

Aiken City Council Minutes

WORK SESSION

October 27, 2014

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

Others Present: Roger LeDuc, Gary Smith, Stuart Bedenbaugh, Kim Abney, Sara Ridout and Maayan Schechter and Tim O'Briant of the Aiken Standard.

CAPITAL PROJECTS

Mayor Fred Cavanaugh called the meeting to order at 6:44 p.m. and stated the purpose of the meeting was to discuss capital projects funding.

Interim City Manager Roger LeDuc stated at the last meeting, he and Glenn Parker went over all the projects the city had. At the time, there were several questions on the funding for some of the projects. Finance Director Kim Abney has laid out the funding commitments that we have, and any future ones that were foreseen, to give Council an idea as to exactly how the projects will be funded.

Councilman Ebner stated since there was a majority of Council present do they have to vote to go into a Worksession. Mr. LeDuc stated not on a Worksession. City Attorney Gary Smith stated they do not take official action during the Worksession.

Mr. LeDuc stated Ms. Abney would review the information that was given to City Council.

Ms. Abney stated there is a lot of activity in the Capital Project Sales Tax III or Fund 017 account. In order to keep everything in line and in order, she stated she put the ordinance dates that the loans were approved with the authorized loans. There are other commitments also. She stated that on the information Council was given, the ones with an ordinance date on the left have already been approved. They are either in process or completed. The last one was not an ordinance, but a motion, so she included it since it was part of the commitments for this fund. Those total \$6.8 million. At this point only \$4.8 million has been received. She stated as of right now all of the loans are paid off and there is cash in the 017 fund. There are projects coming up such as the fence at Citizens Park; the water tank is on the agenda; the stables at Rye Patch have been discussed; and the University Parkway engineering cost. The project is much greater than the \$868,000 listed but that would be the engineering cost and what we would reasonably expect to be spent in the next fiscal year. We do not expect to get into that \$3 million number before next May. With that total, looking at about \$3.6 million based on these estimates as of October 27, 2014, and then projecting the revenue forward for the next three quarters, hopefully next month we will receive a check. Projecting the next two quarters after that through the fiscal year, we would be able to support these commitments. Each one of these remaining commitments would have a note if we need to go to that point.

Councilman Ebner stated to refresh everybody's memory, when CPST III was started, after about the first three items, which were the laptops, SPCA, and the gym equipment, Council decided they wanted to get on a cash flow basis. He thinks that is being done. The only one that there is concern about is the University Parkway cost. Even though it says design for \$868,000 it will probably be \$1.1 million by the time all the geology work and the State work are done. He thinks when the ordinance is rewritten for tonight there needs to be some cash flow added to it so it will not be forgotten a year from now. That is the only one that throws it out of kilter because it is \$3 million. The money will not be spent until 2017 and 2018.

Mr. LeDuc stated he would make an assumption that Councilman Ebner's numbers of \$1.1 million are correct. That would probably not be completely spent until the summer of 2016. There would be more quarters of revenue coming in at that time. Even with the \$868,000 there will be a positive cash flow of a couple hundred thousand dollars. Councilman Ebner agreed. He stated right now there is about \$330,000 cash and the money will be coming in November that would pay off the next note we have. We should keep it just about right. That is the only thing that needs to be watched. There are a lot of large numbers in the beginning of CPST III to expend.

Mr. LeDuc stated when you look at the remaining commitments, we did get the bids in on the water tank at \$145,000, the stable will be at \$100,000 or less, and the bids were received on the fencing and that came in under \$400,000, so it was actually lower than the \$500,000 listed. He stated they feel very positive about the numbers they have. There will be other projects coming up that are still somewhat unknown with the water and sewer commitments that utilities is doing and those are ongoing situations, especially in the Crosland Park area. What he thinks can be done is to update this information on a regular basis and include it in the Issues and Updates so if Council has any questions they will have the information. It is not hard to keep this current and keep the revenue projections at least a couple of quarters ahead of where we are. He asked if that would be helpful for Council. Council stated it would be.

Councilman Philip Merry asked if there was any reason the University Parkway projections should be verified through other bids or discussed with other engineers to see if there is any potential savings in that area. He stated the contract sounded like a pretty extensive list of services, perhaps beyond what was asked for.

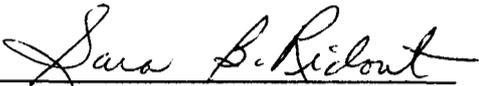
Mr. LeDuc stated there will probably be some additional services that are not on that contract, especially in the hydrology area. They have a fairly small number and with the advent of the fact that University Estates had a blowout in their dam and the water system through that area just a few years ago, we need to study that extensively to make sure that any water coming off this widened roadway is going to be captured at some point. Councilman Merry asked if it will exceed this number. Mr. LeDuc stated it probably will. He stated that is what Councilman Ebner was saying, that it will probably be over \$1 million. We have not talked to Rick Toole about any of the engineering. Everything has been on hold until Council can make that commitment, and we get the commitment with SIB and the commitment with the County. That project is probably at least another 30-60 days on hold before we move forward. It will probably be more of a function of the County than anything. We have the SIB agreement tonight, but we need a commitment from the County.

Councilman Ebner stated he thinks the next step is to take the information and concept plan to the SCDOT and ask if they are okay. After that we would start the hydrology, wetlands, and the dam that the city may have to pick up the cost for. Mr. LeDuc stated we have already met with the University and the Hospital. The preliminary plans have been done. It has to go before SCDOT, but we have everything on hold. Councilman Merry stated that seemed like a good number then.

Councilman Dewar stated we are not moving forward on that without a County commitment. Mr. LeDuc stated that was correct. That project was put on hold in June or July of 2014. Mr. Dewar stated he would like a copy of the sales tax funds that have been received. We are expecting \$1.2 million in November, and he does not have that information. Mr. LeDuc stated the next payment will be received in November and once we have that he will give Council an updated list of the projections. Mr. LeDuc stated Council has the projected sheet that was developed about 30 days ago. It was given out at a Worksession, but he stated he would get it to Councilman Dewar in the next few days.

ADJOURNMENT

There being no further business, Mayor Cavanaugh adjourned the work session at 6:55 P.M.


Sara B. Ridout
City Clerk

Aiken City Council MinutesREGULAR MEETING

October 27, 2014

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, Alicia Davis, Tim Coakley, Charles Barranco, Officer Ricky Brown, Sara Ridout, Maayan Schechter of the Aiken Standard, Tim O'Briant of Aiken Standard and about 75 citizens.

CALL TO ORDER

Mayor Cavanaugh called the meeting to order at 7:02 P.M. Councilwoman Diggs led in prayer, which was followed by the pledge of allegiance to the flag.

GUIDELINES

Mayor Cavanaugh reviewed the guidelines for speaking at the Council meeting. He asked that those who would like to speak raise their hand and be recognized and limit their comments to five minutes.

ADDITIONS OR DELETIONS TO AGENDA

Mayor Cavanaugh asked if there were any additions or deletions to the agenda.

Councilman Ebner stated on Item 1 First Reading of an Ordinance amending the budget for the Woodside Plantation Property Owners, page 84 of the agenda package, that the amounts are blank in the proposed ordinance. He said according to what Mr. Gary Smith, City Attorney, had sent him every proposed ordinance shall be introduced in writing in the form required for final adoption. He felt there should be some numbers included if Council is to adopt an ordinance. He said he would like to add to the ordinance on page 84 beside Woodside \$105,239, the agreed to number if the City had done the work that was outlined in Woodside, Kalmia Landing submitted some information in the amount of \$18,897. He said for the first item under Old Business the motion would be to add the amounts in the ordinance for Woodside and Kalmia Landing. That would complete the ordinance as a voteable ordinance.

MINUTES

The minutes of the Work Session of October 1, Executive Sessions of October 7, and October 17, 2014, and the Work Session and Regular Meeting of October 13, 2014, were considered for approval. Councilwoman Diggs moved, seconded by Councilman Merry that the minutes of October 1, 7, 13, and 17, 2014, be approved.

Councilman Ebner stated he had about a dozen comments, and he was only going to mention a few of them. They have to do with the work session on October 1, 2014, on

the Woodside discussion. He said he had summarized a couple of things which were mentioned over the times. He said he has a copy of his comments for the City Clerk. He said as we know the City did not energize its Emergency Operations Plan in the city during the ice storm. There were obvious communication gaps which have been discussed between the City Manager and Woodside Property Owners Association. The other contention has been there are 367 miles of roads in the City total. The City is only required to maintain 129 of those miles. Those are the streets owned by the City. Of the 129 miles 50 miles are private roads in the city. Thirty-six of those private roads are in Woodside. Under the Emergency guidelines SCDOT and Aiken County would have picked up debris on 238 miles of roads by law at no cost to the City. The former City Manager decided to do all 367 miles. He felt it is important as we discuss this that we all respect each other's opinion. When we had our work session we kind of got off base a little bit. He felt we all need to respect whatever someone says. The other part is that Mr. Smith had mentioned that there may be some other legitimate debris removal from the right of way that could come about. He stated that point was made in the minutes. He said that was a couple of comments that he wanted to have in the minutes. He said he had all the comments in writing to give to the City Clerk.

Councilman Ebner moved that the minutes of October 1, 2014, be amended to include his comments. He pointed out that 97% of what he said was already in the minutes. The motion was seconded by Councilman Dewar.

Mayor Cavanaugh called for a vote on the motion to approve the minutes as amended. The motion was unanimously approved.

October 27, 2014

To be included in the minutes of the October 27, 2014 City Council meeting

City Council Agenda for October 27, 2014 Meeting-Work Session Minutes Approval-page 4 to 24: Additions and Correction to the minutes

1. City management decisions have caused POA reimbursement and citizens issues
 - i. City of Aiken Emergency Plan not activated in a State declared emergency
 - ii. CM did not reply to Woodside during early stages of debris removal or to email
 - iii. CM knowingly did not invite City Council nor residents to city kickoff meeting to discuss citizens concerns (city council meeting on 4-1 and kickoff on 4-3)
2. City staff required to remove debris on 129 of 367 miles. Due to no trees near roads and Woodside removal work actual mileage was approximately 110 miles
 - i. 367 total miles of roads in city limits. 79 miles of city roads. 50 miles of private roads
 - ii. 36 of 50 miles of private roads are Woodside roads
 - iii. 24 of the 36 miles of Woodside roads cleaned by city and Greenville (7 miles by Woodside and 5 miles with no trees near roads)
3. SCDOT and County roads in city limits
 - i. 238 miles of SCDOT/County roads in city (367-129)
 - ii. CM had no legal requirement or authority to disallow SCDOT in city limits or interfere with state contractors
 - iii. SCDOT and County would have removed debris at no cost to the city
 - iv. City tax payers paid for part of debris removal on SCDOT and County roads
4. Debris Removal Time Line
 - i. City back to normal pick up service by second week of June, debris pile removed by August 8
 - ii. N. Augusta (157 total miles) back to normal pick up fourth week of March, no debris piles
 - iii. Aiken County finishing third pass by first week of April, debris pile at Fair Grounds gone
 - iv. City should have been back to normal pick up by end of March and no debris piles
5. Citizens made decisions to spend their funds based on delayed city pickup and knowledge of the progress in N. Augusta and Aiken County.

6. City Council and citizens need to respect each other's opinion and decisions in relation to storm clean up.
7. If citizens have performed legitimate debris removal from right of ways, the city should honor their request for funds.
8. A FEMA/SCMD investigation can be requested to verify storm debris.

End of Document

RD Stone 10-27-14

BOARDS AND COMMISSIONS

Appointments

Mike Beckner

Recreation Commission

Elizabeth Neal

Senior Commission

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

Mr. LeDuc stated Council has 25 pending appointments to fill vacancies on different City boards, commissions, and committees. Two appointments are presented for Council's consideration and vote at the meeting tonight.

Mr. LeDuc pointed out that a recommendation by Councilwoman Diggs for appointment to the Accommodations Tax Committee was being removed from this agenda for further information. He stated staff had provided Council with some information regarding the categories and defined roles that appointees to the Accommodations Tax Committee must have to serve on the ATax Committee as required by State law.

Mayor Cavanaugh has recommended the appointment of Mike Beckner to the Recreation Commission to replace Brenda Mills who has resigned. If appointed Mr. Beckner would fill the unexpired term of Ms. Mills and the term would expire September 1, 2015.

Councilmember Dewar has recommended the appointment of Elizabeth Neal to the Senior Commission to replace Anthony Coffaro who has resigned. If appointed she would fill the unexpired term of Mr. Coffaro and the term would expire March 14, 2015.

For Council consideration is the appointment of Mike Beckner to the Recreation Commission, and Elizabeth Neal to the Senior Commission.

Councilman Dewar moved, seconded by Councilman Homoki, that Michael Beckner be appointed to the Recreation Commission and Elizabeth Neal to the Senior Commission. The motion was unanimously approved.

Mayor Cavanaugh asked if Council had any recommendations for the next Council meeting.

Councilman Dewar stated he would like to recommend reappointment of Robert Besley to the Planning Commission.

Councilman Homoki stated he would like to recommend reappointment of Judy Turner for the Board of Zoning Appeals, and Kent Cabbage to the Planning Commission.

DOLL HOUSE – ORDINANCE 10272014

Hopelands Gardens

Aiken Garden Club Council

Lease Renewal

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to renew the lease with the Aiken Garden Club Council for the Doll House at Hopelands Gardens.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE EXTENSION OF THE LEASE BETWEEN THE CITY OF AIKEN AND THE AIKEN GARDEN CLUB COUNCIL CONCERNING THE OPERATION OF "THE DOLL HOUSE" LOCATED IN HOPELANDS GARDENS.

Mr. LeDuc stated our lease with the Aiken Garden Club Council for the Doll House expired on September 30, 2014. The Garden Club is interested in the renewal of the lease for an additional 20 years. The initial lease was executed in 1974 and renewed in 1994. Historically, the Garden Club Council operates the Doll House and takes care of the shrubbery and landscaping immediately around the Doll House. This has always been a very positive relationship and has been a nice addition to Hopelands Gardens.

Council approved this ordinance on first reading at the October 13, 2014, meeting. For City Council consideration on second reading and public hearing is an ordinance to renew the lease with the Aiken Garden Club for the Doll House through September 30, 2034.

The public hearing was held.

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council approve on second reading and public hearing an ordinance to renew the lease with the Aiken Garden Club for the Doll House at Hopelands Gardens for 20 years with the lease to expire September 30, 2034. The motion was unanimously approved.

WINTER STORM PAX REIMBURSEMENT REQUEST – ORDINANCE

Woodside Plantation

Kalmia Landing

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the FY 2014-15 Budget to reimburse Woodside Plantation Property Owners Association for Winter Storm Pax expenses.

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 at the September 8, 2014, City Council meeting, we heard a presentation from Nancy Hughes, the 2013-14 President of the Woodside Plantation Property Owners Association [WPPOA]. On behalf of the WPPOA, she requested the City consider reimbursing them for Winter Storm Pax storm debris cleanup expenses. At the October 1 work session, staff presented Council with eight options for potential storm reimbursement. Other than Option A, which is no reimbursement, all other options would require an ordinance amending the City's FY 2014-15 budget since an unbudgeted expense will be accrued. The ordinance amount and who shall be reimbursed are left blank. This will be filled in should Council agree that WPPOA and KLHOA will be reimbursed.

Since our October 1 work session, we have received a list of Winter Storm Pax storm debris expenses from the Kalmia Landing Homeowners Association [KLHOA] totaling \$18,897. If Council chooses to reimburse WPPOA using a funding method, KLHOA has indicated they would like to be reimbursed for their storm debris expenses as well.

For Council consideration is first reading of an ordinance Amending the FY 2014-15 Budget to Reimburse the Woodside Plantation Property Owners Association for Winter Storm Pax Storm Debris Cleanup Expenses.

Mayor Cavanaugh pointed out that Councilman Ebner at the beginning of the meeting had requested that the ordinance be amended to include dollar amounts for reimbursement for Woodside Plantation and for Kalmia Landing. He asked that Councilman Ebner repeat the changes he requested.

Councilman Ebner stated we are trying to close this out tonight. Councilman Ebner moved that the first reading of the ordinance amending the 2014-15 budget to reimburse Woodside Plantation Property Owners Association for the Winter Storm Pax expenses be amended to reimburse Woodside \$105,239 which was the agreed to number between the

City and the Woodside Plantation Board of Directors which came from one of our numerous worksessions on this matter as the amount that it would have cost the city to remove that amount of debris and not the original amount. Kalmia Landing had said they would like to have some reimbursement based on anything else the city did. They did submit their expenses in the last week or so as \$18,897. He said his motion was to approve the ordinance on first reading with the two dollar amounts included in the ordinance. The motion was seconded by Councilman Dewar. There was no discussion. Mayor Cavanaugh called for a vote on the motion. In favor of the motion were Councilmembers Dewar, Ebner and Homoki. Opposed were Mayor Cavanaugh, and Councilmembers Diggs, Price and Merry. The motion failed for lack of a majority vote.

Mayor Cavanaugh asked if Council would like to submit another motion for consideration.

Mayor Cavanaugh stated this matter has worried him very much in trying to determine what should or should not be done. He said he still comes back to the same thought he had early on. He said he had tried to move around it. He said we have heard all the discussion about this issue from city staff and from Woodside people whom we dearly love and care about very much. He said, however, his personal view is that the City of Aiken would have picked up the debris. He thought no one could question that. Everyone was under the same problem concerning the storm as everyone else. It was a wide-spread storm, including a lot of South Carolina. Everyone had the same problem. Everyone had to wait for pickup of the debris on their street. However, he would say the next morning after the storm we began to see people out using their chain saws helping each other to clear the streets. He said he was sure they were doing that in Woodside also. He pointed out he had three trees to fall. Two of the trees fell across the street. The trees could not be removed from the street for a long time because of other trees in the street. He said everyone had some of the same conditions. He said he had not heard anyone yet from the city, from his neighbors or anyone else, that they expect to be paid for what they did. Many of them, including him, hired a company to help clear the area. He said it cost him about \$7,000 for the work they did, and he was reimbursed very little from his insurance company. He said the neighbors worked together, and he was sure the neighbors worked together in Woodside.

Mayor Cavanaugh said the city did not tell Woodside to move ahead and have the debris removed. The city would have picked the debris up. He said Woodside had to wait, but everybody had to wait. The debris was just piled up in the right of way in front of the houses. He said he was taking the position that there should be no reimbursement given to Woodside because of what happened. He said Woodside made the decision. He said we all have made decisions in life and are sorry for some of them, but we made the decision. He said that is where he stands on the issue, and did not know where anyone else stands.

Mayor Cavanaugh stated he would move that the Woodside Property Owners Association not receive any reimbursement for expenses due to Winter Storm Pax. The motion was seconded by Councilwoman Price.

Councilman Ebner stated he would raise a point of order. He pointed out that Council had already voted not to give any money. He said unless there is a motion to give money, he felt that would be appropriate. He said he made a motion for a certain amount of reimbursement and that was turned down.

Mr. Smith, City Attorney, stated because the motion for reimbursement was turned down does not mean the reimbursement is zero. He said if the first motion fails, it is appropriate if Council wants to consider a second motion. He said just because a motion was turned down does not mean the city has agreed to pay zero.

Councilman Dewar stated he understood what Mayor Cavanaugh said. He said it was not an issue that he or he felt anyone looked forward to discussing this evening. He said he does not agree with one comment the Mayor made regarding Woodside moving ahead. He said they were told essentially they were moved behind. They were told they were

going to be last. He said he spoke to Tim Coakley, Director of Public Services, before the meeting. He said to him personally the impact of the storm in 2004 shortly after he came to Aiken and the storm in 2014 there was no difference and there was no issue in 2004 with Woodside. He said he was not sure why. Mayor Cavanaugh pointed out the 2014 storm was three times worse than the 2004 storm. Councilman Dewar pointed out he was without power in 2004 the same number of days as in 2014 and he had trees down in 2004 also. He said the fact is that we did not have the issue with Woodside in 2004. The Public Services Department went out and did their job. He said we should not have had this issue this time. He said he and Councilman Ebner tried to get people on board to prevent this, but they failed. He said what Woodside was told, and he thought staff would bear it out, was that they were in the second category. They had private roads, and the city would take care of the public roads first and then the city would get to them and that it may be May or June before the city got there. To be fair the city did send out the Greenville crew for the residences even though the City Manager kept the crews down to 10 hour days when they all came hoping to work all kinds of overtime. That went a lot slower than it needed to. He said he was prepared to live with anything, but he wanted to know what we will do for the next storm. He said he did not want to be back here treating one group of residents differently than another group simply because they live behind gated communities. He asked what we are going to do the next time we have a storm.

Mayor Cavanaugh stated that matter was not on the agenda. However, we need to get a committee together immediately and start talking and planning about exactly what we need to do based on what we saw happening. There were mistakes made. There is no doubt about that, but his point is that it affected everyone not just any one section or group.

Councilman Dewar stated he understood that it affected everybody. It affected every taxpayer in the City of Aiken.

Mayor Cavanaugh stated that is right, and it had been stated many times by experts that the 2014 storm was three times as bad as the 2004 storm. Mayor Cavanaugh stated he was in the other storm also, and he knows the 2014 storm was much worse than 2004. He said that could slow things down as well.

Councilman Ebner stated he felt there are some legal issues here. He said he had tried to be pleasant in describing the matters. The State declared an emergency. The City never declared an emergency until almost two weeks later. The City was shut down for three days. Employees were sent home. The City never energized its Emergency Plan. The City Manager at the time made the decision to clean all the roads in the city. He said he talked with SCDOT who went to their legal advisor. The City Manager had no legal requirement or authority to disallow SCDOT in the city limits and to interfere with State contractors. He said the City picked up 238 miles of roads that we did not need to as the State would have picked them up. They would have been picked up at no cost. The rest of the County was basically done with pass three by the first week of April. The City did not finish the first pass until June. There are 129 miles of roads in the city. There are 79 miles of city roads. There are 50 miles of private roads. That information is from our Engineering Department. If you look at it, there were only 24 miles of the private roads that were picked up in Woodside, if you take out the seven miles that were picked up on Plantation and take out about five miles that had no trees. There were about 15 or 20 miles of city streets that had no trees. He said the early on decisions caused a lot of people to spend a lot of money they did not have to. He felt there was no doubt about that. He said people picked the debris up out of the right of way to move it; that is a city responsibility. What has happened is that once the people saw by the third week and fourth week that the work was not going to get done, they started spending a lot of money to do their own work. He said people made a decision based on that.

Mayor Cavanaugh stated he did not think all of them waited that long to make a decision. He said he made a quick decision and his neighbors made quick decisions.

Councilman Ebner stated that as a result of this, out of our taxpayers dollars, the city taxpayers pay about \$300,000 out of our city tax funds to clean the state roads. If the State reimburses that then we break even. Right now we are about \$300,000 in the red for cleaning up the state roads, plus all the heartache that this caused us. He felt all the citizens made decisions on what they saw was going on. They have friends in North Augusta and Aiken County. They saw debris being picked up. He felt Kalmia Landing was treated very poorly. He said that neighborhood has .7 miles of roads, and the city did not push the debris out of the way. He felt that was an issue that should have been handled. He pointed out that the key goes back. We have an Emergency Plan that we did not put in gear. It says in the plan that we would call the emergency, with the Mayor being the primary one to call the emergency. The order would come from Public Safety. Then all of these decisions would have gotten reviewed at the time—the help we needed and what help we didn't get. He said he felt there is a chain of events that are an unfortunate part of the history of Aiken. He said whatever we do at this meeting, he wanted to be sure we finish with it. He said this matter has been discussed six or seven times, and it appears to be a good topic that everybody wants to discuss. He said we need to close this matter out tonight.

Mayor Cavanaugh stated he agreed and thinks everybody agrees. He said everything Councilman Ebner mentioned affects everybody, and certainly we have learned. He said everything Councilman Ebner had said we will have it on paper, and we will start with that when we start managing what we do for the next time.

Councilman Ebner stated we had an Emergency Plan that we just did not follow. Everything rolled down off that.

Mayor Cavanaugh stated nevertheless it affected everyone the same basically.

Councilman Homoki stated when we claimed reimbursement from the State and directly with FEMA we actually got reimbursed for the work that the people in Woodside paid for. He said that is one thing which is kind of incongruous. Not only did the Woodside people pay their \$300,000 which would have cost the city about \$105,000 to do the work. When the claims to FEMA and the State went forward the city took credit for the clean up that happened at Woodside. He felt that is something that the city needs to look at. There are some potential figures that should be corrected.

Mayor Cavanaugh stated no one yet has mentioned all that was done. He asked that Mr. Tim Coakley, Public Services Director, come and tell what he did the night of the storm and the days after the storm. He said the city spent a lot of money in Woodside to clean it up.

Mr. Coakley stated the event was not a single day, but lasted probably two full days. He said he was in charge of Public Services and assembled a team. He said with his Department and the Engineering and Utilities Department, there was a group of about 40 people, which included mostly people who were qualified to carry a chain saw and operate all the backhoes, etc. and the group fell directly under his charge. He said they worked basically through Public Safety. The calls came into the Police Department, and he dispatched a crew to clear a road. He said they ran like that for two to three days straight. He said his crews were heroes. They worked 20 hour days and slept on the floor in his office for about three or four hours and got back up and worked a 20 hour day. In response to a question as to how much was done in Woodside, Mr. Coakley responded that as much work was done in Woodside as in any other part of the city. He said the initial goal was to keep state highways and routes to the hospital and Public Safety stations open. He said crews were staged at the Fire Stations. As the calls came in that trees were down, we kept the primary roads open. We never lost control of the primary roads for any significant length of time. He said they considered Woodside Plantation Drive as a primary road with so many residents using the two gates. He said he was personally on a crew that cut the main entrance open three different times. He pointed out that Tom Rapp had told him early in the storm that he had taken nine trees out of Plantation Drive. He said they did not treat Woodside any differently under the emergency response. He felt it was important to note that our emergency response went

well. He felt the citizens of Aiken need to feel safe that anytime there is a thunder storm, hurricane, or an ice storm, the employees are out there giving it all they have. He said we really did not lose any major arterial roads in the City of Aiken for any length of time. He said some of the neighborhoods did and we got them back to minimum pass as soon as we could. He felt the initial emergency response for the first 48 hours went very well.

Mayor Cavanaugh asked about the crews from Greenville coming to Aiken. Mr. Coakley stated the crews from Greenville came to Aiken almost a month after the storm. The storm lasted Tuesday, Wednesday, and Thursday, and the city crews pushed and tossed the debris. They would cut a tree at a curb line and another curb line and then take a backhoe to it to get it out of the road. They did that all day Friday and Saturday. They took Sunday off as they felt the roads were in good enough shape by Sunday that they took a break. They came back Monday to begin the process of picking up debris in front of people's houses. The decision was made then to put one of our grapple loading units in each Council district. Some immediately went to Woodside. That week we started getting calls from other cities about mutual aid. Some came quickly—Springdale near the Columbia area came the next day. Greenville took a little longer to mobilize, but they came with 14 or 15 people. They were the biggest group so as soon as they arrived we sent them to Woodside and relieved our crew out of Woodside. We found that putting six crews in six different areas was not as efficient as putting them in pairs. They seemed to be able to do more quickly. He said the fourteen employees from Greenville were sent to Woodside. He said there are 40 miles of streets in Woodside, and the city picked up 33 miles of the streets with city crews and mutual aid crews. He said the only road we are really discussing is Plantation Drive.

Councilman Merry asked how soon the city started picking up debris after the storm. Mr. Coakley stated the city started picking up debris on Monday after the storm. Councilman Merry pointed out then the only day the city was not working then was on Sunday after the storm.

Mr. Coakley stated that was correct. He said none of the employees had had much sleep so they decided to regroup. He said his crews needed to check on family as they had not been home in three or four days. He said they came back on Monday and worked from sun up to sun down for months.

Councilwoman Price asked if Mr. Coakley had indicated that the city trucks have cameras on the trucks. Mr. Coakley responded that at the time the city was experimenting with cameras on our garbage trucks with four cameras. He said one camera points out the front of the truck, one out the back, and one out each side. He said that was being done mostly for employee safety. We get a lot of twisted ankles with people jumping on and off the back of the truck, and we wanted to be able to review injuries, etc. It just happens that just two weeks before the storm we had cameras on half of our fleet. He said the fleet that was assigned to pick up Woodside had cameras. He stated we started picking up garbage on Monday and Wednesday of that week was the first garbage day for Woodside. He said we had complete video of what the streets looked like in Woodside. He said it was very clear that traffic was flowing in two lanes. You can see the piles three or four feet off in the grass.

Councilwoman Price asked how many weeks the city was in Woodside consistently. Mr. Coakley stated they were in Woodside at least six weeks.

Councilman Merry pointed out that the spreadsheets that Mr. Coakley provided to Council showed that Greenville was finished around the 26th of March and then moved into Dunbarton Oaks. He pointed out that 33 miles of roads in Woodside were finished before the end of March. Mr. Coakley stated that was correct. The crews had cleared the area one time. He said all the areas of the city were all finished one time about that time. He said Dunbarton Oaks had not been cleared one time yet. He said Woodside was not last. He said there were some statements that Woodside was put in last, but that is not true. They actually had services quicker than anyone else, except for Woodside Plantation Drive. It was pointed out that Woodside Plantation Drive was cleared, but not cleaned. Mr. Coakley stated that was correct. They did not haul the debris away from

Woodside Plantation. It was passable with two lanes of traffic. The debris was just sitting on the side of the road.

Councilman Ebner stated to be clear, there are 36 miles of private roads in Woodside. There are 7 miles on Plantation and East Gate Drive. About five miles of that has no trees. He said that leaves 24 miles of roads to clean up. He said Mr. Coakley, Mr. Bedenbaugh and the POA discussed that. The actual pick up was 24 miles. He said the debris was pushed out of the way on Plantation Drive in the beginning. Secondly, the State tells us they had 60 crews with trucks and pushers ready to come into the city. He asked why those crews did not come and work on the 238 miles of city streets. He asked the reason why they did not come. He said Councilman Dewar talked with someone at the District office, and he talked with the State guy. The crews from the State were supposed to come in to pick up 238 miles. The City was supposed to pick up 129 miles.

Mr. Coakley stated there was a precedent set in the 2004 storm, and city crews did all the debris hauling in the 2004 storm. He said he did not know the reason behind it. He said there were city taxpayers living on the roads, and he could see why the city would want to help the State clean those streets as fast as they could.

Councilman Ebner stated someone told them not to show up. The crews were here, and they were run out of town three times. He said he understands he is putting Mr. Coakley on the spot. He said he got a little different story as to why the state crews were not working in the city. He said he would think we would work together. He said we can pick on Woodside and Kalmia Landing, but still we had 60 crews that were available to come in the city and clean up debris. The rest of the County was finished by April. He said he was not picking on Mr. Coakley as he did what he was told. He said we are tending to try to not look at the past and how we got here today. He felt how we got here is important. He said he had already checked with the State and with SCEMMD. He felt we did not need to, but if we want to get all the facts and figures we can ask for an audit of what was done. He thought what Mr. Coakley said about everything he did had been done. He felt picking on a couple of neighborhoods or saying everybody had to wait is true, but we need to see why they did not wait. He said he thought Council knows and Councilman Dewar has alluded to it, that basically Council and the neighbors were all disinvited to the meetings. The State came to Aiken and worked 14 days and picked up a lot of mileage that had never been touched yet. He said he felt Council needs to understand a little bit of the history. Whether we pay Woodside or Kalmia Landing, it is still a philosophy discussion. He said he thought we had some serious things that we let go that we as Council knew about. He said he wanted to be sure that we all know that. He said he was not picking on Mr. Coakley at all. He said he knows what he went through as well as the rest of the city. He said the city staff did good, but he is just saying they did their job. However, they tried to do five times as much with one-fifth of the work.

Mayor Cavanaugh stated Mr. Coakley and his crews did a super job. He said we have to put this in the next plan. Councilman Ebner stated it was already in the plan.

Councilman Dewar stated he wished he could agree with the Mayor, but he does not agree. He said he had not seen anything Council has done to deal with Plantation Drive. He said one of the differences between 2004 and 2014 is the FEMA regulations. He said he had talked to the consultants, and they told him that after Katrina the FEMA regulations were changing almost by the day. They did that as a way to get reimbursement. He said we never got started on the right track. He said we need to make clear what we are going to do for Plantation Drive in the next storm so Woodside understands they will get support from the city or they are on their own. He said tonight they are being told they are on their own. If that is the way it is going to be that is fine, but we need to quantify that so they will be prepared to know what they have to do the next time.

Councilman Ebner stated he had one more question for Mr. Coakley. He said it is his understanding that the residents of Kalmia Landing do pay a \$14 fee per month for garbage service, but they have a commercial garbage and debris up. The city does not

pick up in Kalmia Landing. Mr. Coakley stated he thought Kalmia Landing has a landscaper that takes care of the whole neighborhood. He said the City has picked up in Kalmia Landing before on an on call basis, but they normally decline the city's service.

Councilman Ebner pointed out Kalmia Landing residents are paying the \$14 fee, but the city would not go clear their roads in the emergency.

Mr. Coakley stated he could not speak for Kalmia Landing. He said he did not take any calls from Kalmia Landing.

Councilman Ebner stated he had talked with several of the neighbors early on and had talked to the previous City Manager asking why we did not go into Kalmia Landing and at least push the debris out of the way in the neighborhood.

Ms. Nancy Hughes stated she was the former President of Woodside Plantation Property Owners Association. One thing she wanted to mention listening to the conversations tonight, is that they made the decision about cleaning Woodside Plantation Drive and East Gate Drive based on the information that they had. The day after the ice storm Mr. Coakley told them that he did not know when he would be able to get to Woodside Plantation and East Gate Drive because they were not residential streets. He said it would likely be a long time and could be months. She said they made a decision based on that. She said there are 85 roads in Woodside that only open onto Woodside Plantation Drive or East Gate Drive. She said they could not leave those roads for months so they had to make a decision based on that. She said they made a decision and contacted Weiss services and Cold Creek to come in and clear those two roads which allowed the City to come in and clear the residential streets. She said she did not think anyone disputes that Mr. Coakley truly did an awesome job clearing the residential streets. Once they finally got in there, they worked very quickly and did a great job.

Councilwoman Diggs stated Ms. Hughes makes a very good argument and their document was excellent. She said she did not think any of Council is disputing anything that Woodside did to clear Woodside Plantation. She said her biggest problem is that there was no pre-authorization for reimbursement. She said if they had asked and someone from the city had told them to go ahead and they would be reimbursed and if that document was in place not only for Woodside, but also Kalmia Landing she would give them every penny they asked for.

Ms. Hughes stated that sounds reasonable, but the problem they ran into was that they were under the assumption they were to apply directly to FEMA. She said they were told FEMA would reimburse them. Their caseworker said they had a good case. She said they went through the process. It was not until much later in May before they found out they were not eligible. She said they really did not have the opportunity to come to the city. The SCEMD and FEMA said they should go to the city and ask the city for reimbursement. She said they did not have an opportunity prior to that.

Councilman Ebner said to add to that it is in the minutes of the October 1, 2014, meeting that Mr. Coakley specifically told Ms. Brock that he could not pick up the debris and did not have the authority to do it and referred to the former City Manager. The former City Manager never returned the calls to Woodside. In fact did not return any of them or emails. He said it is kind of hard to authorize reimbursement if he did not talk to them.

Councilwoman Diggs pointed out that reimbursement was not authorized. She asked if anyone else was approached about reimbursement other than the former City Manager, such as Council.

Councilman Ebner pointed out that Council members did mention it to Mr. Pearce. He said he understands there was no authorization.

Councilwoman Diggs stated her biggest problem is there was no authorization to go ahead and do the work, and they were not told they would get reimbursed. She said she has no problems with Woodside and Kalmia Landing, and appreciates both areas. They

are lovely places. She feels they contribute a lot to the city, but her issue is there was no document pre-authorizing the reimbursement for either development. She said if there had been a pre-authorization she would give Woodside the \$303,000 and Kalmia Landing what they were asking for. She said in good conscience she could not honor the request because there was no pre-authorization.

Councilman Ebner stated he understands the position. He said the City Attorney would probably agree with him, when one party asks for something and the other party does not answer there is a certain amount of precedence set for that. He said he does not intend to pursue it here. It is not worth his time to keep dragging this out. Those conversations were one way and did not happen. It is in the minutes of the meeting. He said he respects what Councilwoman Diggs is saying if that would have happened. He said if he is alive when the next storm comes along, you will not have to worry because the State will be in here and Mr. Coakley or his replacement in ten years is only going to have to pick up about 110 miles of roads, and they will be done in three or four weeks.

Councilman Dewar stated if it is appropriate, he would call for the vote. He said he felt Council was pretty well firm in the way to go on the matter.

Ms. Leslie Giobbe, Grace Avenue, stated she supports the Mayor 100% in his stand. She said the reason she does is before they moved to Aiken, they lived in a private association in Connecticut. She said the streets were open during the day so people could come and go as they wanted to, but at twilight all four entrances and exits to the area were shut off except for one and that was the only way in or out. She said they had their own police force. They paid city taxes, county taxes, and state taxes, but they were responsible for maintenance of the roads, the trees, and anything and everything that happened in the subdivision. She said they accepted that. She said that is true when you choose to live in a gated community, especially like Woodside where no one can get in. She pointed out one has to stop at the gate and get permission for where you need to go. She said where they were in Connecticut anyone could come and go at will until twilight. She said they paid city, county and state taxes. They also incorporated the area into a tax district, and they were able to float bonds to provide capital and funds to pay for emergencies, etc. She pointed out that during the last storm where she lives they had hanging wires, and they spent thousands of dollars to take care of what had to be taken care of because they did not want there to be a horrible accident or fire, etc. She said they pay city, county and state taxes, but they realized this was part of the cost of living where you live and also your responsibility as an adult and part of the community to take care of some things. She said many of the neighbors were out helping each other. She said she personally hauled over 10 cords of wood from the storm. She said she still has some stacked up and has lots of fire wood for the next few years. She felt if one chooses to live in a really heavily gated neighborhood, you have to accept consequences for that too. She said she understands both sides.

Councilman Ebner stated he had asked some questions such as how could Woodside proceed if they wanted to. He said it would probably take two years in court. He said it is his understanding from the Secretary of Transportation in South Carolina when the Governor declared an emergency, it was to clear all roads. He said he had a vested interest when he was talking to the executive director who is the gatekeeper for the Secretary of Transportation. He said he asked about the private roads. He said all roads were supposed to be cleared under the emergency order. He said if they wanted to pursue it, they could pursue it over that. He said he did not intend to do that as it is not worth keeping dragging the city and the residents through this for the unfortunate condition in the city. He said there are some issues here, and it would take two to three years in court to solve them.

Councilwoman Price stated she knows that Ms. Giobbe spent over \$20,000 cutting down trees and getting things hauled off.

Mr. Keith Encapera stated he lives in Woodside. He said he was listening to all that the Mayor was saying. He said he felt there is a problem with the distinction between what we all do in an emergency situation as far as cleaning up the street in front of our house,

our own yards, etc. He said those are personal situations that need to be done as a community and actually the responsibility of the community. He said Councilwoman Diggs wanted information on pre-authorization, but they were told that was not necessary because FEMA would reimburse them. He said they could not look forward that far in advance to also ask for authorization from the city to do the work. He said it does not make sense. He said this is his first experience with City Council, and it is enlightening. He said he did not understand why there is such a distinction between Woodside and other areas. He said there was talk about pushing back the debris which was done off the road, but it was pushed onto private land in Woodside, whereas in the city it was pushed onto city land. He said there was more of a sense of urgency of getting the debris out. Mayor Cavanaugh pointed out that not everybody has a sidewalk in the City of Aiken for the debris to be pushed onto. He said there was a lot of debris on his yard. Mr. Encapera stated there was debris on his yard too and everybody was in the same boat. The problem is there was the assumption that the debris would be cleaned up. There were promises or indications that it wasn't going to be taken care of in a timely manner. He felt they were being penalized as a community for going forward and trying to clean up the community. Mayor Cavanaugh stated several thousand other citizens in the city had to wait as well. Mr. Encapera said if they had all banded together they could have hired someone to come in and take care of their area. Mayor Cavanaugh stated many citizens in other areas did go together and get their areas cleaned up. They had to pay for getting trees and limbs down. He pointed out earlier that he could not get out on his street as there were trees on both sides of the street. He said people in his area who had saws got out there and cut the trees. Mr. Encapera said the people in Woodside did the same thing. Mayor Cavanaugh stated all over the city we were all in the same boat, and we all had to suffer under the terrible storm. Mr. Encapera stated the city was actually penalizing people who actually tried to help clean up. He pointed out that the city got reimbursed from FEMA for doing all this work when they did not do all the work. Mayor Cavanaugh pointed out that the city paid all the five cities that came in to help with the clean up. Mr. Encapera pointed out that the city paid other cities to come in and help, but when Woodside did their own work the city would not reimburse them.

Councilman Dewar pointed out the issue just involved Plantation Drive. He said the city was not reimbursed for any work on Plantation Drive if that was the point. He said to the best of his knowledge the city was not reimbursed for any expenses associated with cleaning Plantation Drive.

Mayor Cavanaugh stated he does not know of a single citizen in Aiken that worked on their own yard and helped get things out of the street and helped their neighbors that have come and said they want to be reimbursed until we started talking about this. He said obviously they would have something to say about it if we did reimbursement for Woodside. He said that is not the reason that he made the comment that he made on why he thought Woodside should not be reimbursed. He said he made the comment because Woodside made the decision. He said he did not care how long it took to make the decision, they did not come to the city and ask about financial help or reimbursement. They made the decision. He said he did not know about who might have told them they would get reimbursed. He said someone said FEMA told them to get the city to reimburse them.

Ms. Hughes stated they were originally told to apply to FEMA for reimbursement. She said that was the reason they did not apply to the city. She said it was not until months later that they found that FEMA rules had been changed and that FEMA would not reimburse them as they were not eligible. FEMA then told them they should apply to the city.

Councilman Ebner stated the facts are getting fuzzy. He said this goes back to the April 1 meeting. He said Council met in Room 204. Citizens were present as well as contractors. There were contractors present who were saying they could help pick up the debris. Council did not make the decision not to do it. He said at that meeting he asked specifically about the city reimbursing Woodside. He said that was the first discussion in public. It was stated the request should be submitted to FEMA. On April 3 the city had the kickoff meeting with FEMA. Council asked to be there, but they were not invited to attend. He said he was invited to the County kickoff meeting which was a public meeting

with federal officials. He said he asked them about reimbursement. He said that is when he found out that the city had already had their kickoff meeting about four days before the County meeting. He asked the people what Woodside should do. He said it was the same FEMA people who were at the City meeting. The person told him that they should work through the City or Woodside could submit it themselves. He said the former City Manager made it very plain that Woodside needed to have their own caseworker and submit the request through FEMA which is what they did. He said it was June or July when they got the word back that they were not eligible. FEMA specifically said to submit the request through the City which they did. They asked that it be submitted with two payments that the City turned in. The City decided not to do that based on their own internal decisions. The logic behind this goes back to the problem that created this problem. He said to say that everybody had to wait like everybody else is a true statement. He said his position and that of one or two other Councilmembers is that we had a management issue that has caused some citizens to be quite displeased with how it was handled. He said that is why we are here today still discussing it.

Councilman Homoki pointed out that the Mayor had said the city had five communities come in to help the city with the storm aftermath and the cities got reimbursed for their work. He said the city got reimbursed for the work the cities did to help us. He said the city got reimbursed for expenses. He thought the difference between normal operations and the reimbursement for operations to clean up the city was something like \$900,000 and FEMA reimbursed the City in the order of \$1.5 million. He said it was not like the City was taking a beating as far as the reimbursement goes. He felt FEMA very generously reimbursed the City. He said his point earlier was that if in fact the City was reimbursed for getting Woodside cleaned up, then there were no expenses. There were some expenses, but not the expense that it would have cost the city in addition to the \$105,000. He said his point is that the City paid the five cities that helped us with the clean up and the City got reimbursed for their help and got reimbursed generously—about \$500,000 extra from the expenses the city actually incurred.

Mr. Will Gibbs stated he lives on Burgundy Road in Westcliff Subdivision in Councilman Dewar's district. He said on this matter, he feels it is a case of a neighborhood that could not wait. He said the storm was an act of Mother Nature much like Hurricane Hugo and much like the 2004 ice storm. Unfortunately when these type of events happen everybody has to help everybody and there has to be some give and take. He felt that Woodside, Kalmia Landing or any other neighborhood should not ask for reimbursement for expenses because they could not wait. He said we heard Mr. Coakley say that the trees were topped from curb line to curb line to allow fire and EMS cars to go by. He said they probably were not neat. He pointed out that Woodside is a private gated community and not every citizen can ride on those roads. He felt the city was correct in telling Woodside they would be at the bottom of the list as they should be as those roads are not accessible to all citizens. He felt it was a case of where the citizens of Woodside chose to act. He said it was wonderful to have the resources to do that. He felt Council should not approve the request for reimbursement because they chose not to wait. He said he was also very concerned about Councilmembers Homoki and Ebner being residents of Woodside. He said he felt they both should recuse themselves from voting since they are residents of Woodside.

Councilman Dewar stated they asked the State Ethics Commission about that, and the State Ethics Commission indicated that if they were on the Board of the POA they could not participate, but neither is on the Board. He said to ask that they recuse themselves essentially is to give no representation on this issue to Woodside. He said Council is following the guidance that the State Ethics Commission gave to them.

Mr. Gibbs stated ethically that is correct, but there is also ethics and integrity.

Councilman Ebner stated he understands the citizen's position. If we are going to follow what he said it would be rare that all City Councilmembers would vote on anything. He said he could site a number of things that he has been on in the last five years that could be questioned when voting on things. He said we have to go by some rules and regulations. He said he had a number of complaints like the gentleman brought up. He

said at some point we have to go by some rules that the State has and follow them in the city.

Mayor Cavanaugh stated that is right, but everyone has their own opinion on things and has the right to express what they feel.

Councilwoman Price stated that she did want to express some comments about Kalmia Landing. She said when she contacted Mr. Johnson of Kalmia Landing about FEMA reimbursement, Mr. Johnson told her that he recognized that being in a gated community they were not eligible for FEMA reimbursement. He also said the only way they wanted reimbursement was if the city was reimbursing others. If others were to be reimbursed, they felt they should be reimbursed also. She said they recognized that in Kalmia Landing they have a lot of seniors and one way in and one way out of the development. They felt they needed to do something right away. He said FEMA had told them right away they were not eligible for reimbursement.

Councilman Ebner pointed out that the residents of Kalmia Landing pay the \$14 per month for garbage and trash pickup and the City would not go in Kalmia Landing and clear their streets. The City did go into Woodside on the streets where the residents pay the \$14 garbage fee and clear those streets, but the City would not even go in and clear the streets in Kalmia Landing which is about .7 miles. He said it would seem logical for the City Manager to say for the crews to push their debris out of the way whether the city would get reimbursed or not because the residents of Kalmia Landing are paying for something they are not getting.

Councilwoman Price stated they were concerned about the appearance of their development and the concern of having trucks come in. They were trying to keep the integrity and the appearance of that development intact which is why they contracted someone to come in to do the job.

Councilman Ebner stated then what we are saying is that Mr. Coakley would have damaged something in there. He said it is an odd occurrence. He said you have to agree that they are paying for something they are not getting.

Mr. Donald Williams, a resident of Gem Lakes Subdivision, stated he wanted to applaud the Mayor on the stance that he had taken tonight. He said he agreed with him 100%. He said he had a bird's eye view of Woodside Plantation the morning after the storm. He said when he stepped outside his door it looked like a war zone. He said he was a United States Marine Veteran, and he has been in the war zone before. The residents of Gem Lakes pulled together to clear roads. They contacted one another. They knocked on doors. We made sure everybody was safe, and we did what we had to do because it was a crisis that was going on. The community was experiencing a crisis. He said he understands that Woodside experienced the same thing. He said he told his wife that it seemed that all the trucks were going to Woodside. That was his personal opinion. They finally made it to Gem Lakes. They cleared Silver Bluff Road as it was a primary road to get to different areas. He said the Aiken crew did a heck of a job. He said he commended all the emergency services, SCE&G and all the services that participated in the storm clean up. He said there were lessons learned he was sure. Were there different ways to have done business. He was sure there was. He said they had already probably figured that out and fixed it. He said to say that we did not follow protocol or to say there was a step missing in the emergency services way of doing business, does not justify what took place. He said he understands what they did. The residents authorized the work. They paid the price, and they should bear the burden like we all did. He said he spent several thousand dollars of his own money, not in his yard primarily, but in the cul de sac, around the corner, and down the street. He said we all did. He said if there is a problem, it should be fixed he agrees. He said it would not be fixed by reimbursing other organizations or neighborhoods that jumped the gun or maybe was misinformed. He said he did not think the City of Aiken should reimburse Woodside.

Mayor Cavanaugh stated he had made a motion, and it was seconded by Councilwoman Price, that the request of the Woodside Plantation Property Owners Association that they

be reimbursed for their expenses for Winter Storm Pax debris clean up be denied. The motion was approved by a vote of 4 in favor. Those voting in favor of the motion were: Mayor Cavanaugh, and Councilmembers Diggs, Price and Merry. Opposed were Councilmembers Dewar, Ebner and Homoki.

Councilman Ebner asked the City Attorney a question. He asked if Council needed two motions and two votes to have zero reimbursement.

Mr. Smith said that was not necessary, but that was the motion the Mayor made. He said he was going to ask Council as a practical matter, normally you have two readings of an ordinance in order to approve an ordinance. He said basically Council has an ordinance now that seeks to not modify the budget.

Councilman Ebner stated they have two ordinances that say to do that. The first one was voted down so it disappears. The second was voted down so it disappears.

Mr. Smith asked if Council wants to have a second reading of an ordinance that does not amend the budget.

Councilman Merry pointed out the motion was to deny the request for reimbursement at which a 4 to 3 vote turned it down. He asked if that would be the end of the ordinance.

Councilman Ebner stated it was odd that on all the other motions that we have had if they were voted down the first time we voted on them they just went away.

Mr. Smith stated Council had the right to make a different motion other than just zero. He said Council could have made another motion with a different dollar figure.

Councilman Dewar stated usually when Council has an ordinance for first reading, and it is not adopted, there is no second reading, but the ordinance is dead.

Councilman Ebner stated so there would be no second reading on either of the motions made.

Councilman Homoki stated if an ordinance is passed on first reading, there has to be a second reading.

Mr. Smith stated he was asking Council's indulgence. He said if Council wants to have a second reading, we can certainly have a second reading. As a practical matter what Council has voted to approve is for no modification of the budget.

Councilman Homoki asked why Council would not stay consistent and have a second reading.

Mr. Smith stated the reason he brought it up was because he heard other Councilmembers saying they wanted this to be the end of the matter.

Councilman Dewar stated in the past when we have had a first reading, if Council has not voted to approve the first reading the issue is dead and there is no second reading. He said we never have had second reading on an ordinance that was denied.

Councilman Homoki stated that was the first motion. He said the Mayor had a second motion which was accepted so there is usually a second reading on an approved ordinance.

Councilman Merry stated if the motion had been worded to deny the request for reimbursement would the vote have ended it.

Mr. Smith stated if there had been no second motion, there would not have been a need for a vote.

Councilman Merry asked if the interpretation was that Council needed to have a second reading or not.

Mr. Smith stated if Council does not want to have second reading of an ordinance where the first reading has said they do not want to modify the budget, Council can be done with it.

Councilman Homoki stated there was a motion that got voted down to modify the budget. The second motion had nothing to do with the budget. The second motion had zero reimbursement for the storm damage and debris clearance. He said that was totally separate and has nothing to do with the budget, but it requires a second reading.

Mr. Smith stated the ordinance before Council was to amend the budget. Councilman Homoki stated that was not what the Mayor's motion was. Mr. Smith stated essentially the Mayor's motion was to amend the budget by zero dollars which is not an amendment. He said all he was saying was that Council could bring the ordinance back for second reading if Council wants to as a practical matter.

Councilman Dewar stated he thought the folks had heard enough. Councilwoman Price agreed. Mayor Cavanaugh stated Council does not need a second reading on the ordinance. He asked if Mr. Smith was saying what Council did was okay and Mr. Smith responded yes. Mayor Cavanaugh stated Council would move on.

Councilman Ebner stated this closes an unfortunate chapter in the City. Mayor Cavanaugh commented that we all have our thoughts and thank goodness we do.

WATER AND SEWER IMPROVEMENTS – RESOLUTION 10272014A

Water Improvements

Sewer Improvements

Economic Development Partnership

Project Cloud

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to approve authorizing funding for water and sewer infrastructure improvements for a potential industry.

Mr. LeDuc read the title of the resolution.

A RESOLUTION REGARDING IMPROVEMENTS TO THE WATER AND SEWER INFRASTRUCTURE FOR PROJECT CLOUD.

Mr. LeDuc stated Will Williams, President of the Economic Development Partnership (EDP), has a potential industry (Project Cloud) that is interested in locating in Aiken and will provide up to 27 additional jobs to the Aiken workforce. The yearly payroll will be over \$1 million dollars and estimated taxes and fees in the first year for the \$10 million dollar investment will be over \$35,000.

Typically this would not come before Council except for the fact that this industry would use a lot of water and sewer capacity. This project requires the use of approximately 1.1 million gallons of water monthly for its operation and needs an enlarged capacity sewer system. To provide the necessary infrastructure for Project Cloud, the City will need to enlarge our sewer infrastructure at a cost of approximately \$790,000. The State of SC has agreed to commit \$100,000 toward the improvements, and we can expect a water and sewer impact fee of \$187,000 for each shift up to three possible shifts or \$561,000. It was felt that it would be appropriate for Council to determine whether or not they were willing to spend the money for the infrastructure improvements to accommodate the industry.

Before the owner of the company visits Aiken, EDP is asking City Council to pass a resolution authorizing funding estimated at \$790,000 for improvements to the water and sewer infrastructure for Project Cloud. Reimbursement from the State for these expenses

would be \$100,000 and \$187,000 would come from an impact fee. If the company adds two additional shifts there would be an additional \$187,000 fee for each shift.

Mr. Will Williams stated the proposed project is a job operation opportunity investment of a company that is potentially looking to locate in the City of Aiken at the Willow Run spec building. They have considered multiple locations in the Southeast. The company would potentially bring 27 jobs at about \$40,000 per year each. They are a heavy water and sewer user. The way they discharge the water would require some improvements to be made in the Willow Run lift station. They would use about 1 million gallons of water per month. In order for the building to be able to accommodate the industry some improvements would have to be made to the building. The City of Aiken has been shortlisted to one of four communities in the Southeast for the industry. It would be about a \$10 million initial investment and 27 jobs.

Mr. LeDuc stated if Council approves the resolution for funding the water and sewer infrastructure improvements, that would not be a guarantee that the company would come. Mr. Williams stated that is correct. If the resolution is approved for funding the water and sewer improvements, that would mean Aiken would still be in the running for the industry.

Councilwoman Diggs asked whether to still be considered the City of Aiken would have to invest \$790,000. Mr. Williams stated if the company comes, it would mean that the City of Aiken would have to invest \$790,000. If the company chooses another location, then the furnishing of water and sewer is a moot point.

Mr. LeDuc pointed out that of the \$790,000 for improvements, \$100,000 would come from the State of South Carolina and \$187,000 would come from the initial impact fee.

Mayor Cavanaugh stated he had sent a letter to Mr. Williams regarding the request. He pointed out that Mr. Williams works long and hard on everything he does in trying to get business to our community. He said he has some concerns and would like to state his concerns. He said he had been involved in several business situations in the past, and in each case Council was able to meet the folks who were the principles of the companies before any decision was made. He said Mr. Williams was asking for a decision tonight on the request regarding water and sewer infrastructure. He said he finds it a little tough that Council does not get to meet the people who are asking the City to do something for \$790,000. He said there is no sure way of knowing whether the company would be successful and keep growing. He said that is true of a lot of companies. He pointed out this company is a small business. He said not being able to sit down and talk with the company officials and get a little better feel, gives him a problem. Another point is that it was mentioned that employees would live within the city limits and pay taxes. He said that is one thing Council talked about—bringing money back into the city. He said some employees may live in the city, but most may not. He pointed out the county is very close to the area where the industry is proposed to locate. It would be very easy for county residents to apply for the jobs and live in the county and basically not help the city at all. He said it also seems to him that the City would be putting a lot of money into this project at a time when we have budget concerns. He pointed out that we are not sure that the company would have more than one shift. He said personally he feels rushed in making a decision on the project. He said he does not feel comfortable making a decision under these conditions. He said perhaps someone could convince him by answering his questions.

Mr. Williams stated he would try to answer some of the questions. He said the company has visited the community once already and met with city staff, including Mr. Bedenbaugh, Ms. Abney, and Mr. Grinton on a previous visit. The owners and members of the company do have a visit scheduled in the very near future. He pointed out we do not know where the employees will live. The company may bring one or two people from the operation of the company. He said the company is 40 years old. They have 2,500 employees employed throughout the country in 40 different locations. He said for a small operation \$10 million is not something they are not going about their due diligence just as City Council is going about their due diligence as well. He said this is

the opportunity to put 27 people to work in the city limits of Aiken. They may live elsewhere, but they also could purchase goods and services from within the city limits of Aiken, such as they could buy lunch. They could purchase fuel, groceries, etc. He said he could not guarantee where the employees would live. He said it would be hoped that many people in the region could get employment. He said based on the research he has, and once Council has the opportunity to meet the company, he felt their comfort level would be much greater. He said if Council approves the resolution to provide the needed infrastructure, Aiken would still be in the game for the industry. If the resolution is not approved, then Aiken is out of the game. Mr. Williams stated he understands budget shortfalls and would not make light of that, but he felt Council would have that rectified very soon. He said, however, he did not know how many opportunities the City would get for 27 jobs that would pay about \$40,000 a year to come to the community.

In response to Mayor Cavanaugh's question regarding other cities vying for the industry, Mr. Williams stated there are three other cities besides Aiken in the running for the industry.

Councilwoman Diggs asked if the other cities were having to make a monetary investment for the company to come to their city as well. Mr. Williams responded that he was not aware and could not comment on that.

Mayor Cavanaugh stated it seems that the company is really pushing when they say if the City does not upgrade the infrastructure, the City of Aiken would be out of the running, especially without Council even meeting them. He said he does not like not having the opportunity to meet the company officials. He pointed out that \$790,000 is a lot of money, and he was not sure that would be all that the City of Aiken would have to put into the company.

Mr. Williams stated the requested capacity in the lift station is to accommodate the company's future growth, not what they would initially invest. Mayor Cavanaugh asked what happens if the company no longer wants to be in business in Aiken. Mr. Williams stated there are certain protections that the City can put into place that could potentially recoup that investment through callbacks. He said Mr. Smith, City Attorney, could advise on how to best structure the callbacks. He said on most property tax transactions done for industries, there are callback measures that if the company does not meet their job requirements and their investment.

Councilman Ebner stated he felt Mr. Smith should comment on that. He said the request is an investment in infrastructure and not an investment in manufacturing.

Mr. Smith stated the investment is not a tax which allows the callback provision.

Councilman Dewar stated he would like to make a point of order. He said normally when there is an item before Council, someone makes a motion, and then Council discusses it. He said Council is discussing the matter at this point with no motion.

Councilman Dewar moved that Council approve the resolution authorizing funding for water and sewer infrastructure improvements. The motion was seconded by Councilman Ebner.

Councilwoman Price asked about the number of jobs that would be provided initially. Mr. Williams stated it would begin with about 14 jobs on the first shift. Then in about 18 months there would be 13 additional jobs. Councilwoman Price asked what would determine bringing the additional employees—volume? Mr. Williams stated it would be as the customer base grows. He said obviously they must have customers in this region to be looking in the Southeast. Mr. Williams stated most of the time the companies he deals with are coming for a reason.

Councilwoman Diggs stated as much as she would like to get the spec building in Willow Run occupied, there is something about this that concerns her. She asked what if

someone else came forward and wanted to use the building and not require the City to put \$790,000 up front.

Mayor Cavanaugh stated possibly there is someone else interested in the building.

Mr. Williams stated the other interested company already exists in the community, but the proposed company would bring new positions in the community.

Councilman Dewar stated the proposed company would pay a business license tax and for water used.

Mayor Cavanaugh stated he had another concern about the location with trucks going in and out near the funeral home and other homes in the area. He asked if that might be a concern to anyone.

Mr. Williams stated Beaufort Street used to be SC 118 before Rudy Mason Boulevard was completed. He said there is still a fair amount of truck traffic and commercial and business traffic on Rudy Mason. He said the concrete block company is not in the city limits, but is adjacent to the property being considered. He said there is currently traffic in the area. He said the company would not be a distribution center. He said he would guess they would have 7 or 8 trucks per day from the plant. He said there probably would not be any substantial impact of traffic on what's already on Beaufort Street.

Mayor Cavanaugh asked if there was any way the agenda item could be continued and Council could talk to the company representatives. Mr. Williams stated he thought the representatives would be in Aiken next week. Councilwoman Diggs stated it would be nice to meet the company representatives and hear from them. She felt she could not make a decision on the request at this meeting without meeting the company representatives and hearing more from them.

Councilman Dewar stated he understands the way the process works is that if Council does not approve the resolution tonight, the company will not consider locating in Aiken. Mr. Williams stated the purpose of the visit is to make some final decisions. He said they will be visiting the four final communities. They will tour the building. They want to make sure there is a plan in place for the infrastructure. Then a decision will be reached on where they will locate by Thanksgiving. He said the discussions have been going on since May.

Mayor Cavanaugh asked where the City would get the money for the water and sewer upgrade of \$790,000 if it were approved.

Mr. LeDuc responded that we had talked about when we restructure our budget trying to come up with enough revenue so we could do some economic development and set aside funds for future growth items like this. Presently we do not have any money. The money would have to come from our Utility or General Fund Reserves. Initially we would be talking about \$500,000. As Mr. Williams was stating we might be able to accommodate the first shift with doing very little upgrades to the system. When the second shift came, we could look at the major upgrades. He pointed out the City has only done preliminary engineering on the upgrades at this time. The figures are the best estimate as to what staff feels would be necessary if the company went to a full three shift operation.

Councilman Homoki asked if Aiken Corporation had offered a certain amount. Mr. LeDuc responded that the Aiken Corporation had offered some assistance. The impact fee would be paid for through the Aiken Corporation. Councilman Homoki asked if that would be of benefit to the City. He asked where the Aiken Corporation got their money. Mr. LeDuc responded that the impact fee would be part of the sale of the property.

Councilman Merry asked if the \$500,000 figure was taking the impact fee out of the equation. Mr. LeDuc stated it included taking the impact fee and the \$100,000 from the State out.

Councilwoman Price asked if they were asking the City to waive the impact fee initially. Mr. Williams stated they were. It was pointed out that Aiken Corporation would be paying the impact fee. Councilwoman Price stated that was the problem she had earlier. Her concern was the company not having \$187,000 for the impact fee and asking the city to waive the fee.

Councilman Homoki asked how long the building in Willow Run had existed. Councilwoman Price responded the building has been unoccupied for eight years. Mr. Williams stated the building was constructed in 2003 by Aiken Corporation with the assistance of SCANA.

Councilwoman Price stated she felt all are anxious to see something go into that area. There have been other attempts such as the gun range. She said she looks at the proximity of the building with the residential neighborhood across the street. She said she did not know enough about the proposed company to determine if it is a suitable site for whatever the company would be producing under Project Cloud. She would like to think they would be good neighbors, but she was not sure. She said everything is a cloud under Project Cloud. She said it is a mysterious company considering the location.

Councilman Ebner asked Mr. Smith to confirm that if Council passes the resolution that would be a commitment of Council to the project. The resolution does not authorize the money, but it commits the money.

Mr. Smith stated City Council would be telling the purchaser that if they buy the property, they are prepared to find a way to get the money to do the infrastructure work.

Councilman Ebner stated it needs to be clear. He said two decisions would be made. If a "yes" decision is made, there are two decisions. If the vote is "no" the decisions go away.

Mr. Williams stated if Council approved the resolution they would be voting "yes" that they want the company here if the company chooses to come to Aiken.

Councilwoman Price asked what problems they would have in talking to a few people before Council makes a decision.

Mr. Williams stated that is the intent of the visit. It is to be able to meet and tie up any last minute details.

Councilwoman Price pointed out they want Council to make an investment before the Mayor or someone else meets with them.

Mr. Williams stated we could accommodate that. Mayor Cavanaugh stated he felt the meeting should be more than just the Mayor, but should be the majority of Council meeting with them.

Councilman Homoki asked how much more negotiations Mr. Williams would expect between the company on what their requirements would be. He asked if this would be the last request.

Mr. Williams stated he did not see any further pushbacks, but there could be. He felt if the infrastructure is approved that it will be in place everything else would move forward. The company plans to make a decision by Thanksgiving.

Mayor Cavanaugh stated he was still bothered by the points that he made earlier. He said he could not support the resolution to provide the improvements to the infrastructure.

Councilman Homoki stated it is not cast in concrete. He said we may find out there are no further requests; this is what it costs; it is satisfactory; they go forward. It is a

company that has been around for 30 years and apparently they are expanding. He pointed out the building has been sitting there underutilized for eleven years. He felt it could be a start. Even if the company leaves after two or five years, we will have an enhanced infrastructure which may appeal to some future company coming in.

Mayor Cavanaugh stated he understands all that, but he is concerned about our budget.

Councilwoman Price stated what she was looking at is that the company on surface sounds like a worthwhile investment. However, not having anyone on Council having met with anyone in the company, we don't know for certain. She wondered since company representatives are coming to Aiken, if the resolution could be tabled until Council has had a chance to meet with them and talk with them.

Mr. Smith stated if Council does not approve the resolution to improve the infrastructure, the company representatives may decide not to come to Aiken.

Councilwoman Price stated she was sure they would understand the comment of being good stewards of the taxpayers money. She said to make this kind of decision blindly without having met anyone from the company, she was not sure she could justify supporting something that no one on Council can attest that they have met with some representatives.

Councilwoman Diggs stated she was under the impression that representatives from the company would be at the Council meeting tonight. Mr. Williams stated that they would not be present.

Councilman Merry stated he was very torn on the request. He said the building had been there for eleven years. We have not had many opportunities to sell the building. It is unfortunate that its proximity is so close to other businesses or homes. That was a decision that was made when it was built. Possibly those things have come along and located near the Park since the building in Willow Run was built. He said some of the things you do for the city for economic development, you don't do it because you will make money off of it, but you do it because it is good for the residents, the citizens and the taxpayers. If it offers jobs and creates a positive net effect to our tax base and our economy, then there is a lot of good that can come from it. He said he was very torn because he has strong allegiance to another organization that is interested in the building. Ultimately he has to look at this one issue at the time. He said this is one issue related to the city keeping the door open to a possible agreement with an employer. He said if this was presented on its own, he would be in favor of it. With the other party being interested in the building, he has to divorce those two issues from each other and look at them one at the time. He stated he felt the investment that the city would make is not an investment in the business, but is an investment in our citizens and our local economy and the contribution that this business may make. He said the company investment is \$10 million. He said that would create some temporary jobs and create hopefully 27 permanent jobs making \$40,000 per year. He said that is no small thing. He said what those employed may or may not spend in this town whether they live in the city limits or not, notwithstanding property tax dollars, but what they spend in this town would be good for us. He said as much as he feels a yearn for the other group interested in this property, he still feels the right thing for Council to do is to support an economic investment that will once and for all do something for the building in Willow Run and at the same time contribute positively to our local economy.

Mr. LeDuc stated in the early 2000's when Council made a decision to develop Willow Run Park, the major reason the location was picked was to bring jobs and businesses to this area of the city. At that particular time we were looking at how we could bring in property that could be a part of the city and annexed to the city because at that time we had no industry inside the city. He said we still don't have any industry inside the city. He said the primary purpose was how do we bring jobs to this area of the city. We knew at that time there would be truck traffic. He said we looked on several occasions as this being a distribution center. If it were a distribution center, there would be a lot of truck traffic going back and forth into the building. The issues on truck traffic, where it is and

why it is there were discussed in the early 2000's. Possibly it has changed. Maybe the citizens don't want industry in that particular location. Whether or not Council decides this is the right thing to do for this company or not, is a decision Council has to make. The reason why he brought this matter before Council, and he thought long and hard on this, is that he knew the company was going to be coming to the area sometime in the next few weeks. We wanted to be able to say everything is cleared and decisions have been made to have the right infrastructure for the company at that time. He said we did not want to have the company come and then a week or two weeks later Council makes a decision that they did not support the company. He felt it was better to try to come up with a decision at this time to either support or not support the improvement in the infrastructure so the company does not have to come and make a trip to Aiken if it was not supported. He said the reason it is before Council at this time is that it was a decision that he felt was important for the city to make in dealing with the company.

Councilwoman Price pointed out that Will Williams had worked long and hard to try to get something suitable in the building. She said eleven years is a long time to wait to get a facility occupied. She said we do need jobs on the northside of town, but you have to look at the location. She understands they did look at other locations for the facility.

Mr. Williams stated they looked at two other locations and the company came back to the facility in Willow Run because the facility is constructed which saves time for them to get operational. He said primarily buildings are a huge driver in economic development. In response to a question, Mr. Williams stated the proposed company would purchase the building.

Councilman Homoki stated he was not familiar with the contending entity that is also looking at the building.

Mr. LeDuc stated that was not something to discuss at this meeting in open session. He said if we want to discuss that, we would need to go into executive session.

Councilman Homoki stated perhaps Council needs to go into executive session as he was not sure what the city's real options are. He said he was not familiar with another entity wanting the building.

Mr. Smith stated if Council wanted to go into executive session Council would have to vote to go into executive session. He said the purpose of the executive session would be to discuss the proposed sale or purchase of real estate. He pointed out, however, that the city does not own the property and the city would not be involved in the sale of the property. It was pointed out that Aiken Corporation owns the property. He said Council would not be able to have that discussion in executive session.

Mayor Cavanaugh asked if there was anyone present who would like to speak on the issue.

Ms. Leslie Giobbe stated she had a question as to the location of this building on Beaufort Street. She wondered how far it is from the Highfields Horse Park. She said her concern is during the daytime or night time if there would be a lot of trucks moving in and out as that might make the Highfields area unusable. It was pointed out to Ms. Giobbe that the area is located near the SPCA and is further down from the Highfields Horse Park and is near the old landfill site. Ms. Giobbe wondered if the traffic from the company would be coming down Rudy Mason and then down Willow Run Road. She wondered if the traffic could be restricted from coming down Beaufort.

Councilman Ebner stated he felt the truck traffic would be looking for Interstate 20. They would come off Rudy Mason and then onto Beaufort. They would not go through the back road in front of the SPCA. They would use the main roads. He said he understands the roads are state highways and all the roads surrounding the property are state highways so we would not be able to restrict the use of the roads.

Mr. Tad Barber, 334 Walker Avenue, stated he was present as a representative of the client who has an interest in the same property as Project Cloud. He said they have a bona fide written offer to the Aiken Corporation to buy the property. That entity is the Children's Place which has been in Aiken for some 40 years. He said Peggy Ford, Director of Children's Place, and some of the volunteers are present at the meeting. He said he would make an effort to allow Council to make an informed decision and to have the entire picture of what is going on with the property. He said it is unfortunate that the property has sat vacant for so long and then suddenly several want the building which is a good thing. The bad thing is that someone will get the building and someone will not. He said essentially they have made an offer to the Aiken Corporation that from a financial picture is a better value for Aiken Corporation as there are no impact fees that Aiken Corporation would have to pay. They would like to take the building after they do their due diligence by the year end at no cost to the city. There would be no infrastructure upgrade requirements. There would be no loss for the Aiken Corporation in terms of having to give up part of the purchase proceeds to go towards the impact fee. He said the Children's Place presently has about 14 jobs. They would be able to go from a 5,000 square foot facility to a much larger facility. By doing that they would be able to take on more programs and increase their payroll as well. One program could bring on 6 or 7 more positions. These positions would be professionals that are psychologists, etc. The salaries would be somewhere in the \$35,000 to \$40,000 range.

Mr. Barber pointed out that the zoning on the property in Willow Run is Limited Manufacturing. He said the Zoning Ordinance says that Limited Manufacturing provides low and medium intensity manufacturing industrial uses that do not overburden the infrastructure or public services. He said it becomes a question of whether you are potentially overburdening the infrastructure by having to add to the infrastructure. He pointed out the Children's Place has presented a contract and there is some due diligence. It is not a guarantee if they run into a situation where they determine from a structural standpoint that they could not use the building. At this point it is a matter of determining what the cost would be. The first process is to determine if the walls could be cut open so they could put doors and windows in the building for ingress and egress. He said they are in the process of having that looked at even though the contract has not yet been accepted. It has been put on hold. Aiken Corporation has given Mr. Williams client an opportunity to make a decision. The problem is if Project Cloud goes forward and Children's Place has to take a back seat, Children's Place will possibly buy another piece of land for another building and have to build a building or renovation to a building. He said the information probably makes it more difficult for Council to make a decision, but he felt Council needed to know that there were two opportunities on the property. He felt both of them in the long run would be good for the community.

Councilwoman Price asked Mr. Barber if the 6 jobs would be immediate if the building is suitable for their use. Mr. Barber stated Ms. Ford could answer that question better, but his understanding is that one program is one that Children's Place has had to decline. They have been asked to have the program, but they don't have the facilities to have the program. This would be an opportunity to bring the program on.

Mayor Cavanaugh asked if Children's Place were to get the Willow Run building would there be some vacant property where Children's Place is currently located.

Mr. Barber stated that is part of the financial package they are offering to the Aiken Corporation. There would be some trade of their property for the Willow Run property. Part of the Aiken Corporation mission is to improve housing in the area. The Aiken Corporation would look at the property as an opportunity for improvement for housing in the neighborhood.

Mayor Cavanaugh asked how much land Children's Place has in their present location. Mr. Barber stated there are four parcels in the area of Barnwell Avenue, Fairfield Street and Union Street. It was pointed out there would be an opportunity to provide some housing in this area.

Ms. Peggy Ford stated she had been Director of Children's Place for a little over 25 years. She said the 5 or 6 jobs they turned down on an offered contract from the State would have been human service jobs. They would have involved working with families. She said Behavioral Health is a little different from that description, but they would have been family service workers. They would have been looking at functioning of families. The work would have been in multiple counties as well as in Aiken County. The 6 jobs that would come immediately would be Behavioral Health, and they would be mental health specialists working directly with children and families.

Councilwoman Price asked if there were possibilities for growth in the future. Ms. Ford responded yes, that they are working with the University of Arizona and the University of Oregon in development of programs and have been approached with some national interests for work that they are doing and for expansion.

Councilwoman Price asked Ms. Ford to explain her connection with her business and Children's Place and how that would work if you were to utilize the facility. She asked if some of Children's Place students were also at Head Start. Ms. Ford stated Children's Place does not share any students with Head Start. She said they talked to Head Start years ago about some collaborative ventures, but that has never taken off. Presently the collaborative partner they would be working with in joining them for the building would be some other community agencies if they went forward with that. She said that is still in the very early stages. She said several community agencies are interested in that. However, they are only at the talking stage. She did not want to give the impression there had been anything more than some discussion and interest. She said a bigger concern they have is with the number of children they have on site, they would instantly be able to grow by 20 children and families they could serve. That would include increasing job capacity, but with that comes lots of DHEC regulations and rules that have to be met. Their concern would be how quickly they could evacuate that building. That is a question they don't have an answer to at this point.

Mayor Cavanaugh stated Mr. Barber had mentioned that they were looking at the walls in the building to see if some doors and windows could be put in the building. He wondered if that was a concern for their interest in the building. He asked what happens if they can't put walls and windows in the building. Mr. Barber said if windows and doors cannot be added, they would not be able to meet fire codes as required for child care facilities so they could not use the facility.

Mr. Barber stated presently they don't know whether doors and windows can be added, but they have had some discussions with the general contractor who built the building and an architect is reviewing the plans. Ultimately they will have to go to a structural engineer to make that final determination. Mr. Barber stated at this point they would go from a contract to a due diligence period where they would have to find that information. He said given the fact that they were delayed until this issue was brought up that they move ahead and have some conversations at least getting those issues out on the table. He said it is a situation where they felt they could make a determination as to whether or not the building was usable based on that information fairly quickly. He said they should know that in about 30 days. He said it has been at least two weeks since they made the proposal to Aiken Corporation. He said they have had discussions about other properties and what is available in case the industrial use chooses Aiken. He said they are prepared to look elsewhere. He said the question is whether they can find a building they can renovate. He said the good thing about the Willow Run building is the same reason the Project Cloud people like it. It is a shell and it can be built from within. There would be no demolition except to cut doors and windows.

Mayor Cavanaugh asked when they would find out about whether the doors and windows could be cut out. Mr. Barber stated it should be within the next 10 days to 2 weeks. He said it is a matter of the cost and whether Children's Place is in a position to spend money when they don't have the property under contract.

Mayor Cavanaugh stated it sounds like a good deal if the windows and doors could be added to the building.

Mr. Rick Ford stated as Councilman Merry has a conflict wanting only the best for Children's Place, he also has an issue about this for the city. He said his question is if Council passes the proposed resolution what Council would be doing would be telling the Project Cloud company that the city is ready to put the infrastructure in place if the company chooses Aiken. He asked if that was correct. The answer was his understanding was correct. Mr. Ford said then the city has the option of pulling that money back and doing something else with it. The city would not have to put the money into that infrastructure. Council stated that is correct if the company does not come.

Councilman Merry stated he was very concerned. He said he was on the Board for Children's Place for 17 years. He said it was very near and dear to his heart. He said the risk is to end up with neither entity. Presently there are two choices, but the risk is ending up with neither. He said he is torn over the choices, but he felt he has to look at one thing at the time. He said if Council passes the resolution, it does not guarantee that the building will become a manufacturing facility. It doesn't preclude it from ever being Children's Place. It is sort of a bad situation that Aiken Corporation has put the city in. He said Children's Place is the only real offer on the table in writing. However, Mr. Williams talked to Aiken Corporation first and they are honoring the verbal commitment they gave Mr. Williams. It puts Council in a tough spot to make a decision. He said as much as he has dreamed about Children's Place being there and the kids playing on a new playground, he felt they had to put their city hat on in order to do the best they can to preserve both opportunities. He said the risk is that we may end up with neither entity in the building.

Mayor Cavanaugh asked if Council was ready to vote on the motion to approve the resolution authorizing funding for water and sewer infrastructure improvements.

Councilwoman Diggs stated she agreed with Councilman Merry that it is very hard to make a decision on the matter. She said she had known Ms. Ford for 25 years. She said both of her daughters did internships at Children's Place, and she knows the good work that they do.

Mayor Cavanaugh called for a vote on the motion by Councilman Dewar, and seconded by Councilman Ebner, that Council approve the resolution authorizing funding for water and sewer infrastructure improvements for Project Cloud. The motion was approved by a vote of 4 in favor—Councilmembers Dewar, Ebner, Homoki, and Merry. Opposed were Mayor Cavanaugh, and Councilmembers Diggs and Price.

PROPERTY DONATION – RESOLUTION

Wells Fargo & Company
817 Pinecrest Avenue

Mayor Cavanaugh stated a resolution had been prepared for consideration to accept a donation of property at 817 Pinecrest Avenue from Wells Fargo & Company.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING ACCEPTANCE OF DONATED PROPERTY FROM WELLS FARGO BANK OF N.A.

Mr. LeDuc stated this was an unusual request. He said staff was contacted by officials from Wells Fargo & Company's Real Estate about our interest in acquiring property located at 817 Pinecrest Avenue. This parcel is neither located in nor is it currently contiguous to our City limits. We only considered acceptance of this donation after Aiken County declined the offer for this property. This property is a vacant lot donation, and Wells Fargo will provide us with a marketable title to the property, pay all taxes up to the day of closing and pay all closing costs associated with this property. After staff review, we recommend accepting this donation of property.

For Council consideration is a Resolution to Accept a Donation of Property at 817 Pinecrest Avenue from Wells Fargo & Company.

Councilman Dewar stated he did not see any benefit in accepting the property. He said the property is in the middle of the county. If there were adjoining properties that could annex to the city if the city accepted the property, it might be of interest. He said it would just be another empty lot there.

Mayor Cavanaugh stated there probably would be some funding for maintenance of the property.

Councilman Ebner asked if it would be appropriate to approach Habitat or other groups who might build a house on the lot. He asked if the City Manager would do that or a Councilmember who works with Habitat. He said from looking at the pictures the lot is large enough to build a house. He asked what was the appropriate way to contact Wells Fargo.

Mr. LeDuc stated this is an unusual request. He said he recalls that in the mid-2000s when we were working in the Toole Hill area, several Councilmembers at that time said the next area they would like to clean up was Pinecrest. He pointed out that we needed to finish Toole Hill and do Edgewood next. Then we could start looking at Pinecrest. He said he saw the donation of the lot as an opportunity. Since the area is surrounded by the City he felt some day we might be getting into that area. He pointed out the boundary in the area between city and county. He said the animals don't know the boundary limits, neither does storm water, and crime. Any time we could clean up in the area, that would be of benefit. He said there is no house on the lot. It is a vacant lot. Whether Habitat went in there or in 5 or 10 years the City starts obtaining property, it is an area we felt, at least 10 years ago, that it was an area that we wanted to get into. He said the City does not need to accept the property. In the mid 2000's the city did accept another piece of property in this area. He pointed out the lot is a clean lot, and we do not have to do any maintenance. He said there probably would be very little maintenance on the property in the future. He said staff looked at this offer for the lot as an opportunity. At the time we talked to Wells Fargo they mentioned some other property they would like to get cleaned up because of defaulting on loans, etc. He said it is up to Council, but staff was looking at long term future planning.

Councilwoman Price asked if this was a donation and had no cost to the city. Mr. LeDuc stated it was strictly a donation. Wells Fargo is willing to pay the legal fees and donate the property. Councilwoman Price stated we could use the lot to help the community. Mr. LeDuc responded eventually, yes.

Mayor Cavanaugh pointed out the liability of the city owning the lot.

Councilwoman Diggs asked if the lot was big enough for one house. Mr. LeDuc responded it was big enough for one house. He said we could talk to Habitat or someone like that who could potentially use the lot. He said what you really want to do to help an area is to mass several lots eventually to make a difference in the neighborhood.

Councilwoman Diggs asked about the condition of the homes around the lot and if the homes were occupied. Mr. LeDuc responded the houses are in very bad shape. He said some of the houses are vacant. Mr. Bedenbaugh stated the house adjacent to the lot on the corner that is contiguous diagonally to the city limits is boarded up. The other adjoining houses appear to be occupied.

Councilman Dewar moved, seconded by Councilman Ebner, that Council deny accepting the property at 817 Pinecrest Avenue from Wells Fargo & Company. The motion to deny acceptance of the lot was approved by Mayor Cavanaugh, and Councilmembers Dewar, Ebner, Homoki, and Merry. Those opposed to the motion were Councilmembers Diggs and Price. The motion was approved to deny acceptance of the lot at 817 Pinecrest Avenue.

Councilwoman Price stated she wanted to note that there is already a precedent for accepting property in other neighborhoods and let that be a lesson for the record as we go back and accept other properties. She said she was stating that for the record.

LLOYDTOWN WATER TANK PAINTING – ORDINANCE

Interfund Loan Agreement

Note

Painting Water Tank

Lloyd Town Water Tank

Capital Projects Sales Tax III

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to advance funding approval for the Lloydtown Water Tank Painting Project.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING BORROWING FROM THE CITY OF AIKEN
GENERAL FUND RESERVE ACCOUNT AS OUTLINED IN THIS ORDINANCE
FOR THE PURPOSE OF FUNDING THE LLOYDTOWN WATER TANK PAINTING
PROJECT.

Mr. LeDuc stated as part of our CPST 3 funding, money is allocated for water and sewer system infrastructure upgrades. The Lloydtown water tank was installed in 1991 and requires repainting to extend its useful life. The water tank has been inspected by SC DHEC and they are requiring its interior and exterior to be repainted. This work will need to be completed over the winter so we can have our water distribution system at full capacity by spring.

Recently, this project was bid out and the lowest responsible bid was for \$145,000 by Utility Service Co., Inc. He said this is the ideal time of year to be painting the tank because the demand is low at this time of year. We could take it out of service for the next several months and paint it. In order for timely completion of this work, we will need to borrow this money from our reserve accounts and then pay these funds back by June 30, 2015, with CPST 3 revenue. This would be an interfund loan agreement and note to borrow money from our General Fund Special Holding Accounts. We would anticipate that by February, 2015, we would have the money necessary to pay the loan back, but the project may be completed before that time. He said he would like for Council to approve the low bid for the work by Utility Service Co., Inc. in the amount of \$145,000. He said the company had been used on several other projects, and they have done a good job. He said the matter before Council is approval to borrow the money from other city funds for the project, and he would also like Council to approve acceptance of the low bid for the project.

For Council consideration is first reading of an ordinance for approval to borrow \$145,000 for the Lloydtown water tank painting project and acceptance of the bid of Utility Service Co., Inc. in the amount of \$145,000.

Councilman Ebner moved that Council approve on first reading an ordinance to approve the interfund loan agreement for the painting of the Lloydtown water tank in the amount of \$145,000 and that the conditions in the note be changed to state that the loan shall be paid as the money comes in rather than by December 31, 2018. He said this had been discussed earlier that the loan needs to be paid as the money comes in. He said the wrong wording had been picked up and there are several of these notes that Mr. Smith and Mr. LeDuc will be correcting. He further moved that Council approve acceptance of the low bid of Utility Service Co., Inc. in the amount of \$145,000. Councilwoman Price stated this is for work on a tank in the back of her house which she has never liked, but she would second the motion. The motion was unanimously approved.

AIRPORT – ORDINANCEFAAMaster Services AgreementMichael Baker, Jr. Inc.Engineering Consultants

Mayor Cavanaugh stated Council needed to consider approval of a Master Services Agreement for Professional Airport Engineering and Planning Services for the Aiken Municipal Airport with Michael Baker, Jr., Inc.

Mr. LeDuc stated as required by the FAA, we recently released a Request for Qualifications [RFQ] for consultation services associated with the Aiken Municipal Airport. Two consultants submitted qualifications:

- Michael Baker Jr., Inc. [Baker] of Columbia
- Talbert, Bright & Ellington, Inc. [TB&E] of Columbia

Our review team, consisting of Assistant City Manager Stuart Bedenbaugh, Engineering and Utilities Director George Grinton, and Engineering and Utilities Supervisor Mike Goss reviewed the RFQs. The team found both firms have appropriate FAA experience and sufficient professional staff to manage projects anticipated at the Aiken Municipal Airport. Ultimately, the review team recommends Michael Baker Jr., Inc. of Columbia for several reasons:

1. Baker's projects and work reported in their proposal were largely in South Carolina whereas TB&E's work reported was predominantly in North Carolina.
2. We have worked with Baker for the last 11 years at the Aiken Municipal Airport and have received excellent support during that period.
3. Baker's proposal better stated their qualifications that were asked for in the RFQ.

Mr. LeDuc stated Michael Baker has been our consultant for a number of years and staff is recommending to continue the service with Michael Baker. He said we have had great success with the firm in the past. We have completed a number of projects over the past 10 years.

For Council consideration is approval of a Master Services Agreement for the next five years with Michael Baker Jr., Inc. of Columbia for Professional Airport Engineering and Planning Services for the Aiken Municipal Airport.

Councilwoman Price asked if Mr. Baker uses subconsultants. Mr. LeDuc stated if there were some geotechnical work or survey work to be done, they may be going out to other consultants. Councilwoman Price asked if the consultants are paid by the hour.

Mr. Grinton stated subconsultants would be on an approved basis. He said if they need to engage a surveyor or someone like that, we would typically give them some suggestions of local people to use or they may suggest someone and we would negotiate an appropriate fee. A lot of time the work they are doing is covered by the FAA grant and all the fees are estimated in advance.

Councilwoman Price stated then the subconsultant's fee is in the grant. Mr. Grinton responded typically that is correct. He said that does not mean that we can't ask for outside of grant services that the city may wish to engage.

Mr. LeDuc stated there may be a person who wanted to buy or lease some property that adjoins the airport, and the city needed to get some advice on that either through them or FAA. He said the city may ask what they have done at other airports and ask them to give us some suggestions on what to do. Typically 95% of the time it will be because of contractual agreements we have through the South Carolina Aeronautics Commission or FAA.

Councilman Merry moved, seconded by Councilwoman Price, that Council approve a Master Services Agreement for professional airport engineering and planning services for the Aiken Municipal Airport with Michael Baker, Jr., Inc. The motion was unanimously approved.

HITCHCOCK PARKWAY – RESOLUTION 10272014B

Purpose and Need Statement

Mayor Cavanaugh stated Council needed to consider approval of a new Purpose and Need Statement for Hitchcock Parkway.

Mr. LeDuc stated the City of Aiken has provided support for improvements to Hitchcock Parkway for several years. The City requested funding through the ARTS Policy Committee for these improvements and received a commitment of approximately \$13 million for capacity and safety improvement. In 2012 the City of Aiken received a grant from the State Infrastructure Board (SIB) for the funding of three projects: Hitchcock Parkway - \$9.6 million, University Parkway - \$3.0 million, and Dougherty at Whiskey - \$0.9 million. The funds available for the Hitchcock Parkway project when combined with the City's Capital Project Sales Tax funds of \$4.0 million totaled \$26.6 million.

The South Carolina Department of Transportation estimated that full funding of the widening and safety improvements would be approximately \$34.5 million, leaving us nearly \$8 million short. The City had asked the County for some assistance with the improvements, and we did not receive a response for availability of funds from the County. At some point in time the City needs to make a decision as to whether to continue with the widening or change to some other format to make improvements for Hitchcock Parkway. We wrote the South Carolina Department of Transportation, and they have suggested that we look at a new Purpose and Need Statement that would be given to the ARTS Policy Committee. Lacking full funding for this project at this time, the City is seeking to improve the traffic flow during peak periods and improve the safety throughout the corridor. This will require a change in the "Purpose and Need Statement" for ARTS to consider at their November 6 meeting. The SCDOT proposes the following new statement:

The purpose of the project is to improve traffic flow, particularly during Hours of peak traffic volumes, and improve safety along the corridor through the implementation of various operational improvements. These operational improvements may include, but are not limited to, the construction of turn lanes, paved shoulders, passing lanes, and signal improvements. Other benefits will include increased safety for pedestrians and cyclists and continued economic vitality of the City of Aiken.

If Council approves the Purpose and Need Statement, that would be given to the Policy Committee of ARTS to go ahead and make the necessary changes to start the funding implementation of these improvements. He said everything has to meet a warrant or regulations by FHWA and SCDOT. A couple of things we have discussed with SCDOT at the last meeting with them, is that more than likely there would be a six to eight foot shoulder along the entire parkway length on both sides. That is what FHWA requires for pedestrians and bicyclists on a road like Hitchcock Parkway. He said the good thing is that if you have ever experienced being on the parkway when an ambulance is going from the southside to the northside to get to Aiken Regional Hospital or University Hospital, there is a tendency for people to not go ahead and pull off the road. They just stop on the road so the ambulance serpentines back and forth going down the parkway. He pointed out Councilman Merry was in one when that happened. With the six to eight foot shoulders people would be able to pull off during an emergency situation. Or if a car had some vehicular problems they could also pull off on the shoulders. That would be a great operational and capacity improvement. Also, in their design SCDOT would be considering turn lane improvements at the intersections of Pine Log and Silver Bluff, Huntsman, SC 421 and SC 421 and US 1. In addition they will review signalization at the intersections of Hickory Ridge, Rhinehart Way, and Dibble. Along the entire corridor a 6-8' shoulder would be considered along with passing lanes, and various right turn lanes

onto SC 118. We believe the current ARTS funding of \$13 million will be sufficient for these improvements and City funds should not be needed for this project.

If Council approves the proposed Purpose and Need Statement the City's two committee members on the Policy Committee could go before ARTS on November 6, 2014, and present the Statement. The Committee would vote at the November 6, 2014, meeting and then the process would start as far as the Purpose and Need Statement need changes. It would have to get final approval in December from the Joint Policy Committee of Georgia and South Carolina.

For City Council's consideration is the approval of a resolution changing the Purpose and Need Statement for Hitchcock Parkway.

Councilman Dewar moved, seconded by Mayor Cavanaugh, that Council approve the proposed new Purpose and Need Statement for Hitchcock Parkway.

Councilman Homoki stated we had mentioned some numbers and had decided that we would not be able to do the widening of Hitchcock Parkway. He said we seem to have allocated what we felt was the right amounts to do University Parkway, Dougherty Road and to do what is required for safety on Hitchcock Parkway. He said he did not think anyone knew about the requirement from the Federal Highway that there would have to be a six to eight foot shoulder on each side of the Parkway. He said he travels Hitchcock Parkway often. He said we are talking about bringing in a lot of dirt just for having the shoulders built up and so we could have the extra lane. He said if we are going to have a six to eight foot shoulder this will increase the cost tremendously. He asked if we had looked at the numbers to be sure we have enough money for Dougherty Road and University Parkway if we have to have the shoulders. He said the estimate had to go up tremendously, at least by 50%.

Mr. LeDuc stated there is currently \$13 million available through ARTS for improvements for Hitchcock Parkway. Once this is approved the SCDOT will be asking the consultants before the meeting on November 6, 2014, to come up with a cost estimate so they will know exactly what to tell ARTS as to whether it will be \$5 million, \$6 million or \$7 million to do the improvements. The Highway Department feels that there is enough money in the \$13 million range to be able to accomplish the improvements on Hitchcock Parkway. He said we are not anticipating any city funds being needed to go forward. He said our two representatives will know that before the meeting on November 6, 2014. As far as the other projects are concerned, SIB has granted increasing the amount of funding for University Parkway of \$4.6 million. The City would be providing \$3 million and we have asked the County to give us a formal commitment of another \$3 million. The next item will be a two part reading so Council does not approve the second reading until we get the commitment from Aiken County. As far as Dougherty Road we would be getting an agreement from the State Infrastructure Bank, and they would be raising that from \$.9 million to \$1.7 million which should be enough to go ahead and fully fund that project. That project is fully designed. It has already been given to the Highway Department. They have already approved it. The Dougherty Road project has been put on hold for the last several months waiting for the full funding stream before we go back to the consultants to get the right of way. Then we could go out to bid for construction. He said he had not asked for that approval until we get the full commitment from SIB in an Intergovernmental Agreement which we should have by the next Council meeting. At that point Council will have first and second readings, and then we could authorize the engineers to go forward and complete everything on that project. Mr. LeDuc stated there is a step process.

Mr. LeDuc stated the first step on Hitchcock Parkway is to approve the new Purpose and Need Statement. The second step is with ARTS Policy Committee and knowing where the funding is coming from. The next step would be with the Joint Meeting of the Georgia-South Carolina Policy Committee.

Councilman Dewar asked how long Mr. LeDuc thought the Dougherty Road construction would last. Mr. LeDuc stated a very similar project was installed at the corner of Silver

Bluff and Pine Log with Dougherty with an extra right turn lane. That took about six to nine months.

Councilman Dewar stated the reason he mentioned that is we may be having two major construction projects in the city at the same time with the Silver Bluff Road and Dougherty Road projects. Mr. LeDuc stated he would hope that the Dougherty Road project could start construction by next summer if Council approves the Intergovernmental Agreement from SIB in November and we get started back on the right of way acquisition.

Councilman Dewar stated we are scheduled to start construction on Silver Bluff in the second quarter of 2015. He said it had been delayed several times. At one time it was the last quarter of 2014. Now it has slipped two quarters. He said he just mentions this because certainly any one of the projects will make a significant impact on the community just as Hitchcock Parkway would. He said we need to be careful not to do both at the same time. He said Dougherty Road is extremely important.

Mr. LeDuc stated we have made an initial contact with Publix for the entranceway off Christee Place into the shopping center. We don't have the full agreement ready yet to bring back to Council. He said Publix has asked a number of questions. We have responded to them, but still are getting a few more responses to them. He said he would hope that project could take place soon. He said that project has been designed, and we need to get the right of way. He said we could be starting the project late winter or early spring. He said that would help Silver Bluff Road. He said the Dougherty Road project is a short term project.

Councilman Dewar stated the Hitchcock Parkway project is worthwhile to remember where we are going to go. He said eventually DOT will come to Council with a design. He said he has a feeling we will not like their design. We will have the public meetings and public comments, etc. He said he was sure people would be upset with wide lanes on either side. He said it depends on how wide they will be. He asked if it may be next year sometime before we get a design for Hitchcock Parkway or longer.

Mr. LeDuc stated he would say that if the final approvals are granted in December between the Georgia and South Carolina Policy Committee, then the preliminary engineering is done and the public meetings are held, then there is final engineering, it will be at least in 2016 before anything gets started and it might be in 2017. There would be no right of way acquisition, but there would still be the environmental, DHEC, and all the things required.

Councilman Ebner pointed out that the Purpose and Need on Silver Bluff was changed and it has taken five years. He said he hoped Mr. LeDuc is correct on his construction schedule.

Mayor Cavanaugh stated the Hitchcock Parkway project would be about a nine almost ten year project from start to finish.

Mayor Cavanaugh stated a motion had been made by Councilman Dewar, seconded by Mayor Cavanaugh, that Council approve the proposed new Purpose and Need Statement for Hitchcock Parkway. The motion was unanimously approved.

Ms. Dione' Carroll, Attorney representing the Concerned Citizens who opposed the very large project for Hitchcock Parkway, stated she just wanted to say that the devil is in the details. She said they fully support the change of Purpose and Need, but it is still important to make sure this project comes out the right way. She said she had recognized in some of the comments and concerns that maybe people like her client and other concerned citizens that care about how Hitchcock Parkway comes out might complicate the development of the project. She said that can happen, but she suggested that the city try to involve the people as much as possible right away. She said whatever workshop could be done is a good thing because removing the element of surprise and giving them an opportunity to explain when aspects of the project might not be desirable can help with a lot of conflict and lot of bad feelings and a bad result. She asked that the

city involve them. She said she was pleased about the change in the Purpose and Need. She asked that they not pre-decide or to bend the project, but do it in an intelligent including way.

Councilman Dewar stated he would like to think Council has always acted that way contrary to what some of her clients might believe. He said everything is open. The public meetings have been open. He said as far as the design, he pretty well predicted what is going to happen. DOT will come up with a design. We will probably meet at St. Paul's Church and everybody, including Council will get their first look at it. He said Council won't get a look ahead of the public. He said Council has always tried to work with the public and keep the public involved.

Ms. Dione' Carroll said respectfully she would not point fingers at anybody or any particular individuals, but she must say that sometimes it is difficult to know all the facts that are relevant to making intelligent decisions. She said that is a hard thing to do. She said anything that can be done to make that easier—sometimes it is just better planning. Sometimes it is just involving the people that explain it the best way. She said it could be a lot of different factors to go into that. Doing that would go a long way to making the process easier. She said that is what she is encouraging.

Mayor Cavanaugh told Ms. Carroll that her points were well taken.

INTERGOVERNMENTAL AGREEMENT – ORDINANCE

IGA

State Infrastructure Bank

SIB

Funding

University Parkway

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration approving an Intergovernmental Agreement (IGA) with State Infrastructure Bank (SIB) for University Parkway.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK FOR THE UNIVERSITY PARKWAY WIDENING PROJECT.

Mr. LeDuc stated the State Infrastructure Bank (SIB) has forwarded the Intergovernmental Agreement for the University Parkway project. The agreement has to be approved by City Council and SIB prior to us continuing any engineering on this project. The agreement states that the City's \$3.0 million will be used before we can begin drawing against the SIB \$4.6 million dollars. The Dougherty at Whiskey Improvement should be ready for Council's approval at the next meeting.

Mr. LeDuc stated the agreement is essentially the same as approved by Council in June, 2012 for \$13.5 million. He said we are separating the agreement and have an agreement for each individual project. He pointed out that the agreement had been back and forth between the SIB attorney Jim Holly and the city many times.

Our City Attorney has reviewed this proposed Agreement which is the standard one used by the State Infrastructure Bank in administering the grants that have been awarded.

Mr. LeDuc stated that on page 7 of the agreement it states that the funding will be \$3 million from the City and \$3 million from the Aiken County portion of the current Aiken County Captial Projects Sales Tax. The agreement then goes into the fact that the money from the City would be spent first. Then funds from the County and SIB would be spent on a 50 – 50 basis. Once the project is designed and the design cost spent, then the City would have the balance of the \$3.0 million that the City would have to start construction

and would probably have to have an interfund loan agreement for the funds. Once the City has spent \$3 million, then SIB and the County would start drawing on their money with 50% from SIB and 50% from the County. He said this is first reading of the ordinance. Before Council gets second reading on the ordinance, it is anticipated and expected that we will have an agreement from the County stating they have agreed to commit \$3 million towards the project. Until the City gets that \$3 million commitment, we will not bring this ordinance back to Council for second reading. It could be back for second reading on November 10 or maybe later, depending on when we get the commitment from Aiken County.

Councilwoman Price asked if the request to the County for \$3 million was in writing or verbal. Mr. LeDuc stated the request has been discussed with the County officials. They have talked to County Council about the request. Emails have gone back and forth through Clay Killian telling him that we need something in writing regarding a commitment from the County. He said he did not think that a request formally from Council had been made.

Mayor Cavanaugh stated there are indications that the County is willing to help. He said there never were any decisions in the beginning as to how much each city would get from the funds.

Councilman Homoki asked if there should be a paragraph C. which would be basically the SIB matching this on an equal basis. He said we are talking about \$9 million instead of \$6 million. He wondered if that would make it clearer. He pointed out it is noted in A. \$3 million from the city, and B. \$3 million from Aiken County's portion of the CPST. Then if there was a C. from SIB an equal basis and same schedule as B.

Mr. LeDuc pointed out that on page 6 it talks about the financial assistance in the form of grants for the project not to exceed \$4.6 million. The Bank will make disbursements from the account pursuant to Section 6 of the agreement, to pay for eligible costs of the project. Under Section 6 it talks about how we get the money back. There are several areas in the agreement that talk about their money, how the money will be drawn for the project. He said, however, if that needs to be stated clearer, that could be done.

Mr. Smith stated if he understands Councilman Homoki's question, the second sentence following paragraph 3.2.B. says the financial contribution listed in item B of this Section 3.2. above shall be expended for eligible costs of the project on an equal basis with the disbursements by the bank until all of that financial contribution in the amount of \$3 million is expended. Mr. Smith stated that sentence is saying the State and County will spend their money together until the County has spent all of their \$3 million and then the SIB will pay the remainder. He said that is how he interprets that sentence.

Councilman Merry asked why the City would want to put our money in first. Mr. LeDuc stated we would rather not, but that is the way SIB wants it to be.

Mr. Smith stated when you buy a house you have to pay 20% cash down.

Councilman Merry asked about the County and asked if the County could put in 50% - 50% with the City. He said he did not see why the city should use all their money first. He wondered what would happen if the project goes over budget or if the project comes in under budget. If it comes in under budget, would the County and SIB not contribute as much. The City would have already spent their \$3 million.

Councilman Dewar stated that is an issue that he raises. In addition to asking the County for their money, he felt we should get an agreement that we will split any excess costs. He said the City would be putting ourselves at risk in the project. If the \$10.6 million ends up being \$12 million it will come from the City. He said if we are going to do this, we need to be on a level playing field with the County. Anything beyond \$10.6 million has to be split. He said he would be willing to do that. He did not know about the rest of Council, but he was not willing to be the total bank for anything above \$10.6 million.

Councilman Dewar stated we should ask the County in writing for their \$3 million and an agreement to split the difference in excess costs.

Councilwoman Price pointed out that we need that in writing. We need that documentation.

Councilman Dewar stated if they don't want to split the cost, then he would not be interested in the project.

Councilman Ebner asked if the agreement with the County about splitting the costs is outside the TIB. He said the SIB would shut the money off at \$4.6 million. This would then be between the City and the County, and he concurs with that. He said he had a bite out of the County's resolution apple already. They make a lot of resolutions that don't get done.

Councilman Dewar asked if Council could approve the agreement tonight, but before Council has second reading we should have a commitment by the County to give the City \$3 million and to agree to finance unanticipated expenses, because \$13.6 million in 2014 might not turn out if we don't get to build this until 2016, 2017, or 2018.

Councilman Homoki asked if there was a chance of getting the SIB to share any overcosts and let the bank participate a little bit.

Mr. LeDuc stated we could always go back to the SIB after we have shown due diligence of what we have done and the costs. He said when we get the engineering done and the estimate is \$12 million, we could go back to SIB and ask for a modification on the amount that they are giving us and ask that it be split three ways. He said there is nothing that says they would not.

Councilman Dewar stated he would be willing in our letter to the County to say before we ask the County for any extra money, we will ask SIB first. He said that might be a good thing to put in the letter. He said the bottom line is that if SIB says no, and the County does not indicate willingness to split the unanticipated costs, he was not sure we should proceed.

For City Council approval is first reading of an ordinance approving the Intergovernmental Agreement for the University Parkway project. Mr. LeDuc pointed out the agreement is with SIB and not with the County. He said the intention would be to not come back to City Council until we have a formal commitment with the County.

Councilman Ebner asked if formal meant a vote on either cash or a loan to support the cash. He said that is what a formal agreement means.

Mr. Smith stated the commitment can be what Council wants it to be. He said he would envision an agreement similar to what the city would enter into with the SIB between the City and the County.

Councilman Ebner stated if the resolution authorizes expenditures from their Capital Projects Sales Tax III he would agree, but his impression is that they almost have to borrow the money because they have loaned all the way out on CPST III now. We need to get a document that says they will borrow the money to pay the city. He said Mr. Smith may need to talk to his cohort in the County to be sure the commitment is more than a resolution. Mr. Smith was asked to talk to the County Attorney regarding the matter.

Councilman Ebner stated he had talked with the County Administrator, and he will go along with whatever County Council wants. He felt we need to be sure we have the right words on that.

Councilman Merry stated when you say a commitment, do you mean a County Council vote, not just something from the County Administrator.

Mayor Cavanaugh asked if it could be in writing. He said it depends on when the County Council meeting is and the timing.

Councilman Ebner stated the information he has from the County is that the County will agree to the \$3 million after you have the November and December meeting of ARTS. Then after that his question to the County Administrator was whether the matter would be before County Council that they are committing to the \$3 million, not a resolution, but the money is in the bank. He felt that is what we want to see from the County. He said we probably would not get the money from the County dedicated as they have to have three meetings so it would be February.

Councilwoman Price moved, seconded by Councilman Dewar, that Council pass the ordinance on first reading approving the Intergovernmental Agreement with SIB for the University Parkway project in the amount of \$4.6 million. The motion was unanimously approved.

INTERFUND LOAN AND NOTE – ORDINANCE

Agreement

Loan

Note

Widening

University Parkway

Mayor Cavanaugh stated Council needed to consider an ordinance on first reading to approve an Interfund Loan Agreement and Note for funding for the widening and improvements to University Parkway.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING BORROWING FROM THE CITY OF AIKEN GENERAL FUND EQUIPMENT REPLACEMENT ACCOUNT AS OUTLINED IN THIS ORDINANCE FOR THE PURPOSE OF FUNDING THE WIDENING AND IMPROVEMENT OF UNIVERISITY PARKWAY.

Mr. LeDuc stated in November 2010, the voters approved the Capital Project Sales Tax III which included \$3.0 million in funding for the widening and improvements to University Parkway from Richland Avenue to the By-Pass. The proposed ordinance will allow the City to move forward with this project with an estimated construction start by the end of 2016. The State Infrastructure Bank (SIB) is committing \$4.6 million, and we have asked the County for \$3.0 million. We expect a commitment from the County by the second reading of this ordinance. Although we will not move forward with any more engineering until we get the previous item regarding the Intergovernmental Agreement with SIB and Aiken County, we wanted to get the loan started because expenditures have already been made from the Capital Projects Sales Tax III fund. By approving the ordinance on first and second reading what Council would be doing is allowing us to go ahead and pay for money that has already been spent.

Councilman Dewar stated that is not what the memo is asking for. He said the ordinance is asking for the whole \$3 million.

Mr. LeDuc stated we could go ahead and take this as a bite at the time. We know that the engineering contract is around \$862,000. If Council wants to go ahead and approve the amount that has already been spent Council could do that.

Mr. Smith stated he thought Council was going to have to show commitment to the TIB that they are prepared to allow the borrowing of the \$3 million. He said he thought that was the discussion he and Mr. LeDuc had last week with Mr. Jim Holly, the Attorney for

the TIB. He said Mr. Holly had approved the proposed ordinance and the note agreement on behalf of the TIB. The City has to be committed to be able to provide the \$3 million. Mr. LeDuc stated the City needs to be committed, just as Council wants the County to be committed to the SIB agreement.

Councilman Dewar stated the city is not going back to the TIB until we get the commitment from the County. Mr. LeDuc stated that is right, but Council could pass the ordinance on first reading. Councilman Dewar stated he felt Council should not be doing this until we get the commitment from the County. Mr. Smith stated Council would not have second reading until they get the commitment from the County.

Councilman Dewar stated typically on the ordinance which Council just passed on the SIB Intergovernmental Agreement, Council will not have second reading on that ordinance until the City gets a commitment from the County. He asked why we would not defer action on the ordinance to approve an Interfund Loan Agreement and Note for improvements to University Parkway until we are ready to act on the SIB agreement. He said if we need to cover expenditures that were incurred by the prior City Manager, he was willing to do that to make things right, otherwise he did not know why we needed to make the Interfund Loan. He said the money would not be spent for two or three years.

Mr. LeDuc stated the reason for approving this on first reading is to be ready for whatever that date is for second reading, and we don't have to wait on two Council meetings to get it done.

Councilman Dewar stated he did not understand why we should borrow the whole \$3 million when we are not going to spend it for several years. He said that was his point.

Mr. LeDuc stated SIB wants to see the City's commitment.

Councilman Dewar stated we have the SIB agreement, and Mr. Smith and Mr. Holly negotiated the agreement. The City would be signing the agreement.

Mr. Smith stated the ordinance that Council is considering now is part of the condition of the TIB agreement. The City has to be able to prove that they are prepared to commit the \$3 million.

Councilman Dewar asked when they are asking for it to be committed—in 2014, 2015, or 2016. Mr. LeDuc stated they are not asking when, but just want a commitment from the City just as the City is asking the County for a commitment.

Councilman Dewar stated if Council passes this ordinance, the next time Council gets a listing of Capital Projects Sales Tax III, would there be a listing of University Parkway \$3 million committed from Capital Projects III. Mr. LeDuc stated that would be after second reading on the proposed ordinance. He said that may not be until December or January.

Councilman Dewar stated he guesses he is the only one making the comments, but he felt we are talking about spending money in three years.

Mayor Cavanaugh pointed out it does not hurt anything to pass the ordinance on first reading.

Mayor Cavanaugh made a motion to pass the ordinance on first reading to approve an Interfund Loan Agreement and Note for the widening and improvements to University Parkway. The motion was seconded by Councilman Ebner.

Councilman Ebner pointed out that Mr. LeDuc had commented on several times that he had used the number of \$1.1 million, and he has a reason for that even though it might not be as valid as it should be. He said his opinion is that there is some serious due diligence that needs to be done on the contract that was authorized and the money that

was spent that was not authorized. We need to be sure what is in the contract for work to be done. He said when he talked to the individual who owns the company, he got a little different view than he had heard from the past. There are a number of entities that have to be involved in this before we ever get the design done. Mr. LeDuc has mentioned several of these already from our earlier discussion on Hitchcock Parkway about the geotech work that needs to be done, the water, etc., stage the DHEC wetlands and the pond that washed out a few years ago. He felt we should either modify the motion or agree that Mr. LeDuc, Councilman Ebner and Mr. Grinton, and whoever else wants to, should meet with Mr. Toole and see what is in his contract and get an idea of what we will need to do to finish the design by 2016. He felt there are some other things that we need to be sure we are aware of that SCDOT will want before the design is approved and finished. They will give us preliminary approval, but then to get the final design we will have to show verification of purchase of land, do an environmental study, etc. None of those items are cheap to do. He felt we need to be sure we know what is in the contract. We may need Mr. Smith's help with that. He said he would say approve the ordinance, but as a caveat that we have the meeting with Mr. Toole of the engineering firm before Thanksgiving. He asked Mr. LeDuc if he felt that would be appropriate.

Mr. LeDuc stated if we need to have that meeting he would say it should be prior to second reading on the ordinance. If we say the second reading is not going to be held until January or February, we could hold off having that meeting with Mr. Toole. Mr. LeDuc stated before we go ahead and authorize the engineering contractor to go to the next step, there will have to be some changes made and we will need to meet with Mr. Toole on the University Parkway job. When we get to the Dougherty Road job, it is a little different.

Councilman Ebner stated he did not disagree, but here we have SCDOT Manager Young and SCDOT Manager Shepherd who is new to this project. We definitely need to get them involved. In his discussions with SCDOT Young, there have been no discussions on University Parkway. Mr. LeDuc stated that is correct. Councilman Ebner stated they are waiting with their claws ready to get at us in his opinion, but we need to have those discussions in a public meeting. Then we would go to the second reading. He felt by then we would know where we are as far as the estimate and the stuff that is not in the estimate.

Councilwoman Price asked if the proposed motion was to approve the ordinance for the \$3 million for the approval of an Interfund Loan Agreement and Note for the widening and improvements to University Parkway from the Capital Sales Tax Funds. The response was yes.

Mayor Cavanaugh called for a vote on the motion. The motion was unanimously approved.

PIN OAKS FARMS – RESOLUTION 10272014C

Deed of Dedication

Water Lines

Sewer Lines

Phase I

Phase II

Mayor Cavanaugh stated Council needed to consider approval of a resolution to accept a deed of dedication of water and sewer lines in Pin Oak Farms.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DEED OF DEDICATION FROM PIN OAK FARMS, LLC.

WRJ Development, LLC is the Managing Member of Pin Oak Farms Subdivision located off Silver Bluff Road. They are requesting that the City accept a deed of dedication for

the sanitary sewer and water systems for Phases I and II. Pin Oak Farms Subdivision was constructed in 2007.

Mr. LeDuc stated our Engineering and Utilities Department has reviewed the request and is recommending that the City accept the deed of dedication for Phases I and II of Pin Oak Farms Subdivision.

Councilman Dewar asked why this had taken so long and not been accepted since the subdivision was constructed in 2007. He wondered if this is one that was missing, and we are catching up.

Mr. Grinton stated it was just that the developer had not come forward until now. In response to a question as to whether the dedication included storm sewer, Mr. Grinton stated the dedication was just water and sewer systems and did not include storm sewer lines.

Councilwoman Diggs moved, seconded by Councilman Ebner, that Council approve the resolution accepting the deed of dedication for the sanitary sewer and water systems in Phases I and II of Pin Oak Farms Subdivision. The motion was unanimously approved.

EMPLOYEE POSITIONS

Unfreeze

Parks, Recreation & Tourism

Clerk Typist

Public Safety Department

Maintenance Mechanic

Mayor Cavanaugh stated Council needed to consider a request to unfreeze some employee positions.

Mr. LeDuc stated when Council approved the 2014-15 budget one of the conditions was the freezing of all existing and proposed positions. To unfreeze these positions department heads could request Council to open up these positions on a case by case basis. We have two open positions for Council to consider unfreezing. This would allow the departments to fill these positions through the normal hiring process.

The following positions are requested to be unfrozen:

PARKS, RECREATION AND TOURISM

1. Clerk Typist - 1 vacancy. Part-time position. The Clerk-Typist assists the Administrative Assistant with transfer of data from recreation software to the Finance Department's software and covers the front desk at the Weeks Center during lunch.

PUBLIC SAFETY DEPARTMENT

1. Maintenance Mechanic - 1 vacancy. Full-time position. This position helps maintain and repair traffic signals and requires some electrical and computer skills.

For Council consideration are requests to unfreeze one part-time position in the Parks, Recreation and Tourism Department, and one full-time position in the Public Safety Department.

Councilman Dewar asked if the Public Safety Maintenance Mechanic was a real Maintenance Mechanic and not a Public Safety Officer doing maintenance mechanic work.

Councilman Ebner commented that the difference in the position is \$35 an hour in pay for the job. He said another question he has is about filling the position that will be vacant at Hopelands Gardens and Rye Patch. He asked if that would come at a later time.

Mr. LeDuc stated once we talk to the employee that we are looking at having at the Hall of Fame on a part time basis, we will develop a Memorandum of Understanding with the part time employee. He said he had met a few days ago with another group that might look at doing some contractual work for reservations at Rye Patch.

Councilman Ebner stated since he had been on Council there have been grumblings about having someone available to take reservations for use of Hopelands and Rye Patch. He pointed out that Newberry Hall has two or three people who take care of reservations and questions. If someone has a wedding there, people ask questions about various things. He said that needs to be considered in the arrangements we make for Hopelands and Rye Patch.

Councilman Dewar moved, seconded by Councilwoman Price, that Council unfreeze the positions requested by the Department Directors and allow them to be filled. The motion was unanimously approved.

CONCEPT PLAN

Revision

Joe Roddey

GMK Associates, Inc.

University Healthcare System

1021 Silver Bluff Road

TPN: 106-19-05-002

Mayor Cavanaugh stated a request had been made to modify the concept plan for University Health Care on Silver Bluff Road.

Mr. LeDuc stated since Council approved the Concept Plan Amendment for the University Health Care System's facility at 1021 Silver Bluff Road, Planning Department staff has met with SCDOT and the developers about the curb cut onto Silver Bluff Road. SCDOT does not want to approve the curb cut where it is shown on the concept plan approved by Council. They will approve a curb cut that lines up with the driveway across Silver Bluff Road. This change will essentially reverse the location of the building and parking lot on the approved concept plan. Staff and I believe this change can be approved internally unless Council has major concerns about these proposed changes. He said since a modification had just been approved at the last meeting of Council, he wanted Council to be aware of a requested change in case they might get questions about the project. He said essentially the developer is taking the project they had and flipping it so the driveway matches the driveway across from Centre South. Nothing else has changed. He said he was just bringing this to Council's attention. He said if Council would like to approve the change that would be fine, but it is not necessary as the City Manager could approve the change.

For City Council consideration is approval of a modification of the Concept Plan for University Health Care which would line the curb cut up with the driveway across Silver Bluff Road while reversing the location of the building and parking lot on the approved concept plan.

Councilman Ebner stated he would recommend that the City Manager approve the modification in the Concept Plan for the University Health Care project on Silver Bluff Road. He said there are at least two other parties very interested in this situation with one being Zorbas the Greek Place on Silver Bluff Road and Mike Calhoun who recently requested rezoning for some property on Silver Bluff Road near Hamilton Drive. They are having issues with state right of way also. Whatever is done in the case of University Health Care, they will have an interest level when it comes their time to ask for curb cuts into Silver Bluff Road. He said that was why he mentioned the other interest part. He thanked Mr. LeDuc for bringing the matter to Council for their information.

Councilman Merry stated this is a good example. He said Council had talked previously about sometimes DOT does not approve curb cuts where we might want them. He said this shows how the process works and that DOT does not always approve the request.

Mr. LeDuc stated then staff will work with the University Health Care representatives and allow the project to go forward with the modification requested. He said he wanted to bring the matter to Council's attention so Council would be aware of the situation.

ISSUES AND UPDATES

Councilman Dewar stated he had a question regarding a matter in Issues and Updates about the bike lanes on Hayne Avenue. He thanked staff for including the matter in Issues and Updates to keep Council and the citizens informed regarding the bicycle lane problem. He asked if there was any idea when DOT might approve getting rid of the white lane markers for the bicycle lane.

Mr. Bedenbaugh stated he had spoken with Mr. Ted Jones in the Engineering and Utilities Department and the permit is in the process of being applied for. He said the last encroachment permit for Hayne Avenue took several weeks for approval. He said since the matter had already been through the system, he could not imagine it taking as long as the prior request. He said staff will proceed with notification.

Mr. LeDuc reminded Council that a special meeting had been set for Wednesday, October 29, at 4 p.m. to talk about a personnel matter and a contractual matter.

Councilwoman Diggs thanked Council and staff for supporting the dedication and ribbon cutting ceremony for the Rural Health Center on Friday, October 24, 2014.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:09 P.M.


Sara B. Ridout
City Clerk