

Aiken City Council MinutesREGULAR MEETING

April 8, 2013

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

Others Present: Richard Pearce, Gary Smith, Glenn Parker, Charles Barranco, Ed Evans, Larry Morris, George Grinton, Kim Abney, Alicia Davis, Sara Ridout, Michael Ulmer of the Aiken Standard, and about 45 citizens.

CALL TO ORDER

Mayor Cavanaugh called the meeting to order at 7:01 P.M. Mr. Pearce 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.

MINUTES

The minutes of the regular meeting of March 25, 2013, were considered for approval. Councilman Ebner moved, seconded by Councilwoman Diggs, that Council approve the March 25, 2013, minutes as submitted. The motion was unanimously approved.

PRESENTATIONSavannah River Site
Nuclear Fuel Cycle

Mayor Cavanaugh stated Rick McLeod, Executive Director of SRSCRO was present to give Council a Perspective on Managing the Nuclear Fuel Cycle.

Mr. Pearce stated that Mr. McLeod had been involved in the articles in the headlines regarding our nuclear power and the issue of recycling of the nuclear waste. He has testified in Washington, DC and wanted to share with Council his perspective based on his experience with the work he has been doing.

Mr. McLeod stated he would discuss perspective on managing the nuclear fuel cycling and what role our region may play in that initiative. He said the SRS Community Reuse Organization (SRSCRO) is a 501c(3) non-profit regional group focused on supporting job creation in a five county region of South Carolina and Georgia which includes Aiken, Allendale, and Barnwell Counties in South Carolina and Richland and Columbia Counties in Georgia. He said in January, 2010, President Obama established a Blue Ribbon Commission on America's Nuclear future. This was to provide recommendations for developing a safe, long term solution to managing the nation's nuclear waste and spent nuclear fuel. The Commission, composed of experts from government, academia, and industry, looked at both temporary and permanent storage and examined options for public and commercial management of nuclear waste. The Blue Ribbon Commission issued its final report in January, 2012, two years later. The report proposed a new strategy for managing the back-end of the nuclear fuel cycle and included eight specific recommendations. For the purposes of our community perspective, four of the recommendations are particularly important. One of the recommendations was a new consent-based approach to deciding future nuclear waste management facilities. He said the consent based approach was what he was focusing on. He said Council had been furnished a copy of the Executive Summary of the study. He said they also recommended a new organization dedicated solely to implementing the waste

management program and empowered with the authority and resources to succeed as needed. We all contribute in our utility bills to the waste fund, which was originally set up to support Yucca Mountain. Now that Yucca Mountain is not open, it is in contention as to what happens to those waste funds. They also recommended the top efforts to develop one or more consolidated storage facilities. In January, 2013, in response to the Blue Ribbon Commission report, DOE issued its strategy for management and disposal of used nuclear fuel and high level radioactive waste. The DOE strategy outlined several new authorities, such as consent-based siting, funding reform, and creating a new governmental organization, all of which will require supporting legislation. The proposed consent-based siting process will be governed by legally binding agreements between the Federal government and host jurisdictions. The strategy states that involvement of multiple communities may result in the need of multiple storage facilities or repositories. The Carolinas and Georgia represent much of the focus of the nuclear renaissance and development of new nuclear technology in the nation. This is a natural consequence of the resources such as DOE, Savannah River Site, the Savannah River National Laboratory, and the new commercial units under construction in South Carolina and Georgia. Educational institutions on both sides of the Savannah River have or are developing nuclear training programs which bring strong educational resources to local citizens of the region for the anticipated new nuclear jobs and for the retiring nuclear workforce. The average age in the nuclear industry is in the mid-50's, just like the average age at the Savannah River Site. He said we started our community discussion in March, 2012, right after the Blue Ribbon Commission's final report came out with two questions posed to a small working group, Tier One Group. Those questions were: Should a five county region surrounding the Savannah River Site use its assets to help provide solutions to manage the nation's fuel cycle, and, if so, what are the terms and conditions under which the community would agree to participate. It was determined that a detailed study was needed to provide the local community leaders with information about resources and issues related to managing the back-end of the fuel cycle. The initial Tier One working group did not want to consider only hosting a storage facility. They all agree to no storage without value being added to a region. Consolidated storage by itself brings little, if limited, economic benefits and is construed by many as a potential negative image factor for the region. Therefore, any community role must include job creating activities, including research and development, and manufacturing associated with managing the nuclear fuel cycle. It must also include legal binding commitments to a final disposition plan and provide opportunities for alternate disposition of nuclear materials already stored at SRS. Through our organization, the Dickstein/Shapiro Washington, DC was retained to work on the research study, which began about June, 2012. The effort was led by someone who, prior to joining the firm, managed the Blue Ribbon Commission for DOE. Community impacts, including impacts on economic development and public sentiment are key elements of consideration and are an area of focus in the study. It is important to note that this is only a study to inform and provide needed information. No decisions have been made to pursue anything. The document, both the Executive Summary and the full study, are available on the website under the community issues tab. The scope of the work of the study included technical considerations related to fuel storage, research and development, manufacturing, training and the need for reprocessing. The study also looked at community support from citizens, state and local government support, economic opportunities and potential risks, conditions and needed legislation action.

The study reached five key conclusions. The first is a community understanding and support of solving the protracted national problem of managing the back-end of the fuel cycle. Second is community involvement to objectively explore issues, address risks, both real and perceived, and rely on factual information that is trustworthy. Thirdly, is the community need to fully evaluate and understand any potential for new skilled jobs and incremental economic impacts that can accompany fuel cycle activities. Four was that the region has many assets that can be used to facilitate a national solution. An example is the H-Canyon at SRS, which is unique among the US nuclear facilities. One final conclusion is, if the local community determines the risks and reward ratios acceptable, appropriate state and federal entities and the public at large must understand the basis for any community consensus on the issue. Managing and closing the fuel cycle are two different things. For decades, discussion about future nuclear fuel cycle has been dominated by the expectation of a closed fuel cycle. In a closed fuel cycle spent fuel

would be reprocessed multiple times and the newer produced fuel used in the fleet of deployed fast reactors which would actually burn up the fuel. Closing the fuel cycle using a fast reactor would be very costly, and the economics tied to the cost is really an availability of uranium. Managing the fuel cycle suggests there are many viable fuel cycle options and approaches, some economic, some technical, such as implications for waste management, and some societal such as the scale of nuclear power deployment. It is difficult to make the optimal choice. Greater parity should emerge over the next few decades. This is going to take some time. This is not a quick process. Assuming that the needed research is carried out as discussed in the study, a key message from the study is that we can ensure and preserve our options for fuel cycle choices and permit a system for managed spent fuel storage, develop a geological repository, and research and develop technology alternatives appropriate to a range of nuclear energy futures, including reprocessing and next generation reactors. A good consent-based siting process should not be prescriptively defined, but permitted to develop organically among the interested parties. Regardless of the specific process for developing consent, success will be measured by agreement among the interested parties that is legally enforceable. During the process, the parties involved must negotiate in good faith and be open to creative solutions to address issues that arise, including oversight and incentives and compensation. Congress and the new management entity must be willing to let communities and states reach their own conclusions as to whether or not it is a burden to host a new facility, or to let them identify the framework and restrictions under which they wish to operate. Reliance on funding from DOE to accomplish the activities cannot be waited on. Private funding must also be pursued. Any new facilities may or may not be entirely on SRS property or strictly under government ownership. There are multiple step models of how to make decisions by consensus. They vary in the amount of detail the steps describe. They also vary depending upon how decisions are finalized. The basic model involves four steps. 1. Introduce and clarify the issue. 2. Explore the issue and look for ideas. 3. Discussion, clarify and amend the proposal to generate as much agreement as possible. 4. Implementation.

We believe we are somewhere in between Step 1 and 2 in this modified consensus model. Consensus driven involves face to face interaction among representatives of such stakeholder groups. It aims for mutual gain solutions rather than win or lose outcomes. Consensus building does not mean that everyone agrees that a particular decision is optimal. It means a decision is reached that everyone can live with. In other words a decision addresses stakeholders most important issues. However, consensus takes time, patience and a willingness to compromise. We believe that a spiral type pure process is most suitable for a consent base where we start inside the core and work out to multiple tiers, multiple tiers work back in and come to a final solution.

The SRSCRO Board of Directors in our next steps will consider its role in helping to develop a comprehensive plan aimed at building a community consensus about hosting a fuel cycle related facility. As noted earlier, no decisions have been made. We are still in an exploratory phase. Because of our broad regional mission, the organization is known as facilitator to provide the information and education and a platform for public discussion, as interested citizens and more groups work together to arrive at a community consensus. He said they will be part of a strategy for communicating our common position on hosting nuclear fuel cycle facilities to key decision makers. He challenged Council to read the entire study, and while developing their opinion on the risks and benefits for this community base it on actual facts rather than on emotion and misinformation. He said this will be a protracted long term process, but one that needs Council's attention and leadership.

Mayor Cavanaugh thanked Mr. McLeod for his presentation and thanked him and his group that had been working for many years with Washington on many issues.

RECOGNITION

Councilman Homoki pointed out that his brother and sister-in-law were present at this meeting. He said they were visiting with him during the Masters this week. He pointed out that his brother was a former Mayor of South Brunswick, New Jersey.

BOARDS AND COMMISSIONS

Appointments

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

Councilman Dewar stated he would like to nominate James Archibald to the Building Code Appeals Committee.

Mayor Cavanaugh stated the nomination would be on the next Council agenda for consideration by Council.

GREEN INFRASTRUCTURE

Testing

Clemson University

Contract

Mayor Cavanaugh stated Council needed to consider approval of a contract for Green Infrastructure future phases testing by Clemson University for a Hydrological Evaluation of the Sand River Headwaters Stormwater Infrastructure.

Mr. Pearce stated that at Horizons in 2012 Council adopted a continuing goal which was adopted again at Horizons 2013. That goal reads: As part of developing an overall strategy for abating Sand River Storm runoff problems in Hitchcock Woods pursue the next phases for installation of bioretention, bioswale, rain garden, and other stormwater runoff containment measures. Also, continue to study other projects that will work in tandem with these installations.

Mr. Peace stated that at the last Council meeting this item was on the agenda for Council consideration. Council had some questions. Those questions were shared with Dr. Gene Eidson. Dr. Eidson from Clemson University is present at this meeting. Dr. Eidson is present to address the concerns and questions which were raised at the last meeting. He will explain in more detail what this proposal scope would cover, our background, and why we have reached this point to now consider the next phases of the study of stormwater that is going into Hitchcock Woods.

Dr. Gene Eidson, Director, Clemson University Institute of Applied Ecology, stated he had submitted a proposal to conduct testing of our stormwater runoff into the Sand River Headwaters Storm Drain Infrastructure. He said he wanted to take Council through an introduction to his team. He said there are some new Councilmembers. He said Clemson had been working with the city since 2008. He said he would tell why they were interested in this project, why they were interested in working in Aiken, some background on the research they do, and why it is applicable to moving forward with the Hitchcock Woods project.

Dr. Eidson reviewed some of the work Clemson has done for the city. He said they have had three contracts since 2008 with the city. He said a team had worked with him for six years. He said the Institute is interdisciplinary. He said he had read the minutes and listened to the audio from the last meeting. He said he would try to answer the questions raised at the last meeting. He said his group is a research-oriented enterprise. He said they do not do routine engineering, so they would not compete with routine engineering companies. He said they complement the work that engineers do. He said, looking at some of the advantages of continuing their partnership, it is a continuation of the work they have been doing with the master plan and the green infrastructure. The project is a very unique project and a very data intensive project. He said that is what draws his teams' interest in the project—the data. In order to reach an understanding of the data and in order to implement an operational method through engineering, will require data intensive research. He said his team has been very fortunate, and over the last five years have brought in \$15 million for their research program. Of that \$15 million, the city's

component is 3%. He said all the projects they do they leverage with every other project. He said what they learn in Aiken they apply to other projects, and what they learn on other projects they apply in Aiken. He pointed out they put in the wireless communication system for their research, and they recently upgraded it. The upgrade was discovered in another project. They upgraded it in Aiken, but did not ask for additional funds from the city. He said the wireless communication is state of the art. He said the focus of their attention is environmental informatics and the aspect of the project that drives their interest. He said the project needs a tremendous amount of data and the technology is state of the art data intensive. He said how you select the data, how you store it, how you mine it, and how you make the data operational is why they are involved. It is not because of the more routine engineering component. He pointed out they were the recipient in 2011 of the major research instrumentation award from the National Science Foundation. He said there were 877 proposals and theirs was the winner. He said everything they are involved with surrounds the little computer which he held up. He said the computer is extremely powerful and everything they do they engage with the computer system. He pointed out that the little green boxes in the parkways that say Intelligent River contain the computer. The other thing important about the project is that the project has been followed by so many people. He said from day one all their data has been on line and accessible. He said if you look at who has used the data, it has been worldwide. The project has been followed by a national audience. One of the most interesting aspects is that it gives us an opportunity to create the national river basin model. He said what they are doing with green infrastructure in the Sand River Watershed is at the site level. We are looking at urban forestry and low impact development. They are really looking at stormwater management. With the award from the National Science Foundation, they will be looking at the entire 10,500 square mile river basin of the Savannah River. It will be the largest river study in the country. He said Sand River is an urban watershed, a head water stream watershed that ultimately flows into the Savannah. That is very compelling for them as a research institute to work with the city and move that forward. The other thing is that they have very selective projects that they focus on. He said the Intelligent River is the largest and is funded by the National Science Foundation. The Intelligent Farm, the Intelligent Forest, the Intelligent City all build operational methods into what has historically been routine studies. He said the computer allows them to do that. Everything learned from one project folds into the other projects. He said their entire research program is on intelligent solutions. He said they get dozens of requests every month from all over the state to do work in different cities. He said they are very selective. He said as far as cities they currently are only working with two cities, the City of Aiken and Charleston. Economic development is the driver for what they do. He said they get a lot of national and state funds. He said everything they do is developed to drive the economy in South Carolina. It is all research focused, not routine. He said if one looks at their partnerships and the federal agencies they work with, one will realize it is a very broad scope of major companies, not only regionally, but nationally and worldwide.

Dr. Eidson then showed a video of a quarter of an inch rain event that occurred over one hour and the flow that resulted from that rain. He pointed out the video shows a very rapid transfer of water from the city down to Hitchcock Woods. He said one thing we do very effectively is dry the streets out very quickly. But the ultimate result of that is that we are having a severe impact on Hitchcock Woods. He said this is not new information. He pointed out he had listed the major research programs that have occurred beginning in 1991 for Hitchcock Woods. He said in 2008 Clemson was asked to come in and look at all the studies, work with all the partners and bring them together with consensus. It was not to generate new data, but an engagement opportunity that would bring everyone together not only the city and the county, but the regulatory agencies, and Hitchcock Woods. He said that is what they did. He said one thing that was clear was they had a tremendous amount of data. He said they looked at the data as base data. There were a couple of studies that were very important. He said in 1992 the report that was done through USC clearly defined the future of what would happen in Sand River. He said if one reads that report thoroughly, it really laid the case that the water should not be there. Everything they predicted has come true. Going further into the different studies, there were many considerations of how to make corrections, but they were just patch considerations. They really were not strong solutions. He said the thing they did was to bring people together and say let's solve this. They asked what are the root causes. What

are the problems, and how do we go about doing it. That can only come true through a serious engagement among multiple parties. He said they had three working charettes with different parties. He said they used every piece of data they could find. He said they took every report and spent months looking at the reports. They talked to the authors of the reports, the engineering firms and invited them to be a part of this. He said they were the ones who helped give them the direction of where we should go. He said they looked at all the options that had been laid out for Sand River. He said he commended every option that was put on the table. He said what they wanted to do, without any bias, was look at all the historical studies and say how do we take all of this information, how do we compile it, and how do we look at it differently. He said that is what they did in their study. They brought people together and decided without bias. They would look at all the options and try to come up with a consensus. He pointed out a study that was done in 2007. That plan was to put a gabion canal through much of the upper headwaters of Sand River. The use of that was proven in smaller projects. Over a period of time gabions allow water to move in and out. Because of the unique geological formation there it would collapse. He said he could walk someone through the Woods and walk them through Sand River and show them where all of these were tried and you can see how they collapsed. He said it was an excellent idea. He said the question was how could they take that idea and transform it to something more workable. He said that is where they came in with the preferred alternative. He said their goal and engagement was not to say this is what you need to do, but just to direct them to the information. He said the preferred alternative is one that people think will do mass damage to Hitchcock Woods. He said there is no one here that is a stronger ecologist than he is. He said there is no one present that does not love Hitchcock Woods. He said he grew up in Aiken. He said what has been done over a period of time is look for any place where a retention basin could be built. He said Aiken is a built out city, and there is a very small amount of infill. He said we have a gulley that has been carved over a series of years that is perfect for storage. He said the solution that everyone came together with said let's bury the storage. Let's have linear storage within Sand River itself, within the canyon. He said we would cover it, and as a restoration ecologist we would come in and recreate Sand River so the historic flow in the Woods itself would look like it did many years ago, but underneath that would be a very intricate network of storage. He said that was the solution that was felt to be the most applicable. The solution is really straightforward. It mirrors very much the solution from the 2007 study. About \$16 to \$18 million was the estimate for work. The thing that is innovative is not the fact that pipes would be used as storage. He said this has been done and is proven technology and been done quite a bit throughout the country. The real key is how do you manage that storage. He said that is where they come in. He said that is the information technology component and that is why Clemson is interested in working with Aiken. He said there would be dual or triple pipes that would have to be engineered and placed in the canyon. That would be filled over. Very close to the 2007 study by Woolpert, they would daylight it and it would discharge in Barton's Pond wetland. Barton's Pond used to be a pond. It has filled in with sand over the years. It has now become a very high quality forested wetland. He said one thing we can't confuse this with is that this is not just an engineering study. He said we could have all the money we wanted, but we could not go in the Woods and put the piping system in because we would impact wetlands. We have to go through Corps of Engineers for permits. We have to have EPA and all the agencies approval. He said this is an ecological engineering study. He said it is hard engineering combined with ecological engineering. He said when the figures were laid out for everyone, they were shocked at the potential cost. One of the things that stood out at the second meeting was what Hitchcock Woods said about the upstream infiltration opportunity. He said that was what we really needed to look at. How can we use green infrastructure to try to minimize the amount of water that goes down to Sand River. If we are going to follow that scheme, collect all the water in one location and run it through the Woods, how are we going to do it in a cost effective way as well in an ecologically sound way. The idea was to go back upstream to the root cause to solve the problem. We have been talking about the problem for three decades. We talked about how we could employ green infrastructure. There are 105 acres of medians, but if you drive around the city you will find, except for the areas they have worked on, that most of the medians are disconnected from stormwater. He said if we get angry about anything we should be angry about the fact that we irrigate the parkways and we let all the stormwater run rapid down to the Woods. He asked how we reconnect all the greenways. That was the purpose of the

green infrastructure. He said his group with their own funding internally took it to the next level. He said they held a landscape architecture studio in Aiken which was funded internally. He said they came up with ideas of how this might be a model project for the country. He said they presented the ideas to EPA. He said Aiken is a model for looking at green infrastructure. The money that came to the City of Aiken through the ARRA funds was a national pilot project. It was not just a City of Aiken project. This was a project that was to test all of the types of green infrastructure, including permeable pavement, rain gardens, and bioswales. All of these were to be tested. It was a nationwide learning experience. He said they gained a lot from the project. He said we made all of downtown our wireless research network and all of the data was collected in a novel way because they were not using the typical methodology, but they were looking at massive data. The system that was put in he felt was going to be replicated in many cities. He said real time data, and remote data acquisition make it totally transparent. From day one anyone could go to their website and look at the data. He pointed out the active green infrastructure projects that are being considered now throughout the country. He said many of them go back to the project in Aiken. He said public meetings were held and consulting firms and people were invited. He said they want to do the research once and then transfer that technology over to the consulting firms. He said from the Headwaters project they found that every one of the technologies worked beautifully in Aiken. He said Aiken is a sand ridge and it drinks up the water quickly. They also found that you don't need redundancy. We don't need permeable pavement with rain gardens and bioswales. Permeable pavement, a rain garden or bioswale alone was enough. At the time they did not know that. It had not been proven. He said this is going back to basic technology, but it had not been proven. He said anyone with a smart phone, a laptop or ipad could walk through and follow everything. He said this was a very small project compared to the entire watershed. He said they did not find a statistically valid reduction in water at the 10 foot diameter pipe. They were within the margin of error. He said that really is not surprising. He said they did find that each of the units of green infrastructure worked extremely well and much better than they had predicted. They also found that considering the theoretical aspects of how you build rain gardens or bioswales they are really overbuilt. He said they were all overbuilt and don't need to be designed that way. He pointed out Beaufort is the closest green infrastructure project that has built on our project. They are following the same pattern that was used in Aiken.

Dr. Eidson stated what we are talking about now is the last phase to get the definitive information needed. He said they need to know exactly where the water is coming from. He said if we are to implement further green infrastructure we need to know where we can optimize those dollars. That is what this is about. It is absolute state of the art technology. Anyone can follow the work on line. The profilers to be put into the stormwater pipes are state of the art technology. The amount of data they generate is overwhelming. You need high performance computing and that is what Clemson brings to the table in order to do this. He said an engineering firm could place the profilers in the infrastructure. He said they are not competing with them. Clemson is bringing and linking green infrastructure to information technology. He said this data will tell us how to manage the project in the future. He said they had met with engineering and had submitted a proposal for the project. He said the proposal was included in the agenda packet. He pointed out funding requested is \$367,437. He pointed out the listing of Investigators and stated none of them are billing their time. They are interested in the project, and none of their time is billed. He said they are billing the graduate students. He said they are training the next generation scientists and engineers. Part of the money is to buy the equipment to install. He said they are really matching the money they are asking from the City because they want to move the project forward. He said they will quantify the flows from each of the trunk lines. They would determine where the flow is coming from. They will look inside the pipes to see how the flow occurs in the pipe and determine if there are any issues with the piping. That will give some insight as to whether the existing infrastructure can be used for long term storage. The infrastructure is a system, and every valve can have intelligence built into it. He said if there is a major rain event at 2 a.m., the computer will be monitoring the system. He said they can open and close the valves so we can optimize storage and minimize damage to Hitchcock Woods. He said that was their role and the reason Clemson University is interested in the project. He showed some photos from this past week. He said this was not a problem with the headwaters any longer, but it was all the way down to Memorial Gate. He said

in the last couple of weeks we have collapsed much of the bank around Memorial Gate. The study would help us go back up to the watersheds and know how much water is coming from each one. He said they would optimize what type green infrastructure should be put in place. He said there would not be the elaborate rain gardens that were put in the parkways, which were put in as part of a national exposure to the project. He said very simple bioswales could be used, and in many instances just opening up the curbing to let the water flow in the parkways is all that is needed. He said if we can engage the stormwater with the sand, it will infiltrate very, very rapidly. That helps us to capture and store the stormwater. It recharges our ground water and it will minimize the impact on Hitchcock Woods. He said where we go from here will depend on accurate information. With the state of the art technology instrumentation, the data should be excellent and totally transparent. He said they want to engage the community with the project and see the stormwater. Another thing being considered is streaming video. He pointed out the video which showed the 1/4 inch rain. He said imagine what it was like when we had the largest rain event of 7 inches over a three hour period. He said when we reached the 25 year storm, the best way to compare it is that it is equal to the base flow that we send out of the Savannah River every day. He said it is a massive amount of water. He felt anything that can be done to reduce the flow would be beneficial and would reduce the cost of the remediation.

Mayor Cavanaugh stated he knew the porous asphalt and concrete is working. He said he witnessed about five months ago what happens in a heavy rain. He said no water was standing. He wondered if that flow was measured. He pointed out this was water not going into the Woods now and this has to have some effect on the flow to the Woods. He felt the work that had been done is accomplishing something. Dr. Eidson stated they were able to measure it, and it is in the final report under permeable pavement. He pointed out Brad Putman is the national expert on permeable pavement. He is the young faculty member that has been involved with this. Dr. Eidson stated that water was not going to the Woods now, and the work done has made a difference in the flow to the Woods, but it is hard to discern the amount when you take in the whole watershed.

Mayor Cavanaugh asked Dr. Eidson if he envisioned that at some point in time it will be necessary to put one or two smaller pipes in and run it through the Woods, not a 10 foot pipe. He pointed out the green infrastructure would not totally solve the problem. Dr. Eidson stated it would not solve the problem. At this point he said the team would still advocate using the 10 foot diameter pipe to give maximum storage. He said the canyon is 70 feet deep. He said we would never engage with those pipes. He said if we went with a smaller diameter pipe, we might run the risk in high flows, for example a 25 year flow, of having a backup downtown. He said they want to have the maximum operational opportunity. He said if you could envision from an ecological perspective all this water is stored in the 10 foot diameter pipe. That is just an underground vault. He said they costed out underground vaults which are used in many cities, and that cost is a magnitude higher. He felt if the diameter of the pipe were reduced from a cost perspective it would not really make that much difference. He said he could not see going to an 84 inch or a 48 inch pipe as a workable solution. He said think of the pipe as the regional detention basin. He said ultimately the water will flow into Peggy's Pond. He said the reason for asking the City to buy Peggy's Pond is because they know they can get that permitted. He said he was confident that if we choose to go forward and we do storage and develop a system, we can get a permit because of Peggy's Pond. He said if you wonder where all the sand has gone, it has gone to Peggy's Pond and in Cathedral Isle wetlands. He pointed out if one walks Cathedral Isle wetlands, they will find that trees are smothering in sand. He said we are losing that wetland, which is the most important type wetland that we have. He said the goal is to think how we create that storage. He pointed out when you get to the 25, 50 or 100 year storms we will not be able to store that water. He said he would suggest that as we upgrade the infrastructure that maybe we enlarge the pipes and possibly create more storage. He said every time we pour pavement or put in curbing we should think about what we are doing and how we can reduce the impact of stormwater.

Councilwoman Diggs pointed out that \$367,437 would be for testing and study to identify the problem and that additional money would be needed to find the solution to

the problem. She asked Dr. Eidson what his estimate would be as to how much that would cost the city.

Dr. Eidson stated he could not say until we see the data. He said you can't look at the pilot project that was done for \$3.3 million and use a percentage and use that as a multiplier to determine the ultimate cost. He said he felt we could do very cost effective solutions. He said we are simply going back in history. He said when he was a kid in Aiken there were dry wells and sandy roads. He said we are going back to proven technologies that are inexpensive and cost effective. He said we were not looking at radically modifying the parkways. He said he loved the parkways as much as anyone, but we have to have simple solutions. He felt to have community engagement will have a tremendous impact. We need to encourage community engagement such as disconnect one downspout. He said if everyone in the city disengaged one down spout, and a rain garden were constructed to treat the water, that would make a huge difference. He said without community engagement we would not be successful. He said community engagement and people truly understanding the issue will help us succeed.

Councilwoman Diggs asked if the people he had talked to in the downtown were receptive to the idea. Dr. Eidson stated they were receptive. He said a couple had volunteered to be a model so we could build individual pocket gardens. He pointed out the project that Beaufort is beginning and noted that every street is loaded with pocket gardens. He said the pocket gardens make a huge difference when you look at the collection of stormwater. He said for new construction, he felt we need to look at our planning laws and zoning laws and think differently.

Councilman Dewar asked if the permeable roadways are permanent or do they wear out. Dr. Eidson stated that Brad Putman had followed a project for 12 years and the permeable roadways still perform in a 95%+ efficiency. The key is that you sweep the streets. He pointed out Aiken sweeps the streets very well and that is a great bonus. He said as long as the permeable roadways are in areas where there is not high traffic and large trucks traveling on the streets they should hold up.

Councilman Dewar stated a question at the last meeting was whether the city would be effectively using taxpayer's money. The issue was whether or not anybody could do what Clemson is doing. He asked that Dr. Eidson go over again the relationship of Clemson and if an engineering firm could do what Clemson is doing and why it is important for Clemson to do this and not bid this out for any company to do the work.

Dr. Eidson stated Clemson could do what engineering companies do, but they don't. He said they are only interested in innovation and research. He said if his team had an opportunity to get a \$5,000 raise or a project that would get them five publications, they would go with the publications. He said they want to look at the way the system works. He said they want to collect the data in a format so they can study the data in the way other people cannot do. He said the technology that was used in the parkways is their patented technology. No one else has the technology. He said it is the technology that they competed with hundreds of other institutions. He said they are bringing the cost of the technology down from \$20,000 for the type of system to less than \$100. He said an engineering firm could not come in and do what Clemson can do with the project and give the city the data that they can to move the project forward in real time. He said Clemson will collect the data in real time remotely and engineering firms do not have this. He said they train engineers and work very closely with engineering firms. He pointed out Clemson received \$296,000 out of the \$3.3 million for the project. He said their role was not to do the engineering. He said if Council moves forward with the proposed project Clemson will not do the engineering. That is not their goal. He said they want to bring the information technology, the environmental informatic component into this. He said this is a huge problem which has been looked at for 30 years. He said they believe they can bring something to the table that other groups can't. He said in the future as the project moves forward, it will not be Clemson designing and doing engineering plans. They could, but that is not what they do.

Councilman Dewar asked if they had enough data to suggest that maybe the city should require that all new houses that are built have the driveways built with pervious material. He wondered if that was a potential in the future. Dr. Eidson stated that is one fit. He said the city could look at any street paved in the city in the future, whether with private or public dollars, as to whether it could be an application opportunity for green infrastructure and whether curbing is needed.

Councilwoman Price asked if Clemson was the only one that has this kind of model and the total cost for the three contracts that Clemson has had with the city. Dr. Eidson stated Clemson is the only group that has the information technology application that they have. He said every dollar that he receives for Clemson he matches in private dollars. He said of the \$15.5 million that his group has brought in, half is private funds. Dr. Eidson stated the three contracts with Clemson were \$30,000, \$296,000, and \$126,000.

Councilwoman Price asked if the city went out for bids for those contracts that Clemson performed. Mr. Pearce stated Mr. Morris would have to speak to that. Councilwoman Price stated over the last 25 years we have known that there are some issues with Hitchcock Woods and drainage. She pointed out if it rains long enough anything will flood. She said Dr. Eidson was talking about a realistic issue in terms of water flow and the amount of rain that would come from a heavy rain and how that runoff is done. She pointed out the things proposed are not new, but we have heard this over the last 25 years.

Mr. Morris stated the services were not bid out. They are professional services. Anytime we have professional services we deal with the people that have the most expertise. In this case we wanted to stay in state and Clemson has the expertise needed for stormwater. It was sole sourced as professional services.

Mr. Pearce pointed out that Woolpert Engineering helped with the project. They were already doing engineering services for the city on a number of projects and an addendum was added for this project.

Councilwoman Price asked if the \$16 million project would be sole sourced or bid. Mr. Morris stated with a project that large we would request qualifications from various engineering firms. He said normally one firm would not do a project that large, but would have sub-consultants. He said they do not bid professional services, but ask for qualifications. Based on the qualifications, they choose the best firm or firms to do the work and then negotiate with them.

Councilwoman Price stated, given the history of Dr. Eidson and Clemson, perhaps they would be the natural decision, since they have been on the project since inception. Mr. Morris pointed out that Dr. Eidson had stated they do not do engineering work as that would put them in direct competition with our engineering firms throughout the state and that is not the purpose of Clemson. However, for the collection of data and research we would want to stay with Clemson. He pointed out the technology that Clemson has that no one else has. That technology would give the City real time information. He pointed out information that is being collected is still on the website and additional data is still being added on how the green infrastructure is working.

Dr. Eidson stated that everything done on the project is public. Anyone can go on line and get all the data. He said once they do a project his team does not want to do it again. He said they only want projects that will provide meaningful research and that they can publish. He said they held meetings in Aiken when they finished the green infrastructure project and invited all the ecological engineering firms so they could transfer information to them. He pointed out that Beaufort came to them, but they have no interest in Beaufort. He said they want to concentrate their efforts now on a very narrow scope of projects because all involve the information technology component they have.

Councilman Homoki stated Dr. Eidson had mention that he would like to have the absorption or remediation rate in the city improved. He wondered if that would affect the bases of the roads. He said we seem to have some road problems in Aiken County and in

the city. He wondered if the remediation would be so effective that it would disturb the foundation of the city streets.

Dr. Eidson said no. He said we have a 12 inch base of rocks, etc. These are well prepared roadbeds. He said they make sure there is plenty of storage space and adequate infiltration. He said they would not be applying permeable pavement in the high traffic areas. It would only be in the parking areas and low traffic areas. He said the projects have held up for over a decade now. The oldest project on which they have information on is 12 years old. He said when he was in Washington, DC presenting the project to the federal agencies, DOT wanted this information. He said presently Brad Putman is a consultant for SCDOT and we are looking at how you use this in areas that are prone to flooding on Interstates and other areas. Concrete would be used there instead of asphalt.

Councilwoman Price stated in talking about budget and funding, in the midst of budget shortages for colleges and universities across the state and country, given what Clemson has with technology, she finds it interesting that Clemson would limit themselves in terms of where this could take possible income for Clemson. Dr. Eidson stated the Institute of Applied Ecology is one of the largest research enterprises at Clemson University. He pointed out that if he went beyond the research model in developing the technology, there are many companies that would want to license the technology, and that is where they will make their money.

Councilman Homoki stated he understands Clemson would concentrate the proposed study on the city. He said a 10 foot pipe had been mentioned to follow the bank of the Sand River or possibly another route. He asked if Dr. Eidson had already decided that the pipe is the solution. If not, what other possible solutions are you looking at in Hitchcock Woods. Dr. Eidson stated he was saying that the only acreage available for storage is in the canyon. He said the team went all over the city trying to find storage for the downtown watershed. He pointed out we are only talking about one of eight discharges into Hitchcock Woods. He said there is a lot of County water that goes in Hitchcock Woods, which goes down different lines. He said at this point he is only talking about the city component. He said whether the storage is a concrete vault or some other underground structure, he believes, based on everyone that came together, that everyone finally concluded that the only acceptable place to handle storage is in the canyon. He said a pipe could just as well be a concrete vault. He said they were trying to find the most cost effective way to collect the water and store it. The pipe happened to be the most cost effective.

Councilman Homoki stated if Dr. Eidson could plead his study on the remediation up to where the canyon is, would the study help decide how big a pipe will be needed. He wondered if that would be the purpose or the routing. Dr. Eidson stated the first purpose is how much water is coming from which sub-watershed. The real goal is to find out where the water is coming from. If there is a limited amount of money and we need to try to correct the root cause, we don't want to go to a watershed that is producing very little flow when we should be going to another watershed that is producing more. He said they need real firm data. He said the present data is projections, and we need hard data. He said when we get the data we need to determine if we can optimize a reduction with green infrastructure. That is the goal, to infiltrate water back in the watershed itself instead of running the water off and pushing it downstream. We need to look at how much storage is needed. He said we are in a unique geological formation of Sand River. He said you can't find Sand Rivers all over the country. He said we have already carved a 70 foot gully there. He said that is our opportunity for storage. He said they had been all over the city looking at every potential opportunity for storage.

Councilman Homoki stated Sand River goes through the wetlands which used to be Barton's Pond. He wondered about our chances of getting this by EPA and disturbing the area, assuming a pipe will be put in the area. Dr. Eidson stated they would not take the pipe in through the wetlands at Barton's Pond. It would have to end prior to that. He said Barton's Pond wetlands over the years has developed into a high functional forestry wetlands. The opportunity to restore or rebuild Barton's Pond is practically zero. He said what they want to do is to maintain it. He said some attention needs to be taken

quickly on the wetlands closest to Dibble Road. He said we would not have any trouble making Peggy's Pond the regional detention basin. He said we have to have some type of detention basin prior to discharge to Horse Creek.

Mayor Cavanaugh asked that Dr. Eidson clarify storage. He wondered if he was talking about pipe storage in the canyon, how big the storage would be, would it be a series of pipes that goes around and around and then move on to a smaller pipe.

Dr. Eidson stated we might have three levels of piping. The water flow within the structure will all be controlled by an information technology program. We would know in advance of the rain event how much water is projected to come down, and we will know where that storage needs to be. The piping could be multi-tiered, but we really don't know that until we determine if we can we do it up stream. When the storage gets full it moves down the pipe and stops prior to Barton's Pond. Then we would follow to the best of our ability an ecological flow description. There would be computer algorithms measuring the flow. The flow would be allowed to go through so it would be representative of what the flow should be. We would not want one flow all the time because every animal doesn't like that particular condition. He said they would work with Hitchcock Woods to help design the ecological flow. He said the technology we are talking about would regulate the dam. He said it was a real challenge to get the funding for the technology. He said they tried three times and won on the third try. He said the computer chip is much more powerful than that used for the Apollo. He said the small mote board can handle thousands of instruments. He said data can be read that comes in every second. He said this was not available five years ago. He said in the near future the Intelligent River viewing room will be completed. He said it is being designed for Councils, so when they have a decision to make, they can make changes and it will give them a forecast of what it will look like over the next 20 years. You will see the results of your decision visually.

Councilman Ebner stated he hoped Aiken becomes an Intelligent Center and the widgets are manufactured in Aiken. He pointed out Dr. Eidson had mentioned that if we get a 25 year storm it is equal to the base load of the Savannah. Dr. Eidson stated if you get between 25 and 50, if you look at what the discharge is at base level it is about 3,000 cubic feet per second.

Councilman Ebner asked Dr. Eidson if he was using in his calculation a 25 year storm, or was he gauging everything by something else. Dr. Eidson stated most of the data has been in the 10 year storm. He said the research has shown, however, that the real damage and undercutting of the banks are occurring with the quick pluses, the two year and less storms. He said they are undercutting the banks. Because it is all sand, it just caves in. Councilman Ebner stated he felt something needs to be done with the water flow coming out of the city, as well as the other seven areas that have been identified. He said over the last two weeks he had gotten a quick education from a lot of people. He said one thing which he felt would help a lot was as we go through the studies from the early 1990's is to have a bibliography of what has been done. He said Dr. Eidson had covered a lot of it at this meeting. However, at the first meeting there were a lot of questions, and Dr. Eidson was not present. He said Dr. Eidson had answered about 90% of the questions tonight. He pointed out Mr. Pearce had an executive summary of each of the studies from 1991. Some of them were new to him. He pointed out that in 2006 about 60% of the design was done for the pipe from the city down to the Memorial Gate. He pointed out Dr. Eidson is the only link to the history right now. He felt it was important that the history get captured a little more than was done at this meeting. Maybe it should be a three or four page bibliography for each study and what it accomplished. Some of the studies just reemphasized the same thing. He felt that should be included in the proposal because there will be new Councilmembers, staff, and new members on the boards. The other part he was interested in is building stuff and making what academia designs run. He said he understands where he is coming from with technology. He also wondered if any type cost analysis or percentage analysis of the water that can be contained in the 105 acres will be done. He wondered if that would be included in the water flow calculations as to which ones would work and which ones won't work.

Dr. Eidson said as stated in the proposal that will be part of the end product of what they are doing. He said they will work with the city and whoever the contractor is to explore how we take the data and move it forward to the next step. He said he felt the study would tell you what watersheds we should go in and do soil borings.

Councilman Ebner stated he was trying to get some basic data so when we go to an engineering firm or soil borer he does not have to dig 105 holes.

Dr. Eidson stated when they were working in the parkways they would dig a well, do the percolation study and 20 feet away in the same parkway it was a different story. He said there had been a lot of fill and different work that has occurred in the parkways. He said they were astounded about the variability of the soil. He said he felt from the watershed perspective a lot of that is already done. He said they have a very strong idea of what the soil is like by each of the watersheds. In some cases it is 95% sand. He said those are the areas that are highly available. Councilman Ebner asked if the study would provide a guide to get there. He said there are 105. He wondered if they would do 200 tests. He said he was trying to quantify to get to basic data so the City and Hitchcock Woods could go to an engineering firm and say choose the ones based on Clemson's data and what would you do. Dr. Eidson stated they will provide the city with the areas that you should go in and examine, but they will not go and examine all those, as that is not part of their work. It was not part of their work in the prior study, because that is routine work, and they don't get engaged in that. Councilman Ebner stated he felt it would be good to have a little more definitive basic data in the proposal. He said that would mean a lot to him, and to academia and an engineering company it would mean a lot. He said he would like to see a little more definition of what they are going to do with the 105 acres. Then with the data you have you can get some percentage flows and how much it is worth, etc. He asked if that was a reasonable request. Dr. Eidson responded that they would be competing with routine engineering firms that do this work. He said Clemson would be a team member with them and would advise them as they did on the other studies, but the engineering firm would actually do the work. Councilman Ebner asked if Clemson would develop the data so they don't have to dig in all 105 acres. He said it was important at this stage that we all come together and say we have the information to know that the pipe is a certain number of feet and that we should study instead of 100 plots we only study 50 plots. He said that was the reason he was asking that Clemson be the historian, as they are our only link to going back in years and putting all this together. He felt that should become part of the contract with Clemson and if that would cost more we need to know that. His position is that should be included in the contract. Dr. Eidson stated that Woolpert in their 2003 study outlined the major studies and Clemson would be glad to do that.

Councilman Merry stated most of his questions had been answered. He said he had not heard, however, how long the study would last. Dr. Eidson stated they project they will need two years. He felt it will take two years to get the physical representative storm events. He pointed out every storm is different. There may be a dry period and have a storm and there may be very little flow. Then there may be a wet period and the soil is already wet so we will get a different flow. He said you can't compare from storm to storm. He said they determined last time that they needed roughly 105 storms. Councilman Merry asked if the funding is spread out over two years or if it would all have to be paid up front. Dr. Eidson stated working with the University the fee is paid up front.

Councilman Homoki stated on the pond that was drained, is there a chance of rebuilding it as a storage area. He pointed out it is 10 acres and could hold a lot of water. He was wondering if the work being done might have a consequence as far as EPA is concerned and that the wetlands might be damaged. Dr. Eidson responded we would destroy one of the most important ecological resources in Hitchcock Woods, and it is not worth the restoration and storage. He said it could not get permitted by EPA. It is a forested wetland. You would spend more money trying to get it permitted and you would not win. Dr. Eidson stated that throughout the entire project EPA has been here, the Corps has been here. All the agencies have been here and all know what we are doing. The two largest proponents of the research they do is EPA and the Corps of Engineers. He said he has an excellent reputation with them.

Councilman Merry pointed out it was EPA that funded the prior study in downtown. Dr. Eidson stated EPA did fund the project. He said 6% of the ARRA funding was set aside for green infrastructure. The City captured about 4% of the total amount.

Councilwoman Diggs pointed out that Dr. Eidson had stated the cost is paid up front. She asked if they have underestimated the cost of the project does Clemson foot the bill for the rest of the cost. Dr. Eidson stated the cost is very straight forward. He pointed out he had upgraded all the system that he had put in for the previous project, and he did not come back to the city for more money.

Mr. Phillip Windsor stated he was an interested citizen in what is going on. He said he was pleased to hear towards the end of Dr. Eidson's presentation more questions about the culvert, the pipe, and the water drainage through Hitchcock Woods. He pointed out we are concentrating on the parkways and yet the problem is in Hitchcock Woods and we are going back and forth. He said when he moved to Aiken 11 years ago one thing that struck him as positive was the referendum for voting on the first round of the one cent sales tax. He said there was a list of capital outlay projects and the citizens voted on the referendum based on what they read as far as the proposal for the referendum. He said he saw Sand River on the list for the last round of sales tax. He said he was familiar with that having walked in the Woods some. He said there is a real problem there, and he felt that was a good project to vote for. He said he had watched the project in the parkways and found it to be a fascinating and interesting project. He said it is supposed to improve percolation of water runoff from the streets and may even reduce the amount of water flow into Hitchcock Woods in the process. He said he was a retired architect and had been involved with projects mostly with schools and some commercial buildings. He said some of the projects had been 100+ acre sites with one for a school that had a drainage area of a dozen square miles. It was all funneling into one stream that went through a park where the high school was being built. He said he was a little familiar with the problems encountered. He said he was amazed with the technology and where it has come today with the little gadgets, the computer strengths, etc. where we can measure things. He said, however, when he cast his positive vote for the sales tax, it was not based on a grant to Clemson University. It was not for a research grant. It was for work in Hitchcock Woods. He felt we were losing that in all the terminology and the technology that surrounds us. He said we have a project for \$367,000+ that is coming to the forefront. He said he was concerned whether this will just be another study. He said he had gone back and downloaded the 2013 report and looked at the executive summary. He pointed out there was a sentence in that report that says there was no specifically significant reduction in the mean runoff for the entire Sand River Watershed as measured at the 10 foot pipe outfall. He pointed out further in the report there was a statement that results show that although there was a consistent reduction in the calculated runoff, there was no statistical significant reduction in the mean runoff for either the entire Sand River Headwaters Watershed or the Hoods Lane sub-watershed. He said based on all that he gets the impression from Dr. Eidson's presentation that there will be a significant amount of work going into the fact of technology and continuing to measure that which perhaps is a failed enterprise. The parkways look fine. There are plant materials that may survive better with less maintenance which is all for the good, but he pointed out that \$3 million had been spent for this and yet the problem still exists at Sand River. He said he felt it was time to start engineering the actual problem that we are trying to solve and that the voters voted for in the last sales tax referendum. He said he thinks about the Sand River problem and hears stories about how much money has already been expended with no bids. He said when he heard the city say they don't require bids for professionals, he wished he had moved his architectural practice to Aiken 35 years ago. He said he was very familiar with the bid process and the requirements. He said when he looks at the amount of money being spent without competitive bidding he is concerned. He said Massachusetts sent people to jail for doing that. He said, however, he was sure it was all legal. He said he was concerned about this kind of enterprise continuing not necessarily for the Sand River, but also the method in disbursement of tax money and the one cent sales tax. He said this could affect the outlook for the positive vote from the population to continue this practice. He pointed out that last time the capital sales tax was approved even though it was during tough times throughout the country. He said beware. We can

get enamored with technology. He said in his opinion we should not be funding just research, but should be doing actual work.

Dr. Jim Kelley stated a lot of what he was going to say had already been said. He said he would suggest that we reassess why we are here talking about this proposal. He said he was present to try to get the city to focus on implementing work to solve the Sand River erosion problem. He hoped that was Council's objective too. He said if it is, he would suggest that we all use one key question to judge this proposal and any future proposal. The question is: Will this project move us closer to getting a solution to the Sand River problem. He said he hoped Council had had time over the last two weeks to read some of the documents that he referred to last time. He said he was referring to the preferred alternative document and Clemson's statement that even if they put green infrastructure in the entire 105 acres it would not change the size of the pipe. He said he heard Dr. Eidson make that statement at this meeting, that he would still put in a 10 foot diameter pipe. He said there were also some questions when he brought up that there was no statistical reduction in the amount of water going into the pipe from the existing green infrastructure. He said there were people who said they had looked at it and had seen a reduction. He said he was a scientist by training. He said he does not go by what somebody tells him they see. He said he says show me the data. He said the data says there was no statistical reduction. He said they have said even if we do all 105 acres, we still have to build a 10 foot diameter 7,500 foot long pipe in Hitchcock Woods. He said Dr. Eidson said there was no statistical reduction in the amount of water going into the pipe. He said as he said at the last meeting his problem is not with Clemson. He said he had never met Gene Eidson personally. He had heard him speak at Rotary one time. He said he had had some pretty unproductive email conversations with him, but he could only judge him on the basis of his work. He said it appears that he is having a very successful career at Clemson. He has been very successful in getting grants--\$15 million. He said he was sure the Clemson management is very pleased and gives him high ratings for getting all this grant and contract money because that is a key measure these days of any University professor, not only Clemson but most anywhere. He said, however, this is his key objective—to get more grants and more contracts. He said he could not argue with that as that is his job. He said as he said at the last meeting he spent more than 30 years with Dupont managing R&D projects and technology projects. About half of that time was spent at SRS and the rest at various Dupont sites managing a wide variety of technology projects. He said his last job was Global Technology Director for one of Dupont's business units. He had direct responsibility for technology development in the US, Japan, Korea, Germany, Czech Republic and Canada. While at SRS he managed the technology development for the Defense Waste Processing facility which is the plant that currently has been running for 16 years and it is concurrently converting the high level radioactive waste for silicate glass. As part of this he managed R&D contracts, national labs, universities and commercial companies. He said during all this he learned there are several universal characteristics of R&D individuals and R&D organizations. They never have enough data. They just need to do a few more experiments to check out a few more good ideas. They will never come to the management and say they are finished. They never want to be too specific about what you ask them to do. They always want the freedom to do their own thing because they are researchers. They don't want to be committed to specific timelines for completion of various aspects of the work. Just give a few directions and get out of the way. He said Clemson's proposal fits this perfectly. He said he thought he was going to have an argument with Dr. Eidson over this, but he doesn't. He said Dr. Eidson has said we are an R&D institution. He said he was not saying that R&D is unnecessary and useless. He said he was saying that you can never solve a complex problem like the Sand River problem if you have an R&D organization leading the way, which is what the City is doing now. You must have a competent and experienced engineering organization in managing stormwater. You must have that type organization leading the project. The engineering organization will survey the problem and tell you where the R&D and technology developments are needed. The engineering and organizations will work hand in hand to solve the problems, but the engineering organization has to lead the effort. He said he finds the whole long discussion this time and last time perplexing. He said he does understand Clemson's job is to aggressively pursue grant money and contracts. They are a research institution and that is what they are paid to do. He said he does not understand, especially at the last meeting, the vigorous opposition by the City and the Hitchcock Woods Foundation leadership to an

alternative proposal that would put us on a path to actually solving the Sand River erosion problem instead of just studying it for several more years. He said he sees the erosion as a very serious problem that should be fixed as soon as possible. He said the city has the Capital Projects Sales Tax money, so the city is in a unique position relative to past City Councils, which did not have the money to do anything about the problem in any significant way. He said there must be something he is missing because everybody obviously doesn't see that as their first priority. He said he thought he would have some arguments here, but he didn't think he would. He asked what Council thinks will happen if they approve this proposal. He said his deal is that Clemson will continue to do the R&D on green infrastructure. In a couple of years they will come back and say they need a few more million dollars to implement the study. He pointed out the proposal is a study project, not a "do anything" project. They will come back and say they need several more million dollars to build better and more strategically located green infrastructure installations. Then in two or three more years, like good researchers always do, they will come back and say they need more data, more information, another research contract. This cycle will continue on and on as long as the city continues to give them money. He said if he were in Clemson's position he would do exactly the same thing. The city has been an easy and reliable place for Clemson to get money. Over the past five years the city has paid Clemson about \$1 million. He said he has had a hard time getting the exact number out of the City Manager. He said the city has paid Clemson about \$1 million for three separate pieces of work on the Hitchcock Woods issue. To get this funding they did not even have to go through the messy process of competitive bidding. They were sole sourced. He said he was asking Council to vote no on the proposal. A no vote says you want to change directions and get on a path of really solving Sand River erosion problems. A no vote says you really want to spend the Capital Projects Sales Tax money for "erosion control and drainage projects in Hitchcock Woods" which is what the ballot said and what it is intended for and not for R&D which is not going to affect the final solution in Hitchcock Woods. A no vote will say you want to stop spending hundreds of thousands of dollars on no bid sole source contracts and that you do not want to bear the risk associated with this very poor management practice, because there is high risk in continuing to do this. He asked Council what they want their legacy to be relative to the Sand River problem. Do you want to be part of the group that kicked the can down the road a few more years and just study the problem. Or do you want to be a part of the solution.

Councilman Dewar stated he was not interested in kicking the can down the road. He said he has to agree with both speakers who talked about no bidding for professional services. He said he was disturbed about that and other members of Council were when we talked about repurposing the Administration and Finance building. He said he felt that was something that we need to take a look at. He said he was not comfortable sole sourcing professional services. He said from a taxpayer viewpoint we are too liberal on defining what a professional service organization is. As an aside he thanked the speakers for bringing that up. He said Council needs to deal with that. He said Dr. Kelley had started his talk with would this project move us closer to solving the problem. He said he hoped so. He said he had been convinced with the presentation that we would get data that would finally let us get to an end point. He said we probably don't agree. He pointed out that in looking at one of Dr. Eidson's slides about twelve studies have been done over the years going all the way back to 1990 on Hitchcock Woods drainage. He said that was embarrassing.

Dr. Kelley stated he would ask how he thought it would get to the end point if the results are not going to change or they still come back and say they still recommend the 10 foot diameter 7,500 foot pipe.

Councilman Dewar stated the 10 foot pipe does not drive a lot of his thought process. What drives his thought process on this is that it will tell us where the water is coming from and where it is going. He felt that should layout a framework for developing a solution to the problem. He said that is what he is hoping and what he heard.

Dr. Kelley said he heard in reading the proposal the work is to help them identify where to put the next phase of green infrastructure.

Councilman Dewar stated that may be a side effect and end result, but it is a data driven project. They will react to the data they have.

Dr. Kelley stated the data will not affect the solution to the problem in Sand River. The first \$3.3 million did not.

Councilman Dewar stated Dr. Kelley makes a very compelling case as well as Dr. Eidson. He said it is frustrating to have to choose sides. He said he was going to take a chance on getting something done to solve the problem in the Woods. He said it was a commitment he made when he first ran for Council. He said what he was doing is based on what he thinks is the right thing for the Woods.

Dr. Kelley asked if he did not believe what Clemson said in the preferred alternative study when they said, based upon their engineering and hydrological studies if we put green infrastructure in the whole 105 acres it would not significantly affect the size of the pipe. He asked if he believed that.

Councilman Dewar stated he did believe that. He said that was a surprising conclusion of the study. He said when Council approved that he felt they all expected the results to be markedly different. He said it was a shock last time to hear that it did not make any difference whether you did the pavement or the bioswales in the parkways it was overkill. He said he had to believe if they had known that before they did the study they would not have done the study. He said it is the same thing here. If they knew where the water was flowing, they would not be getting the data.

Dr. Kelley stated he did not see how the city could pay for this with the Capital Projects Sales Tax money. Dr. Eidson says it is fully R&D. Their own documents say it is not going to affect the size of the pipe, the final solution in Hitchcock Woods. The study is pure R&D. Mr. Windsor pointed out the citizens did not vote on pure R&D.

Councilman Dewar stated the citizens voted on money to solve the problem in Hitchcock Woods. He felt the study is directly related to solving the problem.

Dr. Kelley stated it is not directly related if it will not affect the solution. He said it is not related.

Mayor Cavanaugh stated he would like for Dr. Eidson to answer the questions posed.

Councilman Homoki stated this takes him back to what he asked earlier. He said it seems we have two separate problems. One is the city and one is the sales tax that was voted on to solve the Sand River problem. He said there is some confusion about a 4 foot pipe or 6 foot pipe. A lot of people automatically assume that you need a 10 foot pipe. A 6 foot pipe and a 4 foot pipe at max capacity is 50% of a 10 foot pipe. A 10 foot pipe should be plenty. He said he didn't think they make pipe bigger than 10 feet, and it does not make sense to get anything less than 10 feet to accommodate any future storms. It seems that basically when we talk about alleviating the problem of erosion of Sand River the ultimate solution is a pipe or culvert. He said he did not see where the research would help alleviate that problem. He said let's talk about the problem that the money was voted on by the people. He said it wasn't actually voted on to alleviate the parkway absorption rates. He said he felt we could be setting a bad precedent by stretching a definition of what the money was voted on for and trying to apply it to another case or incident. He said by stretching he agrees with Phil Windsor. He said the people could get turned off if five years from now we still have the same problem with Sand River. He said there had been some money in each round for erosion in Hitchcock Woods. The citizens would ask why they should vote again if the \$7 million has not been used to actually solve the problem. Why study more. He said he agrees there possibly is a need to look at remediation in the city blocks, but that is not the problem that the money was voted for.

Dr. Eidson stated the problem is the flow coming from the city is immediately going down to Hitchcock Woods which is a private space. It is not a public land space. It is not an engineering problem alone.

Councilman Homoki stated it is like the rain clouds are the problem. He said regardless of whether we figure out through study the flow is so many gallons per hour or so many cubic feet of water, we still wind up with the same solution. We are talking about a 10 foot pipe. He asked how the Clemson study would improve our understanding of the solution. What other possible solution is available. He said there is no way we can remediate enough water in the city proper so we would not have to put a pipe in Sand River. Dr. Eidson stated we will absolutely require some type of storage going to Sand River. Councilman Homoki stated that is what he was saying and that is what the money was voted for. He said he felt we need to start applying that money towards the solution.

Dr. Eidson stated he felt a big part of the solution should be addressed at the watershed level. It should be addressed where the rain falls. He felt it was wrong to collect all the water and put it in one location when we have optimal opportunity, because most of the landscape we are talking about is a sand ridge that can absorb the water in place. He said we don't need to send that water, down to Hitchcock Woods. He said we are talking about going back and solving the root cause. He said he appreciated everybody's comments. He said he is a citizen of Aiken, and he wants to do the best job he can. He said he had watched a gully become a canyon. That canyon continues to grow. He said we can continue to let the canyon grow and not do anything and we will create a very wide flood plain. That might be okay for some people, but he felt for the majority of the people that is unacceptable. He said the 10 foot diameter pipe that he is talking about is not so much for conveyance, but for storage. He said where else can you match what you can do upstream with infiltration with storage. He said Aiken is a built out city and Hitchcock Woods is completely surrounded. There are eight inflows to Hitchcock Woods. Hitchcock Woods can only handle so much. He said what we are doing is essentially taking the kidneys and lungs of this city and turning them into just a receptor for stormwater. He said he is an ecologist. He said he loves Hitchcock Woods, and he would not propose a study that is a waste of taxpayers' money. He said we have had a lot of studies on the list which he would not pay a penny for. He said he was interested in finding out where the water is coming from and remediating in place. He said it is not only 105 acres. It is all of the watersheds. He said he believes if we take the community engagement approach everyone's area has an opportunity to engage with infiltration of stormwater. He said he did write in the report that there was not statistically significant difference, but yet it is a very tiny area that they did the green infrastructure in compared to the whole of the watershed. He said we need to try to separate the consideration and what we need to do now. We need to have definitive data. Right now we have estimates and do not have definitive data. Who in their right judgment can say this is what you need to do and go ahead and start doing it in Hitchcock Woods when we have not done our homework in the watershed itself. He said if we were in the Piedmont we probably would not be having this conversation as we would be on impacted clay. But we are in the Coastal Plain where we have lots of capabilities in infiltration. He said there was a question as to whether it would change the diameter of the pipe. He said he did not think it would change the diameter of the pipe because we need the storage. He said that is what it's about whether it is a 6 foot or 10 foot pipe the cost differential is not tremendous, but the storage differential is significant and that is what we have to plan for. He said to reiterate what Clemson University has been awarded. They were awarded \$296,000 for one project, \$126,000 for another project and \$30,000 for the other project. He said Clemson has matched much of that funding back to the city.

Councilman Homoki stated he was not downgrading the research, but he was saying that the research for the city is really independent of what the solution is in Hitchcock Woods.

Dr. Eidson stated the research is needed to tell us whether we have the potential for significantly reducing the flow to the Woods. He said the research proposal he submitted is about collecting definitive data. Once the city gets that data, that is the time to move forward with a solution. But to go ahead now would be to guess what you will do at this point.

Councilman Homoki stated suppose the flow is reduced from the city into Hitchcock Woods by 30% to 40%, would that change the fact that we need approximately a 10 foot pipe regardless. Dr. Eidson responded that if one looks at prior studies and looks at the diversion pipe, that was an excellent alternative, but when it was looked at by many groups, it was determined that it would not materially change the impact to Sand River. You would be shifting approximately 30% of the flow, but the majority of the flow would continue to go into Hitchcock Woods. From an economic standpoint that is why the group came together with a preferred alternative. It was not just Clemson. It was a work study group. The group said it was not worth the cost to try to go through the permitting and to put the pipe in. He said the pipe could have handled more flow; he thought it might have been something to look at. He said rather than put the pipe in, what if we could reduce the flow 30% to 40%. That would be highly significant. Would it change the opinion of how much storage is needed. He said it might, but the purpose of the pipe was just a storage mechanism. It was not the ultimate solution. The original concept was to put a pipe down the middle of Hitchcock Woods. He said you would be moving the problem to a different location. You will still pay for the problem. He said he was talking about solving the problem and do what we can upstream to do that. He said everyone wants a cost effective solution. We just disagree in the fact that we need this data. He said he has not and would not continue to look at the city as a gravy train. He said every time he learns something new when working with the Intelligent City, the Intelligent Farm, or Intelligent River he brings it to the city. If he learns something new in the city he takes it to the other projects. He said it is a system. He said his ultimate selfish goal is to protect the Savannah River. He said he wants to protect the entire watershed, and to do that you have to look at the city, agriculture, forestry, and industry.

Mayor Cavanaugh stated he felt all agree that something needs to be done, but he felt we need clarity as to how this is going to help us solve the problem that we have coming from the city in a pipe.

Dr. Eidson stated he was looking at the project as an ecological issue and also looking at the fact that every rain event is unique, and we have to understand what happens. How much water is going to come down Sand River when we have three weeks of rain. Just about everything will go down to Sand River, but what is that number. He said we are trying to understand how much might be infiltrated and how much will eventually go to Sand River. He said that is the reason he argues about the 10 foot diameter pipe. He said there will be times when we will have very large storms and he would like to store as much of it as possible. He said most of the time these little two year storms that have been shown in multiple research studies are the real culprit that is undercutting the banks. He said if we can stop that, it is definitely worth the effort of going upstream and capturing that infiltration. He said he would only be looking at the stormwater in the Sand River Headwaters. Not any other place. He said there are eight areas where there is flow going into Hitchcock Woods. He said he would be looking at Sand River Headwaters, one area which includes all of the downtown area. He said if they are successful in looking at this area and there is great opportunity for engaging green infrastructure, he would encourage the city to use that as a model to go and add those components. He said it is not just city water. A lot of the water is county water from other areas. He said he was strictly talking about the downtown watershed. He said that was the total focus of the project, to get the data from the watershed in the downtown. In response to the question as to what the data will tell us that would solve the problem of water coming down the pipe, Dr. Eidson stated the data would tell us where the water is coming from that goes into the 10 foot diameter pipe that currently exists at Sand River Headwaters. He said that is the downtown component and that is the component where we have the greatest amount of hardscaping.

Councilwoman Price stated that is no different from what we have been told by many over the years, that the water is coming from downtown and that the city is not the only contributor but the county as well. She said she was trying to figure out what she will see different from this study and all the other studies that she has seen over the years. She said other than the data, she was trying to analyze this in terms of saying in the end what do we get other than a report saying this is where the water is coming from. She said we know where the water is coming from as we have heard it over and over.

Dr. Eidson stated we know where the water is coming from collectively, but we don't know where it is coming from the sub-waters of the watershed. Every aspect of the watersheds is not the same. He said the work that has been done has been modeled. We just want the real measurement watershed by watershed. That is why we are proposing to do this study. The water we would look at is the City's responsibility only. It is not the County. This watershed belongs to the City. This is a City problem. All the other watersheds are totally different. The water that goes down Kalmia Hill and Rollingwood, etc. is a mix of City and County water. This watershed is the City's problem. The 10 foot diameter pipe going into Hitchcock Woods is the City's problem. It is not the County's problem. That is why we are trying to address this. He said he knows there have been a lot of studies and he understands the frustration. He said he gets frustrated reading the studies too. He said we are trying to come up with hard numbers so we know where to put the green infrastructure dollars. He said if Council chooses a priority that you don't want green infrastructure, he would say don't do the study. However, if you want to maintain the flow that goes into the Woods and you want to maintain that problem, then the only choice you have is to pipe that water through the Woods. He said he felt that would not be permitted by EPA, and he also felt Hitchcock Woods Foundation would not allow the piping.

Dr. Eidson stated the original studies wanted to take the water and run it through the Woods with a 10 foot pipe. He said that is not what he wants. He said first of all he wants as much water upstream as possible to be infiltrated upstream. What is left over will make it down the 10 foot diameter pipe. If we can reduce the flow, then we have done a great thing for Hitchcock Woods. In any event something will have to be done to address the canyon. Even with the green infrastructure there is so much hardscape that we will have water going into Hitchcock Woods.

Councilman Homoki stated it seemed Dr. Eidson is saying the City and Sand River are one system. He said he would like to have the City Attorney's opinion as to when we voted on alleviating the Sand River problem in Hitchcock Woods, did that include remediation of water in the city itself, the green infrastructure, etc. He asked how far does Hitchcock Woods extend into the city. He said he feels there are two different things. He said he agrees that it would be great if we could afford a study to remediate the problems in the city itself, and it would have a beneficial effect on the Sand River. However, the people voted on Hitchcock Woods and not on the City.

Mr. Pearce responded that the way the ballot question read was for erosion control and drainage projects in Hitchcock Woods. That language was used for the sales tax ballot for CPST II and III.

Dr. Eidson pointed out that some of the different discharges into Hitchcock Woods are City and some are County and some are mixed.

Councilman Merry pointed out you cannot fix Hitchcock Woods unless you fix the source of water going into Hitchcock Woods. That is the point. He said if you don't stop the source of the water, then you can do whatever you want to in Hitchcock Woods, and it will not fix anything.

Councilman Homoki stated the conclusion is that putting the pipe in would alleviate either the flow or the storage. He said the water could not be shut off completely. There would be water going into the Woods from various other sources. He wondered if there were any other canyons being built from the other sources and how many years before they will have to be addressed. Dr. Eidson responded there are two more. He said the sooner you begin addressing those the less it will cost ultimately to remediate them. He said there are flows at Dibble Road and at Clark Road in Aiken Estates. He said it is compounded as we are looking at a mix of city and county water. It is a shared problem. He said there are very few areas that you can say belong to the city, but the downtown area belongs to the city.

Mr. Pearce stated the total spent today to Clemson is \$485,784.76. He pointed out Council had approved Clemson monitoring the green infrastructure project some time ago, and the proposed project is a continuation of that initial project. This would be the baseline data needed as far as how we treat the erosion and the remediation in Hitchcock Woods. He said this was not just the city, there was a group meeting where the ideas were discussed. He pointed out Council has a copy of the minutes from the Hitchcock Woods Foundation Board that show the presentation by Dr. Eidson and Dr. Sawyer was given to the Trustees and reported to the full Board. He said of all the studies done, there was never the answer that built the consensus. The green infrastructure project and the phased approach to it is what built consensus on how to handle what we saw developing in Hitchcock Woods. He said it has been decades that we have had the discussion.

Mayor Cavanaugh asked what the proposed project would do. Would it be erosion control in Sand River. He asked Dr. Eidson if he could say that by approving this money and doing the work he has recommended will help in some way the erosion control in Sand River.

Dr. Eidson stated with the proposal that he submitted, you could identify without question where your problems are. If you would go to those locations and install the ability to have infiltration, you will reduce the problem. He said they are trying to go back to the root cause. He said the root cause is that none of us let stormwater percolate in our property these days. We put everything on the curb, and it immediately goes to one location and that is really the problem. He said it is a community engagement issue. He said we as a community have to realize that this is a collective and shared issue that needs to be handled. He said once we know the data, we can go into those areas and store water in those areas. He said we are talking about potentially storing water in these areas. We would be looking at eight sub-watersheds of the Sand River Watershed.

Councilman Dewar stated if we were successful in neutralizing the damage caused by the water coming in, how ever it is done, storage or whatever, what effect would you estimate that would have on the restoration of Sand River.

Dr. Eidson stated that would give more options on the restoration. He said a couple of the studies proposed going in and doing ecologically based or plant based structural stability on the slopes. He said those don't work. If we had reduced flow and not undercutting, then we would have some great opportunities. As long as we undercut and we shear off the cliff, we are really limited in our options.

Councilman Dewar asked if it is likely that if we dealt with this particular entry that we could have some ill effects from water from the other seven entry points that would neutralize the benefits that we would get from controlling the South Boundary entry.

Dr. Eidson stated the issue with all the other watersheds will be there, no matter what we do with the downtown watershed. The real damage to Hitchcock Woods is coming from the downtown watershed. If you look at the canyon and go all the way down the canyon until you pick up Coker Springs at Memorial Gate what you are really dealing with is the stormwater from downtown, the area we are talking about trying to resolve the problem. The Woods will have no problem handling its own flow. We are doing the same thing at Dibble and other areas that we are doing at Sand River. It is not just one issue, but this is the most serious issue.

Councilman Dewar pointed out that it was the city so far that has any interest in restoration of the Woods. He said he was not aware that the County has spent any more to improve drainage in Hitchcock Woods. He said the City is the only ones taking an aggressive stand in trying to do something remediating the Woods. He said ultimately the County will have to come on board. Dr. Eidson pointed out representatives from the County attended the community meetings.

Dr. Harry Shealy stated he was present as he is the current chair of the Hitchcock Woods Foundation. He said when he started working on the stormwater problems in Hitchcock Woods he worked with Roger LeDuc, Public Works Director, in the 1980s. He said he

had been a part of all the studies that had been talked about. He said he had heard the comment of "kick the can down the road." He said every one of the studies had led to this. He said it had always been the stand of the Hitchcock Woods Foundation that the velocity of the water needed to be reduced. He said gabions were put in, plants on the sides of the canyon walls to absorb the shock, etc. He said the proposed study is the first one that addresses what the Hitchcock Woods Foundation really wants, and that is offsite detention. He said he could not remember a single study that did research before they actually did the engineering. He said he likes to see people do good basic research. He said Dr. Kelley diminished the R&D a little bit as if it did not have any effect on anything, but he said he felt it does. He said he had been doing research all his life, as he is a life scientist like Gene Eidson. He said he is a botanist, does ecology, restoration ecology, etc. He said Dr. Kelley pointed out that they adamantly opposed the pipe on the Hitchcock Foundation, but that is not true. When the City went into a contract with Dr. Eidson, the Foundation was brought into the process immediately and was a part of it from the very beginning. When the \$16 to \$18 million project came to the Board, they conceptually approved it, and the city knew they were not opposed to it. Then the matter of green infrastructure came up. That was offsite retention and the Board was really happy about that. He pointed out that all the contracts going on are between the City and Clemson University. Hitchcock Foundation is a very interested party in this matter as the Woods would be beneficiaries of whatever happened during this green infrastructure. He said they were excited about it. He said they want anything that will reduce the amount of water before it gets to Hitchcock Woods. He pointed out that the 5,200 acres of adjacent land to Hitchcock Woods is what drains into the Woods from eight distinct drainage basins. The worst one is the Sand River basin. The second worst one is at Dibble Road. The city put in some gabions on Dibble Road to help reduce the velocity, but it is the same amount of water coming into the Woods. The volume of water was not reduced, just the velocity. He said this study is the first time there has been some momentum to use the existing streets and parkways as an offsite detention. He said the Hitchcock Woods Foundation is wholeheartedly behind the study that Dr. Eidson has proposed. He pointed out that there are 10 of the Board of Trustees present at this meeting in support of the study. He said two staff members are present as well as one former Trustee, as they are all interested in seeing that the study is approved. He strongly urged Council to please approve the study. He said they felt this was a good idea and the first study with research done beforehand to designate the problem areas. He urged Council to approve the study.

Councilman Homoki stated assuming the study goes forward and they come up with a solution, basically the solution will not actually include what should be done inside Hitchcock Woods itself. The study is basically remediation in the city itself. He asked what is the Board amenable to as far as the solution. He wondered if the Board sees a pipe or retention. He felt there would not be enough reduction in flow from the retention in the city, but something would have to be done. He wondered what the Board is looking at.

Dr. Shealy stated the Board had conceptionally approved the pipe going through the Woods. He said they are willing for that to be done. The reason they don't want to have to do it is that it will be horribly disruptive of the activities in the Woods, and it will cost a whole lot more than the proposed project. He said he felt the proposed project will reduce some of the water.

Councilman Homoki stated his concern is that regardless of the outcome of the study and regardless of what remediation will take place in the city, we will still have the large pipe in Hitchcock Woods to alleviate the problem of erosion of the canyon.

Dr. Shealy stated he appreciates the concern, but he felt Dr. Eidson had answered that about three times. He said we don't know until we get the data results. He said they want offsite retention. He said if the City can buy land and build retention ponds all around the Woods that would be very nice.

Mr. Randy Wolcott stated he was a past Chair of the Hitchcock Woods Foundation, having been Chair for 5 years. He said one of the roles he took very strongly was the

Stormwater Management Committee. He said he led that committee for five years, meeting with the City many times. He said he was very much in tune as to what was going on and very involved in the whole process. He said they have had a great working relationship with the City and appreciates what the City has done. He said a lot of things had been thrown out, and he wanted to answer some of them. He pointed out it had been stated in the 2009 study that if all the 105 acres had green infrastructure, it would not make any impact. He said that might have been Clemson's opinion in 2009. Since the green infrastructure has been done, we have found that the green infrastructure would make a big difference. He said he attended the two day demonstration by Clemson of the green infrastructure project. He said he went back to the Board and tried to give an explanation about how excited he was about the information, the technology and the success that they were able to accomplish by all the things they had done with the green infrastructure, including permeable pavement and bioswales. He said some of it was redundant and overdone, but that was part of the learning process. He pointed out that the \$3 million spent on the project was federal funds, not the one cent sales tax. He said the Board is very much for spending the money efficiently and getting the best bang for the bucks. He said he believes that the green infrastructure project that we have had so far has taught them how to do that. He said he felt we can reduce the amount of water that goes into the Woods by using the city parkways. He said he had had many meetings with the city, and the question was where do we go next. Some suggestions were made for use of the parkways, but we wondered how we would know what parkway to use. It was decided more information is needed so we can spend the money allocated from the One Cent Sales Tax to help erosion problems of stormwater into Hitchcock Woods in the best place. He felt from the technology they have learned and using it in the right areas we can make a big impact. He pointed out it had been stated that \$3 million had been spent with only a very minuscule reduction in the water flow. He felt the data that could be provided with the study could help reduce the water flow even more by knowing which parkways to use for the green infrastructure. He said the Board wanted to work with the City and had agreed as a Board that the study is the path forward. He said they would like to have upstream retention and remediation in Hitchcock Woods. The first step in remediating the erosion in Hitchcock Woods is stopping future damage. The less water going into Hitchcock Woods, the less damage will be done. He asked that Council vote for the proposed study by Clemson.

Mr. David Cozad stated Harry Shealy had referred to the Hitchcock Woods Foundation being a third party beneficiary to the study and possible development. He said he wanted to mention another beneficiary, that being the economic vitality of the City of Aiken. He pointed out that the work that had already been done with the Institute of Applied Ecology at Clemson University is simply the early footprints of the possibilities for the City of Aiken of things that we might be doing with Clemson University with this Institute which can make Aiken a real national and international model and study city in things that will possibly affect greatly our local economy, including various spinoff efforts that will come out of the economic effects. He said he could not be more specific at this point about that, but he thought some are aware of some of the possibilities. He said in light of that he wanted to urge passage of the study because he thought there are possibilities that would not entail the Institute of Applied Ecology continuing to come back seeking more money, but rather becoming a partner and a real generator for the City of Aiken. He said he would not want to see us do anything to take any kind of vote that would short circuit this relationship due to the arguable possibility that the study might do what we would ideally prefer for it to do. He urged Council to pass the project for the greater good of the vital economy of Aiken. He said he speaks in part as Chair of the Economic Vitality Committee of Aiken Downtown Development Association.

Mr. Jim Kelley stated he hated to disagree with his former pastor. He said he reminded Council that they judge this project on the basis of will it help resolve the erosion problem in Sand River. He said he agreed with what Dr. Eidson said in his 2009 report, and he agreed with what he said. He said the solution will be the same. The amount of money for the taxpayers will be the same whether the green infrastructure works perfectly or not. He said they had ready said it will not make a significant difference in the final cost and solution. He said there were comments about what the study will do, but they were contradicting what Dr. Eidson said. He said Dr. Eidson agreed with what he said in 2009. He said he started out in research so he does appreciate R&D, but he

transitioned into a business person. He said the study is a business question. He asked why would you spend \$367,000 now and more later, and more later when we will still have to spend the \$16 million for the pipe. He asked why would you spend money on work if it was not going to affect the end solution. He said that is a business decision. It is also a question of accountability to the taxpayers. He said it is a question that will be asked of Council—why are you spending \$367,000 of taxpayer money when it will not affect how much we will have to spend in the end.

Dr. Eidson stated the reason they do research is that they learn. He said they did research, and they learned that green infrastructure could very much change the whole concept of how we handle stormwater. He said what was written in 2009 was before we actually completed the green infrastructure study. That is what research is about. The business decision from his standpoint is that he stands by that green infrastructure will make an appreciable difference. He said he is not standing by his report in 2009. He said that was not just his report. That was a collective report. He said the city brought Clemson University here to bring everyone together to drive a consensus. The report was from that consensus. He said they have done the green infrastructure work. We have seen the results. It will make an appreciable difference. He asked Council to vote for the study.

Mayor Cavanaugh stated he was going back to something he said earlier. He said when you stand in a rain storm and you don't see water on the streets because it is going down into the earth and you see water holding in the parkways until it goes down, it seems it is making a difference to him. He said when we first started on the project we did not know how many parkways we would use for this purpose. He said the city has a lot of parkways that we can continue to work in to help in retaining water. He said there are a lot of places to go to collect water before it gets to the Woods. He said that is what he would like to do as much as possible. He said it has been said a pipe may be needed or some type structure to hold water. He said he felt there is still a lot to be learned. He felt if we stop now, we are dead in the water. He said we could go with a pipe eventually. He felt we need information, and if we can get information that can help us or a chance to help us it is still erosion control as far as he is concerned. He said we are working on erosion control of the Woods. He said it is hoped that we can learn something from the sub-water sheds to help us. He said currently the infrastructure is helping with infiltration of the water. He said it is not helping 100%, but the more we do it, he felt it will help more. He said this is a tough issue. He said he felt we have gone a long way, and Clemson has done a good job for the city. He felt they have the expertise, and have shown that they have helped with the infrastructure. He said as David Cozad had said it is very important and if things work out and the way we want it to work, then the sky is the limit on other things happening in Aiken and other places. He said after hearing the discussion he was going to support approval of the study.

Councilwoman Price stated she was going to support the study, but she does it with extreme reservation. She said she had sat here over the many, many years and watched study after study and no solution. She said she would like to see where the R&D work goes, however, it will be two years before we get any results to think about a solution. She said she hoped it does not lead us down a road where someone else is sitting here 10 years from now and asks about the study done in 2013 and still no solution to drainage in Hitchcock Woods. She said she would like to see something done in the next three to five years to resolve the issue. She said something needs to be done beside a study, a study, and no real solution to the problem.

Ms Laurel Bagwell stated she does not live in the city limits, but is a member of Hitchcock Woods. She said she is a user of the Woods. She said she is a geologist at the Savannah River Site so she understands some about the unique geology that Dr. Edison was talking about. She said she wanted to echo the comments of Dr. Eidson, Dr. Shealy, Mr. Wolcott and others. She said she wanted to bring up a point that they all talked about. She said a lot of information had been garnered from the past studies. A lot of that information is still nebulous. We don't have fine scaled details on what water is coming from where. Over the life cycle of any cost getting that fine point detail up front and getting it correct so you can incorporate that into a correct engineering design, the cost is trivial compared to making the wrong decisions with incomplete data up front.

She pointed out the traffic at 395 and 495 and Highway 95 at Springfield outside of Washington, DC. She said one has to wait in traffic because decisions were made on incomplete data over the years as traffic grew. She said you have to understand where the traffic is coming from like we have to understand where the water is coming from. She asked Council to vote yes on the study. She said she is doing her part and has a bioswale in her front yard.

Councilwoman Price moved, seconded by Mayor Cavanaugh, that Council approve the proposal from Clemson University Institute of Applied Ecology to conduct a Hydrological Evaluation of the Sand River Headwaters Stormwater Infrastructure at a cost of \$367,437.

Councilman Ebner stated he had mentioned his key concern previously and asked about getting the history of this study and drainage and a little more of the basic data. It would not answer all the questions from the citizens, but it would answer some of them. He said he did not think we would ever answer the question of non-bid of work. He said a lot of behind the scenes had been done in the last three years. He said he could assure that we have done a lot of bidding. He said he felt looking at what they have talked about, a little better definition would help, but he would not slow anything down.

Councilman Homoki stated regarding competitive and non-competitive and sole source contracts, he felt to try to get the same information from some other entity the learning curve would probably cost more than the \$367,437 for the Clemson study. He said perhaps one of the things that is a concern to him is that if we have two other sources of problems identified is there any way we can incorporate those as part of their \$367,437 and get a little more for our money by having them study the Dibble Road and Clark Road.

Councilman Dewar stated that was not the purpose of the proposal. The proposal was to study the main entry going into the Woods. Hopefully, we get enough data to apply that to Dibble Road and the other seven watersheds.

Mr. Pearce stated the data may help us in conversations with the County because both Clark Road and Dibble Road have county water as well as city water.

Councilman Dewar stated it is possible that the data that they produce will allow us to do what we feel we need to do in Hitchcock Woods and spend a lot less money. He said he was not interested in looking at \$16 to \$18 million that they say is needed. He said if this data can give an avenue towards reducing future costs, it would be a benefit.

Councilman Homoki stated he felt it is too premature to give it to an engineering firm as they don't have all the information.

Mayor Cavanaugh stated there is nothing unique about the way Larry Morris described awarding contracts to professionals. He said he worked in corporate purchasing for the Dupont Company. Dupont awarded contracts without bids. He said if you have a source that you have worked with and they are doing a good job and are available there is nothing wrong with awarding them a contract. He said in some circumstances it is done, and it is legal.

Councilman Dewar stated there is a very big significance. He said he was sure it was legal and there may be compelling reasons to go sole source, but we have a practice of going sole source to someone we identify as professional and that needs to end.

Councilman Homoki stated he felt the sole source versus competitive is irrelevant to the issue that we are discussing at this time.

Mayor Cavanaugh called for the vote on the motion by Councilwoman Price and seconded by Mayor Cavanaugh, that Council approve the proposal from Clemson University Institute of Applied Ecology to conduct a Hydrological Evaluation of the Sand River Headwaters Stormwater Infrastructure at a cost of \$367,437. The motion was approved by a vote of 6 in favor and 1 opposed. Councilman Ebner opposed the motion.

ZONING ORDINANCE AMENDMENT – ORDINANCE 04082013

Length of Residential Structure

Measurement

Amendment

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance regarding the measurement of the length of a residential structure.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING THE MEASUREMENT OF THE LENGTH OF A RESIDENTIAL STRUCTURE IN THE PLANNED RESIDENTIAL, PLANNED INSTITUTIONAL, AND PLANNED COMMERCIAL ZONES AND ASSOCIATED DEFINITIONS.

Mr. Pearce stated the Planning Commission has held several public meetings and reviewed the request for them to make any recommendations regarding the Zoning Ordinance definition of a Residential Structure.

After their review they unanimously recommended amendment of this definition as described in Chair Liz Stewart's memo as follows:

Draft Amendments to the Zoning Ordinance Regarding Measurement of the Length of a Residential Structure in the Planned Residential, Planned Commercial, and Planned Institutional Zones

Amendment to 4.2.6.G.c(3) in the Planned Residential provisions, 4.3.8.D(2) in the Planned Commercial provisions, and 4.3.9.D(2) in the Planned Institutional provisions:

~~There shall be no continuous residential such as townhouses, rowhouses, attached dwellings, or multifamily dwellings exceeding 300 feet in length.~~ City Council may limit the length of any building.

Amendment to the Definitions in Chapter 10 by adding the following:

Building Length: For a rectangular building, the horizontal dimension that is greater (Figure 1). For a building that is composed of two or more interconnected rectangles, the horizontal dimension of that composite building that is greater (Figure 2). For a building with an irregular shape, the greater horizontal dimension measured to the farthest extent of the exterior walls (Figure 3).

Mr. Pearce stated the recommendation is to delete the sentence regarding dwellings exceeding 300 feet in length and adding a sentence that City Council may limit the length of any building. Then in Chapter 10 the Planning Commission has recommended new language for building length with examples of figures for buildings.

City Council approved the ordinance on first reading at the March 25, 2013, meeting. For City Council consideration on second reading and public hearing is an ordinance to modify the definition of Residential Structure in the Planned Residential (PR), Planned Commercial (PC), and Planned Institutional (PI) zones.

Councilman Merry moved, seconded by Councilwoman Price, that Council approve the ordinance on second and final reading to modify the Zoning Ordinance regarding measurement of the length of a residential structure in the Planned Residential (PR), Planned Commercial (PC), and Planned Institutional (PI) zones.

The public hearing was held.

Councilman Ebner stated he would like to amend the motion to continue the item. He said his reason was there is another worksession on Tuesday, April 9, 2013, of the Planning Commission on the issue that the Board of Zoning Appeals ruled on. The wording for discussion by the Planning Commission on Tuesday has some very narrow meanings in it. It gives a definition of a kitchen, and it says it must contain all the items listed. He was concerned about a loophole and someone not putting in a refrigerator so it would not be a kitchen, and they would be able to build so many units. Another thing specifically mentioned is a kitchen is enclosed. He said when the BZA ruled the length of a building and what forms a kitchen were considered together. He said it was part of the claim that was filed and part of the BZA ruling. He felt we were dividing the issues and not tying them together.

Councilman Merry stated he felt this proposed amendment does not have anything to do with definition of a kitchen.

Mr. Pearce pointed out the proposed ordinance only amends the ordinance regarding the length of a residential structure in the PR, PC, and PI zones. He said Mr. Evans, Planning Director, could speak on the matter. He pointed out the proposal is what the Planning Commission reported and recommended to Council.

Mr. Gary Smith, City Attorney, stated a motion to continue under Council's rules of procedure says it may be made instead of a main motion. He pointed out Council already has a main motion on the floor.

Councilwoman Price stated she would withdraw her second given what Councilman Ebner has said. She said she was not aware of what was to be considered by the Planning Commission on Tuesday.

Councilman Ebner stated he had been to all but one of the Planning Commission meetings for the last 6 to 8 months. He pointed out this issue started at the end of 2011 and it is now 2013. He said he did not know that the ruling on this would change, but there were three things that the BZA ruled on. He said, going back to the items for the Action Agenda for the Planning Commission, Council put two items on their list. He said he feels that the one item has a lot of weight to carry in relation to the definition of a kitchen, and also the density is always very important in the discussion. The discussions that have been going on in the Planning Commission, and which was discussed last time, is that density would override the definition of a kitchen. He said this gets very complicated when you go back into the residential areas. He pointed out in a residential area one is supposed to live in the place, use the bathroom, and eat. He felt that was a key thing that we forget sometime versus Light Industrial or Institutional items. He said that is his concern. He said you can sometimes get something approved easier if it is tied in with a residential area. He felt that was the ploy here in his opinion. He felt the developer was trying to say this is part of a residence and it needs to be done this way. He said that was why he felt this matter should be continued. He felt it should be continued until the item regarding a kitchen comes up.

Councilman Merry stated he did not understand what this has to do with the kitchen piece. He said he realizes that the items were dealt with in the same objection that was brought before BZA. He said he understands there were two objections as part of one argument. He said he did not know why this item should be held up in relation to a kitchen.

Mr. Pearce pointed out this item is merely how you measure a building.

Councilman Ebner asked what will happen when it comes before Council and you say the building is 400 feet long, but we can measure it any way we want to so it makes no difference about the length of the building. He said some way we came up with 300 feet for the length about 10 to 12 years ago. It used to be 8 units long.

Mr. Pearce pointed out that the language that would be in the ordinance is that Council may limit the length of any building. There is no set number. Council can determine that on an individual application.

Councilman Ebner stated there was no legal reason to take it out. The reason it came out, which is a logical reason, is from the fire code difference. He said he felt we might be losing something by not hearing what the final definition is.

Mr. Pearce stated he felt Council would actually be gaining something. He said previously 300 feet was the maximum length. Council could look at the application and determine what length they feel the building should be. He said Mr. Evans could speak to the Planning Commission reporting it out separately from the definition of a dwelling unit.

Councilman Ebner said if we go back to a concept plan, and Mr. Smith has said this before, Council can override some things because we are dealing with a specific issue on each concept plan.

Mr. Pearce stated the proposed ordinance gives Council the right to decide the length of a building. He pointed out now the building cannot exceed 300 feet. He said under the current language Council is limited to the 300 feet for the length of a building.

Mr. Smith stated Council can waive certain things, but Council has never waived the 50 foot height requirement and the fire department would not let you. He said he was not sure Council could waive the size of the building, but he could research that.

Councilman Ebner stated there had been discussion on how to measure a building, so obviously there have been some issues over the years of how to measure a building.

Mr. Smith stated they had never had a building to come up that was too big that Council needed to waive the Zoning Ordinance requirements regarding the size of the building, to his recollection.

Mr. Smith stated at this point he was concerned about the status of the discussion. He pointed out Councilman Merry had made a motion to approve the ordinance which was seconded by Councilwoman Price. Councilman Ebner made a separate motion that was not appropriate because there was already a main motion on the floor. Then Councilwoman Price rescinded her second to the main motion. He said he was concerned about the status of the conversation. He said there was Councilman Merry's motion without a second.

Mayor Cavanaugh asked how important is this conversation. He said he would second the motion so Council can discuss the matter.

Councilman Ebner stated he felt it was important because he had been dealing with Planned Residential and dealing with structure. He said he went back and went through all the book work on when the Village at Woodside was done. It was tied in to get some of the restrictions removed. The way it was done, it was made part of the PR. Then they do the Woodside Medical Center, and we tie it into the PR for various reasons. He said his concern is what if we keep doing this. He said the reason the neighbor could object to the 3 story 180 unit building was because they tied it to the PR. If they had chosen the commercial zone, it would not have made any difference. They could have moved across the road and built it anyway. He said he was a little concerned when he sees some of these things. He said he would like for it to be tied in a neat bow so the next time it comes up, hopefully Planning can use the proposals and what Council votes on to say it is yes or no around a PR residential area.

Mr. Evans, Planning Director, stated the BZA wrote appeals of three issues about a year ago. One of those was how you measure the length of a residential building. Another one was the definition of a dwelling unit. City Council asked the Planning Commission to review both of those issues and decide whether or not the Zoning Ordinance needed to

be changed. The Planning Commission treated the issues as separate issues, which they are. The building length issue was easier to deal with, so they went ahead and dealt with it and made the recommendation that Council has before them. The Planning Commission is still working on the definition of a dwelling unit and will talk about it at Tuesday's meeting. He said the matters are really two separate issues.

Mayor Cavanaugh stated with the proposal as recommended, he understands that Council can decide the length of a building.

Mr. Evans stated that was correct. The proposal refers to the length of a building and how it is measured in the Planned Residential, Planned Commercial, and Planned Institutional zones. The second part of the recommendation is the definition of building length which would apply anywhere. The only zones where there is a limit on the building length are PR, PC, and PI. The limit is determined by City Council.

Councilman Homoki asked what is the limitation. It was pointed out that Council determines the limitation. Councilman Homoki stated that is where we were at the last meeting. He said if someone wants to design a building, how do they know what the parameters are for planning. He felt eventually the 300 foot limit would get lost. He wondered who would tell the person doing a concept plan that they don't like anything above 300 feet.

Mr. Evans stated if the 300 foot limit is removed from the ordinance, the Planning Department would not be telling anyone that Council does not like anything over 300 feet. The 300 feet would go away, and it would be up to Council to decide the length they feel would be appropriate when they receive a concept plan. The fire code and the building code will control and help limit length.

Councilman Ebner stated his issue is with the Planned Residential which might get construed 10 years from now.

Mr. Pearce pointed out that currently there is a limit of 300 feet. If Council passes the proposed ordinance, Council will limit the length, but Council would not be limited to a number of feet. If that proves unworkable, Council can always revisit the issue.

Mr. Smith pointed out the number of decisions that Mr. Evans has made as Planning Director, and that this is the first he is aware of that has been overturned by BZA. He said the reason for adjusting the Zoning Ordinance is because Mr. Evans thought he had correctly interpreted the Zoning Ordinance and BZA disagreed with him. He said it was difficult to figure out how to measure a building from the wording in the Zoning Ordinance. Mr. Smith pointed out Council gets to control the length of a building in the three Planned zones.

Councilman Ebner stated then the issue was how to measure a building. He said the proposed ordinance would solve part of the issue, but he was concerned because PR was involved.

Councilwoman Price asked for clarification of the recommendation. Mr. Pearce pointed out the page in the agenda which talks about the proposed language change. He said the 300 foot length cap is eliminated in the PR, PC and PI zones.

Councilman Ebner stated his background experience had raised a red flag in the PR zone. He said perhaps his red flag was unfounded. He said after the discussion he was okay with the proposed ordinance. He said he agreed with the way to measure a building.

Councilman Dewar stated if the proposed ordinance is approved, we would only be measuring a building from one end to the other. There are no options. It was pointed out the diagrams for the proposed change show how a building is to be measured.

Mayor Cavanaugh called for a vote on the motion made by Councilman Merry and seconded by Mayor Cavanaugh, that Council approve on second and final reading an ordinance to modify the Zoning Ordinance regarding the length of a residential structure in the Planned Residential, Planned Commercial, and Planned Institutional zones and amendment to definitions in Chapter 10 by adding a definition on how to measure a structure in any zone. The motion was unanimously approved.

ORDINANCE 04082013A

Ordinance
David and Nancy Hathaway
Westcliff Drive
Dibble Road
Exchange of Property

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to approve an exchange of property at Dibble Road near Westcliff Drive.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO CONVEY REAL PROPERTY TO DAVID AND NANCY HATHAWAY.

Mr. Pearce stated Larry Morris, Engineering and Utilities Department Director, has been working with property owners David and Nancy Hathaway. They have purchased, and made improvements to, equestrian property located at the corner of Westcliff Drive and Dibble Road. Their property abuts the Peggy's Pond tract the city purchased a couple of years ago. It also abuts our former city sewage treatment facility.

The Hathaways inadvertently built a horse barn on an existing easement the city has over their tract. This makes it very difficult for the city to use the easement to go through the property. The Hathaways did construct a road behind the barn. The city can use that road. The Hathaways installed this roadway at their own expense. After several conversations with them about this situation, Mr. Morris has worked out a potential solution for Council approval. The agreement is that the City of Aiken would convey 0.37 acres to the Hathaways which includes the barn. In turn, they will convey 1.11 acres to the City. Mr. Morris has worked with the Hathaways and developed the proposed compromise which staff feels would be very useful. Both parties would continue to use the right of way shown as "Shared Roadway" that straddles the proposed new property line. The Hathaways installed this roadway at their own expense. The Hathaways would use this road for horse trailers and the City would use it to access our property.

City Council unanimously approved this ordinance on first reading at the March 25, 2013, meeting. For Council approval is second reading and public hearing of an ordinance to convey 0.37 acres on Dibble Road to David and Nancy Hathaway. Council previously approved a resolution at the March 25, 2013, meeting to accept a deed from the Hathaways to 1.11 acres of land.

The public hearing was held and no one spoke.

Councilman Dewar moved, seconded by Councilwoman Diggs, that Council approve the ordinance on second reading to convey 0.37 acres on Dibble Road to David and Nancy Hathaway. The motion was unanimously approved.

MUNICIPAL BUILDING RENOVATIONS – ORDINANCE214 Park Avenue SW
Renovations
Conference Center

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to approve advancing Capital Projects Sales Tax III funds for the Municipal building first floor renovation project.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AUTHORIZING BORROWING FROM CITY OF AIKEN
GENERAL FUND RESERVE ACCOUNTS AS OUTLINED IN THIS ORDINANCE
FOR THE PURPOSE OF FUNDING PHASE TWO OF THE MUNICIPAL BUILDING
EXPANSION PROJECT.

Mr. Pearce stated we have received a great deal of positive feedback about the new Administration and Finance Building at 135 Laurens Street SW. As part of this project, City Council approved advancement of \$1,500,000 in Capital Sales Tax Project III [CPST III] funds to repurpose the former bank building at this location.

The next phase of this project is the renovation and repurposing of the first floor of City Hall to enhance the Conference Center space, feature a more modern caterer's kitchen, construct break-out rooms, build pre-function space, and determine the feasibility of an entrance into this enhanced meeting space from Newberry Street.

Mr. Pearce stated we have met with stakeholders that consisted of persons who rented the existing Conference Center on a recurring basis. We also had a representative from the Chamber of Commerce, as well as local catering businesses, and local business people who had used the facility. We had a round table discussion about what to do with the existing first floor to modify it and make it more user-friendly, particularly for groups that would be more the size of 200 to 300 people. We recently had the Governor's World Economic Summit in the Conference Center with about 150 people attending the event. It was quite crowded. Vendors were in the hallway. From the stakeholders meeting we received very good suggestions, including moving the catering kitchen into the old Finance workroom of the building, having a dedicated service entrance from Newberry Street, rather than from Bee Lane as currently done, and having a pickup and drop off area from Newberry Street for disabled people.

Mr. Pearce stated we need funds to come up with a concept plan for a proposal for the first floor. In anticipation of designing the first floor we have not made any rentals for the Conference Center beginning in July so we could commence work. He said there is a load bearing wall in the back of the Conference Center, but we believe we have means to open up the Conference Center to make better use of the space. We could take the existing empty offices and make three to four breakout rooms for conferences, as well as provide some display space in the hallway. There has been some discussion with Council, but we wanted to look from a concept basis at the possibility of having pre-function space from Newberry Street into the Conference Center. We have had an opportunity to meet with two rental firms and event planners. He said he, Glenn Park and some of his staff toured several facilities in the Augusta area, and it was a good opportunity to see what worked and what did not work. Council's approval of the ordinance would provide us with the resources to do the follow up concept preparation work to proceed with the project that had been discussed with Council previously for the renovation of the first floor of the 214 Park Avenue building.

For Council consideration is first reading of an ordinance to advance CPST III funds for the renovations to the first floor of the Aiken Municipal Building at 214 Park Avenue SW.

Councilman Dewar moved that Council waive the rules so they could discuss the matter before a motion is made. The motion was seconded by Councilwoman Price and unanimously approved.

Councilman Ebner stated he wanted to give some history of the renovation of the building at 135 Laurens Street SW. He said we got a feasibility study on November 8, 2011, prior to going into the building. After getting the study Council was able to make a tour of the building if they wished. At the end of November, Council had first reading of the ordinance to purchase the building. He said we need to keep this in mind as we go through this process to be sure we get some feasibility studies. Since that time when we did the 2011-12 Annual Audit, there was discussion where City Council needs to have some oversight on capital projects as well as funding. He said as discussions go on, he felt we need to take these matters into consideration.

Councilman Dewar stated he had previously asked twice whether or not Council would be involved with the process of determining what we would have on the first floor, and we have been fixated on the number of 300. He said he thought at one time when we originally were considering this, we were talking about making enough seating space so we could have small conventions. He said he thought 300 people would be in direct competition with Newberry Hall. However, if we could accommodate 500 to 600 people, we would not be in competition with them, and we could have larger meetings.

Mr. Pearce pointed out that Newberry Hall was represented at the stakeholders meeting and it was not seen as a competition.

Councilman Dewar stated it would have been nice to let Council know. He said he had asked twice to be involved.

Mr. Pearce stated we started with the stakeholders just to see what their needs would be if there was an improved facility. He said he was involving Council and that was the reason for being before Council at this time. He said Council would continue to be involved in the concept plan that would be presented before any work is done.

Councilman Dewar stated he liked the wording used in the ordinance when Council approved the funding for the police computers. We expressed the commitment that we would pay the money back first and not wait until the end. If we were going to borrow the money ahead of receiving the money, the commitment in the ordinance was that the intent was to pay it back first. He said there was the flexibility to pay it later, but the intent was to pay it first. In the proposed ordinance the wording says the funds will be repaid by the conclusion of the effective date, but no later than seven years. He also questioned the statement "CPST revenue payments received by the City shall first be applied to works-in-progress." He also noted the wording "the balance shall be paid toward reducing the balance of any loans made under this ordinance" and questioned the wording of the rest of that paragraph. He felt it was open ended.

Mr. Pearce responded that the ordinance was the same as what was adopted by Council for the renovation of the Administration and Finance Building.

Councilman Dewar stated it was not the same as some others, such as the one used for the funding for the police computers.

Councilman Ebner stated the caveat we said is that we would not do that. He said he had been reminded several times only what we vote on counts. He said he was one of the early proponents when we put the computers in the vehicles and some of the other things, that we would borrow the money and we will do that, but now we are \$3 million, fixing to go to possibly \$4.5 million. Then when the Hitchcock Parkway goes by there is almost another \$8 million. He said first thing we know we have loaned 50% to 60% of the money out. He said we could keep on going until we loan out all of the \$35 or \$40 million. He said he was concerned as to whether we wait to the end of this to pay it off.

Mr. Pearce stated there have been several projects, including the Municipal Building Expansion, which included the purchase of the Administration and Finance Building, the laptop computers, the \$1 million to the SPCA animal shelter, the Library Park Playground, the playground equipment, and there was some for water and sewer infrastructure. Those advances amount to \$3.39 million. The proposed loan is \$1.4 million which would make advances of \$4.7 million.

Councilman Ebner stated we know that the parkway stuff is in the works. He said SCDOT will be asking for funds in a year or so.

Mr. Pearce stated there would be State Infrastructure Bank money for the roadways which is grant money for \$9.5 million. The State Infrastructure Bank money would be used first.

Councilman Ebner stated he had talked with the County Administrator and County Treasurer. They state it takes about a year to give the sales tax money to the non-incorporated cities. That would put us in the first quarter of 2014 before receiving sales tax funds. Then it takes about one-half year to pay off the loans that we have to date. That would put us in the third quarter of 2014 before we get cash in hand.

Mr. Pearce stated we are supposed to begin receiving money this fall. The County will pay the small cities first. He said the sales tax started in January, 2013. Councilman Ebner pointed out that our money is 4 months behind coming in.

Councilwoman Diggs asked if the project were approved and funds allocated, would the work be bid out. Mr. Pearce stated it would be bid out.

Councilman Ebner stated we had talked about approving design money before, and he felt we need to follow the same procedure we did on the last building. He said if some money is needed to get the design, Council can approve that, but Council needs to see the plan, let the public and other people in the group look at it.

Mr. Pearce stated that could be part of the motion. He said Council could approve the ordinance on first reading but limit the initial expenditure to just a feasibility concept design. He said money is needed to start the planning.

Councilman Ebner stated he did not mind authorizing the design money, but he had a problem with the \$1.4 million. He said we could put an amendment on it that says we have to vote on it later. He said to say we will get the concept plan and start, he could not approve.

Mr. Pearce stated we can do whatever Council wants to do. He said the space is sitting empty now, and we would like to see the space used. Also, people have given us some initial information that if we could accommodate crowds of about 300 that would be a good use of the first floor space. Councilman Ebner stated we could have started the middle of last year also, but that is water under the bridge. Mr. Pearce stated we did not because we wanted to do the Administration and Finance Building first.

Councilman Homoki asked about the caterer's kitchen and wondered if it would compete with Newberry Hall. He asked if it would be a facility that makes outside caterers have a facility inside.

Mr. David Sacks thanked Mr. Pearce for getting the group together to get some input on what they would like to see if the first floor is renovated. He said a lot of good ideas were given on the proposed renovation. He said he does agree that there is a need for a larger facility for 350 people or more on occasions. He said one of the concerns that he mentioned was parking. He said they have some clubs that are looking for other alternatives of places to go because of the parking downtown. He said if an entrance is created on Newberry that will put more parking on Newberry Street that is really not available now. He said he did not know what the solution for that would be if we have another 150 cars downtown for the larger events. The other concern is that the proposal

is for the Conference Center to be slightly larger than Newberry Hall so they would be in direct competition for events for the 200 plus events. He said they want assurance that if they are going to be competing that the city operations are covered by the rental fees that are charged for the space, including support and marketing, so the taxpayers don't subsidize the operational cost for the facility and they can compete fairly. He said there is a need, but there are some problems. In response to a question from Councilman Dewar as to who was in the meeting, Mr. Sacks responded that Mr. Pearce initially met with him and his wife Maggie. In the stakeholders meeting there were other caterers who have used the Conference Center, a representative from the Chamber, and others for a total of about 15 to 20 people. Councilman Dewar asked Mr. Sacks if he could put on two events, one in the Municipal Building and the other in Newberry Hall. Mr. Sacks stated it will create opportunities for him to cater in the Municipal Building if it will offset the rentals that they may lose.

Councilman Merry pointed out that Mr. Sacks, nor does any other caterer, drive the catering in the Municipal Building. The space is rented and then they hire a caterer. He said it seems that the stakeholder is not as much the caterer as it is the person who uses the Conference Center for an event. He said it seems those are the people that should be asked as to what they want in a Conference Center. Mr. Pearce responded that is who we have been talking to. He said we talked to people who had rented the Conference Center on a continuing basis. We had extensive discussion with the people from the Department of Commerce, particularly with the World Economic Summit.

In response to a question from Councilman Ebner, Mr. Sacks stated his facility will accommodate 300 stand up or 250 seated.

Councilman Merry stated we had just spent 2 1/2 hours talking about a study regarding storm drainage so we would not be spending money inappropriately. He said he felt if we are going to consider renovation of the Conference Center facilities, we need to authorize the money first only on the study so we don't spend money inappropriately. He said perhaps the study needs to show how the facility can sustain itself under a business or economic model so it is not a case where the city is subsidizing operations of a venue that are in direct competition with Newberry Hall or some other venue. The study needs to show projection of usage, rates, and how this is a viable business enterprise so it does not have an unfair advantage.

Mr. Pearce pointed out the city's Conference Center holds about 150 people and the City has had a Conference Center even before Newberry Hall. He pointed out that in the stakeholders meeting he stated several times that the city does not want to compete, but wants to provide an opportunity for them to continue to succeed.

Councilwoman Diggs asked if a list of caterers could be available for those who rent the city facilities so they could benefit from the city's facility. Mr. Pearce responded that had been done in the past, and that was talked about in the group meeting as well.

Councilwoman Price stated she was under the impression that the proposed city facility would hold 400 to 500 people. She pointed out Mr. Sacks had raised a good question regarding parking. She pointed out if there is an event at the Conference Center, an event at Newberry Hall and an event at the Playhouse there could be close to 1,000 people in the area needing about 500 parking spaces.

Councilman Dewar stated he felt we have not looked at the scope of this to see whether or not it is something we can do or something that we should do. He said he was hearing Mr. Sacks say the city should charge rates comparable to his rates so the city does not have an advantage or charge less than him. Mr. Sacks pointed out he has a different revenue stream, as he is doing food service too. He said the city would have to cover its operating expenses from straight rentals.

Councilman Dewar stated he was hoping we would have a worksession to go over this matter and let Council hear from the people involved. He said there is one person here.

He said he was concerned that the city is starting a business that competes with the private sector. He said there is no question about the need for it.

Mr. Pearce stated the city has had a conference center since 1987. Councilman Dewar pointed out, however, that Mr. Sacks business was a lot smaller too. Councilwoman Price stated there is a need for something that will hold 400 to 500 people. She pointed out that people are going to Augusta to utilize facilities. She said we could continue to let that revenue stream go to Augusta or create something here.

Councilman Dewar stated there is no question about the need. Councilman Merry stated he did not think it was realistic that the first floor space could be made to serve 400 to 500 people. Councilman Ebner stated he also did not see 400 to 500 people in the space on the first floor.

Mr. Pearce stated the idea was to open up the Conference Center from the wall on Bee Lane to the other side exterior wall. He said the consideration had been to enlarge the existing Conference Center and look at a design for break out rooms so one could have a small event or a large event or a large event with small breakout sessions. He said he was trying to get funds so a plan design could be presented for Council and the public to comment on.

Councilman Merry suggested that the ordinance be passed on first reading and by second reading the City Manager come back with a number of what it would take to do a study to put together the information discussed. He said he did not feel we need architectural drawings yet, but need a concept and feasibility study. He said the number could be set now or Mr. Pearce could be given the latitude to come back in two weeks with how much it would cost to accomplish the study.

Councilman Ebner stated he felt Council should designate a certain amount of money for a study and concept plan.

Councilman Dewar stated he had the concern as to whether there is a need for it.

Mr. Pearce stated the staff was not going out and spend \$1.4 million, but needed to have money available to do homework to have a defined idea before going forward.

Mayor Cavanaugh asked Mr. Sacks if he felt we need the Conference Center. Mr. Sacks responded that he felt there is a need for a larger facility that is 350 to 500 people, but not necessarily in the city's Conference Center area. It was pointed out that if events are happening at three of the downtown facilities, it will affect all the merchants and parking downtown. Mayor Cavanaugh stated he was concerned about taking business away from the private sector.

Mr. Sacks stated he felt he and the proposed center would be competing for the same events.

Councilman Merry stated there are a lot of needs in any community, but that does not mean the city has to provide the need.

Mr. Pearce stated when the Administration and Finance Building was done we discussed what would be done with the vacated first floor of City Hall. He said we are trying to follow through on what we said we would do.

Councilman Merry also pointed out that there is an upside if we can accommodate a large event, that those people are likely before or after to do some shopping.

Councilman Dewar stated the time would have to be channeled, and those are the things we need to talk about. He said a 9 a.m. meeting is one thing, but a function at 11:30 a.m. for lunch or dinner is something else. He said another thing that we need to think about is that if we borrow money again from the Capital Projects Sales Tax and the

commitment is to pay it back as the money comes in and before going to another project, the borrowing will now put us at \$4.7 million. He said some other projects won't be able to be done until the money is paid back, and that has an impact.

Mayor Cavanaugh stated all these items are up to Council to decide what they want to do. If the majority think this should be slowed down and do some other things with the money, then that should be done.

Councilman Merry asked if Council wanted to go ahead and authorize Mr. Pearce to have a feasibility study done. He said a study is usually about \$10,000.

Councilman Dewar asked how you would define a feasibility study. He said he would like to hear from the Chamber of Commerce, the Aiken Downtown Development Association, and some businesses. He said this has the potential for really getting in big trouble.

Councilman Ebner stated Mr. Pearce had already given a report about having conventions downtown and what the people say. He said Carla Cloud had given a report to the Aiken Corporation meeting before.

Ms. Debbie Nix stated when coming to the meeting tonight she rode around several times trying to find a place to park and had to park around the corner. She pointed out there are about 40 people at this meeting on a Monday night. This is not a Friday or Saturday night. She pointed out parking is a problem in the downtown, and if there is a Conference Center to hold 400 to 500 people where would the people park. She said there is not enough space to park to accommodate that many people in the downtown. She felt the proposed Conference Center would affect the merchants and would compete with the private sector. She felt it could not be a fair competition with a government entity. She was concerned about parking.

Councilwoman Price stated the city had purchased the property on Newberry Street adjacent to this building some time ago with the objective to create some economic development and look at possibly placing a parking deck in the area because of some of the issues of parking. She said the issue of parking has not been resolved. She said as the city grows downtown with economic development, and there are more demands for things such as a 500 space seated venue, the issue is where the people will park. She said the point regarding parking is well taken.

Councilwoman Price stated she would like to make a motion that the issue be tabled and have more discussion. The motion was seconded by Councilman Dewar.

Councilman Ebner pointed out with tabling that would mean that Mr. Pearce would not have any money to do a study to provide any further information.

It was pointed out the right wording would be to continue the matter. Mr. Pearce stated if the matter is continued he has nothing to bring back to Council because he would have no funds to do a study.

Councilwoman Price stated she felt a meeting should be set up to discuss the matter with the public and downtown businesses.

Councilman Dewar stated the decision Council needs to make is what we will do with the space. He said possibly Mr. Pearce should consider consolidating staff. He asked if some staff could be move in on the first floor. He said there is still a need for the meeting room.

Mr. Pearce stated the discussion we had a year and a half ago is that we would get the Administration and Finance Building completed, move Administration and Finance, and look at the appropriate uses for the first floor of City Hall. He said he would do whatever Council wants to do. He said the building is City Hall. It is public funds. It is the

Capital Projects Sales Tax money. The citizens voted in favor of renovations to the Municipal Building. The first phase of the renovation has been done, and now we are ready to go ahead and pursue the second phase. He said whatever direction Council gives staff will be followed. He said he needs a message from Council. He said if the matter is continued, the message sent to staff is to do nothing. He said if it is continued he would have no money to do a feasible design or concept plan. He said he could not bring in a consultant to do a charette and talk about what to do with the first floor. He said if we need to study it and there is concern about parking, those are legitimate concerns, but for staff to be able to enable Council to make an informed decision some background information would need to be provided. He said the discussion at this meeting would be helpful to him. He said he could look at space needs. He said the Community Services Division of Public Safety is in the building on Newberry Street. He said he was looking for direction from Council. He said there had been discussion over the past several months as to what should be done. He said the reason for holding the meeting with stakeholders was to find out what they thought they might want. He said the reason for the ordinance on first reading is to have funding available so we can come up with something that is appropriate for discussion that relates to what we had said we wanted to do, which was to develop the first floor into a conference center.

Councilwoman Price pointed out that Mr. Sacks had come to voice his concern, and he is one of other stakeholders. She suggested that at the next meeting invite other stakeholders, meet earlier and hear from those present and then decide what course of action to take.

Mr. Pearce stated there is a full schedule for the agenda for April 22. He said he felt there would have to be a separate meeting.

Councilman Merry stated he liked the idea of hearing from Aiken Downtown Development, the Chamber of Commerce, and downtown businesses.

Councilman Dewar stated they were present at the meeting when the proposal was presented, and they bought into the concept, but now that we are getting closer to reality and we start looking at parking, financial competition, etc. there is concern. He said we have gotten away from worksessions, but he felt it would be a good subject for a worksession. He felt the business people would rather meet at 4 p.m. than at 6 p.m.

Ms. Katie Lipscomb stated she has many questions about the proposal for the conference center and was not sure where to look for the answers. She said she had heard that there was a meeting to talk to people about an events center. She wondered if anything had been talked about other than an events center. She wondered if there was a need beside an events center. She wondered if there was any other conference center in town other than the Convocation Center.

Mr. Pearce responded that we had talked to the Department of Commerce and some other state organizations that look for venues for annual or other meetings. The problem with the existing space is that it is too small for their meetings, which are larger than 100. He pointed out that the state organizations usually like to be in a downtown area if possible.

Ms. Lipscomb pointed out the city bought the property on Newberry at The Alley. She thought the property was bought to expand the Municipal Building. Then the bank building was found and it was renovated for the Administration and Finance offices. Now we want to renovate the Municipal Building at a cost of \$1.4 million. Then a parking garage will have to be built to accommodate a parking problem. She pointed out then all those buildings have to be maintained, and she was concerned where the money comes from to maintain these facilities. She pointed out she is having a wedding in June for 300 people, and there is no place to have it except outside. She wondered if we had talked to the tent people because they are the only ones who can handle 300 people. She pointed out Rye Patch is booked up for over a year in advance. She wondered how that competes with Mr. Sacks business. She wondered how many events there might be with facilities. She said she liked having events at the Conference Center, as you don't have to

have a caterer, and you can bring your own food. She said she has a lot of questions, and would like to see Council discuss the matter more.

Councilwoman Price pointed out there would be more events if we have the facilities. She pointed out she has been talking with two people who have no other option, based on the numbers, but to go to Augusta with their meeting.

Mr. Gary Smith pointed out Council does not have a motion to table in Council's rules, but do have a motion to continue. That says the motion should specify when the matter is to be brought back before Council and what action or information is desired before it is brought back to Council.

Councilman Dewar stated if Council is not ready to do that, then the proper motion would be to reject the ordinance, and Mr. Pearce could come back when he is ready. He said if the ordinance is rejected he wondered if the matter is a dead issue until the City Manager brings it back to Council.

Mr. Smith stated that would be one way to do it. He said Mr. Pearce was saying that at that point he was wondering what Council really wanted him to do.

Mr. Wade Brodie stated he serves on the Economic Vitality Committee of the Downtown Development Association. He said the issues that Council has been talking about regarding enlarging the Conference Center have been discussed over a period of time with the various groups. City staff has set up meetings to discuss the subject. He said for a long time there has been a concept that we lose business to Augusta because of not having large enough space for meetings. He said we would not know whether we can increase the space to accommodate 300 to 500 until we do a concept study. He said a study would probably cost no more than \$10,000. He said he would recommend that Council approve a concept study.

Councilman Dewar stated he felt it was very clear that whatever we do we need to be talking about a parking structure downtown. He felt that was a very critical part of the whole matter.

Councilman Merry stated he would be willing to spend \$10,000 in order to make a \$1.4 million decision.

Councilwoman Price stated the question is has Council as a body heard from the citizens and is it necessary for Council to hear from the citizens. She said the City Manager had already met with the business people. She wondered if that was sufficient to move on with the decision to have a study.

Mr. Pearce stated a feasibility study would allow an opportunity for input before the study is released. That would give Council and the citizens an opportunity to contribute their thoughts as to what a potential facility would be. He said he just wants to make sure we do what we said we would do. He said we had said we would move to the Administration and Finance Building and then look at the repurposing of the first floor of the Municipal Building.

Councilman Dewar stated his focus is before we get to the point of looking at what the structure would address. He said if we don't deal with the parking issue, it will be a waste of time. He said the night Council approved the buying of the bank building there was solid support from the downtown businesses people. He wondered how much of that was emotion versus practicality. He said now that we are at this stage there are some considerations that might affect it. He said he would still like to see us talk to the public and come up with ideas for a parking structure, where it would go, and how much it would cost.

In response to a question from Mayor Cavanaugh regarding parking in the downtown, Mr. Brodie responded that parking was a concern when the matter was discussed.

Councilman Ebner stated we need to do a study and let it encompass the matters discussed. He said all the issues are relative, and we need to know how many people the building will hold, whether it is 300 or 500. He said there are some key questions that we need to know. Mr. Pearce needs \$10,000 to \$15,000 to do a study to get the answers to some questions. He said a feasibility study was done on the bank building and there was an estimate of the cost to do it. He felt there needed to be a concept plan, a parking study and feasibility study.

Councilman Dewar asked Mr. Smith if he would be comfortable using an advance of money from the Capital Projects Sales Tax for the project for a feasibility study.

Mr. Smith responded that anything that is done that is aimed toward coming up with an ultimate design he felt would be an appropriate use of funds. He said ultimately something would be done with the first floor. The feasibility study may say 500 people is not feasible, and we need to think about something else.

Councilwoman Price asked Mr. Smith for legal advice on how Council proceeds now with the motion that was made to continue.

Mr. Smith stated from what he was hearing the motion could be to continue first reading of the ordinance and authorize the City Manager to expend up to \$15,000 to procure a feasibility study regarding the use of the first floor of the Municipal Building. He said the study could include whatever issues Council desired such as parking and use of the building.

Councilman Merry stated he wanted the study to include issues relating to parking.

There was a question as to whether the amount for a study was \$10,000 or \$15,000. It was pointed out that Councilman Ebner had suggested \$15,000 for the study. Councilman Ebner stated the study needs to include sketches and some real information.

Councilman Merry stated a feasibility study was done on Project Jackson in North Augusta for \$8,000, and that was a \$150 million project.

Mr. Pearce asked if an expenditure of \$15,000 out of the Capital Projects Tax needed to be an ordinance, as this money would have to be borrowed, as money is not available from the CPST funds yet.

Mr. Smith stated the proposed ordinance should be amended. Instead of authorizing the borrowing of \$1.4 million, Council will authorize the borrowing of up to \$15,000 which is a portion of the \$1.4 million project.

Councilwoman Price amended her motion to continue the first reading for discussion of the ordinance. She moved that Council approve amending the ordinance on first reading to allow up to \$15,000 for a feasibility study to be borrowed from the \$1.4 million project in the Capital Projects Sales Tax III of the Municipal Building renovations project. The amendment was accepted by Councilman Dewar. The motion was unanimously approved.

Councilman Dewar asked that the City Attorney look at the wording of the ordinance. He said he liked the wording of the ordinance for the borrowing of funds for the police computers better. He said he felt the obligation should be that we pay for the borrowed funds first.

WILLOW RUN INDUSTRIAL PARK – RESOLUTION

Purchase Property

Beaufort Street

Mr. Pearce stated the next item in the agenda packet was a resolution to purchase property at Willow Run Industrial Park. He said we were expecting representatives from the Aiken Area Council on Aging, and they are not present. He said they were integral to the presentation at this meeting. He asked that Council continue the item.

Mayor Cavanaugh asked if there was a motion to continue the item.

Councilman Ebner moved, seconded by Councilman Merry that Council continue the item regarding purchase of property at the Willow Run Industrial Park. The motion was unanimously approved.

CONCEPT PLAN

O'Charley's Restaurant

Whiskey Road

Mayor Cavanaugh stated notice of concept plan modifications for O'Charley's Restaurant in the Shoppes at Whiskey had been received.

Mr. Pearce stated Planning Director Ed Evans has contacted him regarding improvements O'Charley's Restaurant is proposing to make to their establishment. As shown on the exhibits presented these improvements are chiefly focused on upgrading the entrance from stone to painted stucco. The "before" and "after" renderings were provided for Council's review. This change would match the rest of the shopping center design.

Normally, staff does not view these types of changes as material to the Concept Plan. Nevertheless, Council can review these changes to determine if they are material to the original Concept Plan. If so Council can refer these proposed changes to our Planning Commission for a full review and recommendation for an Ordinance to amend the original Concept Plan. He said staff was trying to get Council's feeling as to whether they are comfortable with Mr. Evans, Planning Director, approving the façade change.

For Council consideration and information is review of proposed changes to the O'Charley's Restaurant facade.

Councilman Homoki asked if this was a nation-wide change. Mr. Pearce stated his understanding is that this change comes from the national franchise.

Councilman Merry asked if the change is subject to the Planning Director's interpretation because it is zoned Planned Commercial, or would that be true for all buildings in all commercial zoning.

Mr. Pearce stated the material for the building was in the concept plan that Council adopted, and if there is a material change to the character of the building or the shopping center it is subject to the approval of the Planning Director or Council if it is a significant change.

Mr. Pearce stated if Council has no problem with the change, the proposal could be received as information by Council.

RETENTION SCHEDULE

Audio Recordings

Mayor Cavanaugh stated Councilman Dewar had requested that Council review the state and city audio file records retention schedule.

Mr. Pearce stated there was a request from Councilmember Dewar to review the state and city audio file records retention schedule. He said a copy of the state retention schedule regarding audio files had been provided to Council. He pointed out that the retention for meeting recordings is two years and then destroy, provided paper copies of minutes have been produced. We have had the schedule for a two year retention for some time and paper copies of the minutes are on file in the Clerk's office. He said that is what we have been following to be in compliance with the state recommended retention schedule.

Councilman Dewar stated he raised the issue. He said he did not know why we do not retain our audio records indefinitely. He said there had been a couple of cases where it would have been nice to go back and determine exactly what was said. He pointed out Murphy's Oil at the Shoppes on Richland. He said people had insisted that they were promised certain things, but the audio recordings were gone. He said he did look up the state retention schedule on line. It is a 16 page document. He said he did not see where it prohibited the city from going beyond the two year limit. He said there seemed to be a sentence that implied that a longer period could be permissible. He said he would like for Council to consider keeping the audio recordings indefinitely.

Councilman Merry stated he agreed with Councilman Dewar.

Mr. Pearce stated if Council wants to put the matter on the agenda, staff would like to do a cost analysis. He pointed out that the city has a system of a server that is used for the audio recordings. He said before anything is approved, he would like to do a cost analysis. He said that could be provided in the Issues and Updates memo and then see about scheduling for the Council agenda if Council agrees.

Mr. Smith stated the vehicle would be to amend the rules and procedures and require the audio recordings to be retained for whatever length of time. He said Council could vote by ordinance to change the schedule if that is what they decide to do after receiving Mr. Pearce's information on the cost. Mr. Smith pointed out that sometimes it is good to get rid of some things.

Councilman Ebner stated if we are going to get rid of stuff, we need to get rid of the written minutes because they don't reflect necessarily what is recorded. He said he got trapped on that in 2007, and he is suffering from that now.

Mr. Smith stated the minutes do reflect what Council approved. Mr. Pearce pointed out that Council votes on the minutes at every meeting. He pointed out that the City Clerk puts a lot of hours in preparing the minutes.

Councilmen Dewar and Ebner stated the minutes are still a summary.

ATTORNEY GENERAL OPINION

Freedom of Information Act

Councilman Dewar stated the next item was an Attorney General opinion that he wanted to make sure that all understood. It relates to an issue of when the city has to release public information on applicants. He pointed out that when Council hired the last City Manager as a body, Council had an obligation to provide a list of the last three. He said the opinion says it does not have to be three. It could be one but not more than three. He said Rock Hill either sued or was sued to determine whether that obligation to make available the records of applicants applied if a member of staff were hiring. He said in reading the opinion he feels that it does apply to staff. He said when the city hires a city employee when the list is down to a final list of at least three, could be two or one, that information upon request has to be made available to a member of Council, the public, or any citizen. He asked when the city has an opening, do we always advertise in the Aiken Standard.

Mr. Pearce stated not necessarily. He said sometimes a position can be filled from internal candidates.

Councilman Dewar asked if there were applications for internal candidates. He noted Council has been getting a Human Resource Report, but he had not received it for March yet.

Councilman Merry stated he thought that it was when there are three or more candidates.

Mr. Smith stated the gist is that if only one person applied for the job, you have to disclose one name. If more than three people apply for the job you have to supply your final three candidates. He said earlier in the process some cities took an unusual stand. They said they did not come to three finalists, but came to one finalist. The Supreme Court said they must comply with the law and come to three finalists, if not, they have to give the names of everybody who applied.

Mr. Pearce stated he felt the gist of the Attorney General's opinion is that provision of the law applies to staff as well as to Council. He said that is what they were really giving an opinion on.

Councilman Dewar stated it is obviously not a concern when you are hiring someone at an entry level job. He asked if this would apply if we are promoting someone to a Sergeant in Public Safety.

Mr. Smith stated the Attorney General's opinion tells us that it applies regardless of the level of the employee we are talking about. If the newspaper, a citizen, or a member of Council asks Mr. Pearce to disclose the three finalists for a particular position, he would be obligated to do that.

Councilman Dewar asked what is the obligation for letting the public know there is a job opening and how to apply.

Mr. Pearce stated typically job openings are sent to the Job Shop and put on the internet on the city's website. He said depending on the level of the position, such as a Department Director, it is typically advertised in the newspaper as well as the Municipal Association. When it is put on the internet it is picked up by job recruiting services.

Mr. Smith stated he was not aware of a specific statutory obligation of the city to report job openings. He pointed out the issue was not a lawsuit filed. The letter from the Attorney General's office is addressed to the City Attorney for Rock Hill. He is the person who made the request to the Attorney General's Office for an opinion on legal advice he had given. He pointed out the Attorney General did not agree with his interpretation.

Councilman Homoki asked why they define "public body" but not "governing body." It was pointed out that is the statutory language. Mr. Smith stated the Freedom of Information Act does not refer to a governing body, but refers to a public body. A public body has an obligation to comply with the Freedom of Information Act. City Council is a public body as well as the City of Aiken is a public body, the Planning Commission, etc.

Councilman Homoki asked what the next to the last sentence in the letter means, starting with "To otherwise..... Mr. Smith stated the City Attorney in Rock Hill was trying to take the position that the only hiring that the Freedom of Information Act applied to was hires made by City Council. In Aiken's case it would be the City Manager and the City Attorney. He tried to opine that the statute applied to governing bodies not public bodies. He said the statute is very clear that it applies to public bodies. This increases the liberal interpretation of the Freedom of Information Act.

Councilman Dewar asked if staff could add the list of vacancies to the Human Resource Report. He asked if the report would be supplied monthly and if the vacancies could be added to the report. Mr. Pearce pointed out the report is supplied monthly and asked if the listing of job vacancies on the internet would be sufficient.

COUNCIL SCHEDULEMay, 2013

Mayor Cavanaugh stated Council needed to consider approval of the May meeting schedule for Council.

Mr. Pearce stated the second meeting in May falls on Memorial Day which is a holiday. Council typically does not schedule a second meeting in May when Memorial Day falls on the fourth Monday. If something does come up, we can always call a special meeting that could be held to cover any issues.

For City Council consideration is approval to cancel the second City Council meeting in May, 2013.

Councilman Ebner moved, seconded by Councilwoman Diggs that Council cancel the City Council meeting for May 27, 2013. The motion was unanimously approved.

INFORMATIONEstate Sale

Mr. Pearce stated he had received a letter from Jill Ryon dated April 3, 2013. He pointed out that at the last meeting Council had voted to allow an estate sale for three days on April 18, 19, and 20, 2013. Ms. Ryon has written and asked that having lost some staff and considering the size of the sale, she would like to move the sale to May 2, 3, and 4, 2013. He said there was just a change in the date for the sale, not the number of days. He said he wanted Council to have the information on the change of dates for the sale. He said staff will follow up on meetings at the Synagogue on Saturday.

Public Safety

Mr. Pearce stated Councilman Dewar had asked for the actual amount of money paid to the employees of Public Safety in calendar year 2012. He distributed a copy of that information to City Council members.

Water Line Maintenance

Mr. Pearce also pointed out there had been letters sent out to citizens from the American Water Resources. They want to sell a service agreement for maintenance of water lines from the city meter to a person's house. He pointed out that has nothing to do with the City of Aiken. It is a service that a company is trying to sell. It is not endorsed by the City of Aiken. It would be a private contract.

Workers' Compensation

Councilman Merry asked a question about information in the Issues regarding savings in the city's Workers' Compensation insurance. He wondered if the city only paid \$30 for the premium last year.

Ms. Abney, Finance Director, stated after the 2012 audit an additional premium of \$30 was paid. In 2011 an additional premium of \$10,000 was paid. She pointed out the city will get a refund of \$2,200 this year.

Senior CenterEustis Park

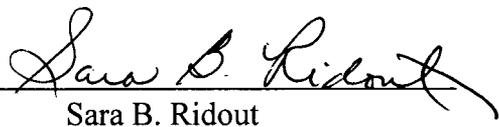
Councilman Dewar stated the item on the Willow Run Park building was continued. He pointed out he read the Recreation Commission minutes and was shocked to read that we cannot do our Senior Center in Eustis Park because of some 1974 law. He wondered if this had been mentioned to Council before.

Mr. Pearce stated he had mentioned this to Council probably three or four times about the Eustis Park project. He said it was talked about at Horizons as well. Councilman Dewar stated he did not find anything about the 1974 law in the minutes.

Mr. Pearce stated the Senior/Youth Center can be built in Eustis Park. He said in 1974 grant money was used to put playground equipment in Eustis Park. If a building is put there then you have to go through a process to get that property released and identify the substitute property that would be for recreation use in the area. That is why we were looking at doing the Senior/Youth Center not necessarily in the existing park, but immediately adjacent. We looked at buying land from the School District. Potentially there might be land from other sources as well. He said there will be a Senior/Youth Center in the area of Eustis Park as it was voted on by the citizens in CPST II and III. He said the CPST ballot had \$2 million for a northside recreation facility. There is \$2,700,000 to redevelop the landfill into a recreation facility. Councilman Dewar wondered if there were restrictions on where we can build replacement tennis courts and basketball courts. Mr. Pearce responded that could be done. The restriction is for buildings. If a building is put in the park where you have the recreational facility identified, then you have to replace that land with additional recreation facilities.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:39 P.M.


Sara B. Ridout
City Clerk