

Aiken City Council MinutesREGULAR MEETING

August 13, 2012

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

Others Present: Richard Pearce, Gary Smith, Stuart Bedenbaugh, Larry Morris, Alicia Davis, Glenn Parker, Charles Barranco, Tim Coakley, Ed Evans, Sara Ridout, Amy Banton of the Aiken Standard, and about 40 citizens.

CALL TO ORDER

Mayor Cavanaugh called the meeting to order at 7:00 P.M. Mayor Cavanaugh led in prayer, which was followed by the pledge of allegiance to the flag.

GUIDELINES

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

MINUTES

The minutes of the regular meeting of July 9, 2012, the Joint Meeting with the Planning Commission of July 16, 2012, and the Worksession of July 26, 2012, were considered for approval. Councilwoman Diggs moved, seconded by Councilman Homoki, that the minutes of the July 9, 16 and 26, 2012, meetings be approved as submitted. The motion was unanimously approved.

PRESENTATIONSOvarian Cancer Awareness MonthGail's AnatomyTeal RibbonsDowntownFountains

Mayor Cavanaugh stated a presentation would be made on Ovarian Cancer Awareness Month for September and a request for teal ribbon displays in the downtown and for turning the fountains teal.

Mr. Pearce stated Debbie Mills is present to provide an update on this year's efforts in support of Ovarian Cancer Awareness. September has been designated for this observation. Her group will sponsor turning our downtown fountains teal in support of Gail's Anatomy, the group that is promoting Ovarian Cancer Awareness in Aiken. They would underwrite the cost for dyeing the three downtown fountains, which includes the fountains at Richland and Laurens, Park and Laurens and Newberry Festival Center teal for the month of September.

Should Council permit them to do this, they would also like to present their desire to place teal ribbons at the following intersections in Aiken's downtown: Laurens at Park, Laurens at The Alley, Laurens at Richland, Newberry at Richland, Newberry at The Alley, Newberry at Park, Chesterfield at Park (Courthouse Circle)

For Council consideration is a presentation of information related to ovarian cancer awareness, and approval of turning our downtown fountains teal and placing teal ribbons at the intersections named for the month of September.

Ms. Alecia Owen stated Gail's Anatomy is a Relay for Life Team and Ovarian Cancer Awareness Advocacy Group. She stated she was Debbie Mills' friend and cheerleader. She said after years of helping Debbie with her ovarian cancer campaign in a behind the scenes manner, she decided she wanted to help Debbie and walk the road with her. She said she was before Council to continue the battle. She said ovarian cancer was once the silent killer, but we now know there are symptoms though they are very vague. She reviewed some of the symptoms. She said there are misconceptions and a basic lack of knowledge by women about ovarian cancer. The American Cancer Society estimates that in 2012 about 23,000 new cases of ovarian cancer will be diagnosed, and of those 16,000 women will die. About 70% of women diagnosed with ovarian cancer will die. According to the data from the Ovarian Cancer National Alliance, mortality rates for ovarian cancer have not improved in 40 years since the war on cancer was declared. However, other cancers have shown a reduction in mortality due to availability of early detection tests and improved treatment. Unfortunately this is not the case with ovarian cancer. She said they are asking the City for permission to paint the town teal with bows and awareness information. She said they appreciate the City's support and recognition of the importance of what Gail's Anatomy hopes to achieve with the year round campaign.

Ms. Debbie Mills stated she wished she had never heard that teal represents ovarian cancer and never had the opportunity to come before Council. She stated her daughter Gail, her only child, was diagnosed with stage 3 ovarian cancer at the age of 30 in October and passed away on Valentine's Day in February. She said her daughter went to the doctor every year for her annual checkups. She said there was no known family history of ovarian cancer. She asked that people become familiar with the signs and symptoms of ovarian cancer. She said early detection saves lives, so it is important to share the word and join with them to turn Aiken teal and the fountains teal. She stated they have a website and had left some bookmarks for those present. She said the campaign has grown bigger each year. She asked for Council's approval to place the teal ribbons in the downtown and to turn the three downtown fountains teal for the month of September.

Council thanked Ms. Mills and Ms. Owen for coming before Council and sharing their concerns and information about ovarian cancer so the Aiken citizens can become more aware of ovarian cancer.

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council approve the request to turn the downtown fountains teal and to place teal ribbons at the intersections requested for the month of September. The motion was unanimously approved.

Capital Projects

One Cent Sales Tax

Timeline

Mayor Cavanaugh stated Mr. Morris will review the timelines for the Capital Projects funded by the One Cent Sales Tax.

Mr. Pearce stated that in November, 2010, the citizens approved by 55% to 45% a listing of capital projects that would be funded by the third round of the One Cent Sales Tax funds.

Mr. Pearce stated Larry Morris is present to review proposed timelines for our Second - and Third - Round One Cent Sales Tax Capital Projects. He said Council had been concerned that staff have a timeline so that the designs for the capital projects can be prepared so the projects can proceed as the money becomes available in the third round of the One Cent Sales tax funds. He said he and staff had had several conversations about the various projects which involve the Parks, Recreation and Tourism Department, Public Safety, Public Services and Engineering and Utilities Departments.

With the purchase of additional land for Eustis Park from the Aiken County School District to be completed soon, we will be ready to begin site preparation and a proposed building space design for the Senior-Youth Center to be built on this site. In addition, we are prepared to move forward on a splash park, additional parking, and restroom facilities at Citizens Park. We also will be presenting additional ideas for the old city landfill at a Council meeting in the near future.

In order to remain as organized as possible with the many One Cent Sales Tax projects on our lists, and to execute installation of updated utilities infrastructure, Larry will review our timelines for the design and construction of these various projects. He said it was not a matter of approving the timeline or the projects, as the projects had been approved by the citizens in November, 2010. The presentation is for information to give Council an idea of how the projects will proceed. He pointed out there are some second-round sales tax projects listed in the timeline as well as projects for the third-round. He also stated the Silver Bluff water plant is on the listing, but that is not funded by the One Cent Sales Tax, but it is a major utilities project. It is included in the listing so staff will follow a timeline to make sure we proceed with the projects as the funds are available.

Mr. Larry Morris, Engineering and Utilities Director, reviewed the Sales Tax Capital Projects Summary sheet, pointing out the sheet shows the projects for the Parks, Recreation & Tourism Department, Public Safety, utilities, streets, etc. and shows the proposed spending for the next several fiscal years. The second sheet shows the projects which need to be completed from the second round of sales tax (016 account). Designs are being completed for these projects, and it is anticipated to bid those projects in the current fiscal year and to start work on the projects. It is anticipated to finish all the second round (016) projects by FY 13-14. Then we would start with the third round (017 account) projects which are listed. Staff will be asking for monies for design of projects in FY 13-14. The design funds will allow us to have plans ready to request bids for projects in FY 14-15. These projects are mostly for Parks, Recreation & Tourism and Public Safety projects. The next sheet is a summary sheet which shows the major road projects. The final sheet is the utility projects, and the Silver Bluff Water Plant project is included in the timeline even though it is not funded by One Cent Sales Tax funds. This is included to show that it is included in the timeline of projects to be completed. We are awaiting permitting from the Department of Health and Environmental Control to proceed with the bid. It is anticipated to receive the permitting in the next few months and then actually be under construction with the project by the end of the year. Mr. Pearce pointed out the water plant was approved by Council in the FY 2012-13 budget.

Mr. Morris pointed out five items on the listing are either sewer projects or force main projects where there are severe problems. Staff will probably come to Council later asking for advancement of funds from the third round (017 account) so staff can continue to address the aging infrastructure.

Councilman Dewar asked about funding for the utilities projects and if the money was budgeted money or capital sales tax funds.

Mr. Morris responded that the new water plant is budgeted money and was approved by City Council in the FY 12-13 budget. The next projects including the Barnwell sewer through the Crosland Park 6 project are to be funded under the third round sales tax (017). Staff will be asking Council for approval of an advancement of funds to proceed with those projects.

Councilman Dewar pointed out that \$3.1 million had already been advanced from the third round of sales tax (017), including \$1.5 for the Municipal Building, \$500,000 for computers for Public Safety, \$1 million for the SPCA Animal Shelter, and \$155,000 for the park at the library at South Boundary. He stated round 2 of the sales tax will end sometime the end of 2012 or the first of 2013. He pointed out that when funds start coming in from round three of the sales tax, the funds by law will go to the smaller cities first. He said it seems that the City of Aiken will not see any funds from round 3 until the end of 2013 or the beginning of 2014. When funds start coming in, he understands the city needs to repay the \$3.1 million that has already been borrowed or advanced from the

funds. He was concerned that funds will not be available until probably 2014 for the projects and wondered if the timeline took that into consideration.

Mr. Morris responded the timeline does take into consideration when the funds may be received from the round 3 sales tax funds. He pointed out the utility projects would be starting in FY 14-15 with the exception of design work for the Woodside and Gem Lake Outfall sewers, which will start this year. This will be the first project when funding is available from the third round. In response to a question regarding who would do the design work, Mr. Morris responded in this case the city would be contracting with an outside firm for the design work.

Councilman Dewar then asked several questions regarding the projects. He asked about the widening of Hitchcock Parkway and the design for the project in FY 13-14 for \$250,000. He said he was under the impression that SCDOT would do the design work. He wondered if SCDOT would be using the sales tax money for design work for the project. He said there are some community concerns about the project and how it will develop. He wondered if anything will happen before a couple of years. He was concerned as to whether the citizens would be able to give input on the project.

Mr. Pearce responded that SCDOT is doing the design work for the project. They have identified a consultant that will be working on the design work. The project consists of five miles of road between Silver Bluff Road and Highway 1. He said the timeline shows that \$250,000 would be used for design work. There are three sources of money for the project, which include the State Transportation Funding, the One Cent Sales Tax, and the Infrastructure Bank of \$9 million. He said the design work is in the process, with the aerial photos being done to begin the survey. He said staff had been in contact with SCDOT and informed them that the City needs to be involved in the process.

Councilwoman Price asked if the projects had been completed for the first round (015) of sales tax. She asked who manages or tracks all the projects in terms of status and the bidding process. Mr. Morris responded that the projects for 015 sales tax had been completed. There are different consultants on the various projects. He pointed out that was the importance of the timeline sheets, which include projects other than the new One Cent Sales Tax. He said the timeline sheets are what they use to track the projects. The bidding process will be done through Mr. Bedenbaugh, Purchasing Agent, through the normal bidding process. He said they had found that if they allow the bidding process to be bid through a consultant that we lose some of the control needed to make sure the proper insurance is available, and that we are getting a quality contractor. We normally advertise publicly for a construction contract over \$10,000. From \$2,500 to \$10,000 we will get three written bids. The projects proposed will require public bidding.

Councilman Homoki asked if we ever do set asides. Mr. Morris responded that the only time we do set asides is if we are doing a building project such as the building for Public Safety Station 6. Instead of a set aside, we call it an allowance for an item and give a range of cost for a certain item.

Councilman Dewar asked if Public Safety Station 6 would be the same as the station at Citadel, in conjunction with the County as an emergency station also. He wondered if the same design plans could be used for the station. Mr. Pearce stated that was not currently in the plan, but there could be a discussion with the County if Council desired. The plan is currently for just a fire station, along the lines of Stations 2, 3, and 4. We have discussed using the same plans that were used for Stations 3 and 4, with some possible adjustments for space for personnel around the trucks.

Councilman Dewar asked if there was some person on the city staff who was responsible for managing all the capital sales tax project spending. Mr. Pearce responded that he was the staff person responsible for managing the project spending.

Councilman Dewar stated, regarding the Eustis Park development and the comments he made earlier about when sales tax money will come in, he wondered if it would be worthwhile to consider spending money in 2012 for the land and site development if we

will not get money to build the facility for another two or three years. He wondered if the design might change over time if the city does not have the money to build the building.

Mr. Pearce responded that we have \$1 million to spend. We originally thought that would be solely part of the land acquisition. However, we see now that the land that the School District will sell is about \$36,000. We actually have substantial money to begin a site design, site preparation, and architectural rendering of what the facility would be. He said we would have the money so the design for the footprint for the building would be designed for the funds we have available. This would not just be the building, but the building would also need to be equipped. The reason to go ahead and develop some designs is that we have an obligation to go to the neighborhood and the citizens to show them what the budget will allow and provide them the opportunity to comment and have input.

Councilwoman Price stated the reason she had asked about the first round of sales tax was that she thought that \$1 million was designated in the first round to acquire land for the Senior/Youth Center, and the land has not been purchased yet to be able to start the site development.

Mr. Pearce responded that the land acquisition money was in the second round of one cent sales tax money.

Councilman Dewar stated the reason he had brought the matter up regarding the senior/youth center was that there are two issues that bear on this matter which need to be considered in the budget. The first is maintenance cost for the center and second the staffing cost. He pointed out these matters need to be planned ahead of time, as there will be staffing and maintenance costs involved.

Mr. Pearce stated he had met with the Recreation staff and people who work in the Neighborhood Division. They took a trip to Covington, Georgia, to look at their facility to see what they are doing with the facility, how they staff it, and how they contain their costs. He pointed out the Capital Sales Tax is wonderful for projects, but you do have to figure out how you can operate it and maintain it and that cost is not included in the sales tax money.

Councilman Dewar asked what was being done for Hitchcock Woods. Mr. Pearce responded that the project is part of the plan and design which we have had for some time. The green infrastructure was installed down Park Avenue and the side streets of Chesterfield, York, and Fairfield. The project calls for additional phases. There will be a meeting this week with the principals involved, as there was a preliminary design for Colleton Avenue and this affects the stormwater that runs into Hitchcock Woods from South Boundary and from downtown. He felt the principals involved realize that this additional stormwater runoff abatement is key before we begin the remediation work in Hitchcock Woods. There is money in the existing One Cent Sales Tax (016) and in the third round (017) for work in Hitchcock Woods. The stormwater runoff needs to be slowed down before beginning the remediation in Hitchcock Woods.

Councilwoman Price pointed out there is \$4 million in round three (017) for Hitchcock Woods. She asked what other funds were used in the parks to slow down the runoff. Mr. Pearce stated funds from an EPA grant for green infrastructure were used for the project of about \$3 million. Clemson University assisted with the project, but the money was an EPA grant administered by DHEC. Woolpert Engineering was hired to do the design work for the project.

Councilman Dewar stated he had not been sure what the money for Hitchcock Woods would be for, but he thought it might be for things like the entrance from Dibble Road and the main entrance, which has benefitted by what has been done with the parkways. He pointed out that Hitchcock Woods is the lowest part of the city and one could almost justify any project within the city as being beneficial to water flow into Hitchcock Woods.

Mr. Pearce stated the project was developed working with the people at Hitchcock Woods and Clemson University. He said the city is working with the Hitchcock Woods Foundation. He pointed out that when first talking about the remediation work in Hitchcock Woods the price tag at that time was \$16 million. However, since we have spent the money on the green infrastructure, the people from Clemson University seem to think the work in Hitchcock Woods will now be less and possibly under \$10 million, since we have reduced some of the flow to the Woods through the green infrastructure. He stated there is a tangible way to measure success. He stated Clemson has measured a reduction of 5% in total stormwater runoff into Hitchcock Woods. That is very significant, and they are very pleased with the results. The technology that has been developed in the initial project has gained interest not only nationally, but also internationally. He pointed out the pervious pavement at the parking spaces had been very effective and has slowed down the runoff significantly. He stated the Park Avenue and side street installations of green infrastructure are everything one can do as green infrastructure with the native plant material, the bioswales, and the turf installation. As we go through the rest of the city with the green infrastructure, the other parkways that drain into Hitchcock Woods will only have one form of the green infrastructure. Some of the parkways only need a curb cut so the stormwater goes into the parkways. He pointed out the parkway system that was laid out in 1833 is a great way to slow down the water runoff. Regarding the Dibble Road entrance, Mr. Pearce stated that was one reason for purchasing the Peggy's Pond property for runoff.

Councilman Ebner pointed out that at some point the city would have to discuss with the Hitchcock Woods people about having detention ponds on their property. He pointed out that only a small percentage of runoff could be done with the green infrastructure. He pointed out that at Dibble Road if the water is piped down to Peggy's Pond there will be quite a flow. Councilman Ebner pointed out that Council and the voters had a list of the sequence of the capital projects. He wondered if there would be a problem if the sequence is not followed.

Mr. Pearce stated the question has come up from time to time, but there is a practical matter of getting the necessary permits, the design, etc. He pointed out in the case of the Senior/Youth Center there is the need to purchase property. He felt you don't have to hold up the other projects because you don't have a particular project on the list ready to go forward.

Councilman Ebner stated his understanding on the infrastructure was that it was supposed to be for replacing pipe, manholes, etc. already existing. He did not think it was for new lines, painting tanks, etc. He felt those items were maintenance issues. He wanted to be sure the city was not violating anything by painting tanks and putting in new loop lines, etc.

Mr. Pearce pointed out that just because those projects were listed on the timeline did not mean they were funded by the One Cent Sales tax funds. He stated all the items listed are capital projects, and staff is trying to keep up with all capital projects. Not all projects on the list are funded by capital sales tax funds. He pointed out painting the water tanks is listed in the five year capital projects in the budget and is funded through the budget. Also, the water plant project is not funded by One Cent Sales Tax funds, but is budgeted funds.

Councilman Ebner stated that as the timeline is used over the years he had concern that a project on the list may wrongly get charged to the Capital Sales Tax funds. He felt with the listings mixed together it is hard to keep the sales tax projects separated. He pointed out that the city probably will not have money from the third round of One Cent Sales tax until the first or second quarter of 2014.

Mr. Pearce stated staff will continue to account for the One Cent Sales Tax money as they have done for the other two rounds. There is no intent to jumble the money together. He said there had been concern from Council as a whole as far as the capital projects and that staff stay on task and on a timeline to make sure as the money comes in the projects are started and completed so the citizens see some progress from their

approval of the sales tax. He pointed out that the city does have funds on hand from the second round (016) sales tax.

Councilman Ebner expressed concern that the listing shows several million dollars more that will have to be advanced, and we will not have paid off the \$3.1 million already borrowed from the fund. He was concerned about advancing money and the money not coming in yet from the third round of sales tax. He was concerned about the cash flow.

Ms. Ann Dicks, 214 Jehossee Drive, asked for clarification on the timeline and the amount listed for Sales Tax Funding Available. She asked if \$34,800,000 is money in the bank or if that is projected funding. Mr. Pearce stated that was projected funding.

Mayor Cavanaugh asked for the total amount of money for round three and the remaining amount for round two of the One Cent Sales Tax. He also asked how many projects were remaining for round two of the sales tax.

Mr. Pearce responded that about \$8 million is outstanding on round two of the sales tax. The total for projects for the third round is approximately \$44,600,000. There are about seven projects left to be completed in round two.

Mr. Morris responded that there are more than 26 projects included in round three. He stated the voters voted for a lump sum for water and sewer infrastructure. He said that item had been broken down into projects to replace aging pipe and to reinforce the areas of the city that have low pressure or low volume.

Councilman Ebner asked for an update on the hiring of employees to fix water leaks and to change out water meters. He wondered if the number of meters replaced and water lines replaced and repaired would be added to the monthly report for the department.

Mr. Pearce responded that as of today the city has hired all six of the employees that Council approved in April. All of the equipment has been purchased, except for a bobcat earth mover. Since we have experienced crew members and new crew member, we are mixing the experienced with the new and letting them go out on calls. He pointed out the new employees were out on the water leak which occurred on Friday night.

Mr. Morris stated the new water lines replaced will be added to the new water services line in the monthly report. A line will be added in the report for new meters replaced. He said they are working with Badger now to get the new meters. He said they are awaiting the arrival of the new equipment and are training the employees and will start replacing lines and meters by October 1 if the equipment comes in.

Councilman Dewar asked about the team of six employees that were authorized by Council. He wondered if they would be fixing water leaks.

Mr. Pearce stated the new crews would be fixing water leaks and help with installing water meters in the months when there are not so many high incidents of water leaks. Priority would go to the water leaks.

The timeline report was received as information.

City Logo
City Slogan

Mayor Cavanaugh stated a report would be made on the results of submissions for a new City logo and City slogan.

Mr. Pearce stated as part of the 2010 strategic plan update - *Aiken's Tomorrow: Local Acts/Global Impacts* - City Council unanimously approved developing an updated City of Aiken logo and also developing a slogan for our Aiken community.

After Council review of a preliminary revised logo design in May, Council requested that we provide citizens an opportunity to share their suggestions for a newer logo and slogan. During the month of June, several concepts and suggestions were sent to us. We had participation through our city website from several individuals and a lot of suggestions.

City staff and several different focus groups have provided their comments and feedback. In preparing the booklet that was published after the strategic plan update, we looked at common themes in comments received from the strategic plan update participants. These "concerns in common" helped us not only to identify what is important for Aiken's future, but also to determine what issues our community as a whole would best work together to address.

With the logo idea submissions we received, many responders stressed Aiken's natural beauty and Aiken giving them a feeling of being 'home.'

We have already used several logos besides the current city seal for numerous City initiatives:

Our 150th Celebration
Our 175th Celebration
Designation as an All America City
Special Events
Tourism

With these various uses in mind, fulfilling this 2010 Strategic Plan Update action item provides Council with an opportunity to pull all these aspects of our city into one common theme.

Three proposed designs are provided for Council's review and consideration.

First is the design that is currently being used in all of our tourism literature and tourism-related print media advertising. This design was prepared by Barry Doss and Marti Healy after our PRT Department hired them to develop a tourism logo. Approval of this design would expand its use to all city functions and no longer only for tourism-related promotions or events.

Second is an original design that is in keeping with several cities' efforts to put a modern, up-to-date label on their current initiatives to effectively deliver city services. This logo reflects our city's long-standing identity as a community rich in natural beauty. No doubt, many have heard from first-time visitors, as well as long-time inhabitants, how beautiful Aiken is amongst South Carolina cities. The slogan is "At Home with History, Hospitality & Natural Beauty." Another slogan was "Rich in History, Hospitality and Natural Beauty."

Third is a design that capitalizes on the success of the sesquicentennial celebration of Aiken as a South Carolina city. As with the tourism logo, this design also has 'tried and true' elements that will be readily recognized by our citizens. The sesquicentennial logo was prepared by Ed Hudak and prominently featured the magnolia as distinctly southern. The slogan on this design is "Home of History, Hospitality & Natural Beauty."

Comments received about a new City slogan overwhelmingly point to Aiken's natural beauty and inviting landscape. To best incorporate this sentiment, the following slogan--with variances--is proposed:

Aiken, South Carolina
Home of History, Hospitality, & Natural Beauty
- or -
Aiken, South Carolina
Rooted in History

Hospitality
& Natural Beauty
- or - more simply
Aiken
History, Hospitality & Natural Beauty

USCAiken Associate Professor of Design Michael Fowler is present. He has had an opportunity to review these designs. He has been of invaluable assistance to us on past city projects. He has a presentation to provide information which might be helpful to Council in selection of a new logo, giving his review of the designs and some ideas behind the different concepts.

Professor Fowler stated he had reviewed the designs which Mr. Pearce showed him. He pointed out that he had thought the first design which had been shown, the tourism logo with the South Boundary trees, was already the Aiken city logo because it has been so visible. He said one thought he had was to possibly consider a tag line of some kind that would capture some of the elements of history, business, and green city and include those in a style of type that was graceful. He said there is a danger of having too much type and getting too busy. He pointed out the logo of FedEx and how a similar color scheme might be used in a city logo. On the proposed logo with the magnolia, he had removed the leaf to make it simpler and had changed the type style a little and also incorporated an italic type style for the slogan. He stated the third proposed logo was a way to convey the natural beauty of Aiken's vegetation, using the leaf and the Baskerville typeface for Aiken with the majority of the city name in lower case and a byline in italics.

Professor Fowler stated he is willing to help in whatever level he can with a logo and ongoing consideration of ways of implementing the necessary elements that speak of Aiken into something that has a visual distinctness with an appropriate color scheme and type face.

Mr. Pearce stated that Professor Fowler had been exceedingly helpful in the efforts to present a logo and in reviewing the information received from the public. City staff has also reviewed some of the logos and discussed them. He said there had been several submissions. Comparing our logo to those across the state, the three shown seem to be the best opportunity to have a crisp, clean, new logo for the city. Council had asked that the citizens be asked about the logos. He said that had been done and the responses reviewed and brought to Council what we feel best represents what the citizens suggested. He said it would be helpful to get a sense from Council on how to proceed from this point.

For Council consideration is approval of a new logo and slogan as set forth in our 2010 Strategic Plan Update.

Mayor Cavanaugh stated he felt the issue of a new logo is an extremely sensitive issue because a city's logo is a sensitive matter and important to everyone. He pointed out the current logo has been used for many, many years. He stated he felt there still needed to be more input from the citizens. He said he felt there needed to be a public meeting, possibly at the next meeting. He wanted the matter advertised so more people will be involved and more input obtained so there is a better feel about the proposed logos. He said presently he does not have a good feel as to what the citizens want. He said he had heard from a few that they did not want the logo to be changed. He stated the Chamber of Commerce and other businesses and organizations could give input on a proposed logo. He said changing a logo is a major issue.

Mr. Pearce stated staff could do whatever Council wants to do. He pointed out there is the website, facebook and twitter accounts which can be used to get the information out to the citizens for input.

Councilman Wells stated one concern he had with changing logos is that whatever logo is chosen, it should be one that can be used for many, many years. He said his concern is that we need something that is timeless. He stated if we go with a cleaner, brighter,

peppier logo, he felt it will be dated in a few years and then you would have to constantly change it rather than having the traditional logo that looks good, says "Aiken," and lasts for a lifetime.

Councilman Ebner pointed out when the strategic plan update booklet was done, one of the things was recognition of Aiken. He stated if we take South Carolina off of the logo, not everyone will know where Aiken is, but they do know where South Carolina is. He said changing a corporate logo can be a "killer." He said Aiken is a large corporation, so to speak. He said in making a change he would agree with Councilman Wells. He felt we need to look at this matter as something that can be used for a number of years. He also pointed out he had copied some of the logos, and yellow does not copy, nor does light green copy. He stated the black and white copy of the proposed logos will not come out that way on most copy machines. He pointed out the logos represent tourism. The current logo is a shield that has four areas of the city. One area is not in vogue today, being nuclear power or atomic energy, seeming to be in the news for the wrong reasons. He wondered if another logo is adopted would that logo appear on water tanks, vehicles, stationery, etc.

Mr. Pearce pointed out that was a reason for the one color rendition of the logo so Council could see that. He stated the proposed logos are branding, so when you see the logo you think of the City of Aiken. He said many cities have gotten away from the quadrant idea. He said staff had looked at what the common comment was. He pointed out people who visit or have lived here for a lifetime talk about how beautiful Aiken is. That is what came through in the informal survey done during the month of June through the website. He did point out that if the logo just had Aiken on it one would not know where it was. He stated there is an Aiken, Texas, also.

Councilman Ebner stated he works with the historical groups doing various volunteer work. He said the Historic Aiken Foundation and the Aiken County Historic Society were not in favor of making any change in the logo. He said he felt that the logo on the vehicles with the four quadrants is probably dated because some of the things on it do not represent Aiken today. He said the proposed logo with the South Boundary trees and Aiken, South Carolina, seems to be the best to him.

Mr. Pearce pointed out the South Boundary logo had been in use and in several publications. He said he has some decals in his office, and he gives them to visitors. He said the logos can be put out for more public comment if Council is comfortable with getting comment on the three logo designs presented to Council.

Mayor Cavanaugh stated he felt South Carolina should be on the logos. He also stated he liked a tag line such as Home of History, Hospitality & Natural Beauty.

Mayor Cavanaugh asked if any citizens would like to make a comment on the proposed logos.

Ms. Stephanie Scott stated the logo that has been used for tourism has the iconic symbol of Aiken. Everyone talks about the tunnel of trees on South Boundary. She felt the logo needs to have some iconic symbol for Aiken whether it is a fountain, South Boundary, or something else identifiable to Aiken.

Councilman Dewar stated he sends an email out before every Council meeting and the subject of a logo has been on two of the emails. Each time it has gone out he has had five to six responses. He said some people don't like change, but some of the people who have commented against making a change have done so for financial reasons. He said that matter had not been discussed yet. He said changing a logo carries a cost. He said he agreed with the Mayor that we need more public input than what has been received so far. He said he would like to know a cost for changing the logo. He pointed out there are so many other things that need to be done in the city.

Mr. Pearce stated in the budget new sign making equipment had been approved, so we could make decals in house. He pointed out if we are going to change the logo, it is

timely now because we will be painting some of the water tanks shortly. He felt there would be no additional cost as changing the logo would be phased in on the vehicles, and it is time to print more letterhead, as we are running out of the present letterhead.

Councilman Dewar stated he liked South Boundary and he liked having South Carolina with Aiken. He said we are talking about economic development and some major companies coming in. He said the only comments he had received have been negative, partly as a result of financial costs. He said he felt no one knew how much it would cost to change the logo, but he felt there would be a cost. He said it would be helpful if the public knew what the cost would be.

Councilman Homoki stated he liked the magnolia on the logo, but if the one with the magnolia is used, we would be giving up the South Boundary view. He wondered which is more important. He said he would say South Boundary is probably more representative of Aiken than the magnolia.

Mr. Barry Doss stated he wanted to clarify a few things and speak to the consideration of cost, because it was one of the foremost things in his thinking when he determined that he would submit the possibility of extending the logo and branding program that was created for tourism to the entire city. He stated he contacted Glenn Parker to make sure in his capacity as Recreation Director that he would be in support of extending the logo to the entire city. He pointed out the logo was developed on behalf of tourism. However, when they went through the development process it was the very same process that they would have gone through if they were creating the logo for the entire city. It had to be when it represented the City of Aiken to anyone who would potentially be considering Aiken for tourism activity. He said the whole conceptual process on their part was identical. He said he had talked with Mr. Parker and with Mr. Pearce, and he wanted to make sure it was understood that they were not coming back as a business organization trying to win the competition. He said what he saw was an opportunity for extending the branding that had already been created for tourism and that had been implemented in a wide range of methodology, including very prominent downtown signage, a number of other applications that involve apparel and paper goods, brochures, city maps, etc. He pointed out the logo was already in the main stream representing the city. He said he saw this as a potential extension and one that did not have to recreate the wheel. What he was thinking about was cost. He said in developing the logo they had already created the master files. All the master computer files exist for the logo. He said for anything we might possibly want to apply this logo to the logo solution is created in any number of programs, because that is essential when you get into applications, because there are so many different requirements and needs depending upon whether it is paper, metal, plastic, or any other kind of material and the size, how many colors are involved, etc. He said what he was trying to say in the cover note submitted with the logo was that they had already done it. He said to further aid with the logo he offered to provide at no cost to the city all the necessary final production files for any application that the logo might need on behalf of the city. He said as a concerned citizen the first thing he thought of was cost. He pointed out normally a branding program for a corporation, a product or an institution typically is done within a strategy. There is some purpose or set of goals that are defined to be achieved, whether it is business, commerce, etc. Because of that, normally everything has to be changed at the same time; that is, the branding and the message or tag line. However, in the case of the City of Aiken, he felt there was not that pressure. He said the applications or the changeover could be done as needed. When you run out of letterhead and need to reprint is when you use the new identity. When you need to redo vehicles or get new vehicles you change the logo at that time, so there is no additional cost incurred by the city because there is a new logo. You do it when you would be refurbishing, replacing or replenishing. Then the change would go into existence over a period of time. He said he wanted Council to know that they are always looking for opportunities to give back to the city because they love the city. He said he means that not only in terms of his company, but also as an individual. He said he felt this was an opportunity. He said if Council, however, feels that this particular branding that he developed on behalf of tourism is not the one the City wants, he would accept that determination and conclusion. He said if the logo he submitted is to be the one considered, he wanted Council to know that they would help the city in that manner.

Councilman Ebner asked Mr. Doss if a tag line were added to the current tourism logo such as history, hospitality and natural beauty, would that enhance the logo or would that date the logo and only be good for 10 years and then it would have to be changed.

Mr. Doss stated if the tag line is appropriately worded for any entity going through a branding process, it should be able to stand whatever the test of time you want to achieve. Always the desired time is forever. That is not always done, but that should be the goal. You want to identify everything possible in terms of how you visually portray the entity and what you say about it. He said Aiken is unique. He said when they developed the visual part of the logo for tourism, they used South Boundary because that is unique and has a strong visual image. It is dynamic, friendly, inviting and unique.

Councilwoman Price stated she likes the South Boundary logo, but felt that the tag line should include "Rooted in history, hospitality and natural beauty." She pointed out looking at the South Boundary scene you think of the roots coming from the trees and think of rooted in history, hospitality and natural beauty.

Mr. Doss pointed out that with the verbal, the shorter the better. The shorter this is, the more memorable it will be. More words make it difficult for anyone to remember. The goal is uniqueness and brevity.

Mr. Robert Conway stated he felt the South Boundary logo is fantastic. He suggested putting the date of the scene. He said he understands the scene is about 100 years old.

Mayor Cavanaugh stated he felt the matter should be on at least another Council agenda after the issue is given more publicity.

Councilman Dewar suggested that an article regarding the logo be in the Aiken Report that is included with the monthly water bills. Mr. Pearce stated that could be the feature article in the next newsletter, with the three logos and the variations of the slogan. It could also be on the website, twitter, and facebook and the news media as well.

Councilman Ebner stated one problem needs to be solved. He pointed out when the color logo is copied, part of it disappears. He stated it can be a problem if the logo is printed and something is missing.

Professor Fowler stated he always has his students design a logo in black and white and gives them the option to design with color.

Ms. Gail Ebner asked if it is a done deal that there will be a new logo. If not, then that should be made known in the publicity so people who are against a change would be aware that one of their choices is that they can be opposed to changing the logo.

In the discussions, it was the general consensus of Council that the matter of changing the logo receive as much publicity as possible so Council can get input from the citizens and consider the matter at a future Council meeting.

FRANCHISE – ORDINANCE

Fiber Optic Cable

South Carolina Telecommunications Group Holdings

SCTG Holdings LLC

Spirit Communications.

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to grant a franchise agreement for fiber optic cable within the Aiken city limits to South Carolina Telecommunications Group Holdings, LLC a/k/a Spirit Communications.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE APPROVING SOUTH CAROLINA TELECOMMUNICATIONS GROUP HOLDINGS, LLC AS A TELECOMMUNICATIONS SERVICES PROVIDER WITHIN THE CITY LIMITS OF AIKEN.

Mr. Pearce stated the City has been contacted by the principals of Spirit Communications. As they have done with several other South Carolina cities, they want to be able to provide alternative fiber optic cable communications infrastructure for business services including long distance and local phone service, internet access, private line, and metro ethernet to their customers in the City limits. They are requesting that the city sign a franchise and consent agreement. The City Attorney, as well as staff members, has reviewed the proposed franchise agreement. He said the City Attorney can confirm to Council that our understanding in the telecommunications arena is that the franchise agreements and registration are handled at the state level under the state statute. Based on Aiken's population size, we are allowed to charge a set franchise fee.

Senior Counsel for Spirit Communications Business and Legal Affairs, Michael D. Baldwin, is present to provide more details on how their company can help local businesses and other customers improve their communications with customers and business partners.

Mr. Baldwin stated he wanted to give Council a few high points about Spirit Communications--who they are, what they do, and why they want to come to Aiken asking for a franchise agreement. He said PalmettoNet had been operating in South Carolina since 1985. He said PalmettoNet is called a "carrier's carrier." He said that means they operate behind the scenes providing services for larger carriers like AT&T, MCI, Sprint, etc. Recently Spirit has been awarded some large contracts for some of the major wireless carriers—AT&T, Verizon, Sprint. He said they are trying to provide facilities to those wireless providers to get into the retail business. He said while they are building their networks to accommodate some of the larger carriers, they would like to get into the retail space, primarily the business, commercial space, so while they are building they could augment customers on those builds offsetting some of the construction costs. He said there are a number of cities they are contacting, including Aiken, Anderson, Spartanburg, Florence, Greenville, and Greenwood. He said these were all areas where they were extending their network to get beyond the carrier space and into the retail, commercial sites. He said Spirit started in 1985 and was reorganized about a year and a half ago, creating a holding company putting PalmettoNet as one of the subsidiaries in the holding company. SCTG Holdings, which is who the franchise would be with is also a subsidiary of the holding company. The trade name is Spirit Communications.

Mr. Baldwin stated Council had been talking about branding and development. He said one thing they had done about a year ago was to start pushing the Spirit Communications branding. The strategy is to get that to supplant Palmetto.Net, so people will become more familiar with Spirit as a business carrier and commercial services internet, local services provider. He said they had been going to each of the towns and asking the City Councils for a franchise agreement, so they can leverage city assets where and when it makes sense. The city has right-of-way, including conduit that is in the ground. If there is no conduit in the ground, there might be access to telephone poles. He said these are the places where they bring their fiber in. The idea is to get a network in place and provide their own services, so they are not reselling somebody else and compete with the likes of MCI, AT&T or Sprint. He said they are about a \$130 million a year company. They have no debt. The owners are the independent local exchange companies of South Carolina. They banded together in the mid-80's to develop an alternative to AT&T to help compete against them. He said they have roots in South Carolina and have been here for some time. However, they want to go deeper and broader within South Carolina.

Councilman Dewar asked who Spirit would not compete with locally. Mr. Baldwin responded that they would not compete with the Cable Company or AT&T in the residential market. He said they are not into the residential area. They would compete in the business community.

Councilman Dewar stated the City has an internet service. He wondered if Spirit would bid on that contract. Mr. Baldwin responded that they would. He pointed out that for the last seven years Spirit government has been one of the primary providers of voice services to South Carolina government in partnership with AT&T. He stated the contract was renewed about 8 months ago for another seven years. He said Spirit may be providing some of the City's voice services now.

Councilman Dewar asked if Spirit was asking to build in Aiken at some point, or if they were specifically going to build if Council grants a franchise. Mr. Baldwin stated they would build if they get the franchise agreement. It is already planned. He said they were targeting the fourth quarter of 2012 for Aiken.

Councilwoman Diggs asked if the prices were competitive with the other companies in place now, what they would do differently, and the advantage of going with Spirit. Mr. Baldwin responded if their prices are not competitive they will not be around long. He said they try to undercut the competition by at least 10% to 15%. He said that is one thing they have to do in order to get customers. He pointed out AT&T has a very strong presence, and Spirit has to come in and compete in price. He said one of the things they try to do is provide an alternative. Many customers would like to have an alternative. He said they try to focus on customer service with a modest price break.

Councilwoman Price asked Mr. Baldwin to explain who owns Spirit. Mr. Baldwin stated SCTG, LLC is a holding company. Underneath that is PalmettoNet and SCTG Holdings. PalmettoNet is the carrier and SCTG Holding is the retail company. SCTG, LLC, the overall holding company, is owned by twelve independent local exchange companies that operate in South Carolina covering about 60% of the state, along with AT&T.

Councilman Homoki asked if he understood that Spirit would only be in the commercial, not the residential market. He asked if there were any plans to go into the residential market. Mr. Baldwin stated commercial is their main market. He said residential is different and is very capital intensive in order to carry the asset into every independent home. That is why when they build a network they focus on the business segment. He said they string their network in an area where they believe there are good business opportunities, while at the same time meeting the immediate need for their wireless providers. They will build laterals off the core network to reach certain businesses. The initial design of the network is laid in a way so they can get to some of the businesses quickly. He said there are no plans to go into the residential market at this time. The only piece of the residential market that they touch on is Multiple Dwelling Units, that is, apartment complexes. Any area where there is high concentration of potential customers is a way to offset the capital costs when building. Those are desirable areas. Where there are very non-dense populated residential developments the financials do not work. He said now they are primarily looking in the commercial segment.

Councilman Ebner asked if there would be a business license tax to the City of Aiken or if a franchise pays a business license in the city. He also pointed out that many lines in the downtown are underground. He felt the City needed to be sure that fiber lines would be underground. He pointed out his concern is that there are still some stray lines overhead in the downtown area that is supposed to come down within the next 12 to 18 months. He pointed out Newberry Street is one area. He stated he wanted to be sure no lines got put overhead, since the plan is for them to be underground soon.

Mr. Pearce responded that the telecommunications industry by state statute has a set amount that they pay for their franchise, and there is no business license fee. He pointed out also that the conduit is underground on Laurens Street, and this would be coordinated with the installation group. He pointed out the streets where lines will be installed are listed in Mr. Baldwin's letter, and Newberry Street is not included.

Mr. Baldwin stated normally the company starts with the franchise agreement. Then their engineers will coordinate with the City Engineer and planners, and they coordinate what can be used, what cannot be used, etc.

Mayor Cavanaugh asked if anyone in the audience wished to speak on the matter.

Mayor Cavanaugh asked Mr. Baldwin if they had looked at the competition in the area. Mr. Baldwin responded that people in the company have looked at the area. The marketing groups and the product management groups have looked at the area. From the marketing information they know where the businesses are, how many lines the businesses have, what type data services they use, etc.

Councilman Homoki asked if all the lines would be underground. He asked if there is an ordinance which restricts wiring or cabling to underground in the downtown area. Mr. Baldwin responded that all lines would not be underground, and what would be underground depends on what is available. He said this is not an exclusive use. The City can grant use of the assets or not. If they decide to use an existing conduit they have to coordinate with other carriers who are using the conduit to make sure they do not interrupt their service. He said this is done through the Engineering and Planning groups with the city.

Mr. Pearce responded that for new subdivisions the regulations require the utility services to be underground. As far as the downtown area, there is some existing conduit that could potentially be used. That would be a discussion with the City Engineers.

Councilman Homoki stated his question is if there is an ordinance so the City can make sure that everything downtown will be underground. He pointed out it is cheaper to place lines above ground, so lines might be above ground unless Council specifically requires the lines to be underground. Mayor Cavanaugh stated that could be included in the proposed ordinance.

Mr. Pearce stated the ordinance could be approved on first reading and amended at second reading as to what should be underground.

Councilman Ebner moved, seconded by Councilman Dewar, that Council pass on first reading an ordinance to grant a Franchise Agreement for fiber optic cable to be installed by Spirit Communications in the City of Aiken. The motion was unanimously approved.

ANNEXATION – ORDINANCE

603 Douglas Drive
Andrew H. Jernigan
TPN 122-06-05-014

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 603 Douglas Drive and zone it Residential Single-Family (RS-10).

Mr. Pearce read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY OWNED BY ANDREW H. JERNIGAN AND LOCATED AT 603 DOUGLAS DRIVE AND TO ZONE IT RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. Pearce stated Andrew H. Jernigan owns 603 Douglas Drive [TPN 122-06-05-014]. This property is contiguous to the City limits. He has petitioned to annex his property into the City limits of Aiken and for it to be zoned RS-10.

The Planning Commission met July 10, 2012, and reviewed this annexation petition. They unanimously voted to recommend approval of this petition to annex this property into the Aiken City limits.

For Council consideration is first reading of an ordinance to annex 603 Douglas Drive into the Aiken City limits and to zone it RS-10.

Councilwoman Price moved, seconded by Councilman Wells, that Council approve on first reading an ordinance to annex 603 Douglas Drive and zone it Residential RS-10, and that second reading and public hearing be set for the next regular meeting of Council. The motion was unanimously approved.

FIREARMS – ORDINANCE

Discharging Firearms City Code

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the City Code Section 22-4 regarding discharging firearms or other weapons in the city limits.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE REVISING CHAPTER 22 OF THE AIKEN CITY CODE TO AMEND SECTION 22-4 REGARDING DISCHARGING FIREARMS OR OTHER WEAPONS WITHIN THE AIKEN CITY LIMITS.

Mr. Pearce stated a new subsection is proposed to be added to the Code which states "Nothing in this Code shall prevent the discharge of firearms in an approved indoor firing range constructed, operated, and maintained within all applicable local, state, and federal rules, regulations, and laws."

Mr. Pearce stated he had been contacted by a landowner who desires to develop an empty building into an indoor firing range. He said over the past several months he had had some inquiries from potential investors who are looking at the viability of having an indoor firing range. He said we are seeing a trend with people who provide the concealed weapons classes and firing ranges that people are patronizing them, and there is a market and a business interest in having these facilities. In checking the City Code he was surprised there was no exception. He pointed out the City of Aiken has an indoor firing range on DuPont Drive which is used by the Public Safety Department for training. In the past we have had a private shooting club that has entered into an arrangement on a contractual basis to use the city's indoor range. He said we have an immediate need to make sure the City's operation is legal under the City Code. He said he had reviewed this matter with the City Attorney.

Mr. Pearce stated in response to a landowner's inquiry and our review of City Code Section 22-4 we did not find an exception for discharging a firearm or other weapon at an indoor firing range located inside the City limits at these facilities. In order to ensure that our officers are legally conducting weapons training at our ADPS facility, and so that commercial ventures for indoor firing ranges could be undertaken in appropriate circumstances in compliance with other applicable laws, an ordinance modifying our City Code for this activity is presented for Council review.

Mr. Pearce said if a private investor wants to open a commercial enterprise it would have to be within applicable standards. He said there is a noise ordinance. EPA and OSHA have various regulations and requirements, and there are other certifications that would be needed as far as controlling the environment inside, etc. He said the proposed ordinance is recommended to Council on first reading, as we feel the City needs to make the Public Safety training operations legitimate, and it would also allow a commercial enterprise to proceed with trying to register this type facility.

For Council consideration on first reading is an ordinance to amend City Code 22-4 to allow discharging firearms in appropriately permitted indoor firing ranges operating in compliance with all applicable local, state, and federal rules, regulations, and laws.

Councilwoman Diggs asked if the location of a proposed indoor firing range would be revealed. Mr. Pearce responded that he does not have a particular building at this point. The proposed ordinance would apply city-wide.

Councilman Dewar moved, seconded by Councilman Ebner, that Council pass on first reading an ordinance to amend the City Code Section 22-4 regarding discharging firearms or other weapons in the city.

Councilman Dewar stated he had recently attended a funeral for a retired military officer, and they had made arrangements for an Honor Guard from Fort Jackson which rendered honors using weapons. He wondered if that is permitted according to our current ordinance. He pointed out this had been done by active duty military personnel.

Mr. Gary Smith, City Attorney, stated he had attended a funeral where that had happened also. He said before second reading on the proposed ordinance perhaps another amendment could be considered that would allow that to happen. It was pointed out that is something that needs to be looked at before second reading of the ordinance.

Councilwoman Price stated she had reviewed this several times and had talked to several people who had strong opposition to the proposed ordinance. She said there is an empty building that we have been trying to do something with for some time, and something needs to be done with the building. She stated we had worked very hard to get someone to buy the building and had also asked other agencies to help sell the building. She pointed out there had been a landfill in the area of the building for many years in the area of a prominent African-American community where all kinds of things had been dumped. She said now we want to consider putting a firing range in the empty building. She pointed out that almost every day on the front page of the newspaper there is an article and pictures of individuals who have been arrested for violence in Aiken. She said comments have been made that perhaps some other place could be found for that kind of facility, rather than again in this area where a garbage dump was for 25+ years, putting a firing range knowing the violence we already have in the community. She said she does not know the solution, but based on what she is hearing she cannot support the ordinance based on some comments she has received from some prominent people in town. She said these people want us as a community to come up with some other use besides placing a firing range in this area. She pointed out the area of the building is zoned Industrial and the zone would have to be changed to Retail use. She pointed out that there is a firing range near Aiken High School which is used by Aiken Public Safety, but she did not know if it had been used for public use. She wondered if a proposed firing range would be used by our Public Safety Officers and any others who may want to use the facility

Councilwoman Diggs stated her question was whether the firing range would be for Public Safety and the Sheriff's Department, or whether any private citizen could use the facility for firing weapons. She also asked if the proposed firing range would be next to a funeral home. She said her concern was with a firing range being near a funeral home, and whether people at the funeral home would be able to hear noise from the firing range.

Mr. Pearce stated the City's firing range on DuPont Drive had been used by the Savannah River Rifle and Pistol Club, and they had paid a fee and used the firing range for its members only for training. He stated the language in the proposed ordinance would allow a commercial operation like a shooting range. He stated if they are speaking of the spec building on Beaufort Street in Willow Run, being used as a firing range, it would be next to a funeral home. He said for a firing range to be located in Willow Run would require a Special Exception approval by the Board of Zoning Appeals. The issues raised would be issues that the Board of Zoning Appeals would consider. There would not be a change of zoning. The zoning would stay Light Industrial, but for a firing range use to be able to locate there the Board of Zoning Appeals would have to have a public hearing and consider 10 criteria before a firing range could be permitted in Willow Run.

Mr. Pearce stated the consideration at this time is not the location of a firing range in Willow Run. He pointed out a firearm cannot be discharged in the city limits under the present ordinance. Before any application could go forward for the Willow Run location or any other location in the city, the City Code would have to be amended regarding firing of weapons in the city limits.

Councilwoman Price stated then that Council is not discussing a location for a firing range at this meeting in the Willow Run Park.

Mr. Pearce stated the purpose of the ordinance is to make an indoor firing range permissible in the city limits as long as the indoor range meets the regulations that are applicable. He pointed out the City currently has an indoor firing range which is used by Public Safety which meets certain regulations. Council approved funds to renovate the City's firing range to bring it up to current standards. He pointed out since he had had some inquiries about an indoor firing range, it brought to our attention that we needed to amend the Code to make the Public Safety firing range legal in the city, as it is currently illegal. Because of the inquiries it brought to our attention that there may be potentially some commercial enterprises that may want to consider a firing range.

Councilwoman Price asked if the consideration is to make the City's firing range legal.

Mr. Pearce stated the proposed ordinance would have that effect, but the way the ordinance is currently drafted if someone wanted to open an indoor firing range business they could do that subject to all the applicable rules and regulations.

Councilwoman Diggs asked if the residents who live in close proximity to the location would be able to have a voice as to whether or not they want that in their neighborhood.

Mr. Pearce pointed out that the Willow Run location is zoned Light Industrial. Before an indoor firing range could be in that location an application would come before the Board of Zoning Appeals. The BZA would hold a public hearing, and 10 criteria would have to be met before a Special Exception approval could be permitted for an indoor firing range in the area.

Councilman Dewar stated he understands that currently an indoor firing range is not permitted under our ordinance.

Mr. Pearce stated the City Code does not allow firing of weapons within the city, except under some very limited circumstances. In looking at the ordinance, Mr. Pearce stated he thought perhaps the question regarding the Honor Guard firing weapons may already be covered under the current ordinance. However, the City Attorney can look to be sure.

Councilman Dewar asked if Council does not approve the proposed ordinance change to the City Code, whether the City would have to shut down the indoor firing range that Public Safety uses. Mr. Pearce responded that the city's firing range would be in violation of the City Code if our officers discharged a firearm at the range.

Councilwoman Price stated she did not want to be breaking the law with the City's firing range. However, if the facility in Willow Run is to be considered for an indoor firing range she felt that was not an appropriate use for that facility.

Mr. Pearce stated any request for an indoor firing range at Willow Run would have to be considered by the Board of Zoning Appeals. The meeting would be advertised, the property posted and a public hearing held. It was pointed out Council would not be involved in such a request, as it would be a Special Exception by the BZA.

Councilwoman Price asked if the facility we have now is Light Industrial and we propose to change it to retail. Mr. Pearce responded that if she was talking about Beaufort Street and Willow Run, the area is zoned Light Industrial. If there is to be an indoor firing range at that location, it takes Special Exception approval under the Zoning Ordinance, which has to go before the Board of Zoning Appeals. There is no change in zoning. It is just for that activity to happen at that location the Board of Zoning Appeals has to have a public hearing and approve it. The BZA has very strict criteria that they have to follow in issuing a Special Exception.

Councilman Ebner asked if someone could petition City Council to change the zoning for the area. Mr. Pearce responded any landowner can petition Council to change the zoning of an area. A request for rezoning must go through the Planning Commission before coming to City Council. If the zoning is changed, depending on the zone, BZA could possibly not be involved.

Councilman Dewar stated he understood that, regardless of the zoning, BZA would have to consider any permit for an indoor firing range anywhere in the city. Mr. Pearce stated he felt that depended on the zoning, and that may not be true across the city. He pointed out there may be some zones where an indoor firing range would be permitted by right. He said Council may want to look at that to see in what zones indoor firing ranges may be permitted by right. He said the Planning Department could provide that information. He said for second reading Council may want to be clear as to how this applies and what permissions would be necessary.

Councilman Dewar stated he felt there may be major concerns if anyone comes forward for a request to build an indoor firing range anywhere in the city.

Mayor Cavanaugh called for a vote on the motion to approve the ordinance on first reading, which was moved by Councilman Dewar and seconded by Councilman Ebner. The motion was unanimously approved.

HABITAT FOR HUMANITY – ORDINANCE

Hampton Avenue
McCormick Street

Mayor Cavanaugh stated an ordinance had been prepared for first reading to convey land at Hampton Avenue and McCormick Street to Habitat for Humanity.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO SELL CERTAIN PROPERTY TO HABITAT FOR HUMANITY.

Mr. Pearce stated Richard Church, as Executive Director of the local chapter of Habitat for Humanity, has requested that Council approve the deeding of land owned by the City of Aiken at Hampton Avenue and McCormick Street to Habitat. They propose to construct homes in this area as a mini-development. Their entire land acquisition budget is \$10,000. They are offering payment in this amount for this property. Council will recall that we purchased this property as part of our Northside Revitalization Plan.

This parcel originally had several dilapidated structures on it at the time the City purchased it. They have been removed, and this property has not yet been redeveloped. The City of Aiken and Habitat for Humanity have enjoyed a good working relationship for many, many years. We have helped them with home construction projects, donating 16 parcels of land thus far. This conveyance will enable further redevelopment of our Northside.

Mr. Pearce stated he had asked Larry Morris to look at the original purchase price and compare that to what the land value is, based on the County's assessment of the property. The property is assessed in the range of \$30,000. Habitat has offered \$10,000 for the property, which is their entire land acquisition budget. In the past Council has donated up to three lots per year to Habitat at no cost for them to construct homes. By developing the property Habitat will make it income producing, as it will be single family residences.

For Council consideration on first reading is an ordinance to convey land owned by the City of Aiken at the corner of Hampton Avenue and McCormick Street to Habitat for Humanity.

Councilman Ebner stated since this lot is large, he wondered if Habitat would be able to construct several homes on the property. He wondered if the property would need to be

rezoned if more than one house will be built on the property. It was pointed out that the property will need to be subdivided. Staff will look at the zoning for the property to be sure the property will not need to be rezoned to build several residences on the property.

Councilman Ebner moved, seconded by Councilwoman Diggs, that Council approve on first reading an ordinance to convey land owned by the City of Aiken at the corner of Hampton Avenue and McCormick Street to Habitat for Humanity. The motion was unanimously approved.

COMPREHENSIVE PLAN – ORDINANCE

Open Space Element

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Comprehensive Land Use Ordinance to add an Open Space Element.

Mr. Pearce read the title of the ordinance.

AN ORDINANCE AMENDING THE CITY OF AIKEN COMPREHENSIVE LAND USE AND TRANSPORTATION PLAN TO INCORPORATE THE OPEN SPACE ELEMENT FOR THE COMPREHENSIVE PLAN.

Mr. Pearce stated the Planning Commission has completed its review of the proposed addition to our Comprehensive Land Use Plan of an Open Space Element. Included in the agenda package was a memo from the Planning Commission regarding their review and recommendation. A summary of the proposed changes to the July 10, 2012 Open Space Element draft was included as information for Council.

When this proposal first came to Council on February 27, 2012, Council sent it back to the Planning Commission for further review. Specifically, Council sought Planning Commission recommendations as to whether the proposed Open Space Committee should be a subcommittee of the Planning Commission or a stand-alone committee. The Planning Commission has conducted their review and held a public comment session regarding this aspect of the Open Space Element. There were concerns from the business community and the Chamber of Commerce that the creation of an Open Space Commission would be an additional entity before which landowners would have to appear. Their stated preference was that there be a subcommittee as an Open Space Committee that would report to the Planning Commission. The Committee's findings would be sent through the Planning Commission for review and then to City Council for review.

After review, the Planning Commission has recommended that the Open Space Committee proposed in this amendment to our Comprehensive Land Use Plan act as a subcommittee of the Planning Commission and have recommended other changes listed in the summary from the Planning Commission. The revisions were recommended on a 5 to 1 vote to City Council. The effect is that the Open Space Committee would make recommendations to the Planning Commission and not directly to City Council.

For consideration on first reading is an ordinance to amend the Comprehensive Land Use Plan to incorporate an Open Space Element and an Open Space Committee that would make recommendations to the Planning Commission.

Mayor Cavanaugh moved, seconded by Councilman Homoki, that Council approve on first reading an ordinance to incorporate an Open Space Element to the Comprehensive Land Use Plan with an Open Space Committee being created to report to the Planning Commission.

Councilman Ebner asked about the reference in the Implementation section about the establishment of an Open Space Committee and members being residents of the Open Space Study Area. He pointed out a resident of the City would be a resident of the study area. Mr. Pearce responded that the Open Space area is very large and includes areas outside of the city limits and goes north past I-20, west to Bridge Creek, east past Bradley

Hill Road, incorporates the Upper Three Runs head waters on the southeast, and includes Town Creek on the southwest. It includes areas inside the city and county properties also.

Councilman Ebner asked if there were any other appointed subcommittees by City Council to any of the Commissions. Mr. Pearce stated with the other boards, commissions and committees some have had subcommittees, but the subcommittee members were members that Council had appointed to the particular board, commission or committee. The proposal would be an additional subcommittee and would be a Council approved subcommittee, whereas the other subcommittees have been internal committees of members of the board, commission, or committee.

Mr. Gary Smith, City Attorney, stated all of the boards, commissions or committees have the legal authority to appoint subcommittees to work on certain projects, topics or areas.

Councilman Ebner asked if it was appropriate to have a subcommittee appointed by City Council. He stated an appointment by City Council comes with a certain amount of authority. He wondered if that might interfere with anything.

Mr. Pearce pointed out in the Implementation section of the Open Space Element, there is specific language which talks about the implementation of the committee. He stated originally there was a group that met and talked about the importance of an Open Space Element in the Comprehensive Plan. That was a group of volunteers that came up with suggestions. He said that is the reason the Open Space Element is before Council. He pointed out the Planning Commission felt that this is such a specialized area that they originally recommended a Commission to review open space recommendations, but based on the concerns that Council had the plan went back to the Planning Commission for further discussion and public hearing. After that review, the recommendation is to have an Open Space Committee. Those members would be nominated by the Planning Commission and Council would then vote on the members of the subcommittee.

Councilmember Ebner stated he wondered if there might be some internal conflict, or if Council might be subjugating some authority by creating and appointing a subcommittee that reports to the Planning Commission. He said it seems like an odd arrangement. He said he was very resistant to creating new entities. He felt the Open Land Space was a good cause and had worked with it previously.

Mr. Smith stated he did not see a problem. He said ultimately whatever decisions the subcommittee and the Planning Commission make will come to City Council for a final decision, as they will be making recommendations to City Council. Mr. Smith stated he did not see a legal or ethical impediment to having the committee as recommended.

Mr. Pearce stated Council had set aside money from the One Cent Sales tax for the acquisition of open space. The recommendations received would come before Council for the purchase of open space.

Councilman Wells stated he attended the worksession when the Planning Commission was reviewing this and making their recommendations. He said originally there was a lot of duplication in the proposed ordinance. It seemed to him that it was laying out another layer of bureaucracy that the landowners and property owners would have to go through in order to potentially build upon their property or develop some of their property. He felt the way the Open Space Element was originally written would be placing another layer for the standalone commission to make recommendations as far as infrastructure throughout the comprehensive plan area, which is also the study area. He pointed out there had been a Northside Transportation Study which laid out the infrastructure or roads which they felt would be the proper way to have the roads on the north side of Aiken. He felt there was a lot of duplication in the plan between what they wanted the Commission to do and what we have done through the Planning Commission. Another thing was for them to go through and review all of the ordinances that were on the books or could potentially be on the books restricting or allowing future growth on the northside of Aiken. He pointed out Council had set aside money for green space, and he realizes

the need for that within the Comprehensive Plan. He felt the Committee's primary purpose should be finding the areas of green space and making a recommendation to the Planning Commission so the Planning Commission can in turn come to City Council. He felt all the other stuff that is in there, the City of Aiken is already doing in some way. There are other studies which have been done and the City has paid for. He said he did not see creating another commission and empowering them to put another layer of bureaucracy that the citizens have to go through in order to get something accomplished in the city. He said he did originally see the recommendation as another layer of bureaucracy. He pointed out with the latest revision he felt a lot of the duplication had been removed. He said in sitting in on the meeting with the Planning Commission, he felt like the plan was a document that we could go forward with, because we are taking a lot of things out of the plan. He pointed out the plan is 35 pages, and the summary page tells you what they can and cannot do. He pointed out that some of the powers that were being given in the original document are now being removed. He stated he was in total agreement with the plan dealing with green space and open space. He just felt that we should not be placing further obstructions that might impede development on the northside of Aiken.

Councilman Homoki asked what is the definition of the Open Space Study area. Mr. Pearce stated that refers to the map that he had referred to earlier. It is the Comprehensive Plan area for the city. It is a large area.

Mayor Cavanaugh asked if anyone wished to speak.

Mr. Jerry Waters, 1517 Dibble Road, stated he wears many hats. He is a builder, a developer, a realtor, and a landowner in the City of Aiken. He said he sees the proposed Open Space Element plan as another layer for a developer and landowner to have deal with. He said a lot of work has been done on the plan since the first presentation, and it is much better. He said he calls himself a full time conservationist and a part time preservationist. He said he felt development and progress can go hand in hand with conservation if everyone gets on the same page. No one should be left out, including the landowner, the preservationist, or the conservationist. He said the landowner is very important. They have bought their property. It has been planned for some use. He said there had been some discussions on conservation easements on Shaws Creek. He said he had donated a conservation easement to the Aiken County Open Land Trust about 10 years, the first conservation easement on Shaws Creek. He said he had also donated a large tract on the South Edisto River as a conservation easement. He said he is currently working with Elliott Levy to donate and preserve the first library in Aiken County. The building is on a piece of property that he owns and has agreed to sell. He said the reason he brought these up is that he has been able to donate these easements for preservation because of successful developments he had done in the City of Aiken. He said his colleagues can do that too, but they have to be heard. He said there had been a lot of work on the plan since he first saw it. This is an opportunity to work with developers and landowners to accomplish some of the new plan. All of it will not work, but some will. If Council accepts the plan, the landowners of undeveloped land must be a part of the plan. He said when the Committee is set up, there needs to be people who have a vested interest and who have extensive experience in private development and land development on the committee. With a diverse committee, maybe ways can be found to accomplish the goals. He pointed out there are many government programs to help with some of the goals. He said there are extensive habitat programs, conservation and tax credit programs. He said many of the landowners do not have the funds for open space easements. He said if a Committee is set up, and the Open Space Element is imposed on landowners, they need to be helped with conservation easements. They can be complicated. He said several landowners are present at this meeting. He said if the landowners can be helped to find ways to preserve their property that has the least amount of financial burden on them, the city will be able to accomplish more. He said many people want to preserve their property, but there also has to be progress. Progress will create conservation if everyone cooperates.

Councilman Dewar asked Mr. Waters how he would view this program and the Open Space Committee as an entity to deal with if he were going to do a development project, and what role would he expect it to play in his project.

Mr. Waters stated he felt it would probably be another hurdle to overcome and a developer would probably need some help. He felt it would probably be another stumbling block to overcome. He said most times developers are receptive if they can get some help. He said he was referring to some financial help, if possible. He pointed out that in the past there had been a curb reimbursement program to help developers when they built a street and installed concrete curbs instead of rolled edge asphalt. It was a small incentive, but it was an incentive to help beautify the subdivision. They need some help with governmental programs that help with tax credits.

Mayor Cavanaugh asked Mr. Waters if he sees the whole plan as another hurdle or if he sees the Committee that reports to the Planning Commission as another hurdle.

Mr. Waters expressed concern that if the Committee recommends that a certain portion of a tract be set aside as green space, that could be a hurdle that the landowner will have to deal with. His plan may have been to develop a housing development.

Mayor Cavanaugh stated the landowner is in charge of his property, but it seems that Mr. Waters thinks that someone may take a person's land from them. He stated if a person does not want to designate an area as open space, he felt the Open Space Committee should look at another area. He felt the person that owns the property has the say as to whether or not he wants to designate open space or not.

Mr. Waters stated he understands that the Committee will pick out certain tracts of land for potential open space or conservation easements.

Mayor Cavanaugh stated landowners may not want to do it, and there probably will have to be some incentive to encourage landowners to designate areas for conservation easements. However, the landowners will not be forced to make designations if they don't want to.

Mr. Pearce pointed out the Implementation section of the plan, which talks about community outreach and working together with landowners. The Committee would make recommendations to the Planning Commission; they would not designate property so it could not be developed. It talks about incentives, etc.

Mr. Waters again stated it would be a good idea to get some of the landowners involved in the Committee so they understand what is trying to be done. He said they will think the Committee is going to take their land if they are not a part of the Committee and understand what is being done. He said if they can be shown that there are incentives and tax credits they may be agreeable to some designations.

Councilman Homoki asked if the Open Space Committee would be making requests for zoning changes. Mr. Pearce stated they would not be making requests for rezoning. Their role is listed in the Implementation section of the Open Space Element. The Committee would be developing an inventory, but would be involving the public and identifying ways to work together in preserving open space.

Mayor Cavanaugh pointed out the items listed in the Implementation entail a lot of work for the Committee. Having the Committee to do the work would give the Planning Commission time to do the work they have been requested to do. He said it seems to him that having the Committee would make it work smoothly.

Councilwoman Price stated there is \$1 million for purchase of open space. She wondered who would control the use of the funds. She wondered if the Committee or the Planning Commission would make a recommendation to acquire property.

Mr. Pearce stated if any portion of the \$1 million were to be used to acquire land, City Council would make that decision and would be the final authority on the purchase of any land.

Mr. Steve Wilson, incoming Chair of the Chamber of Commerce, stated the Aiken Chamber of Commerce had been involved in the discussions about the Open Space Element from the beginning. He said the Chamber had several issues with the original proposal. They think those issues have been substantially addressed with the revisions that have come back to City Council from the Planning Commission. The original proposal really did include language that involved the Open Space Commission in business development activities, or at least there was language in the plan that involved development regulations, growth management policy, etc. That language has been extracted in the proposal now before Council. He said they feel that the issues reflected in the current proposal are acceptable. He said they are in favor of an Open Space Committee working with the Planning Commission. He said they want to make sure there are not two separate tracks that a potential developer would need to work through. It was felt that working through the Planning Commission minimizes the potential of there being conflicts that would be difficult for a landowner to work their way through. They feel that the primary activity of the Open Space Committee should be to locate land that can be purchased in furtherance of the overall plan. In summary, he stated the Chamber of Commerce is in support of the proposal from the Planning Commission. They feel that it approaches this issue in the correct way and takes away the duplications that Councilman Wells talked about and extracts from the Commission language that would have been an impediment for property owners to use their property.

Councilman Dewar asked Mr. Wilson to explain their concern with the prior plan with the Open Space Commission getting involved in business and economic development and how that would be a concern.

Mr. Wilson stated there was language in the original proposal that empowered the Commission to develop regulations for development in the Open Space Element and that was included as part of the implementation plan. There was a section in the implementation that talked about future planning for land use and infrastructure, which has now been extracted. There was also language about a growth management policy included in the Open Space Element Appendix. He said the Chamber saw those matters as potential conflicts where a landowner would have to work through the Open Space Commission and also have to work through the Planning Commission. He said they feel that the issues have been minimized in the proposal that is before Council at this time. Some of the empowerment language has been extracted from the document, and the Committee would be working in conjunction with the Planning Commission, so there is less potential for there being two separate messages given.

Ms. Elise Faulkner, 1420 Powderhouse Road, stated she is a resident of the County. She said when she heard about tonight's meeting she got on the internet and read about the plan. She said after listening to the comments she would admonish Council to include landowners that would be impacted by the proposed plan. She said she is one that will be impacted. She said she had never been contacted about the plan, so all this was new to her, as it probably is to some others in the audience. She asked that Council include landowners in some of the meetings and get their input. She said the Plan may be nice, but the question is how does it directly impact the landowners. She pointed out that in reading the plan she did not see anything that said the plan was voluntary. It looks as if it is being imposed upon the landowners. She said she heard Mayor Cavanaugh say it was voluntary, but she did not see voluntary in the plan. Secondly, she said she applauds and is very much for conservation. She said in her case the conservation is a Carolina Bay. She said if a landowner does consent to an easement or conservation, she wondered what this would impose on the landowner if they have adjacent commercial property on the Bypass. She wondered if this would be another stumbling block to the development of the commercial property. She wondered if it would devalue or be another stumbling block for the landowner to consider selling his property for development. In her case it would be commercial. She wondered what assurance could be given to her that it would not be another road block to development or sale.

Mayor Cavanaugh stated he was sure there will be many questions that will be raised. He said, however, the one thing that comes to him is that the property belongs to the

landowner and the landowner may not want to designate an area for open space or conservation, and that is his right. He felt that if someone next door wants to designate a conservation easement, he felt that in a way that makes the property next door more valuable. He stated if there is an Open Space Committee the members would be talking to the landowners and informing them of the advantages of conservation easements.

Ms. Faulkner stated she would love to designate a conservation easement. She said she had offered the property to the City years ago, but the City was not interested. She pointed out that now the property is included in the Open Space area, but she wonders what assurances a landowner would have if they do go along with it and things are done to the property for easements, if it would be another stumbling block for the development of adjacent property.

Mr. Pearce stated the Implementation section of the plan talks about the role of the Committee. They just make recommendations to the Planning Commission. The Planning Commission makes recommendations to City Council. The Committee would develop an inventory of potentially short-term, long-term acquisition of property, but that would take a willing seller. Council has not condemned property in many, many years. He pointed out the Committee would just be a recommending body and no authority to impose an open space designation on property. There are ways to preserve open space by outright purchase or by conservation easements, but as pointed out it takes a willing landowner. If property is placed in a conservation easement, the Land Conservancy works with landowners. The only time Council would vote would be if there is a willing landowner to sell an identified parcel to the city, then Council could vote to purchase that property. However, based on the discussions he has had with the City Attorney and on presentations from the Aiken Land Conservancy, to place a conservation easement on property is strictly a voluntary negotiation and the signing of documents to accomplish that.

Ms. Faulkner again asked if the City could give landowners assurance that if there is a proposed sale for property that by giving a conservation easement it would not be a stumbling block to the sale of property. She said she felt the voluntary aspect of a conservation easement should be clarification in the document. She said most people will not read the whole document. They want to know the highlights of the document. She said the document needs to be simplified and the summary needs to be easily found.

Councilman Ebner stated he had received a call from a person representing six or eight farmers that own about 1,000 acres. He wondered if Item 7 of the Implementation could be reworded using the word "voluntary" and that landowners specifically need to be added as contact people. He felt adding those words would add a level of comfort to people.

Ms. Faulkner stated most people will not read the whole document. She said make it simple and present it to the public and include the landowners who are impacted by the Open Space Element. She said to include the landowners so they have input. She said it looks like another imposition of government on the citizens.

Mayor Cavanaugh stated the responsibility of the Open Space Committee would be to get out into the community and talk to the landowners. He said we could see if the document could be simplified. He said what we are talking about is getting the Committee organized. He felt we have to give it a chance to work. Many times we don't understand something when we hear it for the first time.

Councilman Homoki asked what happens if the Open Space Committee identifies a desirable place; they talk to the owner and the owner says no. Then a year later the owner decides to sell the property. He wondered if the City would be in a bidding contest with the potential buyer.

Mr. Pearce stated he did not see that scenario developing. He pointed out that the recommendation for acquisition would have involved the community and the landowner in the acquisition. He said that would be a recommendation of the Planning Commission.

If the owner is not interested in selling, in the past Council has never expressed an interest in taking property. We have always worked on a voluntary basis. There would be no recommendation to give to the Planning Commission and City Council would not be voting on the acquisition of property, since there was not a willing seller. He said if the Open Space Committee wanted to make a recommendation to purchase property, they should try to acquire it. If it is on the open market at a sales price, the Open Space Committee could make a recommendation to the Planning Commission to purchase the property and the Planning Commission would make a recommendation to City Council for consideration.

Councilman Ebner stated perhaps an item 5 could be added under Section 1.1 Purpose. Item 5 could be added clarifying voluntary and landowner could be added. He said people understand encouraging community involvement. He said if a piece of land is designated on paper and the owner is not aware of that then that could be an adversity towards the City.

Mr. Pearce stated it would be identifying land for potential acquisition. If there is no willing seller, it would end there. He said this could be looked at before second reading to see if that is an appropriate location or if it should be later on in the document.

Mr. Philip Merry, 215 Homestead Lane, stated he had prepared some analysis on the plan when he came the first time. He said he had seen the revisions to the Plan, and most of his analyses are still accurate and appropriate. He said his first question is to tell him why we need this. He wondered if there is something lacking or some mechanism lacking to accomplish this same task. He wondered if there is no way any of these things can be accomplished now.

Councilman Dewar stated what is lacking is the recognition of the importance of Open Space in the major documents of the City. He said whether or not this is the way to achieve that recognition is the question. He asked if we need a committee or do we just need to make it an element like the nine other elements that are in the major plan.

Mr. Merry asked then why do we need a committee to recognize that. He said the plan is doing a lot more than just recognizing open space. He said his contention begins with the fact that anybody can propose, recommend or suggest property that is open space that might be appropriate for a conservation easement or development rights transfer or any of the reasons outlined in the document. He said there is already a mechanism for that. There is already a way that can happen. Granted there is not a committee doing it. A Committee might be advantageous in the sense that they can help a landowner through the process of giving a conservation easement. He wondered why the Committee needs to be established, and why do we need to modify the Comprehensive Land Use Plan. He said he was on the Task Force, and it was quite a long and involved public process to create the plan. There was a variety of sub-committees. The City of Aiken was divided into districts. We had members of each district come for multiple public discussions. He said his committee met about 10 times. From that the materials were compiled for public comment, and there were at least three public comment sessions in the Conference Center for the Comprehensive Plan. He said we are proposing a 40 page amendment to the Comprehensive Plan without that process. That said, he wondered why we need to make this committee part of the Comprehensive Plan. We wondered if there could be a committee to identify property for easements and provide assistance to landowners and it not be a part of the Comprehensive Plan. That Committee could even propose the purchase of property from the \$1 million set aside for open space. He said once the Committee becomes part of the Comprehensive Plan that has statutory consequences. That means when a landowner is proposing a different use of their land from what it is being used for now, particularly in the case of an annexation request, the owner will have to look at this part of the Comprehensive Plan and have the section with respect to Open Space apply to his property. He said that means the Committee has some power over him and his ability to change the use of his land. He said that means the Committee didn't just recommend there should be a conservation easement on the property, but means that the landowner who wants to subdivide his property, change the zoning, and have it annexed has to go before this Committee and ask for their approval for his request. He

pointed out that in the development process when one has to go before a Board or Committee, whether it is a recommending Board or not, they have power. They can make changes. In an effort to get their favorable recommendation, developers desperately seeking the recommendation will amend, change, modify, strike, add, etc. to the proposal in order to get the recommendation. He said one only has to go to a Planning Commission meeting to know that is true. He said the Planning Commission only makes recommendations, but many changes are made to get their recommendations. He felt the Planning Commission has a lot of power. He said statutorily, with the Comprehensive Plan issue, Council would be giving the Open Space Committee power. The property owners would be going before that Committee and would have to make whatever additions, subtractions, or set asides that the Committee might see fit. He said ultimately the landowner would be at the mercy of the Committee and their decisions. He said Council may think they are merrily a recommending body, but if you think it works that way, you have not been through the development process.

Mr. Merry stated there are two potential activities the Open Space Committee could do. One, is simply to review open land and recommend it for easements. He said that is what Mayor Cavanaugh had referred to. He said that would obviously take a voluntary agreement with the landowner. The other side is what he had just talked about. The Committee would be reviewing applications for annexation, rezoning, and modifications to the current land use. He said he felt that was still in the proposed plan, and he was shocked that the Chamber of Commerce thinks these things have been taken out. He pointed out in the Plan under the Purpose there is a statement that it is to establish the framework for development. He said a framework for development is covered in the Zoning Ordinance. Under the matrix Mr. Wilson stated the growth management policy was taken out, but he felt it had not been removed and was still in the plan on page 37. Mr. Merry stated he had read the plan word for word, page for page four times. He pointed out there are several times in the Plan where it states that land values will be valued by the City based on natural resources. It also calls that landscape level valuations. He stated the value of property would be determined based on the value of what is on the property such as trees, crops, etc. and not valued on the market value of the property or the highest and best use of the property. He said he had many pages of comments on the Plan. He said he would be glad to talk to any of Council between meetings on the Plan. He pointed out Council needs to read it carefully to see what is included in the Plan. He said it could be written so the landowners would agree to it, but it is not written that way now. He said it still has problems and is still a hurdle and another layer of bureaucracy that a landowner must work with. It ultimately affects the value of land. It adds to the burden, adds to the problems, and adds to the hurdles and bureaucracy that landowners will face. He said his original question was why do we need this Committee and why does it need to be part of the Comprehensive Plan. He said it would be a good thing to have a committee of experts that could help with creation of conservation easements, but not part of the Comprehensive Plan. He said the Planning Commission members have a lot of good in what they are trying to accomplish, but there are a lot of stumbling blocks. He pointed out the same people won't always be on the Planning Commission or City Council. He said if this plan is not made better before it is adopted, it will be a problem down the road. He again asked why we have to have a committee that becomes a subcommittee of the Planning Commission which has recommending powers which is a big deal to the developers and why does it have to be a part of the Comprehensive Land Use Plan. He also asked why would we amend the Comprehensive Land Use Plan without going through the public process to create it in the first place.

Mr. Pearce stated he would be glad to meet with Mr. Merry before the second reading and go over the list of concerns.

Mayor Cavanaugh asked if Mr. Wilkins Byrd, Chair of the Planning Commission would like to address any issues mentioned.

Mr. Wilkins Byrd, Chair of the Planning Commission, stated he had not made any comments because he thought the Planning Commission had essentially made their comments by forwarding the Open Space Element Plan to City Council. He said there may be various elements of the proposed plan that various members may not be happy

with; however, the Plan is what the Commission has recommended to City Council. He said it bothers him that the Commission has left such lack of clarity in the minds of property owners and citizens about the reason for the Plan. He said the answer to Mr. Merry's concern as to why the Planning Commission would recommend an amendment to the Comprehensive Plan is that state law says we must have an Open Space Element as a part of the Comprehensive Plan. Secondly, the reason for this is that the City has \$1 million designated for the purchase of Open Space land. This was approved by the citizens with the approval of the One Cent Sales tax projects. This money is to be expended at some point when there is a recommendation for the purchase of property. How is this to be done? The Open Space Element is the Planning Commission's recommendation on how Council assembles the information that enables Council to make a rational decision about what land to purchase. He said it never crossed the minds of the Planning Commission members that this would be imposed on any landowner. He said he felt there was nothing in the Plan that suggests that it would be imposed on any landowner. It was envisioned that this would be an amicable purchase arrangement between a willing property owner and the City based upon conservation values that a Committee with some expertise in these things and matters like water shed protection, habitat protection, and biology, etc. which are rather specialized that Planning Commissioners in general don't have nor that City Council has. He said the Plan is a way to get some information to Council, who will make the decisions. He said he was concerned that members of the public think this Committee would have the power to impose regulations or command any property owner to come before them. He said that was not what was on the mind of any member of the Planning Commission. He said he doubted that was on the mind of any member of City Council. He said the Planning Commission is proposing that the Committee members be a group of people with a technical background that can provide some information. He said it was not to add any extra hurdles. He said there was nothing that he knew of in the Plan that would enable the Open Space Committee to call anyone before them who didn't want to come and discuss a matter. He said he appreciated the comments about the desirability of the Committee or someone making it clear to the property owners about what is going on. He stated Mr. Pearce had pointed out that the Plan envisions informing the public, specifically those who might be directly involved, as one of the several obligations of the Committee. He said it distresses him that after years, not months, of hearings that there is still some uncertainty about what the group is envisioned to do.

Councilman Ebner stated he may be an uncertain element in the room. He said what he had recommended does kind of water down Item 7 because it gets specific. He said some wording he would suggest adding is as follows: "Landowners participate as a volunteer only as a willing property owner, and are not required to participate in the Open Space Element." He said when it says "encourage community involvement" they see themselves as not represented. He said landowners are proud of their land, and he felt they are looking for assurance that if they don't want to do it, they don't have to. He said he had read the whole document. He felt it was written from the side that if he were a farmer, he would not want it. He felt that a few words and a kind sentence to the private individual in a land right's state would help the situation.

Mr. Byrd stated he felt that none of the Planning Commission members would have any resistance to the suggestion made by Councilman Ebner. He said if it puts the minds of the public at ease and clarifies the matter in the views of Council, he would applaud the adjustment in wording to the plan.

Councilman Ebner stated it was an adjustment to the Plan for the Commission to look at between the two readings of the ordinance for the plan.

Mayor Cavanaugh stated the item could always be moved to another agenda if more time is needed to consider the wording.

Councilman Dewar stated he was concerned about some of the concerns he had heard at this meeting. He pointed out wording on page 1 of the document and the purpose of the plan, specifically item 2. This states the purpose is to protect open spaces by: "inventorying and documenting the existing systems of open space as a baseline for

future planning and implementation.” He said as a landowner he reads that as saying that somebody from the City, or the Open Space Committee, will be looking at his land. He wondered how they would do that in isolation without talking to the community. He felt that was part of the problem. He said that was what Council was hearing from some of the people and the fact that they felt it was another burden to the landowners. He said he had not realized that a reason we are proposing the plan is that by law we have to have an Open Space Element in the Comprehensive Plan. He stated the most recent issue of the newsletter from the Municipal Association talked about the Comprehensive Plan and the elements included in the Plan. He said he did not see Open Space as a required element.

Mr. Byrd stated the Planning Commission studied at some length aspects of state law that recognize the appropriateness of an Open Space Element in a Comprehensive Plan. He said if he said it is required he may have stretched the point, but it is certainly recognized as an appropriate element under state law.

Councilman Dewar stated he thought this is where the whole process started. He said Council recognizes the importance of open space in the planning process. The City has various elements in the Comprehensive Plan. He said sometimes it is hard for government to write a document without unintended consequences. He said at times we read something into a document and someone else reads something different into the same words. He said he had expressed concern from the beginning about where we are going to get these expert land management people to serve on the Committee. He felt it would be a challenge to find people who have that expertise, as it already is a challenge sometimes to find people to serve on the other various boards of the City.

Mr. Byrd stated Councilman Dewar’s concerns previously expressed on that point regarding appointment of members with particular expertise are the principal reasons that the Plan is structured as it is. That is, that the Planning Commission offers to propose a list of nominees to Council with special expertise to serve on the Open Space Committee. The list could be enlarged or altered in any way. The Planning Commission would provide a list and would draw suggestions from mostly three groups that are obvious sources for such people because they are involved in this field and have expressed an interest. The groups are the Hitchcock Foundation, the Aiken Chamber of Commerce, and the Aiken Land Conservancy. The Board and connections of each of those groups include a lot of people with all sorts of specialized expertise in habitat management, water resource issues, biology and botany. These things all bear on what is an appropriate choice for open space. He said those are the rationales for the selection of members of the Committee. Council would be provided with the backgrounds of the people. It was noted that members of the Committee were suggested to come from the Comprehensive Plan Area, because it is entirely possible that some of the land that might be proposed for acquisition would be outside the current city limits. Thus it makes sense for people within the larger area to be involved and on the Committee. He said this was done specifically in the hopes of addressing the question raised by Councilman Dewar.

Councilman Dewar asked Mr. Byrd to comment on his thoughts about how the Planning Commission would be able to perform its duties without the subcommittee in terms of recognizing the importance of Open Space. He asked if the Planning Commission needs the subcommittee to deal with Open Space or if the Commission could deal with open space.

Mr. Byrd stated he did not know that the Planning Commission had dealt with open space in years. He said he had been on the Planning Commission for eight years, and he did not remember dealing with open space in this sense.

Councilman Dewar stated the Planning Commission had dealt with development, and even though it did not specify open space management, the Commission had dealt with issues that the proposed plan would deal with.

Mr. Byrd stated the Planning Commission had dealt with and considers development projects as the core of their responsibility, but the open space involved there is quite different from what is being discussed in the Open Space Element. He said the open

space in development projects is open space that Council determined needed to be included in any development project, mostly as an amenity. This open space is a percentage of the project. The open space is not something special such as a habitat, a stand of trees, a water source, or protecting the city's water sources. It is just a percentage of the project and can be anywhere in the project. He said that sort of open space is very generically defined. You don't need anyone with a background in the sciences to determine that kind of open space.

Councilman Homoki stated for the open space plan basically areas would not be considered unless someone came and said they wanted to build something and then the area would be looked at.

Mr. Byrd pointed out that the Planning Commission had not been charged with the task of suggesting to Council how to spend the \$1 million for open space. He said it is felt that the Planning Commission does not have the insight on their own to give Council good advice on open space areas. He said if the Planning Commission were to try to advise Council on spending the \$1 million for open space, they would try to assemble a group of people with that expertise to advise them where significant tracts are that would benefit the city and that would protect certain areas such as the water source, etc. He said he felt the Planning Commission is not familiar enough with open space without some outside source to help them. He said the Planning Commission has suggested that a Committee of persons with special knowledge of open space be appointed who can pass along this information to City Council.

Mayor Cavanaugh stated he did not get the feeling that Council did not want an Open Space Committee. He said it did seem, however, that some of the language in the Open Space Element still needs to be changed to include that participation in conservation easements and open space is voluntary. Also, that wording be included that would make the plan more acceptable and more understandable.

Mr. Merry stated he did feel that with some language changes the Open Space Element would be fine. He said he applauds the spirit of creating a means to preserve open spaces. However, the document does not say anywhere that the Open Space Committee won't be involved in annexation, rezoning, or changes of land use. He said that was his real concern. He felt the document needs to say that the Committee will not be involved in annexation, rezoning, etc. He said he would be happy to work with the Planning Commission on suggested wording to make those changes.

Mr. Pearce stated Council could pass the ordinance on first reading, refer it to the Planning Commission for recommended language changes based on the conversations at this meeting and send it back to City Council for second reading.

Mr. James Brinkley, 117 Park Avenue, stated it had been said that the Open Space Committee would not be a part of the process. He stated he had been a part of the process and been through the Planning Commission, zoning, impacts, etc. He said what he was concerned about and what it seems that other landowners are concerned about is that there will be some control if they try to sell their property and that they will have to go through the process and there will be stumbling blocks in going through the process. It seems if they want to sell their property, they have to go through the Planning Commission and the Open Space Committee before they can sell their property. He said there needs to be language in the document that will address those concerns. Their concerns are that the Committee will be controlling what they own or what they want to buy. He said it had been said that the Open Space Committee will only be concerned with identifying property for the city to buy it if it is deemed to be open space that should be saved. He pointed out the Plan says the purpose is to protect remaining open spaces. He wondered what that includes. He pointed out the open space map includes a very large area. He said landowners look at this plan as being an infringement on their property and another step they have to go through to be able to do something with land they own.

Mr. Pearce stated Sam's Club had been mentioned and that there were issues about annexing this property. He pointed out Sam's Club did not annex because the property is not contiguous to the city limits, but they have signed an annexation agreement.

Mayor Cavanaugh stated Council had talked about changing wording in the document to make sure that wording about the volunteer aspect is included and wording that the Open Space Committee will not be involved in annexation, rezoning, or land use changes. The Committee will identify areas for possible open space and conservation easements that would potentially be appropriate for an easement or sale, but it does not require it. He pointed out granting open space or a conservation easement is voluntary and if the landowner does not want to grant an easement they do not have to do it.

Mr. Byrd stated he felt there is nothing in the proposed Open Space Element that would add any additional hurdle or any additional restrictions to the use or sale of a person's land or the cutting of timber on property. He felt it does not add any additional restrictions. It only provides an avenue for the City if it chooses to go to a person and talk to them about the purchase of property or the designation of a conservation easement. Mr. Byrd stated if Council decides to establish the Open Space Committee, the Committee would consider the lands within the Comprehensive planning area and decide what they thought was most significant to the public good. The Committee would then recommend these areas to the Planning Commission. The Planning Commission would then give the recommendations to City Council. If Council saw fit, the city would then seek to make a voluntary agreement with the property owner to either acquire the property, or buy it outright or possibly devise an easement that appeals to the property owner. He pointed out that all this has been envisioned as a voluntary arrangement.

Councilman Ebner stated it appears that the words Mr. Byrd just said is kind of what the citizens are saying. He felt this should be incorporated with whatever words we want to use and to continue this item. He said we need to use words in the document that make the landowners feel that they are a participant as a willing landowner and are not required to do anything. He felt the item needs to be continued and Council needs to move on to the next item.

Mr. Gary Smith, City Attorney, stated Council can move forward on the issue however they choose. He said there are a couple of options. One is to continue the item and ask the Planning Commission for new language in keeping with what has been discussed at this meeting. The second option is to pass the ordinance on first reading with a directive to the Planning Commission to consider new language in keeping with the discussions at this meeting and make the appropriate modifications to the draft and send it back to City Council for second reading after the Planning Commission has had the opportunity to reconsider this ordinance.

It was pointed out that there is a motion and second to pass the ordinance on first reading.

Councilman Ebner stated the motion could be withdrawn.

Councilman Homoki asked if the Open Space Committee's inventory of open space areas would consist of any property without an owner's agreement.

Mr. Pearce stated the way the document is drafted the Open Space Committee is tasked with developing an inventory list of property. It says the Committee is to develop a list, and it also says there should be community involvement in the development of the list. He said the language could be revised if Council wishes. If the document is sent back to the Planning Commission, it gives an opportunity in a public forum to hash out some of the issues to see what could be revised about the Open Space Element. He pointed out one has to read the list on Implementation and the eight items that the Open Space Committee is tasked to do and recommend to the Planning Commission. The Committee does not have open authority, but it does give them a path forward and a list of duties. They want to encourage community involvement and inform the public about the open space.

Councilman Wells stated he did feel that there are some things in the Open Space Element that could be subjective. He felt the document could be simplified and changes made to make it easier to follow.

Councilman Homoki stated he felt item 7 of the Implementation should include some stronger words. He felt the word agreement and voluntary should be one of the eight points.

Councilwoman Price stated she would suggest that Council continue the item and ask for new language and that the two who made and seconded the motion to approve the ordinance on first reading withdraw their motion. She said she felt we may be opening up something with this document. She said if her name is on a list that says in the future her land may be open space, she may not like that. She said that automatically causes distrust in government. She said she did not feel that Council realizes what they may be embarking upon with the current language. She said there had been comment by Philip Merry regarding the language. She said if Council is going to adopt an Open Space Element the document needs to spell it out so people know what they are getting into.

Mayor Cavanaugh withdrew his motion and Councilman Homoki withdrew his second to pass the ordinance on first reading.

Councilman Dewar stated he felt this was the right way to go. He felt those who have a strong feeling about the document one way or the other should attend the Planning Commission meeting so we understand what they are doing. He said he would recommend that there be a section of what the document does not do as people are concerned about what it does do.

Councilman Ebner asked the City Attorney to restate what needs to be done so Council can move on.

Councilwoman Price moved, seconded by Councilman Dewar, that Council continue the item regarding the Open Space Element and that it be sent back to the Planning Commission for new language drawn from the discussions at this meeting. The motion was unanimously approved.

COLLETON PARK – RESOLUTION 08132012

Deed of Dedication

Water Lines

Sanitary Sewer Lines

Storm Drains

Streets

Utility Easements

Silver Bluff Road

Colleton Park Community Assembly

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to accept a deed of dedication from the Colleton Park Community Assembly, Inc.

Mr. Pearce read the title of the resolution.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DEED OF DEDICATION FROM COLLETON PARK COMMUNITY ASSEMBLY, INC.

Mr. Pearce stated the Colleton Park Community Assembly has requested the City of Aiken accept a deed of dedication of all water lines, sanitary sewer lines, storm drains, streets, utility easements, and all appurtenances in the Colleton Park Subdivision which is located off Silver Bluff Road.

Engineering and Utilities Department Director Larry Morris has reviewed this request and the documentation provided. After doing so, he is recommending acceptance of this

deed.

For Council consideration is a resolution accepting a Deed of Dedication for the Colleton Park infrastructure as described above.

Councilman Ebner stated he wanted to be sure Mr. Morris, Engineering and Utilities Director, is in agreement to accept the streets and utilities. He pointed out the developer of this subdivision did follow all the city's specifications.

Councilman Wells moved, seconded by Councilwoman Price, that Council approve the resolution accepting the Deed of Dedication for the streets and utilities in the Colleton Park Subdivision. The motion was unanimously approved.

PAVING

State Streets

Mayor Cavanaugh stated Council needed to consider approval of a two year state street paving list.

Mr. Pearce stated every year the City of Aiken receives funding from the State to pave approximately 3 miles of state streets each year. The Engineering Division surveys each of these streets and ranks them according to the need for repaving. The funding comes from the State out of their "C" Funds Account as part of their road maintenance.

A list of streets in priority order for this coming year was provided to Council. We have listed 7.87 miles of streets for paving in case the State receives additional funding from the Federal government and needs to immediately commit this money. Any streets that are not paved this year will be continued on the list for next year. The streets recommended for paving are as follows:

State Maintained Street Paving					
Street	From	2012-2013		State Road	Mileage
		State Road	To		
Park Avenue (WB+EB)	Chesterfield Street	S-170	Union St (to pav't change)	S-166	0.29
Hayne Avenue	Richland Avenue	US 1, 78	Laurens Street	SC 19	1.05
Morgan Street	Richland Avenue	US 1, 78	Edgefield Avenue	S-366	0.27
Greenwood Street	Hayne Avenue	S-3	Richland Avenue	US 1, 78	0.11
Gyles Road	Kerr Drive	S-2053	Parsons Lane	S-823	0.18
Murray Court	Lakeside Drive	S-1268	Cul-de-sac		0.11
Moultrie Drive	Savannah Drive	S-1840	Lakeside Drive	S-1268	0.7
Huron Drive	Savannah Drive	S-1840	Moultrie Drive	S-1835	0.27
Chestnut Court	Moultrie Drive	S-1835	Cul-de-sac		0.11
Sandpiper Place	Moultrie Drive	S-1835	Cul-de-sac		0.05
Quail Hollow Court	Moultrie Drive	S-1835	Cul-de-sac		0.05
Hilton Street	Savannah Drive	S-1840	Lakeside Drive	S-1268	0.14
Short Court	Lakeside Drive	S-1268	Cul-de-sac		0.05
North Carolina Avenue	Abbeville Avenue	S-176	Hampton Avenue	S-80	0.18
Waterloo Street	Hayne Avenue	S-3	Richland Avenue	US 1, 78	0.12
Whippoorwill Court	Moultrie Drive	S-1835	Cul-de-sac		0.16
Florence Street SB+NB	Hayne Avenue	S-3	Richland Avenue	US 1, 78	0.12

Barnwell Avenue WB+EB	Marion Street	S-367	Beaufort Street	S-118	0.32
Barnwell Avenue WB+EB	Vaucluse Road	S-105	Morgan Street	S-175	0.22
Trafalgar Street	Holly Lane	S-197	Hayne Avenue	S-3	0.06
Holly Lane	Chaffee Springs Road	S-1309	Trafalgar Street	S-226	0.12
Pendleton Street SB+NB	Edgefield Avenue	S-366	Hampton Avenue	S-80	0.12
Abbeville Avenue WB+EB	Lancaster Street	S-168	Greenville Street	S-302	0.18
Edrie Drive	Sundy Drive	S-676	Bunche Terrace	S-1950	0.26
Bunche Terrace	Camellia Street	S-29	Beaufort Street	S-118	0.13
Sumter Street	End (North of Sundy Drive)		Bamberg Avenue	S-1326	0.14
Arbutus Drive	Spring Drive	S-1126	End		0.06
Assembly Street	Hampton Avenue	S-80	Senate Drive		0.22
Berkeley Street NB+SB	Colleton Avenue	S-169	Park Avenue	S-3	0.12
Berkeley Street Extension	Pinehurst Avenue	S-681	South Boundary Avenue	S-85	0.12
Burgundy Road	Dibble Road	S-225	Summit Drive	S-602	0.51
Camellia Street	Hampton Avenue	S-80	Beaufort Street	S-118	0.55
Clark Road	Hitchcock Drive	S-823	End		0.29
Crossways Place	South Boundary Avenue	S-85	End		0.07
Dexter Street	Croft Avenue	S-1427	Chatfield Street	S-1708	0.18
Gilbert Street	Banks Mill Road	S-79	South Boundary Avenue	S-85	0.24
				Total	7.87

Mr. Pearce pointed out the section of Park Avenue from Chesterfield to Union going east is on the paving list. The section of Park Avenue from Chesterfield to Hayne is to be paved this fall.

For City Council consideration is approval of the State street paving list for the next two years as recommended by the Engineering and Utilities Director.

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council approve the list of streets recommended for paving for the next two years. The motion was unanimously approved.

BUDGET CLOSE OUT

FY 2011-12

Mayor Cavanaugh stated Council needed to approve the year-end budget closeout for FY 2011-12.

Mr. Pearce stated Finance Director Kim Abney has provided the FY 2011-2012 budget final report. She has reported unspent and (overspent) funds as follows:

General Fund (001)	\$309,871
Utilities Fund (002)	4,461
Storm Water Fund (006)	461,161

Uncompleted stormwater projects are the reason we have a carryover of \$461,161 in the Stormwater Fund. We anticipate completing these projects in FY 2012-13.

Of the \$4,461 Utilities Fund unspent funds \$3,089.72 will be applied to depreciation of a new vehicle for Division 3181; the balance will be carried over to FY 2012-2013 needs.

The unspent money in our General Fund needs to be applied as follows:

	<u>Total to be Applied</u>	\$309,871
Worker's Compensation Insurance, Deductible		\$ 75,000
General Liability Policy, Deductible		20,646
Health Insurance, Cap on Individual Claims		<u>75,000</u>
	Subtotal	170,646
Information Technology, Hardware & Software		23,000
Inspections, Microfilm Transfer		7,500
Human Resources, Memberships		1,225
Planning, Studies		36,000
Parks, Recreation & Tourism, Smith-Hazel Roof Repair		9,000
Parks, Recreation & Tourism, Smith-Hazel Pool		20,000
Parks, Recreation & Tourism, Dollhouse Work		10,000
Parks, Recreation & Tourism, Fire Sprinkler		12,500
Parks, Recreation & Tourism, Building Maintenance		20,000
	Subtotal	\$139,225

Mr. Pearce noted we have one outstanding revenue invoice payable to the City for our annual tax on premiums for insurance policies written in our city limits. We believe this payment will be about \$154,600 and will be paid later this month. He pointed out this amount provides funds to consider for a salary adjustment for our employees. He said he had discussed this with Council when reviewing the budget in June. How this money would actually be disbursed will depend on the annual evaluations. He said he was looking at a base amount to consider for a Cost of Living. He pointed out the City had only provided Cost of Living adjustments for the last few years. He said we have some employees that he considers to be under very difficult economic times who delivered way beyond the call of duty, and he would like to recognize them in a tangible way with a potential bonus. The evaluations have not been completed at this time. Once the evaluations are completed and a statistical analysis completed, he said he would come back to Council with a proposed distribution for a Cost of Living and a merit bonus for those deserving employees.

For Council consideration is approval of the unspent funds for the General Fund, Utility Fund and Stormwater Fund as listed and recommended to Council.

Councilman Ebner asked if the proposed merit increase was a bonus or a salary increase. He wondered if the actual salary would remain the same. Mr. Pearce stated it would be a bonus. Even though the money is recurring revenue, the funds would be used for a merit bonus if there are sufficient funds to do it as a onetime payment. The salary would remain the same unless there is a Cost of Living adjustment which would be considered after an analysis. If there is a Cost of Living increase the salary would change.

Councilman Ebner stated if bonuses are given for several years, what would that do for our salary surveys. If we keep giving bonuses, the salary stays the same. He wondered if that would put us behind in actual salaries. He said he thought a few years ago the City had to adjust salaries.

Mr. Pearce stated he did not feel that the City would be behind in salaries compared to others. However, we could look at that. He stated we did adjust some salaries a few years ago and that was done after an analysis of some of the entry level positions and the difficulty we were having in filling the positions. At that time Council approved a \$500 increase in salary and then a percentage. It was felt that someone at a lower salary that a \$500 increase in salary had a more dramatic impact than just a percentage increase.

Councilman Ebner stated that was his concern. He pointed out the City does have some employees that actually qualify for ACTS and other charities around town. He wondered if we should look at some particular salaries versus across the board. Mr. Pearce stated that was the analysis he planned to do.

Councilman Ebner pointed out the statement in Ms. Abney's memo that only \$1,080,000 of the \$1,200,000 budgeted for depreciation for the Water and Sewer System was funded. He wondered if budgeting for depreciation was statutory, and if it was okay not to fund all the depreciation in the enterprise fund.

Mr. Pearce responded that the depreciation was actually in the budget and part of the budget approved by Council. He pointed out that we came closer to funding the budgeted amount for depreciation this year than in past years. He stated the depreciation is a line item in the budget like all the other items in the budget. Many times not all the amount budgeted for a line item is spent. Mr. Pearce stated the \$1,080,000 was the amount available in the Utilities account to fund the depreciation. It was pointed out not only is the amount for a line item not always spent, but many times the amount budgeted for revenue is not reached either. It was pointed out a budget is an estimate and not a guarantee of revenue or expenditures. Mr. Pearce stated in past years sometimes depreciation was funded below the \$1 million level. He pointed out the enterprise fund is a self-supporting fund. Mr. Pearce pointed out the loan approved for the water plant on Silver Bluff Road was not drawn down. He said construction was not started on the project so the loan was not made last year. He said we are waiting on the permit from DHEC to proceed with the project.

Councilman Homoki stated the water and sewer rates were raised last year and he wondered about a surplus in the Utility Fund. Mr. Pearce pointed out the surplus in the Utility Fund was only \$4,461. He said \$3,000 of that needs to be committed to depreciation for new vehicles purchased. He said that leaves only about \$1,400 above the revenue amount budgeted.

Councilman Dewar asked about the \$170,646 to be applied to insurance. Mr. Pearce stated this amount was being applied to the deductible that the city has to pay for insurance claims each year.

Councilman Dewar asked if it would be possible in the future to give Councilmembers a choice on some projects that individual Councilmembers might want to spend money. He said Council was not getting any input.

Mr. Pearce pointed out that the projects were actually items that were budgeted and that Council voted on in the FY 11-12 budget. The money just was not spent in FY 11-12, but the items are still needed and the items will be spent in the FY 12-13 budget. He said the carryover of the unspent money needs to be approved so the money can be spent.

Councilwoman Diggs moved, seconded by Mayor Cavanaugh, that Council approve the recommendation for the unspent funds for FY 2011-12 for the General Fund, Utility Fund and Stormwater Fund as listed. The motion was unanimously approved.

EXECUTIVE SESSION

Personnel Matter

City Manager Evaluation

Mayor Cavanaugh stated Council needed to go into executive session to discuss a personnel matter regarding the annual review of the City Manager.

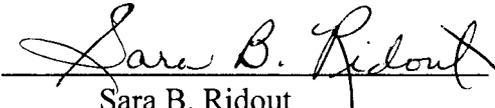
Councilwoman Price moved, seconded by Councilman Ebner that Council go into executive session to discuss a personnel matter. The motion was unanimously approved. Council went into executive session at 11:26 p.m.

At 12:36 a.m. Councilman Dewar moved, seconded by Councilman Homoki that Council come out of executive session. The motion was unanimously approved.

Mayor Cavanaugh announced that Council had discussed the evaluation of the City Manager and no action was taken.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:36 a.m.


Sara B. Ridout
City Clerk