

Aiken City Council Minutes

REGULAR MEETING

June 10, 2013

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

Others Present: Richard Pearce, Gary Smith, Stuart Bedenbaugh, George Grinton, Kim Abney, Ed Evans, Alicia Davis, Tim Coakley, Charles Barranco, Glenn Parker, Ricky Brown, Sara Ridout, Amy Banton of the Aiken Standard, Chad Mills of Channel 12, and about 30 citizens.

CALL TO ORDER

Mayor Cavanaugh called the meeting to order at 7:01 P.M. Councilwoman Price 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 May 13, 2013, were considered for approval.

Councilman Ebner pointed out there was a lot of discussion at the last meeting about budget items. He said he was concerned about whether some of the things he or other Councilmembers had asked for were included in the budget. He wondered if it would be appropriate to discuss the items now or when the budget item is discussed.

Mayor Cavanaugh suggested that the minutes be considered at this time, and then the matters regarding the budget be discussed with the agenda item on the budget.

Mr. Gary Smith, City Attorney, stated if there was something in the minutes that needs to be changed, this would be the time to discuss that and correct the minutes. If there is discussion about the budget that needs to be modified, the budget discussion would be the best time to discuss that.

Councilwoman Diggs moved, seconded by Councilman Merry, that Council approve the May 13, 2013, minutes as submitted. The motion was unanimously approved.

PRESENTATIONS

State Champions

South Aiken High School

Golf Team

Tennis Team

Proclamations

Mayor Cavanaugh stated Council would like to recognize two championship teams--the South Aiken High School Tennis and Golf Team. He said both teams have fought hard and became State Champions in the process. He pointed out the coaches and representative team members are present at this meeting to be recognized for their accomplishments.

Mayor Cavanaugh read the proclamation for the South Aiken High School Golf Team.

Mayor Cavanaugh read the proclamation for the South Aiken High School Tennis Team.

Mayor Cavanaugh and City Councilmembers congratulated both team members for their accomplishments.

BOARDS AND COMMISSIONS

Appointments

Nathaniel Dicks

Housing Authority

Phil Haggerty

Building Code Board of Appeals

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

Mr. Pearce stated Councilwoman Diggs has recommended that Nathaniel Dicks be reappointed to the Housing Authority. If reappointed, his term would expire May 28, 2018. Housing Authority terms are for five years.

Councilman Ebner has recommended that Phil Haggerty be reappointed to the Building Code Board of Appeals. If reappointed, his term would expire May 12, 2015.

For City Council consideration is approval of two appointments.

Councilman Dewar moved, seconded by Councilwoman Price, that Nathaniel Dicks be reappointed to the Housing Authority with the term to expire May 28, 2018, and that Phil Haggerty be reappointed to the Building Code Board of Appeals with the term to expire May 12, 2015. The motion was unanimously approved.

Councilman Merry stated he would like to appoint Alex Grennor to the Environmental and Energy Committee to fill the position of Charles Newton who has resigned.

Mayor Cavanaugh stated he would like to nominate Doris Begley to the Arts Commission to fill the position of Kristin Brown who has resigned.

Mayor Cavanaugh stated these nominations would be on the next agenda for Council's consideration.

TAX MILLAGE RATE – ORDINANCE 06102013

Millage Rate

Budget 2013-14

62 Mills

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to set the millage rate for fiscal year 2013-14.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE TO PROVIDE FOR THE LEVY OF TAXES FOR ORDINARY CITY PURPOSES AND FOR CAPITAL DEVELOPMENT PURPOSES IN THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, SET THE MILLAGE AT SIXTY-TWO (62) MILLS AND TO PROVIDE FOR THE EXPENDITURES THEREOF.

Mr. Pearce stated every year, City Council adopts a budget for the following fiscal year. By a separate ordinance, Council sets a millage rate to ensure proper revenue to meet anticipated budget expenditures. Our review of projected revenues and expenses shows the proper millage rate for this balanced budget to be 62 mills. He said the ordinance was approved by Council on first reading at the May 13, 2013, meeting.

For Council consideration on second reading and public hearing is an ordinance to set the FY 2013-14 millage rate at 62 mills.

The public hearing was held.

Councilman Ebner pointed out that the millage rate stays the same as last year, but in the actual calculations the citizens will probably pay a little more in taxes per \$100,000 evaluation. Last year the value of a mill was about \$154,000. This year the amount is \$158,000 per mill.

Mr. Pearce stated the millage is set up by state law. A percentage of the assessed value of the property, depending on whether it is owner occupied or investment land, or commercial property is used to calculate the taxes.

Councilman Merry moved, seconded by Councilwoman Diggs, that Council pass on second and final reading an ordinance to set the FY 2013-14 millage rate at 62 mills. The motion was unanimously approved.

BUDGET – ORDINANCE 06132013A

FY 2013-2014

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to approve a budget for fiscal year 2013-14.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE ADOPTING A BUDGET PROPOSED BY THE CITY MANAGER, CONTAINING ESTIMATES OF PROPOSED REVENUES AND EXPENDITURES BY THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2013, AND ENDING JUNE 30, 2014, AND DECLARING THAT IT SHALL CONSTITUTE THE BUDGET OF THE CITY OF AIKEN.

Mr. Pearce stated the proposed budget for FY 2013-14 had been presented to City Council at a work session on May 1, 2013, and discussed on first reading at the May 13, 2013, regular Council meeting. The revised version includes items of interest and comment from our May 1, 2013, work session and first reading of the Budget Ordinance at the May 13, 2013, Council meeting. He said a change from the Work Budget presented to Council is revenue from Depreciation and Special Holding of \$2,369,055 to \$2,551,455 in the General Fund, a difference of \$182,400. We also looked at the various items that were raised at the first reading of the ordinance. Councilmember Ebner had requested money for storm drainage at 2126 Huron Drive. It was called Silver Bluff Storm Drainage. He said there are funds in the Capital Projects Sales Tax for storm drainage. We also have some storm drainage reserve funds. He said that was the reason for those adjustments. There was an additional request of \$10,000 for landscaping on East Gate Drive. He said there are funds in this year's budget to begin work on East Gate Drive. He said we will not be able to plant trees this year. He said there is Tree Fund money to cover the planting of the trees but that will be done in October or November. He said we will look at irrigation. There was an irrigation system in the median and in the circle at East Gate entrance, but when the sidewalk was installed from Singletree, Doubletree, Tripletree area that damaged the system. We will make that repair of the irrigation system. We have funds in this year's budget and next year's budget for irrigation systems. We will work on the median and beds to come up with something that will be appropriate for the area and plant trees later in the year. There was a request for funds to install trails or verify the trail network. This references the ordinance that was passed in 2006 and talked about an equestrian trail extending from Anderson Pond Road to the Village at Woodside, and that the trail would be transferred to the City of Aiken by deed or easement. The wording in the 2006 ordinance said that it would be deeded to the City of Aiken upon completion. There was a subsequent Council consideration when the deed was accepted in 2007. He said the city needs to know the exact boundaries of the property. He said there is money in the proposed budget to survey the trail and identify

the area. He said George Grinton, Engineering and Utilities Director, is looking at the feasibility of that being done in-house. He pointed out that city employees did the gyro tracking at the Carolina Bay. There was significant understory. The gyro tracking cleaned it out effectively, but through appropriate environmentally sensitive herbicides we have kept the area clear. He said that is under consideration. He said they believe we will be able to install this in-house, and will do it in conversation with the Property Owners' Association and the stakeholders who have told us about their interest in this particular item. He said there are funds in the budget to execute this item. There was an additional \$500,000 request for city road cave-ins. He said there is Capital Projects Sales Tax money for infrastructure improvements. The other request was for a water line and water meter replacement update. In the budget this year we have budgeted \$1,200,000. In the proposed budget we have budgeted \$600,000. We have spent under \$200,000 so far on this project. Mr. Grinton has hired a new Assistant City Engineer, Pearce Atkins, who began work today and has project management experience. He said we are in the process of trying to obtain additional equipment needed to effect the water service replacement. Where we are doing water service replacement, we are also going ahead and replacing the water meters, as we are in the area. Over the course of the fall we will be assessing our efficiencies in replacing the services and seeing whether it will be necessary to hire a contractor to help us. The main impediment to our efforts has been locating the corporate stops for the services. They have been found in many strange places, including under driveways. That makes the process tedious, but we are pursuing it. As far as this year's \$1.2 million, when we do the budget assessment in August as far as unspent funds that will give us an opportunity to have a fuller presentation about the funds that we can carry forward. Hopefully we can have a draft plan for Council's consideration as far as going forward, not only with the service replacement, but also the water meter replacement. He pointed out the batteries in the Orion units are beginning to age out and need to be replaced.

Mr. Pearce stated another item that Councilman Ebner mentioned for consideration is the Lynn Street stormwater control. He said we do have stormwater funds on hand. We can do work within the drainage and utility easement. This is on our list to pursue. We need to make sure we stay within the drainage and utility easement. Another item is a schedule and cost for Capital Projects Sales Tax II to account for overrun funds in the budget. Mr. Pearce stated he would like to share with Council that he had a conversation with Aiken County Administrator Clay Killian, and they have received funds over and above the \$28,800,000 that we were projected to get. County Council by resolution has taken the percentage prorated share. There was a little over \$4,200,000 in additional Capital Projects Sales Tax money that the County collected and received from DOR. Aiken County cut checks Friday and Monday to allocate these funds to the various cities. He said he was happy to report to City Council that he picked up a check for \$1,113,519 from Aiken County. He said that is additional money collected for the Capital Projects Sales Tax over and above the \$28,800,000 for listed projects and the additional \$2 million that we had for the Northside recreation facility. The \$1,113,519 is over and above those two amounts. He said that \$1+ million is in addition to the \$30,800,000. He said staff will recalculate the Capital Projects Sales Tax II list and give that to Council. He said those funds are separate from the budget. He said from an initial glance with the Finance Director, it appears that of the total list, which is just under \$32 million, that we are within at least \$250,000 of where we need to be if we fully fund all the items on the list, given all the expenditures made to date and look at the money we have yet to spend.

Councilman Dewar asked if that was something Council would vote on applying as they get the initial amounts requested from the voters.

Mr. Pearce stated Council would and did when we had more money than we had for projects for Capital Projects Sales Tax I carry over to CPST II. Council appropriated those funds to the Pawnee-Neilson project.

Councilman Dewar asked if Mr. Pearce would tell Council at the next meeting how he planned to apply the \$1,113,519. Mr. Pearce responded that Council has a list that the voters have approved so we would apply the extra money to the list of projects. The funds would be applied to the CPST II list. He said we have received the final payment from CPST II, and we still have items on the list to do.

Councilwoman Diggs asked if this would enable the city to go ahead and set some timelines to do some things.

Mr. Pearce stated staff will provide Council with some time lines. This won't be for every project, as there were some projects where we ran into some concerns, with one example being the \$2,700,000 that we wanted to spend on the landfill repurposing project, converting it into a park. He said there is money for a Northside Recreation facility. There is money for repurposing the landfill, and there is money for the Eustis Park Senior/Youth Center. He said staff could put together a timeline, but there are some legal questions about the landfill. He said it has to be a certain way. He said the landfill is grandfathered in. If we touch it, there are new regulations that apply. He said there is a very delicate balance. He said Spartanburg had a 20 acre site, and they converted that into a park. They spent \$7 million dollars. He said the City of Aiken has a 65 acre site, and we only have \$2.7 million. He said some money had been spent on studies that have been done. He said the studies so far have shown where the trash is. We have done a Phase I and II environmental study. We have monitored, and we have not seen any migration from the landfill. We are in consultation with a law firm that will help us with DHEC as far as how we go forward.

Councilman Dewar asked if there were any expectations with regard to the Dougherty Road to Aiken Mall Connector.

Mr. Pearce stated there had been a long term effort to try to acquire some land to make that connection. We thought there was a break through because the property was listed for sale. We tried to enter negotiations and submit a written offer, but the property was taken off the market. He said staff will continue to pursue the connector. He said the Dougherty Road Corridor Study is helpful in that determination. That report will be coming to Council for approval. He said we are also looking at the Natural Resources Element of the Comprehensive Plan (Open Space).

Councilman Dewar pointed out that we have several projects on CPST II that are not completed. He wondered when we would be able to close construction on account 016 CPST II because we have money to purchase land, but are not prepared to buy any land at this time; we have money for Hitchcock Woods; we have money for the connector road to the Aiken Mall. He said there are several projects that may take years before they get done. He said we will have two active programs at the same time.

Mr. Pearce stated that is true, we would have two CPST programs going at the same time. He said we are not aware of any problem with that. He said we will probably come very close to the listed amount for the projects. He said a brief review of the projects and the money show that we are within about \$250,000 of the amount for the projects with the additional funds that came in today.

Councilman Dewar asked about the equestrian trails. He said the amount was \$90,000 to install trails, verify the network, and verify the buffers. He asked if he understood that we can do the trails in-house. He wondered if Mr. Pearce had said that we would complete the trail or would that just be the survey for the trail.

Mr. Pearce said we have money in the budget to verify the trail network, verify the buffers, and identify the land that was deeded to the city in 2007. He said we need to have the property marked because if we go in with gyro tracking or if we use city equipment to do work on the trail, we don't want to go across the property line. We want to stay within the boundaries. He said that is what we did with the Carolina Bay project.

Councilman Dewar asked if part of the trail network was into the area of Chukker Creek that is not suitable for a trail. Mr. Pearce stated he thought it was part of the trail, and there are some questions about the connection to Chukker Creek. He said that will have to be looked at as part of this work.

Councilman Ebner stated he has walked about 2 1/2 to 3 miles of the trail. He said, after having walked some of the trail, the survey needs to be done. He said what was implied is that there was a lot of erosion in the Chukker Creek area. He said he feels the developer needs to fix that. He said it is obvious when you see it, that the developer cleared land and used it as a drainage ditch. He said after walking the area, the gyro tracker will probably take care of most of the growth, as most of it is brush. He said the purpose is to get this portion of the trail surveyed and done. The suggestion is that we get a committee together with representatives from the County, City, and a number of landowners and sort out the trail issues. He said the County and City approved the trail network, and then administratively they kind of disappeared over the years. He said the main issue at this time is to be sure we get the trail surveyed and clear the trail using a gyro tracker.

Mr. Pearce stated the Chamber of Commerce is working on the Greater Aiken Integrated Trails Network. He said there is a group of citizens involved. Councilman Ebner stated he has talked with the County Administrator, the new PRT person, and they are willing to meet as this goes from city to county, and private landowners, etc. He said Mr. Karten and a number of others from the trail group have some very nice charts which can be used at the meeting. Councilman Ebner stated that it had been pointed out to him that the ordinance originally done for Phase IV of Woodside said the developer would fix the trail. He said, however, there was another ordinance in 2007 that negated that ordinance and now the city has that responsibility. He said the City Attorney or City Solicitor would have to weed through the information to see what we have.

Mr. Pearce stated they have been working on the information on the trail. He said we want to do what we said we would do. Councilman Ebner stated there was also an easement involved in this for Greenwood Road and Greenwood addition. He said we have to be sure of the location of this other easement. Mr. Pat Cunning said he thought it might be close to the equestrian trail at some point, so if the property was ever annexed to the city, the easement is already there for the equestrian trail. He said it is a limited easement and goes away in ten years, so we need to look into that easement and examine the long range plan. He said that is why he felt a committee would be good to look at this and sort it out.

Mr. Pearce stated it might be helpful to have the survey in hand prior to a meeting. Then we could chart our path forward. He said it has been a while, and it is time to work on the trail.

Councilman Ebner pointed out that Southern Partners had probably surveyed about a mile of the trail. There are stakes there where they have been developing the property. He said they have drawings for at least a mile of the trail.

Councilman Merry asked for some background on the equestrian trail. He asked why the city had volunteered to build the trail, own it and maintain it.

Mr. Smith stated that in 2006, when a portion of the Woodside property was annexed into the city, a concept plan was approved. The trail was not discussed at the Planning Commission level, but when it got to the City Council level they started talking about the possibility of having an equestrian trail. There was already going to be a 25 foot buffer around the property. During the Council meeting there was discussion about a horse trail to be included within the 25 foot buffer. The horse trail was added as one of the conditions of approval of the concept plan. It was included in the concept plan that the developer would construct the horse trail and deed it to the city. In February, 2007, the city accepted a deed from the developer. He said the question and information needed is why the city agreed to accept the deed without the horse trail having been constructed. He said he did not know that information.

Councilman Merry stated there are horse trails in a lot of subdivisions, and there are buffers in a lot of subdivisions, and we don't allow them to be trails for anybody. He said there are horse trails in a lot of subdivisions that the city does not take ownership and maintain. He wondered what was unique about this horse trail.

Mr. Pearce said that is something that staff can do as part of the research necessary to do the survey. Councilman Merry stated he agreed that a survey needed to be done. He said he was curious as to what set of circumstances must have occurred for the city to accept the trail undeveloped.

Councilman Ebner stated that Mr. Alan Karten did a lot of research on the trails. He said there was an ordinance which changed the original ordinance regarding the equestrian trail. He pointed out there were about 10 to 12 pages of the transfer of the deed because there are a lot of little parcels. He said City Council did approve transfer of the deed. He said there are a number of issues that need to be researched, and we also need to look at the other easement for the trail on Greenwood so we can clear up the whole area. It also cuts through some other properties.

Councilman Merry asked if it was ever clear that the city would build the trail. Mr. Pearce stated that is something that would need to be determined.

Mr. Karten stated the actual deed says that by acceptance of the deed grantee agrees to reasonably maintain a trail suitable for horseback riding and walking on the equestrian trail for the benefit of the grantor, successors, assigns and the general public as shown on the concept plan approved by Council.

Councilman Ebner stated there are about three or four issues that need to be cleared. He said he felt the second ordinance relinquished the rights of the developer to build the trail.

Councilman Merry stated he was just curious about the matter. He wondered why the city would take the trail and the responsibility unless there was some tradeoff. Mr. Pearce stated that would be part of the research.

Councilman Dewar asked about the water meters. He said he understood the meters will improve the city's ability to determine water usage. Mr. Pearce stated the meters are the new technology with the stainless steel base. They have no moving parts. The Orion unit that goes on top of the stainless steel unit is what transmits the water usage.

Councilman Dewar asked if we have any of the new meters and if any have been installed. Mr. Pearce stated we have ordered some meters, and we have installed some of the meters.

Councilman Dewar pointed out that staff evaluates excessive use of water and notifies people if we see an excessive amount being used. He wondered if there was a report on no water or a very minimum amount of water being used or if the meter is broken and people are not paying for the water they are actually using. Mr. Pearce stated there is a base rate that customers pay. If there is a zero reading on a meter that is noted and is checked by our staff.

Councilman Dewar asked about the amount budgeted for replacement of water meters for \$1.2 million for 2012-13 and \$600,000 for 2013-14. Mr. Pearce stated he budgeted \$1.2 million for 2012-13 and another \$600,000 for 2013-14 budget. He said of the \$1.2 million we have spent about \$150,000 to \$200,000.

Councilman Dewar asked if the same people that put the new meters in are the same people that repair water leaks. Mr. Pearce responded that as part of the water rate increase there are three crews of two people, and they were dedicated to the replacement project and replace water line leaks and replace meters in the area where they are working.

Councilman Dewar stated from the monthly reports of the Engineering and Utilities Department he would surmise that the crews are spending more time repairing leaks than they are putting in new water meters. Mr. Pearce stated in looking at the map of the water customers, there were areas that had a higher incident of water service failures,

including South Meadows, Singletree, Doubletree, and West Pleasant Colony Road. He said we started in those areas first because of the highest incident of water leaks.

Councilman Dewar asked if we could spend \$1.6 million in the next year replacing water meters. Mr. Pearce stated by the time staff comes with the budget reconciliation in August, we should have a plan. He said we are trying to get some additional equipment to help the crews. He said we are spending a lot of time trying to find the corporate stops. He said Mr. Grinton is to come up with a plan on how to approach this. He said we have a lot of Orion units to replace and a lot of water leaks to fix also.

Councilman Ebner stated he had sent Mr. Pearce an email requesting some technical data and scheduling data and also depreciation data. He said if you go back to Mr. LeDuc's days, he had made a depreciation schedule. He said when you recheck that, all of a sudden about \$3 million of depreciation disappears. He said we need to dig that out. He said he also noticed in last year's budget there was not the \$1.2 million depreciation for the water system. Mr. Pearce stated the depreciation was about \$1.098 million. Councilman Ebner stated the 6% increase in our water and sewer income is dedicated to water lines and meters. He said that is about 3/4 of a million dollars a year. He said we have to pay for the equipment which he assumed is depreciated over a five year period. He said each year we are picking up funds from depreciation and have about \$300,000 for labor that is covered in the 6%, and we had about \$100,000 in last year's budget. He asked if we don't spend all the money, does it move forward from year to year. He asked how we handle money that is not used, but dedicated to a project.

Mr. Pearce stated we are paying the salaries and we purchased equipment. We are depreciating the equipment. He said we budgeted \$1.2 million for meters, but if we don't spend the \$1.2 million, that will be part of the request to carry funds forward in August. Councilman Ebner asked if this year's budget money is not used would it be carried forward if there is any left over after depreciation and salaries. Mr. Pearce stated he would take a look at that. He said the salaries are being spent. The equipment purchased is being depreciated. Councilman Ebner stated he would like to see the numbers. He said the equipment is depreciated over five or six years. He said he would like to get all those numbers together. He said we have 18,000 meters, which adds up to \$4 or \$5 million of hardware. He said he felt it was wise to replace the Orion units. He said he took a lot of heat for proposing this and pushing it through. He said he got a lot of email complaints on this. He said he would like to keep up with it as we go through. He said this is a 4 to 6 year program. It will not happen in the first three years as projected. Mr. Pearce stated Mr. Grinton is working on this. He pointed out Mr. Grinton has a new project manager on board to help with these items. Mr. Grinton stated Mr. Atkins was a Construction Manager for the City of Sumter. Mr. Ebner stated he is saying to change the meters out. He also feels it is wise to change out the Orion readers, as the battery life is aging out on the units.

Councilman Ebner stated in the package of information he sent to Mr. Pearce there were expense and debt services. He said we need to go back at least to 2009 and trace what was done in the past. He said the numbers do not carry through. He said he had requested that a couple of times.

Councilman Ebner then discussed the Lynn Street stormwater. He said that area is draining from Chukker Creek and Whiskey all through the neighbors' yards. He said two things are wrong. One is that the design was not right. Then the developer did not build it by the design. He said about 10 to 12 acres of water runs through their yards. Mr. LeDuc basically pushed him aside and said this was on private property, the city can't do anything. He said he needs an answer from the city. He said if the city can't go to the developer and the landowner and say we need to fix this, then he will file a complaint with DHEC. He said he felt DHEC would react to stormwater that is not properly taken care of.

Mr. Pearce stated there is private property, but typically along the side property and back property lines there is a drainage and utility easement. He said he could look at that. He said also on the list is Huron Drive where a very similar thing happens with water coming

off Silver Bluff Road. He said staff would have a conversation with DOT, because they are generating some of the water. Mr. Pearce stated when we look at this we will use the same methodology on Lynn Drive and Huron.

Councilman Ebner stated he was sorry to take up so much time, but the items he has discussed were age-old problems that proliferate, and we get 30 to 40 unhappy citizens in the neighborhood.

Mr. Pearce stated regarding Edgewood water, the city will do a hydrology study. Mr. Grinton stated presently there is no date for the study, and he does not know how long it will take. He said the study will probably be done within the next six months. He said we have to negotiate a price for the study. We have to define the scope. He pointed out Edgewood is a large area. He said there are two pieces to it. A map has been created that shows where the city's property is. Then we need to study the larger area to make sure we understand the impact on surrounding properties. He said the water has to go somewhere. He said once that is defined, we can define a scope and a price and determine how long the study will take. Mr. Grinton stated he wanted to complete the Safe Routes to School study first and then go to the Edgewood study.

Councilman Ebner pointed out that he had had a discussion with Mr. Larry Morris some time ago about Mr. Bill Clyburn's property in Edgewood. He said a subdivision layout had been done and was submitted to the Planning Department. It was never approved because he did not do the necessary work. Councilman Ebner stated there was a detention pond on Mr. Clyburn's property. He said the drawings and calculations are all done for that subdivision. He said if a detention pond is needed some are already laid out on the Clyburn property to take care of his water. He said we also need to deal with Jake Street. Mr. Pearce responded those areas are within the parameters of the hydrology study. Mr. Grinton stated that would have to be evaluated because the water has to go somewhere. You can't cause harm to the neighbors' property. He said normally the developer is the person who does the assessment and calculations and pays for all the engineering that has to be done. In this case the City is kind of the developer in looking at what can be done to help with the northside home building program. Mr. Grinton stated if he can get that information that would be a help. In response to a question as to who the consultant would be Mr. Grinton stated it would be Brown and Caldwell out of Columbia.

Councilman Homoki stated he had missed how we resolved the trail issue between Anderson Pond and Woodside. Mr. Pearce stated there is money to conduct a survey. As part of the survey we will have Mr. Smith, City Attorney, research the legality of the transfer of the deed acceptance to find out exactly what the city's obligations are. With the money to do the survey the area will be marked so we can look at the cost to gyro track the area and also talk with the developer about erosion on the tract to see what the developer will do to mitigate the erosion.

Councilman Homoki stated we took the deed to the trail property. He asked if the city would deed the trail back to the Association after the city does the work. Councilman Ebner stated there was a request for them to take it back. He said it did not say they would. Councilman Homoki stated then basically the city would hold the title to the trail. Councilman Ebner stated possibly there could be some negotiations after the brush is cleared from the area to deed the property back. He said the city needs to research the reasons for the transfers in the first place.

Councilman Merry asked for some background information on Shiloh Springs. He said there was reference to the remediation efforts at Shiloh Springs regarding an agreement with DHEC. Mr. Pearce stated there was a consent order that Mr. Larry Morris signed with DHEC. He said bids were received on this matter. The bid was about \$1,300,000 for the filtration system installation. Mr. Pearce stated the filtration system is the remediation of Shiloh Springs. He said there was some naturally occurring radium in the water at Shiloh Springs. He said on the north side of Aiken there is more granite and kaolin in the soil. Many times radium and granite and kaolin are in those areas. There is a kaolin bed on the north side. He said the city had one reading of radium over the

minimum. With the consent order with DHEC there is a filtration system that will remove radium from the water.

Councilman Dewar stated he had some questions regarding Public Safety. He said at the last meeting we talked about the Driver/Operators not being paid for what they call a Kelly Day, which he assumes was instituted to save money. At the same time we talked about the fact that some of the senior staff accepts stand-by duty. He asked if the Captains and Lieutenants earn overtime pay or if they are exempt. He asked if they get overtime when they are on standby. Mr. Pearce responded they are salaried employees and do not qualify for overtime pay.

Chief Barranco stated Captains and Lieutenants are exempt employees. However, they are not worked 24 hours a day without giving them some time off to make up for the time that they either have to be called in on their duty time or fill in with emergencies, etc. They would receive compensatory time off, not overtime pay.

Councilman Homoki asked about the grade between the salaried and the hourly workers. Mr. Pearce responded it has to do with the responsibilities of the position and whether they are in a supervisory position.

Councilman Dewar stated it is strictly their duties and responsibilities and whether they have control over what they do or if they are being told by somebody else to do what needs to be done. When they are in management they are more likely to be exempt. He said there is a checklist that HR would run to determine if they are exempt or hourly.

Mr. Pearce stated exempt status has typically been the rank of Lieutenant and higher.

Councilman Dewar asked about information on the Fireman's insurance. He said he had heard that it is money from an insurance premium. He said he understands the Mayor, the City Manager, and the Public Safety Director are on the board. He asked if the money strictly goes to firemen. Chief Barranco stated it is for any member of the Fire Department, even though they may not be front line firemen. Chief Barranco stated the standards are set by the South Carolina Fire Fighters' Association, and by those standards any member of the Fire Department is eligible to receive portions of that fund. Mr. Pearce stated he would provide information on the program to Councilmembers.

Councilman Dewar stated he was hearing rumors about potential consideration of a reorganization within Public Safety having to do with first responders and that some of the fire people are not very happy with what they are hearing. He said if the program impacts the budget, it may be something that Council needs to know.

Mr. Pearce stated he was not aware of anything that affects the budget. He said they are talking about some different approaches. Chief Barranco stated he was talking a little about the truer Public Safety concept with some of the Public Safety Officers and some of the fire houses when needed to better utilize the manpower that we have now. He said he sees no impact on the budget.

Mr. Pearce stated staff could give Council a report if that would help. He said the organization does not impact the budget. He said staff can give Council a full report once it is in place. He said the matter is still under discussion at this point, and no decisions have been made.

Councilman Dewar stated the concern is whether it would end up reducing the fire department capabilities, which would be of concern.

Mr. Pearce stated that would be a concern. He pointed out that soon the ISO will be coming for their review. He said they would not want to do anything that would affect the ISO ratings.

Councilman Dewar asked how many people are still in some form of the 48 week training. Chief Barranco stated three more officers will be coming out of training June 18. He said that would leave about 12 still in training.

Councilman Merry stated his questions relate to the trolley and the walking track at the Weeks Center. He asked how much had been spent on the trolley over the last two years. Mr. Pearce stated he did not think we had spent \$50,000 on the trolley, but money had been spent on it. He said we had had work done on the engine twice. A few years ago the whole engine had been replaced. The other problem with the trolley is that we cannot use it in inclement weather, as it leaks. In response as to what would happen to the present trolley if it is replaced, Mr. Pearce stated it would be advertised for sale on GovDeals. He said the city bought the trolley second hand. He pointed out that Accommodations Tax funds would be used to purchase the trolley, not General Fund money.

Councilman Merry asked where funds would come from to repave the walking track at the Weeks Center. Mr. Pearce responded that Accommodations Tax funds would be used for the walking track repaving. He said the amounts in the budget are estimates for the work. Bids would be received for the work before awarding a contract.

Councilman Merry stated he had been out to the Weeks track 15 to 20 times since the matter was talked about in the budget work session. He said there are some areas where roots are raising and cracking the asphalt. They are concentrated in about 5 areas. He said otherwise the surface is pretty good. He said he was looking at the amount of money estimated to repave the track. He said if there is a chronic or reoccurring problem with asphalt, we need to look at some way to create a permanent solution. He said Mr. Parker had mentioned putting something along the sides of the asphalt in order to prevent roots from coming under the asphalt again and causing cracking. Mr. Pearce stated we were considering trenching along the track. That way it is disturbed soil, and the information we have is that the roots will follow the disturbed soil track which will not be under the track, but beside the track. Councilman Merry asked if we had considered doing the walking track in concrete. He pointed out the amount of money budgeted. He said we could probably concrete the track for about the same amount of money as asphalt. He said concrete would help remove future root problems. He said he was a little skeptical about how severe the problem is to require replacement of the entire track. If we want to replace the whole track, then the permanent solution might be to do it with concrete. You could do the trenching and even pour a concrete skirt on the left and right side so it goes in all at one time and prevent any future root infiltration. He said if we are going to spend money to replace the whole walking track, he would at least like to look at some way to do permanent replacement via concrete or something better.

Mr. Pearce stated the budgeted amount is an estimate until we go to bid.

Councilman Merry stated even though these budget amounts are small numbers relative to the rest of the budget, he is still concerned about pay for staff when he sees things that seem almost like luxury items relative to the necessity of paying employee what they may be worth. He said he wanted to make sure some of the things are worth doing and that we do them the best way possible. He said it seems that staff is committed to that also.

Mr. Pearce pointed out that the walking track will be repaved with Accommodations Tax funds. He said he could not use that money to pay salaries.

Councilman Dewar stated he was not happy with the proposal for a 1/2% salary increase for employees and the 1/2% plus \$500 increase for employees making less than \$24,000. He said he was pleased to see the article in Sunday's paper regarding salaries. He pointed out the spread of wages in Public Safety. He said he felt our salary structure is discombobulated, and that can happen over a long period of time. He said he would like to see the city work towards increasing the pay at the lower levels. He said by losing much senior staff we have lowered the pay at the administrative level. He said he was not a fan of the \$500 increase for the lower scale, nor a fan of merit pay.

Councilman Ebner said regarding salaries, we have talked about them for a couple of years. He said he did not feel comfortable that we have employees with the right qualifications below the poverty level. He said our starting pay is \$10 per hour for most everybody. He said his understanding is that we are looking for some skills. He said he knows that in hiring people to change out the water meters has been a problem at \$10 per hour. He said we say we do surveys with other cities and that we meet their salaries, but if we are having concerns do we have a problem here. He said to get to \$24,000 you have to raise the \$10 people to \$12 per hour. He asked if that is what we need to do, or how do we get out of the discussions of poverty level and salaries. He said it will take years for the people to get to the \$24,000 level from \$10,000. He said he was looking for Council's support or denial of what needs to be done. He said he knows what Mr. Pearce's position is. It was in the paper and he also had written a letter. Councilman Ebner stated he had a philosophy concern about employees being paid below \$24,000.

Mayor Cavanaugh stated he felt all Council feels the same way. He said he felt none of Council wants anybody to be below the poverty level. However, some tough decisions need to be made. He said we have talked about the budget since January, and we still keep talking about the same thing. He said we really haven't taken any action other than what Mr. Pearce is trying to do. He said he felt what Mr. Pearce is recommending is a good step. He was not sure how many would be brought above the poverty level by doing what he has recommended.

Mr. Pearce stated the city has about 53 employees below the poverty level. Aiken County has 800 employees, and they had 36 below the poverty level. The City of Aiken has 400 employees and 53 employees below the poverty level. He said staff listens very carefully to Council's concerns. There were concerns about some of the people in the command structure at Public Safety and having the rank, but having someone who was a long term employee in Public Safety earning more than somebody with a higher rank. He said staff had taken a look at that and adjusted those salaries. He pointed out that one thing clear at Horizons was that Council had a concern about people at the lower end of the salary range. In talking with Human Resources, Finance and the Department Directors in several meetings this was seen as a potential way to have an immediate impact and meaningful impact for the folks at the lower wage scale. He said Council approved a similar increase several years ago. Mr. Pearce stated as far as how many of the 53 will be brought up to the poverty level, this depends on the individual, as the poverty level determination is looked at by the salary and how many members in the household. The \$24,000 figure is an average for a family of four. He said he did not have an exact number of how many would be earning over \$24,000.

Mayor Cavanaugh stated he felt we need to do that to solve the problem. Councilman Ebner stated this is not good public relations. Mayor Cavanaugh stated he felt all of Council agreed that they wanted the salaries to rise.

Councilwoman Price stated we have talked about this for some time. She felt if we are serious about it now is the time to call for action. She said we could request the City Manager to bring information so Council can vote on this and impact some changes to the wages for folks who are at the bottom of the scale. She said to continue to talk about it, and no action only means that Council is just talking and taking no action.

Councilman Ebner stated it is no use to postpone this another year. He asked what Council can do tonight. He asked if Council needs to raise the millage rate to provide for a salary increase for those folks. Mayor Cavanaugh asked that Council look at what we can cut first before raising taxes. Councilman Merry asked if the 1/2% across the board plus \$500 for those making below \$24,000 would add \$59,000 to the payroll for the year. Mr. Pearce stated that figure would be for the General Fund only. There are other funds such as the Utility Fund, Stormwater, Victims Advocate, etc. Councilman Merry stated he was concerned about people at the lower end of the scale, but he was also concerned about people up and down the scale. He said there are people in the mid-level salary level that he understands have received little or no salary increases in 5 or 6 years. He said he was not sure how true that is. Mr. Pearce stated that is not true, as the city has given a 1% increase consistently through the terrible economy when other cities were

furloughing or cutting positions. Councilman Merry stated he does not really compare us to other cities.

Mr. Pearce stated that is what we look at. He said many of the managers that he has talked with have said that the salaries have stayed static. There have been no increases at all. Mr. Pearce stated what we had in place is an increase with \$500, then we wanted to look at revenues after the first quarter of revenue. The plan was to come back to Council to see if there were additional funds available to do either merit increases or some other increase. Based on our revenue projections, looking back over some of the worst years we have had for the City of Aiken, this is what we were comfortable recommending to Council. He said this is not a matter of not taking any action. We are taking action, but we have to work with the resources we have.

Councilman Merry asked if there could be a work session on this issue to brainstorm to the extent that we may be able to come up with a couple of scenarios that staff can go back and study to project what it would cost based on the scenarios Council may come up with.

Mr. Pearce stated we do have the projection of cost for a 1/2%, 1% or 2%. He said we wanted to do the 1/2% plus \$500 for the folks that need the immediate impact. Then we wanted to get the first quarter revenues to see how we are tracking. That might be a good time to come back for a work session to see what we can do for the balance of the year. He pointed out Council can revisit the budget ordinance.

Councilman Merry stated if the revenue is tracking better than expected there would be the option mid-year to amend the ordinance.

Mr. Pearce stated when the budget reconciliation is done in August there may be some unspent funds that could be dedicated to a salary increase.

Councilman Ebner asked what could be done today. He asked if Council could add an amendment to say that anyone below the poverty level with 4 people in the family will receive a salary increase. He asked if the millage rate needed to be raised. He said if Council waits until August, they would probably have the same conversation. He said that was his concern.

Mr. Pearce stated he thought he had a clear definition of the concerns of Council. He said he did not feel that we necessarily have to have the same conversation in August. He said if we are trying to determine who is on the poverty level and who isn't, we would have to interview 400 employees to find out how many are in the family. He said his proposal is to put in the budget a salary increase based on what we think the revenues are going to be as of June 10. When the budget reconciliation is done in August, that is an opportunity for another adjustment. When we get through the first quarter, which will be July, August, and September, we could get figures for the first quarter and see how we are tracking and see if money is available for another increase.

Councilman Merry stated that at this point in the process that is about all you can do.

Councilwoman Price asked how much a 1% across the board increase would cost. Mr. Pearce responded that a 1% would add about \$124,000 to the General Fund budget. Councilman Merry pointed out a 1/2% is already included in the proposed budget, so a 1% salary increase would mean about another \$60,000 increase in the General Fund budget. Councilwoman Price stated that was not a lot of money, considering the total budget and the scheme of things and what we are spending money on. Mr. Pearce stated that is why we want to get the first quarter revenues in to revisit the matter. Looking at the funds that are unspent from the 2012-13 budget, we may be able to make a change. He said he presented a very conservative budget. He said the last thing he wants to do is to have to come back to Council and say we knew we would have a certain amount of revenue, but now we are \$2 million short. He said that conversation is going on in Aiken County. He said he did not want to have that conversation with Council.

Councilman Dewar stated he had been on Council for six years, and he has no idea what many of the staff make. He said a new Assistant City Engineer had been hired, and he does not know what that salary is. He said he did not even see the job advertised. He also said a new Project Manager is being advertised to replace Leslie Wilcher, and he does not know what that salary will be. He said he was not sure that many of Council know the disparity from the lowest to the highest salaries. He said to focus on just the lowest salaries and raise them might not be the only way to go. He suggested that we look at the whole salary scale.

Councilwoman Price stated you have to be consistent with whatever you institute. If you give an increase, it cannot be targeted to one group. You have to target all the staff.

Councilman Merry stated he agreed with Councilman Dewar, but it would take time to accomplish that. He felt that right now we have to go forward with some plan.

Councilman Dewar stated we could get a report for August. We could get a report by July and by the time the first quarter comes out we could have an indication of what our salary structure is for the staff. He said we can't pick and choose. However, that is what we are talking about doing, as we are talking about picking and choosing the lower salary group. He said he was not sure he liked the term poverty level. He said \$10 an hour is \$10 an hour no matter how many dependents you have and whether you are married or not. He said \$10 per hour may not be enough to attract the kind of people we want. He said when you look at Public Safety you see the disparity there. How do you reward people who want to go into management.

Councilwoman Price stated the salary scale is structured differently for that group of individuals. Councilman Dewar stated he had not seen the city's salary structure. Mr. Pearce stated he had provided that information to City Council.

Councilman Homoki asked if HR had been tracking and making sure we are attracting the right kinds of individuals and retaining the right kind of individuals. He said we need to take a look to see if we are losing people because our salary rates are too low.

Mr. Pearce stated we have been looking at that and the actual turnover rate is about 4% when you remove from the percentages retirements and temporary or seasonal workers. He said we were aware of the retirements because of the aging out of the baby boomer generation. He said what we are trying to do with the budget is do what we feel can be done comfortably. He said there is nothing to say that when the revenues track better Council could make a change.

Councilman Merry stated he was willing to vote for the proposal as recommended for salaries, with the understanding that we will undertake something like Councilman Dewar is talking about.

Councilman Ebner said if we do that, why do we put articles in the newspaper that we are not good. He said he was referring to the article in the Aiken Standard on Sunday, June 9, 2013. He said in reading the article he thinks obviously there is a problem. He said usually there is a lot of positive news in the paper, but when you get an article like the one on Sunday regarding the City and County reviewing lower paying jobs, he said he looks at that as being that we may not be doing our job. He said there is a \$52 million budget, but we can't find enough money to give our people a raise.

Councilman Merry stated we are reviewing it because we are trying to do our job. He said he felt Council was talking about doing what he was talking about.

Councilman Ebner stated he was talking about doing something tonight. He said we talked about it in January, May and a month ago. He said he did not know if he had support on Council to raise the salaries 1%.

Councilwoman Price stated she would like to see the salaries raised 2 1/2%.

Mr. Pearce stated the city does not have the money to raise salaries 2 1/2%. He said he had presented Council with a balanced budget. He asked if Council could be patient for one quarter.

Councilman Ebner stated he guesses Council would have to do that, as he did not know that he had support to increase salaries 1%. He said they had been patient for six months on this.

Mr. Pearce stated in the proposed budget we did look at the concerns that Council talked about at Horizons. We looked at the middle managers. We looked at folks that had a certain position with the city, but maybe not the years of service to address those concerns. He said the pressures are the fact that we are not seeing significant revenue increases, so that is the reason we are having to be creative, using the Accommodations Tax fund and Tourism money for the needs that it can be used for, and spending money on the Capital Sales Tax projects. He said the city could not do the capital sales tax projects without the 1 cent money. There would have to be a significant tax increase. He said staff had taken direction from Council to not increase taxes. He said that is what the proposed budget does. It keeps the millage rate static. He said we can do what Council wants to do.

Councilman Merry stated he would like to use the mechanism of work sessions in order to work through this over time. He said he was talking specifically about staff compensation work sessions. He said he felt there might be a better give and take and better working process in a more open discussion like you might have in a work session. He said he could support Mr. Pearce's proposal as it stands, hoping that Council might agree that we need to take a longer, harder look at the salaries in the near future.

Mr. Pearce stated the immediate future would be the August budget reconciliation to see what unspent funds we may have. It was pointed out that would be about eight weeks away.

Mayor Cavanaugh stated he would support that, too. He felt it was late in the process to do more than that right now.

Councilman Dewar stated regarding the turnover rate, he was not sure he agrees with the rate being 4%. He said the number is not on the Human Resources Report that they need in order to determine the total number of employees. He said that would be helpful.

Mr. Pearce stated the percentage depends on how you define the turnover rate. He said the retirements do have to be replaced, but we are aware of their leaving. He said also there are seasonal employees that we know will only be here for a set period of time. He said we have part-time workers also that will only work a short period of time.

Councilwoman Price asked if we want to increase the salaries from 1/2% to 1%, are we saying we can't afford to increase our budget by \$60,000+ at this time. Mr. Pearce responded that cost is just for the General Fund. There would be additional costs for the Utility Fund and all the other funds. He said we don't have the money at this time to increase the salaries by 1%, based on the budget presented, and keep it balanced. He said there is a balanced budget so an increase would have to come from somewhere else. Councilman Merry pointed out that to approve a 1% salary increase would mean that something else would have to be taken away to keep the budget balanced. However, if we wait until the August reconciliation we might have the money.

Mayor Cavanaugh stated there is another alternative. There is another Council meeting in June. He asked if something could be done between now and the next Council meeting to see if there are some things that could be cut to gain the money needed to raise the salaries. Mr. Pearce responded that it would be very difficult to do that in two weeks time. He said the best time to look at this would be August when we have the final numbers in from this year's budget. Mayor Cavanaugh asked if Council could cut the budget at that time if needed. Mr. Pearce responded the budget is adopted by ordinance,

and the ordinance could be amended in August. Mayor Cavanaugh stated Council would have the alternative in August. If there is enough money that would be fine, but if not enough we could look elsewhere. He asked that in the meantime that Mr. Pearce look at things that could be cut in the budget and give that information to Council.

Councilman Homoki stated Mr. Pearce keeps mentioning General Fund. He asked about the salaries involved in the enterprise funds. He asked if it would be feasible to increase the salaries if there was a rate increase in some of the utility costs. He said probably no one wants to do that because rates were increased just a short time ago. Mr. Pearce stated that is something Council could do. He stated as part of the budget reconciliation we look at all the funds, not just the General Fund.

Councilwoman Price asked what would be the starting salary for the new Assistant City Engineer. Mr. Grinton responded the starting salary would be \$53,000 and then a potential 5% increase after completion of the probationary period. Mr. Grinton responded to a question on the qualifications for the position. It was pointed out that the person chosen is a professional engineer and has other certifications. Mr. Grinton stated that Mr. Atkins lives in Gilbert, South Carolina. He was working part time in Sumter, South Carolina, working part-time for the City of Sumter and part-time for the County of Sumter as a stormwater management consultant. In 2006 he retired from SRS. He has a Civil Engineering degree from the University of South Carolina and has his PE license. He also has certifications for stormwater management.

Councilman Dewar asked what the job to replace Leslie Wilcher would pay. Mr. Pearce responded the salary for the position was posted as depending on qualifications.

Councilman Ebner stated he noticed the request to schedule a meeting to discuss the Northside Revitalization program. He wondered if the possible write off for the loan for \$1.5 million to do renovations on housing, upgrades, etc. would have any effect on the budget. Mr. Pearce stated that would have a very deleterious effect on the budget, as those funds were borrowed from the Utilities Equipment Replacement Fund. He said that would be \$1.5 million of equipment that we could not replace. Councilman Ebner stated that is part of the Depreciation schedule that he would like to see. He said that note was supposed to be paid back annually. Mr. Pearce stated the note was supposed to be paid back by the spring of 2014. Councilman Ebner stated it had an incremental payment that was supposed to be made. Mr. Pearce stated about \$121,000 had been paid on the loan.

Councilwoman Price called for the question on approval of the budget. The motion was seconded by Councilman Dewar and unanimously approved.

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council approve the budget for FY 2013-2014 on second reading with the understanding of what Council had talked about and with the understanding of looking at the budget as part of the reconciliation in August and that information be provided on items that could possibly be cut from the budget. The motion was approved by a vote of 5 in favor and 2 opposed. Councilmembers Dewar and Ebner opposed the motion.

RESOLUTION

Deed of Dedication

South Park Commons

Streets

Water System

Sanitary Sewer System

Utilities

Utility Easements

Southwinds Construction

Mayor Cavanaugh stated Council needed to consider a resolution to accept a deed of dedication for South Park Commons.

Mr. Pearce read the title of the resolution.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DEED OF DEDICATION FROM SOUTHWINDS CONSTRUCTION, LTD, FOR SOUTH PARK COMMONS.

Mr. Pearce stated Southwinds Construction LTD developed South Park Commons Drive on the Southside of Aiken. They have submitted a deed for this roadway, as well as the water system, sanitary sewer system, utilities, and utility easements for Council's acceptance.

Engineering and Utilities Department Director George Grinton has reviewed this deed, inspected this roadway and this infrastructure. He recommends this development infrastructure for acceptance into our City inventory.

For Council consideration is a Resolution to accept South Park Commons Drive, utility easements, and utilities by the City of Aiken.

Mr. Pearce stated there had been a request from Councilmember Ebner concerning any information in the files regarding the testing of the roadway. He said the City has a punch list from 2009, prior information, a final punch list, and an inspection. He said Councilman Ebner had a more comprehensive list of the items that he is requesting. He said the information in the city files had been shared with Council.

Mr. George Grinton, Engineering and Utilities Director, stated the property was first developed in 2004. The original developer died, and the property was purchased by another developer after some period of time. The current developer/owner of the property is asking for the roadway and utilities to be deeded to the city. Mr. Grinton stated he contacted the developer to see what records he may have for the development. The developer stated he had no records and no way to get anything. Mr. Grinton stated he had researched the city file, and the information in the files include inspections that indicate that the water and sewer testing information was completed. As far as the roadway, in talking with some of the individuals who did the inspections, they did a typical proof roll. Mr. Grinton stated he looked at the roads. They are approximately nine years old, and look to be in very good shape. He said based on that he made the recommendation to accept dedication of the road and the water, sewer and storm system, sidewalks and utility easements.

Councilman Ebner stated he felt we are coming to fruition because of things in the past. He said we have the Gem Lakes roads, Fox Haven, Deodar Plantation, and Powderhouse Run roads. He said the city's specific procedure says that compaction tests and other tests will be made. He said we have not made these, at least from the late 1990's. He said we have miles of roads that are beginning to cave in around the city. He said technically speaking the procedure says these things are part of the acceptance. He said we have not done it. He said this is not the only road, but he is making a case out of this. He asked how we deal with this, as we probably have 25 or 30 miles of roads that are not done. He said that was why he asked for \$500,000 to fix roads. He said we have the same case in Gem Lakes where we don't have the test data. He asked the City Attorney how the city should address the data not being available for Council to approve the roads.

Councilman Merry stated he was not sure that we have not been requiring that. He said in his subdivision compaction tests were provided. He said he was not sure it was accurate to say the City has not been requiring tests. He said it was his understanding that the tests were required by the City.

Councilman Ebner stated the City did not require it from at least the late 1990's. He pointed out Mr. Merry's subdivision was approved before the Engineer of Record came into being. He said that had been an excuse. He said there are miles of roads that the city is accepting that we are fixing with taxpayer money that are not properly built. He asked if there was any way to handle this or if we just have to live with the past.

Mr. Pearce stated Mr. Grinton in his presentation stated he did confirm with staff as part of the inspections they did do the proof roll testing of the roads. He pointed out the roads in South Park are nine years old. Mr. Pearce asked Mr. Grinton if he saw any failures in the roads when he inspected them.

Mr. Grinton stated there was one section near a manhole that had sunk a slight bit. He said he noticed in the 2009 report that it noted the area near the manhole. He said he saw that it had not deteriorated since 2009. He said it was probably compaction near the manhole, but it had not grown, so he did not see it as a problem. He said he did not see a difference in the sunken area in a four year time period.

Councilman Ebner asked what we will do with the roads that are falling in and were built under the same timeframe.

Councilman Merry asked Councilman Ebner if he was saying the City did not require the tests or if the City did not enforce the requirement. Councilman Ebner stated the City did not enforce the requirement. It is required by the specifications. He said then we go back with taxpayer dollars and fix the roads.

Mr. Pearce stated that prior to the Engineer of Record the City did do an inspection of construction projects. He said the report shows that it was inspected and found to be in compliance. The way the development regulations are set up now someone who puts the road in has to build those roads to standard. He said some years ago there used to be a one year warranty for the roads. He said we do an inspection to see if the roads meet standard. He said inspections were done, but the roads just were not dedicated. He pointed out the South Park Commons roads and infrastructure are nine years old. He said he was not aware of any significant water leaks or any significant change in the circumstance of the roadway.

Mr. Grinton pointed out that when he did the inspection, the developer had actually not completed the sidewalk all the way to the edge of the roadway of Colony Parkway. He said he asked them to complete it, and they completed ADA compliant sidewalks all the way to Colony Parkway.

Mr. Pearce stated that when Council went to the Engineer of Record, the recommendation at that time was to have an engineer with stamped plans so the professional license would be on the hook in certifying that not only was the subdivision designed to standard, but it was also constructed to standard. He pointed out that South Park Commons came under the old system where the City actually did inspections.

Councilman Merry pointed out there are rear alleyways shown on the plat as access easements. He asked if they were being dedicated, or if it was just the central road with the cul-de-sac. Mr. Pearce stated those access easements would not be in the city system, but any drainage and utility easements, water lines and sewer lines and South Park Commons Drive are being considered for dedication. Councilman Merry stated then the City would not be taking responsibility for the two asphalt drives on the alleyways. It was pointed out the two asphalt drives are private.

Councilman Ebner provided for Council's information a copy of information from the city's specifications addressed to All Developers, Engineers, Contractors. He reviewed the requirements. He said the requirements regarding Tests Required seems to be the part lost in the translation. He pointed out Sections 6, 7, and 8. He said the specifications state these tests shall be made, and further in the specifications it says the tests are to be paid for by the developer. He said Mr. Rick Toole had said that the developer doesn't have to make the test when he builds the roads, but the tests have to be made before City Council accepts the roads, as that is what the procedure says. He said this is nothing new for the City of Aiken. He said the specs say we are to have those tests, but we have not taken them in years. He said the roads in South Park are probably fine because there is no heavy traffic on the roads. He said, however, in some of the neighborhoods such as Deodar, Fox Haven, and Powderhouse Plantation, they are building roads and the city is accepting roads. He said he felt those roads would not meet the city's specifications. He

pointed out that the roads in South Park Commons come under these requirements, as the requirements were from 1987. He said he would like to see the tests for the roads as required.

Mr. Grinton stated the city has no record of the tests. He said the current owner/developer said he did not have a copy of the tests.

Mayor Cavanaugh asked if Council wanted to hold up the dedication of South Park Commons because Councilman Ebner wants to see a copy of the test results, but there is no copy of the test results. Councilman Ebner stated it is a deep problem. He said there are miles of roads that are falling in.

Mayor Cavanaugh stated at this time we are not talking about miles of roads, but are talking about South Park Commons. He said the others are another issue, and we will talk about those later. Councilman Ebner responded that in talking about South Park Commons, then we need to add an amendment that says the road doesn't meet the city's specifications and accept them. He said this is a serious point because the city has miles of roads falling in. Mayor Cavanaugh stated we will have to prove each one and get the facts for each.

Councilman Dewar stated the fact is that Council is being asked to accept a road that does not meet the city's specifications. He said Council has the power to do that, but Council could be setting a precedent.

Councilman Ebner pointed out that the city relieved the specifications, so in reality the city is the warranty behind these and the reason the city has been fixing the roads.

Mr. Pearce stated staff does not agree with Councilman Ebner's position. He said the 2006 system predates the Engineer of Record, and the city has the inspection by staff. As part of their inspection they did inspect the paving. There was a punch list which was cleared. Then there was a punch list for 2009 that noted on the asphalt paving that there was a low area of paving at the sanitary sewer manhole in the cul de sac which was holding some water. When Mr. Grinton inspected the roadway three years 10 months later there was no aggravation of the condition.

Councilman Merry stated he felt the tests have been requested by the city because there is only a one year period from the time the roads are built to the time they can be dedicated. The only way to know if they will stand up is by having those tests done. He said, however, the better test is the actual test of time. He said if the road is nine years old, it has proven that it can stand up.

Councilman Ebner stated they are missing his point. He said he did not agree at all with what Mr. Pearce had just said. He said the regulations are from November, 1987. He said these requirements have nothing to do with the Engineer of Record.

The members agreed this does not have anything to do with the Engineer of Record as that was in 2007.

Councilman Ebner stated his issue is that the city has a lot of roads that need fixing, and they need fixing because this was not done. He pointed out the roads may have been built correctly. He named Ascot, Parsons Lane, and other roads that are caving in because the tests were not done. He said there are miles of the roads.

Councilman Merry stated if the City owns roads that are caving in, then the city will need to deal with them. He said, however, if the city does not own them, the city does not have to deal with it.

Councilman Ebner asked if Council is going to turn the deed of dedication down because the city does not have the test. Councilman Merry stated he would say the road has stood up to nine years worth of tests. Mr. Pearce stated the road has been inspected by staff and

staff recommends acceptance. He said this road is pre 2007. Councilman Ebner stated the road is not pre 1987, though, which would be covered by the 1987 regulations.

Councilman Ebner moved that Council accept the road even though it doesn't comply with the 1987 City of Aiken design specifications. He pointed out there is no documentation for the required tests.

Mr. Pearce stated we do have the documentation of inspection by staff.

Mayor Cavanaugh asked if that would be the acceptable way. He said he felt Council should not accept the road.

Councilman Ebner stated the city would have to accept the road. There was no reason not to accept the road. He said the city has already accepted miles of roads. He said he was just making an issue of this roadway. He said his motion was to accept the road knowing that maybe it will need repairs in the future, which will be the city's responsibility. He pointed out that it had been said that the road had stood up for nine years, so the chances of it falling in are slim.

Mr. Pearce stated there is always a risk in accepting any infrastructure, but the city has inspected South Park Common Drive. He said the city has the city inspection report. Mr. Grinton has been back out to the site and determined there was some additional work to be done, which has been accomplished.

Councilman Homoki asked about setting a precedent and knowingly stating in the acceptance that we accept the road even though we don't have the test results. He asked about the next contractor who asks that something be accepted and let the test of time be the test.

Mr. Smith stated Councilman Merry could answer the question better than him since he has been in the development business. He said there are not many developers out there that want to own the roads any longer than they have to. They want the city to take over the roads as quickly as possible.

Mr. Pearce stated what the city has in place now is the Engineer of Record. That Engineer of Record certifies that the infrastructure put in place meets the design requirements. Mr. Pearce clarified that everything was inspected by the city up through 2007. The inspector looked at the list to make sure that it was acceptable.

Councilman Ebner stated he had proposed a motion to accept the road. He said he knows the city has to take them. He said this is going to be important as we get into Deodar Plantation, etc.

Mr. Smith stated he did not say the city has to accept the road and infrastructure. He said Council has the ability to accept the dedication of the road and infrastructure or not.

Councilman Ebner stated if Council does not accept South Park Commons, then there are a lot of roads that can't be accepted in the future either without making the exception that the records are not available. He said the reason he brought up Powderhouse, Deodar, and Fox Haven is that they are all exempt from the Engineer of Record, as the concept plans are older than 2007.

Mayor Cavanaugh asked if there was a second to Councilman Ebner's motion to accept the road, even though it doesn't comply with the 1987 City of Aiken design specifications, as there is no documentation for the required tests. There was no second to the motion.

Councilwoman Price stated she was afraid of Councilman Ebner's motion. She did not know what it would open up. Councilman Merry stated his concern is the motion was

worded saying we know they did not meet our inspection requirements. He said he did not know that so he could not second the motion.

Councilman Ebner stated it would open a lot. He said whether this request is approved or not the same discussion will be how we need to get the road issues solved in the future. He said we need to be putting money in the roads that we are not.

Councilwoman Price stated she felt the matter requires a separate meeting to discuss roads. She said as pointed out there are miles of roads. How much would we be opening this up for the taxpayers to have to pay. Councilman Ebner stated he thought the city was already fixing roads by the mile.

Councilman Homoki pointed out that the Engineering and Utilities Department Director George Grinton had reviewed the deed, inspected the roadway and infrastructure, and recommended acceptance of the development infrastructure. He said that should be important.

Councilman Ebner stated he did not say it was not important, but he had amended it. He said he was just making an issue out of this particular case. He said, however, when we get to Gem Lakes it will not be the same issue. He said we have all kinds of issues with those roads.

Councilman Merry stated he felt their job was to accept roads which they think will not require undue amounts of maintenance, upkeep and repair. If it happens that we can't find the records that show all the compaction tests, borings, etc. we do have the advantage in this case of nine years of track record on this road to see that it does meet our expectations and the City Engineer has said that it does meet his inspection. He said there can be compaction tests, borings, etc. and roads will still fail. He said there is nothing better than the actual test of time. He said we have that in this case. He said in determining whether to accept the road or not you base it on whether or not you think it is a good stable long-term road that will last. That is what the tests are supposed to do. In the absence of the tests, there is the advantage of the time. He said his comments are not a second to the motion as he does not like the caveat he added to the motion.

Councilman Ebner stated he would withdraw his motion. He said, however, that he could go to testing contractors in this area and ask if they had made any tests on the roads. They should have those records by law.

Councilman Merry stated he remembers having to do all the tests for his developments. He said his contractor called the Engineering Department and Ted Jones came out and witnessed the things. He said he and Ted Jones met and neither accepted the asphalt. He said they milled up the asphalt and repaved. He said the City Engineer came out and inspected when he did his compaction tests. He said his concept plan was before the Engineer of Record, but he still had to follow the 1987 requirements and that is what he did.

Councilman Ebner stated if it was before the Engineer of Record he did not have to do what he did. He said Mr. LeDuc exempted it in 2007.

Mr. Pearce stated he had had a discussion with Mr. LeDuc, and he said he did not exempt. Councilman Ebner stated he has a two page letter from Mr. LeDuc that he would send to him. He said he brought the discussion up and Mr. LeDuc exempted any concept plan that was approved before January 1, 2007.

Councilman Dewar stated he felt Council has a responsibility to the taxpayers. He said he was concerned about a precedent. He feels if Council accepts this road, we will have to accept Deodar Plantation and the others mentioned by Councilman Ebner. He said he was worried about the precedent.

Mr. Smith stated there are also taxpayers who live on the road who feel they are entitled to have the same protections from the City of Aiken as everybody else does in the city. If

Council does not accept this road, they would be being treated differently from the majority of the citizens.

Councilman Merry moved that Council continue the request for dedication of South Park Commons Drive and the infrastructure for Council to get additional information and have a full discussion on the matter. The motion was seconded by Councilwoman Price. The motion was approved unanimously.

Mayor Cavanaugh stated he would like to see more information and more facts on what was done and what was not done. He felt all should have the opportunity to look at the facts.

BUILDING CODES – ORDINANCE

International Building Codes

2012 Editions

Building Code

Fire Code

Fuel Gas Code

Plumbing Code

Mechanical Code

Energy Conservation Code

Property Maintenance Code

Residential Code

Electrical Code 2011 Edition

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration on first reading for adoption of the International Building Codes.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE TO AMEND CHAPTER 10 SECTION 10-2 OF THE AIKEN CITY CODE TO INCORPORATE THE 2012 EDITIONS OF THE INTERNATIONAL BUILDING CODE, WITH MODIFICATIONS; INTERNATIONAL FIRE CODE, WITH MODIFICATIONS; INTERNATIONAL FUEL GAS CODE, WITH MODIFICATIONS; INTERNATIONAL PLUMBING CODE, WITH MODIFICATIONS; INTERNATIONAL MECHANICAL CODE, WITH MODIFICATIONS; INTERNATIONAL ENERGY CONSERVATION CODE; THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WITH MODIFICATIONS; THE INTERNATIONAL RESIDENTIAL CODE, WITH MODIFICATIONS; AND THE 2011 EDITION OF THE INTERNATIONAL ELECTRICAL CODE.

Mr. Pearce stated on a regular basis, the International Building Code Congress updates and amends the International Building Code. When it does so, the South Carolina Building Code Council reviews those amendments and directs adoption of them by local governments. Implementation of these revised Building Codes is mandated by the State. It is now time for us to adopt the most recent revisions to these building codes pursuant to our Building Official Mike Jordan. Since Council adopts these codes as part of our City Code of Laws, an ordinance is necessary to enact these recent revisions for construction occurring within the City limits of Aiken.

Mr. Pearce stated we are on a time deadline because the South Carolina Building Code Council wants us to have these revisions in place before July 1, 2013. He pointed out the state legislature reviewed the recommendations of the South Carolina Building Code Council and did not have any comments.

For Council consideration, is first reading of an ordinance to adopt the 2012 Building Codes and the 2011 Electrical Code as presented by the International Building Code Congress and mandated by the State of South Carolina through its Building Code Council.

Councilman Dewar moved, seconded by Councilman Ebner, that Council pass on first reading an ordinance to adopt the 2012 Building Codes and the 2011 Electrical Code as presented by the International Building Code Congress and mandated by the State of South Carolina through its Building Code Council. The motion was unanimously approved.

AIRPORT – ORDINANCE

Assignment of Sublease
Victory Aviation Services
Aiken Aviation Enterprises

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to approve assignment of an airplane hangar lease from Victory Aviation Services to Aiken Aviation Enterprises, Inc.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE APPROVING THE RE-ASSIGNMENT OF A LEASE BY
VICTORY AVIATION SERVICES, INC. TO AIKEN AVIATION ENTERPRISES,
INC.

Mr. Pearce stated Mike Laver, President of Aiken Aviation Enterprises, Inc. is in the process of purchasing a hangar from Victory Aviation Services. Under Ordinance 07092012A, City Council approved Victory Aviation's purchase of this hangar from BusAv/Del Inc. With Aiken Aviation's proposed purchase, City Council approval via an ordinance is needed to comply with South Carolina law.

Aiken Aviation Enterprises, Inc. is our Fixed Based Operator for the Aiken Municipal Airport under a long term lease. Mr. Laver is the landlord for the property on which this hangar sits. However, in order to clarify the new status for this hangar as now under the management of our FBO, this ordinance is needed to modify the prior ordinance City Council adopted on July 9, 2012. Mr. Pearce pointed out a drawing of the leased property at the airport and the area marked as "premises" as the area to be transferred from Victory Aviation Services to Aiken Aviation Enterprises.

For Council consideration on first reading is assignment of a hangar sublease from Victory Aviation Services to Aiken Aviation Enterprises, Inc.

Councilman Ebner moved, seconded by Councilwoman Diggs, that Council approve on first reading an ordinance assigning a hangar sublease from Victory Aviation Services to Aiken Aviation Enterprises, Inc. The motion was unanimously approved.

SOLID WASTE – ORDINANCE

Commercial Garbage Collection
Downtown
Payment for Service

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the City Code regarding collection of solid waste in the city limits.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE REVISING CHAPTER 32 OF THE AIKEN CITY CODE
REGARDING GARBAGE DUMPSTER COLLECTION FOR THE HISTORIC
DOWNTOWN BUSINESS DISTRICT.

Mr. Pearce stated the city eliminated its commercial garbage collection division a few years ago. As part of eliminating this service, a commercial garbage collection service bid to collect garbage in the downtown area. As part of this collection several area businesses have shared garbage collection bins, dumpsters, and roll carts. While

collecting this commercial waste has worked well, collecting payment for the service needs further revisions to our existing code to allow us to enforce payments.

A proposed amended ordinance has been provided to Council for consideration. City staff has worked with our City Solicitor to develop code revisions she considers to be fair to commercial garbage collectors, the contractor, and our city operations. It is felt the proposed modifications will better enable staff to enforce payment for various accounts in the downtown. There are about 5 or 6 customers who are not paying on time.

For Council consideration on first reading is an ordinance to revise the Aiken City Code regarding Solid Waste Collection methods in the downtown area.

Councilman Ebner asked if the City was collecting the pickup fee from the property owner or from the renter. He said we had that discussion when discussing changing the collection method in the downtown. He asked if the city was collecting from the user, who is probably a lessee. Mr. Pearce stated the City collects from the user of the dumpster, who could be a lessee.

Councilman Ebner moved, seconded by Councilwoman Price that Council approve on first reading an ordinance to revise the City Code regarding the collection and payment of solid waste in the downtown area. The motion was unanimously approved.

CITY ATTORNEY OPINION

Attorney General Opinion

Capital Project Sales Tax Projects

Mayor Cavanaugh stated a request had been received from Councilmember Dewar for review of the City Attorney opinion on the S.C. Attorney General's Opinion regarding Capital Projects Sales Tax projects.

Councilman Dewar stated he had asked for the item to be on the agenda. He said he had specifically asked that the item be under New Business. He said the reason is that in his judgment items under New Business usually provide information to the rest of Council on the reason for the request and what will be discussed. He said he had expressed some concerns about the item being under Petitions and Requests. He said he was not so much concerned about voting on the matter. He said he had reassessed the issue of asking for a vote. He said he was not interested in a contentious discussion with the City Attorney. He said they had exchanged some emails. He said they disagree on the provisions. He said he agrees that the City Attorney is correct when he says the City is not required to comply with an opinion based on the South Carolina Attorney General's Opinion as published. It is not a force of law. He said he has no qualms about that, but he is a little discouraged that the Attorney General's opinion is not afforded more respect. He said in his judgment in reading the Attorney General's opinion, he clearly says the City made a deal with the voters to do the Capital Sales Tax projects in the order in which they were listed on the ballot. The law provides that the order can be changed if situations warrant. He said the phrase added to the City's ballot that City Council could change the order of the projects did not need to be added to the ballot. He said there does not appear to be authorization in the law, as he reads the opinion and as the Attorney General opines, to purchase land. He said we now find ourselves in a situation where we put money in Capital Projects Sales Tax II and III to buy land. The Attorney General says we should not put purchase of land in the projects unless buying land is part of the project. He said we can disagree with that. Councilman Dewar stated he was not going to pursue the matter more than this. He said he felt the lawyers serve as guides. He said he was not a lawyer, and did not run for office knowing the law. He said he expected to get the advice of the City Attorney on matters. He said the track record with the City Attorney is not good, as they seem to disagree more than agree. He said he felt the law is clear. We need to do the projects in order. We should be finishing Capital Projects Sales Tax Projects II as much as possible. He pointed out we cannot finish CPST II before starting CPST III as that is impossible because we cannot buy some land, and we are not going to compel ourselves to buy land just to finish CPST II. He said we still do not know about the land connecting Dougherty Road to the Aiken Mall and some other projects. He said

there is no way to finish CPST II before going to CPST III, but we can make a good faith effort to do the projects in CPST II before we start the projects in CPST III. He said he felt that would be appropriate. He said we had gone to the voters and said these are the things we want to do. He said Council had spent some time at a meeting setting priorities to the proposed projects. He said he felt it was not right to all of a sudden say to the voters that we are going to change the priorities unless we have a compelling reason. He said we do have a compelling reason for the land and the connector road. He said he did not need a contentious discussion on the matter, but he wanted the rest of Council to understand where he is coming from. He apologized for his emotional vehemence at the budget worksession. He said he just had a hard time understanding how we could disagree with a blanket statement that was an opinion from the highest legal office in the state.

Mr. Gary Smith, City Attorney, stated he did not issue opinions just to get crosswise with the people who determine whether he gets to work with them or not. He said City Council is not the only client that he has that sometimes does not like the advice that he gives to them. He said he generally tells his clients that they did not hire him to be their buddy, but to be their lawyer. He said the Attorney General's Opinion was issued regarding an issue that occurred in the County of Florence. He said he knows from talking with the Florence County Attorney that they intend to disregard the Attorney General's Opinion and not follow what he says they have to do. He said he also believes that Aiken County also intends to continue doing their projects the way they have been doing them which he thinks follows fairly closely to the way the City of Aiken has been doing its projects. He said he does not recall the statute allowing a process for the City to change the priority of the projects if something compelling happens. He said that is the reason the wording was placed on the ballot allowing Council to be able to review the projects and modify the priority of the projects.

Councilman Dewar stated the wording on the ballot was that the order be determined by City Council.

Mr. Smith stated the wording was to allow City Council to change the priority if they wished. He said he believes that was telling the voters City Council may change the priority of the projects. He said if Council values the Attorney General's opinion more than his opinion, Council's power is in voting. He said if Council does not want to vote in favor of changing the priority for the projects all members of Council have the right to not vote for the change because they feel the priority should strictly be followed.

Councilman Dewar stated the Attorney General's Opinion says that the priority is subject to change. "Later in the same paragraph the question does state that the priority is subject to change, but that disclaimer appears to justify only changes based on typical unexpected complications of acquisition and construction or "other unforeseen circumstances." He said he feels that the law makes a provision that if you can't follow the priority, you can't do it. He said he feels we can't buy the land for the connector roads as that is in the law as the Attorney General says.

Mr. Smith said the statute does not say that you cannot have the ballot say City Council has the right to change the priority of the projects. He said our ballot says that, and the voters voted to allow Council the opportunity to modify project status or project priorities as Council deemed fit. He said he felt that was the law of the City of Aiken's CPST. He also thought that Florence put that on their ballot.

Councilman Dewar stated he was hard pressed to understand how the counties can be so casual about the law. You do whatever you want until someone sues you. He said he was not comfortable with that.

Councilman Homoki asked if Councilman Dewar was saying that the way the question was phrased was illegal according to the Attorney General.

Councilman Dewar stated no. He said he was saying that the Attorney General says you do the projects in order as listed on the ballot as that is the commitment made to the

voters. There is a provision in the law that says if you can't do the projects in the order listed for obvious reasons, skip the project and go to the next project. He said the problem for Florence County was that they found some Indian artifacts, and they couldn't do the project listed.

Mr. Smith stated the language stated by Councilman Dewar "to skip the project" is not in the state law that deals with Capital Projects Sales Tax. It says the projects will be done in the priority approved by the voters.

Councilman Dewar stated he did not feel the language says it that way. He said he would be happy if Council made a concerted effort to follow the order promised to the voters.

Mr. Smith stated Council has that ability by simply voting not to change the priority of a project. He said if Council does not want to change the order Council has the ability to not change the order.

Mayor Cavanaugh stated if everything goes smoothly—you have the money and everything you need to do the projects, then you do the projects. He pointed out there are many things that come up in the course of time as you get to a project to interfere with the timing of a certain project. If that happens, you can go on to another project. He said it only makes common sense to go on to another project. Then you come back later and do the project you couldn't do earlier. He said it seems we are making something complicated out of something that is not complicated. He asked why would we do that.

Councilman Dewar stated we are making something complicated. He said it is a simple process—follow the order of the list of projects.

Councilman Merry asked if Mr. Smith had had the opportunity to analyze the Attorney General's opinion with respect to the purchase of land as a project. He said he had read the opinion over and over relative to the concerns that Councilman Dewar had expressed previously. He pointed out the City has \$1 million in CPST set aside for the purchase of land as open space.

Mr. Smith stated a purpose has been specified for the purchase of the land which is to preserve green space. He said that is an allowable use under the statute.

Councilman Dewar stated land by itself is not mentioned in the list.

Councilman Merry read from the opinion "that it does not appear that funds can be used to acquire only land for a recreational facility." He said he just wanted to know what Mr. Smith thought about that statement.

Mr. Smith stated in the worksession he had mentioned that it does not make sense and is not practical if the Attorney General says you can't use Capital Projects Sales Tax money to buy land. He asked where will you put a building if you don't have the land.

Councilman Merry stated the opinion goes on to say that "unless you are also using Capital Projects Sales Tax money to put something on the land." He said he just wanted the City Attorney's thoughts on the matter. He said this is the first he had dealt with this aspect of the opinion as he was thinking about the order of the projects and completion of the projects.

Mr. Smith pointed out a park can be a very simple thing. He said a park is allowable under the CPST. He said a park does not have to have a swing set on it.

Councilman Homoki pointed out another discussion. He said about a month ago there was a discussion about Hitchcock Woods and CPST sales tax. He said it specifically said the funds were to be used in Hitchcock Woods, but yet we designated funds for a research project in the city. He said how do you justify putting \$300,000+ for a study that involves the city proper as opposed to the study in Hitchcock Woods.

Mr. Pearce stated the listed item for the CPST showed \$3,500,000 for erosion control and drainage projects in Hitchcock Woods. The study that Council approved is to be used in the headwaters for water that is causing erosion in Hitchcock Woods.

Councilman Homoki stated it may be assumed that we may be misapplying some of the funds for Hitchcock Woods. He said he was just pointing out some of the language in the law. He felt that was something to consider. He wondered how Councilman Dewar felt about this.

Mr. Smith stated the statute does not say you can use the money to pay for architects, engineers, or other similar type of services. However, you would not want to build a building without an architect, or build a roadway without an engineer. He said it makes sense that the money could be used to analyze the source of water going into Hitchcock Woods.

Councilman Dewar stated he did not have any qualms about the Hitchcock Woods money. He felt the study was relevant to what we had asked for and the study was part of the erosion control problem in Hitchcock Woods.

Mr. Pearce pointed out that the Trustees of the Hitchcock Woods Foundation came to Council and stated that they felt it was appropriate use of the money. He pointed out that Dr. Harry Shealy, from USCAiken, had stated that he had been through all the studies over the years that had been discussed, and finally this approach had the right approach because it went to the source of the water. He said that is why it is appropriate.

Councilman Homoki stated he was not quibbling with Dr. Shealy, but was concerned about the language, legislation and ordinances. He said the point is how closely do we read some of the language. He pointed out he voted for the Hitchcock Woods project.

Mr. Pearce stated that study project was connected with the Hitchcock Woods project.

Councilman Dewar stated he felt that is part of the reason the Attorney General has a division that issues opinions to provide guidance to anyone in the state that thinks they want a better explanation of the law.

Mayor Cavanaugh stated that was a reason the City has an attorney. Councilman Dewar stated he had suggested that we go to the Department of Revenue because they are the state agency responsible for implementation of the law.

Mr. Smith stated he had watched how Council has wrestled with how they deal with the Capital Projects and the issues that come up. He said for instance, you design a roadway and the roadway fails, and you have to go back and start over again. He said he did not think the Attorney General's opinion takes the practicalities of all that into effect as part of guiding him when he issued the opinion. He said you could tell the person who wrote the opinion has never really dealt with the ramifications of what he is saying. He said that is what he sees that is different from the way he looks at the CPST and the way they look at it. He said there are some practical things that happen that you have to address. He said the Attorney General's opinion is very black and white.

Councilman Dewar stated in this case the legislature made a law, and as has been found they do not at times do a good job making laws. They leave holes that need to be filled and explained. That is why we have City Attorneys and Attorney General. He said he was ready to proceed. He said he appreciated Council's time and patience.

FIREWORKS DISPLAYWoodside PlantationJuly 4, 2013

Mr. Pearce stated the City has received for 10 years a request for a private fireworks display at the Reserve Club at Woodside Plantation. He said the fireworks is not open to the public so it does not fall under the City Code as far as approval of City Council. He said he was providing this as information to City Council so they would be aware of the event. He said under the noise ordinance the City Manager is allowed to grant a variance to the noise ordinance for specific events. He said as information he wanted Council to be aware that he was approving the private fireworks display for Woodside Plantation for July 4, 2013.

MEETING DATESSummer ScheduleCity CouncilJuly, 2013August, 2013

Mr. Pearce stated that typically Council has not met during the summer for the second meetings of Council in the months of July and August. He said, however, it seems that potentially there may be some worksessions of Council that may be set up during those months. He said, however, Council does not usually meet the fourth Mondays of July and August. He asked if Council would like to continue that practice.

Councilman Ebner moved, seconded by Councilman Merry, that Council cancel the City Council meetings for the fourth Monday in July and August, 2013. The motion was unanimously approved.

RECREATION FACILITIESPolicyMinimum AgeUnattended MinorsParks, Recreation & Tourism Department

Mr. Pearce stated PRT Director Glenn Parker has researched a concern raised by his staff and patrons of Parks, Recreation and Tourism facilities: unattended minors at PRT facilities. He said many recreational facilities across the state have experienced the problem of people taking their children to the recreational facilities and leaving them. Glenn and his staff have checked with other facilities in our area and across South Carolina to see what policies they have in effect. In addition, PRT received a recommendation from ADPS Youth Services Division Captain Mary Ann Burgess. This research and recommendation has been considered by our Recreation Commission.

The Recreation Commission has recommended a policy that would require anyone age 12 and under to be accompanied by a guardian of at least thirteen years of age upon entering the building and for the guardian to be present at all times when children ages 12 and under are in the building. The exceptions to this policy would be Day Camps, After School programs, Youth Church Basketball and similar programs where PRT staff or approved volunteers are supervising the program.

Mr. Pearce stated the matter would not require a Council vote because the recommendation is a use policy that staff developed. He said the intent is to implement the policy immediately unless Council has a reason or concern about the policy.

Councilman Merry stated he felt the proposed policy is good. He asked, however, if staff sees young children who are there with no parents, what will they do.

Mr. Pearce stated the Youth Services Division of Public Safety would be involved unless the children could give staff the name of their guardian or caregiver. He said the policy

would not apply to children involved in programs of PRT. He said the policy is to address children who are there just wandering in the hallways and not there for a program.

Councilman Merry stated he had seen something like this recently at a movie theater where children were dropped off with no supervision. He felt this may be becoming a problem.

VOLUNTEERS

Beach Blast

Mr. Pearce stated the Beach Blast will be held Friday, June 21, and Saturday, June 22, 2013. He said Tommie Culligan needs volunteers for the dunkin booth. He said if anyone would participate they could call Ms. Culligan directly.

BUSINESS INCUBATOR

Regions Process Center

Park Avenue

Mr. Pearce stated a question had come up about potentially having a business incubator on the first floor of the Municipal Building on Park Avenue. He said he was aware of a pending contract of sale for the Regions Processing Center building on Park Avenue to be a business incubator. He said he wanted Council to have that information.

Councilman Ebner stated there had been several contacts about a business incubator in Aiken. He said one was very important. He pointed out the Clemson Intelligent City Complex. He said that would be a big deal for Aiken. Mr. Pearce stated the proposed facility would be called an Urban Ecology Center. He said we are in competition with Bluffton. He said the Urban Ecology Center has office space, but they need meeting space.

ACTION ITEMS

Status Report

Northside Revitalization

Gem Lakes Extension

Mr. Pearce pointed out Council had set a meeting for May 31, 2013, to discuss the Northside Revitalization Initiative, but the memorial service for Sonny Ford, a retired Public Safety Officer, was held on that day.

Councilwoman Diggs stated she was very proud of Chief Barranco, his staff, and city employees for the dignified manner in which they conducted the service for Sonny Ford. There was a real sense of community at the service. She said the family appreciated the thoughtfulness.

Mr. Pearce suggested several dates for the Northside Revitalization project worksession. After discussion Council decided to meet on Thursday, July 11, 2013, at 4 p.m. at the Crosland Park Club House at 1248 Crosland Drive.

Mr. Pearce mentioned to Council that the renovations of the interior of the Crosland Park Club house had been completed.

Councilman Ebner pointed out some issues that need to be dealt with at the meeting. He said the finances need to be dealt with to be sure we deal with the \$1.5 million loan and the spin out of that. The second item is how to move forward. He said he felt it would be appropriate to discuss Crosland Park as one matter and then discuss Edgewood and the sale of the houses. Mr. Pearce stated he had given some information to Council on the marketing plan for the Crosland Park houses.

Mr. Pearce stated he had spoken with the consultant Rick Toole, who was the independent engineer for the proposal from the developer of the Gem Lakes Estates Extension roadway issue. Mr. Toole is available on Thursday, June 20, 2013, to meet with the residents in the Gem Lakes neighborhood from 6 to 8 p.m. in front of Stuart Bedenbaugh's house on Moultrie Drive. That was part of the contract for his professional services. We will make developers aware of the meeting. We will also advertise the meeting.

Councilman Ebner suggested that staff let the realtors know that if they get an offer on a house in Crosland Park that they need to contact staff even if it is not the exact asking price for the house. Mr. Pearce stated that matter would be discussed with the realtors.

Councilman Merry stated he had noticed on the Engineering and Utilities Report that the hump had been repaired on Ray Lane. He asked if the City had paid for the repair or if it was at the contractor's expense.

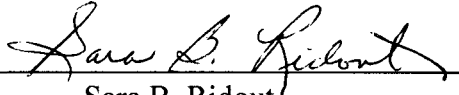
Mr. George Grinton stated some pipe bursting was done in that area as the older size pipe needed to be made bigger. However, when that was done some sections of the pipe were not deep enough under the surface of the road and that caused a ridge. That was not the contractor's responsibility so the city repaired the humps.

Councilman Ebner asked if there could be an update on Chukker Creek, as the bond is due in November, and they are supposed to finish the horse trail. He said he would like an update on the Chukker Creek bond and the items they were to complete.

Mr. Pearce stated the Certificate of Occupancy was issued for the Club House in Chukker Creek.

ADJOURNMENT

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


Sara B. Ridout
City Clerk