentation. She asked Ms. Campbell what the budget was for the marketing. Ms. Campbell responded that Council approved \$150,000 to initiate a contract with Bandwagon. Additional funding has been approved for the website redevelopment and recently funded with the Accommodations Tax the Small Marketing Campaign and the COVID Recovery Campaign.

Mayor Osbon thanked Bandwagon for their presentation.

BUDGET

Fiscal Year 2019-20

Carry Forward Funds

Unspent Funds

Mayor Osbon stated the next item for discussion was a review of Fiscal Year 2019-20 budget and carry forward amounts.

Mr. Bedenbaugh stated every year staff comes to Council with a review of the close out of the previous fiscal year from July to June fiscal budget year. He noted there are some unspent funds that staff wants to report to Council and make a recommendation in the form of a budget adjustment. He complimented the staff from the entry level to the department head for being good stewards of the city funds. We had a very good year despite the challenges presented by COVID 19. Our General Fund surplus was \$1.8 million, however, we sold the 135 Laurens Street Building for \$1,295,000 and that has been designated to be used for the 107 Chesterfield Street building purchase. With those funds designated that leaves about \$507,287 for our net surplus. That amount of surplus is in line with the surplus or unspent funds for the last 20 years for the General Fund. The Water & Sewer fund surplus was down to \$281,720. There were more charges for the treatment of the sewer during the last quarter of the fiscal year. According to the

County PSA they attribute that to people being home because of the pandemic. The Stormwater Fund had a surplus of \$702,116, and Solid Waste Fund had a surplus of \$150,828.

Mr. Bedenbaugh then reviewed some of the recommendations for designating the unspent funds. He pointed out that in order to keep our Public Safety Department competitive with area departments, staff is recommending that \$180,000 be designated for a 4% pay adjustment for Public Safety first responders effective October 1 as well as \$99,000 for a 1% Cost of Living for all employees effective October 1. He noted that Council had charged staff in the budget process to present a balanced budget without a millage rate increase. That was done, but we were not able to provide a Cost of Living increase for the city employees.

Mr. Bedenbaugh stated in reviewing our revenues for the rest of this budget year, he feels the revenues are good. In looking at factors that affect our revenues, there is no doubt that COVID 19 has had an effect, and we don't know how long the pandemic will be. Some think it may be several years and that a rebound will not be soon. Looking at the city's revenue sources, he would reiterate what he said during the budget preparation period, that a lot of our core General Fund revenue is stable. There may be a decline in Business Licenses, but property taxes should remain stable. He noted that during the Great Recession we saw defaults and property values decline, but our property tax revenue remained stable due to conservative decisions by Council and conservative revenue projections. He asked for Council's indulgence as he restated his comments that he made this year at the beginning of the budget process. He then asked that Kym Rooks, Finance Director, review the status of the funds as of the end of the fiscal year and discuss the proposed carry forward of unspent funds from the FY 2019-20 budget.

Ms. Kymberley Rooks, Finance Director, reviewed for Council a finance update through June 30, 2020. She reviewed the revenues most affected by COVID 19 which included Hospitality Tax, Accommodations Tax, Recreation Charges for Svc, and Vehicle Taxes. She noted that Hospitality Tax collections were \$1,487,674 which was less than the budget by \$12,326. Accommodations Tax collections were \$494,487 which was \$131,513 less than the budgeted amount of \$626,000. Recreation Charges for Services collection was \$424,283 which was \$174,667 less than budgeted. Collections from Vehicle Taxes was \$951,300 which was \$56,300 more than budgeted.

Mr. Bedenbaugh noted that the budget figures in the Budget column reflect what staff budgeted for anticipated revenue originally in the spring of 2019. At that time, we had no idea about COVID 19. Then we conservatively recalibrated and re-estimated our budget early in the COVID pandemic. He pointed out that we had underestimated some. The Hospitality Tax, especially was very strong. He noted that the restaurants that did not have a drive-thru had to close due to the Governor's restrictions and there was no revenue, but a lot of those that had a drive-thru did not see a decline in revenue or a minimal decline.

Ms. Rooks pointed out that revenue from Capital Projects Sales Tax was down about 6% from the comparison with 2019, but the funding received from CPST III was not for a full quarter and was the last payment for CPST III.

Ms. Rooks pointed out that the city had extended the deadline for payment of a business license to August 31. She reviewed the revenues for the General Fund, noting that the budgeted amount was \$29,576,883. The actual collection was \$30,213,000 with collections over budget by \$636,117. Ms. Rooks reviewed the General Fund Expenditures noting that budgeted expenditures were \$29,576,883. Actual expenditures were \$28,410,713 with expenditures being \$1,166,170 under budget. She pointed out Revenues over Expenditures were \$1,802,287. Subtracting the revenue from the sale of 135 Laurens Street which is designated for the purchase of the Chesterfield Street building, leaves \$507,287 for FY Carry Forward.

Ms. Rooks reviewed the Water & Sewer Fund noting that budgeted revenue was \$19,640,025. Actual collections were \$19,254,337 with collections being \$385,688 less than budgeted revenues. Budgeted Expenses for the Water & Sewer Fund were

\$19,640,025 with actual expenses being \$18,972,617. Actual expenses were \$667,408 under the budget expenses with FY Carry Forward being \$281,720.

Ms. Rooks reviewed the Stormwater Fund noting that revenues were \$1,755,000; actual collections were \$2,063,093 with \$308,093 collected over budgeted revenue. Budgeted Expenses for the Stormwater Fund were \$1,755,000, with actual expenses being \$1,360,977 with expenses being \$394,023 under budgeted expenses. The FY 20 Carry Forward amount is \$702,116.

Ms. Rooks reviewed the Solid Waste Fund noting that budgeted revenues were \$5,542,830 with actual revenues being \$5,242,602 making revenue \$300,228 less than budgeted. Budgeted Expenses were \$5,542,830 with actual expenses being \$5,091,774 making expenses being \$451,056 less than budgeted expenses. The FY 20 Carry Forward is \$150,828.

Councilman Woltz pointed out that the city had bought four trucks for one-man operation to pick up garbage. He wondered if we had saved the positions for those who formerly were on the garbage trucks. Mr. Kirkland, Public Services Director, stated we did save the positions and had them doing other things. He noted they had been short in personnel. It was pointed out that the positions were allocated to other jobs.

Mr. Bedenbaugh stated the recommendations for carry forward funds would be on the agenda for first reading to amend the FY 20-21 budget. He noted that the individual amounts for carry forward were listed on Exhibit A in the agenda packet. He said the recommendations will be presented for Council consideration at the regular meeting.

Councilwoman Diggs asked a question regarding personnel, asking how many positions were vacant, what departments the vacancies were in, and would they be filled or eliminated. Councilman Woltz asked what would happen if we filled all the positions. Mr. Bedenbaugh stated in a perfect world we would have all the positions filled all the time. He said he did not think we had ever had all positions filled. He said we are still seeing a fair amount of movement in personnel even with the pandemic. He said it might be great to have full employment, but he did not anticipate that happening. Ms. Tracy Lott, Human Resources Director, stated as of July 31, 2020, we still have 55 vacant positions. The vacancies include 5 public safety officers and some maintenance workers.

Councilman Girardeau asked how much money are we talking about for 55 vacant positions. Mr. Bedenbaugh stated the amount would probably be about \$1.25 million. He noted the chance of that happening is low. It was pointed out that if all the positions were filled it would cut the surplus in half.

Councilman Girardeau stated staff had done a great job. He said during these times that we are talking about a surplus is great. He said he realizes that in the past we have always taken that money and reallocated it. He pointed out that Clemson had announced that they are furloughing 50% of their employees. He said the point is that employees are being laid off or furloughed in places. He pointed out that we don't know what we are getting into. We are going into uncharted water. He said he was concerned about taking this \$507,287 and allocating it to various things. He said it would be nice, but he was not sure that was the wise thing to do. He said it might be wise to hold back and see where we are in six months to a year. He was concerned that we might be headed for some rough times in the next six months to a year.

Councilman Woltz stated he agreed with Councilman Girardeau. The reason the banks are increasing their AAAL allowance is because they don't expect the revenues to be there at the end of the year, and they have to build up that surplus for default loans. He felt the city should also be building up a surplus and not spending it.

Mr. Bedenbaugh pointed out that the banks are building up the surplus so when homes foreclose they can pay the property taxes which would be one benefit. He said he knew there was some concern with foreclosures that the city would not be able to collect property taxes. He said those are fair points. He said filling all the positions is theoretical. He said if Council wishes we could do a hiring freeze.

Councilman Girardeau stated he did not think that is what they are saying. He said we have \$500,000 extra dollars and why do we have to spend it.

Councilwoman Brohl stated in these times and how our Public Safety has stepped to the front, when they leave home in the morning no one knows that they are going to come back, she felt if we can find a way to give them some kind of reward, that would be great. She said she is for giving Public Safety first responders some kind of compensation.

Councilwoman Gregory and Councilwoman Diggs stated they support Councilwoman Brohl's comments

Mr. Bedenbaugh stated the recommendation is a 4% pay increase for Public Safety first responders which includes about 90 personnel. That cost would be about \$180,000 effective October 1.

Councilwoman Price asked for the actual carry over figure. Mr. Bedenbaugh responded the amount is approximately \$507,287 in the General Fund. He pointed out that we sold the 135 Laurens Street building for \$255,000 more than we expected to. Staff recommends putting \$167,000 additional of the surplus into Special Holding for the Chesterfield Street building. There are other things Council can take a look at, if Council desires, between first and second reading. He noted that we have put money aside for economic development; we have vehicles that were ordered but have not come in yet and we would be obligated to pay for those. We could put together a list of things that we are asking the money to be spent on that we have not ordered that were in last year's budget. We could have that to Council before second reading and make some modifications.

Councilwoman Gregory stated it seems that Mr. Bedenbaugh and Ms. Rooks and staff are trying to plead a case. She said it saddens her that they have to work this hard for something that is really simple and makes a lot of sense. It is a portion of the surplus. She pointed out there are monies in other pools and other funds that can be allocated to do everything everybody is mentioning. She said this request is something Council needs to be serious about, and needs to approve. She pointed out a portion is supporting our Aiken Department of Public Safety. In this environment we need to make sure that they are not going to another county, another city or another company to work these jobs for more money. She felt Council needs to support an increase for Public Safety. She apologized that Mr. Bedenbaugh has to work so hard to try to plead the case.

Councilman Girardeau stated if that is what it takes to keep up with the rest of the area public safety that is fine. He said he did not see where we need to raise all employees pay with 1% to just spend the money. He said at this point, if an employee, he would rather not take the 1% increase than to get furloughed. He said he was just trying to think through the whole thing.

Mr. Bedenbaugh stated he appreciates the point. He said he saw the news about Clemson. His first thought was that he was thankful that we are not beholden to tuition revenues. He said higher education is certainly taking a hit because of the virus from the standpoint of folks not wanting to do the online classes, etc. He said it is tough being in higher education. He said comparing the city to Clemson is apples and oranges.

Councilman Girardeau stated that is not his intention because every factor is individual. He pointed out that we have some problems coming. He felt things are going to get tough before they get better. He was concerned about the hotels, restaurants and retail.

Councilwoman Price asked about the five positions that are open in Public Safety and wondered if they were entry level positions. Chief Barranco stated they currently have openings for Public Safety Officer positions, and they are entry level positions. The starting salary is currently \$41,267. Mr. Bedenbaugh stated the salary adjustment proposed would put us closer to a competitive environment with the area law enforcement agencies. Councilwoman Brohl pointed out that the City of Aiken puts a lot of money and time into training new recruits and at times they leave because they can get more money somewhere else. Chief Barranco stated because Aiken has a Public Safety

Department our officers are trained in the law enforcement side and certified through the South Carolina Fire Academy. With COVID the academies have closed so we held our own in-house fire academy with the instructors that we have. Being dual certified is of great benefit to other agencies.

Councilman Girardeau stated he was all for Public Safety and if they need to hire people, then hire people. If we need to give them a pay raise, then give them a raise.

Councilwoman Price asked about the salary range for North Augusta's Public Safety Officers. Chief Barranco pointed out that the Sheriff's Department starting range is between \$38,000 and \$41,000, but they do law enforcement only. He pointed out that we will always compete with North Augusta and the private security company at SRS. He pointed out another component is that the starting salary is close, but the difference is how they progress. Within three years with North Augusta an officer will be at the mid-point at \$55,000. He said Aiken would be at about \$50,000 and that is hard to compete with. The starting salary for security at SRS for the first year is \$51,000 and the second year they are at \$56,000.

Councilwoman Gregory pointed out that the City of Aiken's salary for officers starts out lower, but as they progress through tenure and seniority, their salary increases are at a better rate. Chief Barranco stated it is how they progress through their training. We give an increase after each academy and once they complete their probation. He noted their probation does not start until they have completed all of their academies and have been assigned to a shift. It could be a year and a half before they complete probation.

Councilwoman Price asked about the turnover rate. Chief Barranco stated currently there are five vacancies, and he has about thirteen in training now. He pointed out that five will graduate from the Police Academy on Friday. He pointed out that once they graduate from the Police Academy although they are fire certified, there is another 16 weeks of training that they have to go through before they are ready to move to the shift.

Mayor Osbon thanked staff for the finance update.

AIKEN MUNICIPAL DEVELOPMENT COMMISSION

Membership

Mayor Osbon stated the next item for discussion was the makeup of the Aiken Municipal Development Commission.

Mr. Bedenbaugh stated at the Municipal Development Commission meeting on Tuesday, August 18, 2020, the Commission made a recommendation to Council for consideration regarding the membership of the Commission. He pointed out that the AMDC currently has nine members. Six members are appointed by Council, and there are three full members consisting of Councilmembers and there is one ex officio member. He pointed out that state law states a development commission board must have a minimum of five fully voting members, but no more than nine members. There cannot be more than nine fully voting members according to state law.

The Municipal Development Commission has recommended nine members, appointed either by the Mayor or by City Council or by the AMDC with four ex officio members being three members of City Council and the City Manager.

Mr. Bedenbaugh stated for discussion of the proposed ordinance, he had recommended that all the members be appointed by City Council because Council appoints members to all the other boards and commissions. However, an exception could be made for this if Council desires.

Councilwoman Brohl asked what was the purpose of having three Councilmembers as well as the City Manager as ex officio members. Mr. Bedenbaugh stated he thought that was to be able to keep the current Councilmembers on the Commission. He pointed out that the City Manager is currently the only ex officio member. He said he felt the Board valued input from Council. The preference of the Board was to still have

Councilmembers as ex officio. As items need to go to Council the Board can have a champion, a lot of background and perspective on the items before Council. He pointed out that Councilmembers attend the Planning Commission meetings so when an item comes before Council the Councilmember who attended the Planning Commission meeting can speak and articulate on the item.

Councilman Girardeau stated he goes to Aiken Corporation meetings as an ex officio member and enters into the discussions when questions are asked. He said he felt the Commission was encouraging the three Councilmembers to continue to be involved with the Commission. He pointed out that this could be an opportunity for all seven Council members to be involved. It is an advertised meeting and anyone can attend the meetings. He pointed out like the Aiken Corporation, he wanted to learn about it and be there and understand what they talked about. He said the problem with being members of the Commission is that items were coming up that members were being asked to vote on and the items would be going before Council. The Councilmembers felt that was a conflict and abstained from voting. That left the Commission without enough members to vote on an item if one Commission member was absent. He said he felt it does help to have some of City Council attend the meetings. He pointed out that the present three Councilmembers have added to the conversations in discussing matters from their experience on City Council and from the outside.

Councilwoman Brohl stated Councilmembers do attend the Planning Commission meeting, but are not ex officio members. She said at those meetings she never gives her opinion. She said especially for the AMDC she felt Council should not be on the board. She felt it gives the appearance of impropriety. She felt we were appointing the members to brainstorm, come up with ideas, and then bring them to Council. She felt the matters should be brought to Council at one time. As it is now there are three Councilmembers, which is almost a quorum, hearing everything that is going on. Then when it comes to Council there is a knowledge deficit for the other members of Council since they were not privy to all that was discussed by the board. She said that has the appearance of impropriety. She said she had had citizens ask her about it. She said if we want, Council could do it like we do the Planning Commission by rotating Councilmembers attending the Planning Commission meetings. It is a certain group that is almost a quorum that is hearing the information and giving their input and giving their opinion. Then when it comes to Council, the rest of Council is not familiar with the matter. She said as a former Ethics Commissioner, there have been many cases where people came and said a City Council person came to a board or commission and gave their opinion and their influence, and then it had to go before City Council to be voted on. She said Councilmembers were right about not voting, but to keep from having that the easiest way is to not be involved in the board as City Council has the final word when it comes to Council. According to the Code, at any time and the full discretion of the Council or the municipality's governing body, Council can abolish the office of the Commission and assume direct responsibility. She said if we are concerned about that, which she felt they are not concerned about that, and felt they were not doing what was the objective of Council, Council has the authority to abolish the Commission at any time. She felt Council should not be a part of what the Commission does. She felt the Commission should do their thing, bring recommendations to Council, and Council can accept it, or change it, or do nothing with it. She felt having Council on the Commission was adding another layer.

Councilman Woltz stated he agreed with Councilwoman Brohl. When the ordinance was first in the City Manager's Office with the template of the state law, the Commission was set up to have various members of the community on the board. Later it came out with what we have now, and we are finding that will not work and that we need to go back to the state template. Let the Commission pick the members and come to Council with recommendations. He noted that Council can always say no. He said the set up was presented to Council and Council voted on it, but now we are finding that the set up will not work. The state template was a good template to work with.

Councilwoman Brohl pointed out that the appointed members are excellent people of character, and she felt they should choose the three members they need to complement the other members of the Commission.

Councilwoman Gregory stated the Commission is a topic that Council has discussed for almost two years. She said she was glad that Council is recognizing the areas of concern regarding membership because it is a road block. It is a road block to the Commission that Council appointed because they trust them; they are professionals and they need to do their thing. Council does not need to be involved. Council's opinions and influence do not need to be involved. She noted that there are two privileges for ex officio members—one is under the authority of the organization and the other is not. She pointed out it is not like the ex officio members don't have anything to do and not a member, but they can be. She asked what kind of ex officio member are the Councilmembers. According to the proposed ordinance they would not have voting rights, but they could have a lot of other privileges and the proposed ordinance does not give any of those specifics. She said she would have to have clarity from Mr. Smith, City Attorney. She said she never agreed with Council being on the Municipal Development Commission. The Commission has the ability and the potential to be strong and great for Aiken's growth, but we need to make sure as the governing body that Council allows the appointees to do what they do, allow staff to do what they do, and bring recommendations to Council as a whole and Council approves or not approves. She said she feels very strongly that Councilmembers should not be a part of the Commission.

Councilman Woltz stated he felt the only staff that needs to be on the Commission is Tim O'Briant because of his position.

Mayor Osbon stated he would like to clarify one thing regarding the difference between the Planning Commission and the Economic Development Commission. He pointed out that the Development Commission is empowered by the ordinance to take action on their own, whereas the Planning Commission is not. They are just a recommending body. He pointed out the Development Commission is different from any other Commission established by Council. The Commission actually has the ability to take action on a matter. They are enabled to do that by the state legislation. They do not have to bring a recommendation to Council. He said this Commission will bring recommendations to Council as we have a good relationship with the Commission. He asked about the Aiken Corporation and their relationship to the City. He stated he did not recall appointing anyone to the Aiken Corporation. He asked if the Executive Committee chooses who to serve on the Aiken Corporation board. He also noted that the Aiken Corporation makes their own bylaws. He suggested that on second reading it be suggested that the Development Commission be able to do their own bylaws. He felt the Commission will continue to evolve, and there may be other changes in the future.

Mr. Bedenbaugh stated there are two Councilmembers appointed to the Aiken Corporation as ex officio members.

Councilman Girardeau stated he felt it was important that a Council member be involved in some way, perhaps like we do for the Planning Commission so we have some working knowledge of what happens.

Councilwoman Gregory stated if we pursue the Mayor's suggestion and empower them to do their own bylaws then Council does not need to be there. But if Council keeps the Commission where City Council is the governing body, then a rotation of Council attending the Development Commission makes sense.

Councilwoman Price asked the City Attorney if she could attend the Commission meeting as an observer with no input at all. She asked if she would be prohibited from sitting in the audience as an observer. Mr. Smith stated if the meeting is a publicly noticed meeting anyone can go and sit in the audience and observe. He said where you could potentially run into a problem is having the Council members in the room sitting next to each other and the Commission discussing something and Council saying they don't agree with that. He said that could present a problem if Council made their positions known prior to the matter coming before Council. That would be undue influence of the board.

Councilman Girardeau stated at the Aiken Corporation meetings, he just listens until they ask him a question.

Councilwoman Brohl pointed out that is one person giving their opinion, not all of Council. She said her point was in that situation there is an information deficit when that issue comes before Council. She pointed out that she would never speak for her fellow Council persons because they don't all vote the same way all the time. She pointed out from what she read the Councilmembers should never have been regular voting members, but should have been ex officio members from the beginning.

Mr. Smith said the state law does not prohibit Councilmembers from being members of the Economic Development Commission.

Mr. Tim O'Briant, Economic Development Director, stated in the statute it is specifically an either or--Council or a governing body. Council could choose to serve as the Commission itself. We did a hybrid. Or Council could appoint five to nine members. What we did was a hybrid where Council appointed six members and three members of Council. The power resides under the statutes with Council. At any time, Council could hold a vote and remove all the Commission members and Council take over the Commission.

Councilwoman Brohl stated she understood when she first came on Council that Council did not have the expertise or the time to be the development commission. She pointed out that people in the community are asking if Council is running the Commission and telling them what they should do.

Councilman Girardeau stated it is one of the balancing things. He said he has the expertise and was making the time. He said, however, from the discussion he is not sure that is the best thing to do and from the discussion he is not sure what he has been doing with Aiken Corporation is the right thing to do. He said the decision as we talk though it is what is the best way to handle this on both the Municipal Development Commission and Aiken Corporation. He pointed out that Aiken Corporation is very similar to the Development Commission.

Councilman Woltz stated he feels the best thing is for the three Councilmembers on the Municipal Development Commission to agree to step down and the City Manager step down and let one person work with the Commission. Then let the Commission do what they want to do.

Mayor Osbon asked Councilman Woltz if he felt the City Manager should not be an ex officio. Councilman Woltz stated he felt the City Manager should not be an ex officio. He said to let the Commission decide.

Councilwoman Gregory stated if there is an ex officio that it should be the City Manager.

Mr. Bedenbaugh pointed out that the Commission had recommended that the three Councilmembers serve as ex officio members. That was stated in the email that was sent by Mr. Dangerfield last week.

Councilwoman Price stated she thought the three Councilmembers had already concluded without any hesitation that they would step down. She said the only reason she continued to serve was because there is no diversity on the Commission. She pointed out that she felt there will be some diversity on the Commission because we have a Commission that is aware of the importance of that. Councilman Girardeau stated that is very important, and he was glad that Councilwoman Price brought that up.

Councilman Girardeau asked where do we go from here. Mayor Osbon noted that the Commission had made a recommendation of some persons to serve on the Commission to replace the three Councilmembers.

Councilman Girardeau pointed out that David Jameson is an ex officio, but he would run into some of the same problems as the Councilmembers ran into and would not be able to vote on some matters as he would have a conflict of interest.

Mr. Bedenbaugh stated when he spoke to Mr. Jameson several weeks ago, Mr. Jameson's preference was to serve as ex officio because of his being the Chamber of Commerce President. Councilwoman Gregory said it made sense for David Jameson to serve as an ex officio.

After discussion, it was the consensus of Council to let the Commission select three members to replace the three Councilmembers who will step down and make a recommendation to City Council.

Mayor Osbon asked if changes could be made in the proposed ordinance on first reading. He said he would like to give the Commission the courtesy to hear the changes Council is proposing before approving the ordinance. He said he was for the Commission having their own bylaws, making their own appointments, and he felt the City Manager and the President of the Chamber of Commerce should be ex officio members because of their positions, not the person.

Mr. Bedenbaugh stated the Commission is not going to meet until after tentative second reading of the ordinance to change the membership of the Commission.

Mayor Osbon suggested that the item be continued because he felt there are some things to work out and he felt the Commission deserves the courtesy to know what Council is planning to do with the Commission.

Councilwoman Gregory stated she agreed with the suggestion to continue as the recommendations suggested by the Commission and the suggestions from Council are different, and it would be good to let the Commission know what Council is considering.

Mayor Osbon stated an option is to pass something on first reading and amend it on second reading. Mr. Bedenbaugh pointed out that Mr. Dangerfield will be present at the 7 p.m. meeting.

Councilman Woltz suggested that Council go ahead with first reading of the ordinance and discuss the proposed changes at the meeting when Mr. Dangerfield is present.

Councilwoman Price stated since the three Councilmembers had agreed to step down, she would like for that amendment to be made to the ordinance so the Commission would know that they can proceed with finding three replacements.

It was agreed that Council would amend the ordinance on first reading.

NOISE ORDINANCE

Mayor Osbon stated the final item for discussion was the noise ordinance.

Mr. Bedenbaugh stated over the last few years, as more people move to downtown, we have received several complaints about noise. Over the last year, there has been more discussion about possibly changing the noise ordinance. He said he would like to get Council feedback on the issue. As we look to attract more people to live downtown, the noise issue is going to come up more often. Staff believes that our noise ordinance should be looked at to address some of these items now, before downtown sees more residential properties and try to get ahead of issues, while also recognizing that residents living downtown should have a different expectation of "quiet" than a resident living in a traditional subdivision/neighborhood.

Mr. Bedenbaugh stated he would like some direction from Council. He pointed out that in talking with the Planning Director, our noise ordinance is written in a city-wide perspective. As we encourage individuals to move downtown in a multi-use area, we have heard from multiple residents with unique problems related to noise. There have

been complaints about noise from a small industry doing work to HVAC units, to amplified music, to street sweepers in the wee hours of the morning. He said in a multi-use area the definition of quiet may be different than it is living in a traditional planned subdivision. He asked if we need to look at our noise ordinance to make those allowances to ensure that residents living in those areas have a good quality of living, but we also don't hamper some of the other aspects of a mixed use part of our city.

Mr. Bedenbaugh stated he was contacted by a lady who lives downtown and has some concerns about noise coming from a neighboring HVAC unit, with decibel readings that are of some concern. That, with four or five other incidents over the last calendar year made him think that staff needs to look at the noise ordinance. He said he does not know what the solution might be. Mr. Bland, Planning Director, stated that other jurisdictions approach this matter differently and possibly we need to look at the ordinance. He asked if that was something from Council's perspective that they would like staff to look at or should we wait until we have additional issues. He said he was of the feeling to be a little proactive because he felt we will see more and more residential uses for our downtown which we are encouraging.

Ms. Patrica Garcia, of 313 Park Avenue SE, stated she had a document with an abstract, problem solution, problem statement, and why the law does not work in her situation and her personal impact statement. She distributed the document to the Council members.

Ms. Garcia stated her problem is a noisy air conditioner with a very loud noise. She felt a residential air conditioning unit should have the same criteria no matter where it is. She pointed out that her problem has been going on since April with the loud air conditioner going on and off which is a disturbance to her. She pointed out she lives in a neighborhood setting. It is law offices and housing.

Mayor Osbon pointed out to Ms. Garcia that the conversation at this time is directing our staff to look at our ordinance to see if we want to make changes to the ordinance considering the different issues, especially in mixed use areas where there is live music and other noises near residential uses.

Ms. Garcia stated she felt changes to the noise ordinance should be pursued.

Councilwoman Brohl thanked Ms. Garcia for bringing the information to Council which will be a help to Council. She said Council will be looking at these issues as others are having problems as well with noise. She said Council will be deciding whether the matter should be studied. Staff will be working on the matter and bring some ideas to Council.

Mr. Bedenbaugh stated staff will look at the issue and bring something back to Council.

A citizen stated she is the owner of Tremont Tree Park which is the affected company. It is very clear from the way Council and the City Manager spoke that they believe everyone is entitled to quiet enjoyment time and businesses are entitled to conduct their affairs. However, Ms. Garcia is not able to have quiet enjoyment because of the air conditioning situation. She has tried informally to resolve the issue without success. She has been informed that in order to proceed she needs Council to add a code provision covering residential installations. She said since Council had stated already that this is a single problem, she wanted to add her voice to Council to accept the request to consider this and take this matter further.

Mayor Osbon stated it seems that Council would like to see staff pursue looking at the noise ordinance with Mr. Bland, Planning Director.

Various Councilmembers pointed out noise issues in their area. Councilman Woltz pointed out that in his neighborhood there is a yard service that starts at 6:30 a.m. Councilman Girardeau pointed out that noise is not just a downtown issue. Councilwoman Price pointed out that there are many people working shifts so she would ask the public to consider that as well. She noted that people on shifts do various things as they have time when not working.

Councilwoman Gregory asked if the matter would be considered city-wide or just downtown.

Mr. Bedenbaugh stated he mentioned it to Council because a lot of noise issues that staff hears about are in the mixed use areas and less in residential subdivisions. He said perhaps the noise ordinance needs to account for some of the quality of life matters. He wondered if the expectation in mixed use parts of the city should be treated differently than it is presently.

Councilwoman Gregory pointed out that she would be curious as to what staff will come up with. She said she sees it being a very difficult issue to address. She pointed out that many city neighborhoods have POAs or HOAs that set their own covenants and ordinances, etc. on noise restrictions. She pointed out that setting the same type of parameters in our downtown area and in our mixed use area will directly impact businesses, jobs, etc. She pointed out there are a lot of parameters to consider. She felt we may be opening something that will be very difficult to identify and address.

Councilman Girardeau stated we already restrict music downtown, and he would hesitate to say we need to make it harder than what we have at this point. Part of the lure downtown is activities that go on and music is part of that.

Councilman Woltz pointed out that in regard to Councilwoman Price's point, he was not talking about individual persons who go out and cut their yards. He was talking about commercial businesses. He noted that most communities have an ordinance that pertains to commercial businesses versus residential.

Councilwoman Price asked if there was a time for construction work to begin in the downtown area. Mr. Bedenbaugh stated there are some requirements for construction work.

Mayor Osbon stated staff will update Council as the process goes along. He noted that everybody has a right to do certain things on their property, but when it becomes something that is annoying to the neighborhood it is probably time to look at the issue.

The work session ended at 6:15 p.m.

Mr. Bedenbaugh stated for the executive session if Council can finish talking about the items before 7 p.m. that is the preference. However, if not Council can come back into executive session after the regular meeting.

EXECUTIVE SESSION

Mayor Osbon stated Council needs to go into executive session pursuant to Section 30-4-70(a)(2) of the South Carolina Code to discuss negotiations incident to a proposed contractual arrangement and proposed purchase of property.

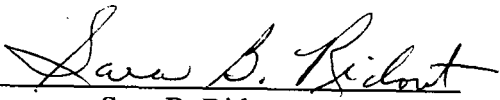
Specifically, City Council will discuss a proposed contractual arrangement with the owners of real estate regarding the possible purchase and/or acquisition of land in and/or near the City of Aiken.

Councilwoman Gregory moved, seconded by Councilwoman Price, that Council go into executive session to discuss the matters noted by Mayor Osbon. The motion was unanimously approved.

Council went into executive session at 6:20 p.m.

After discussion Councilwoman Brohl moved, seconded by Councilman Girardeau that Council come out of executive session to hold the regular meeting and then go back into executive session after the regular meeting. The motion was unanimously approved.

Council came out of executive session at 7:05 p.m.


Sara B. Ridout
City Clerk