

Aiken City Council MinutesREGULAR MEETING

July 13, 2015

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

Others Present: John Klimm, Stuart Bedenbaugh, Gary Smith, Charles Barranco, Tim Coakley, Jessica Campbell, Alicia Davis, Kim Abney, George Grinton, Tommy Paradise, Phil Kestin, Sara Ridout, Maayan Schechter and Michael Ulmer, of the Aiken Standard, and about 140 citizens.

CALL TO ORDER

Mayor Cavanaugh called the regular meeting to order at 7:01 P.M. Councilman Merry 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. He asked those wishing to speak to come to the podium and give their name and address. Mayor Cavanaugh pointed out the 5 minute clock on the screen. He said the purpose of the clock was so the person speaking will know how long they have been speaking. He said the 5 minute limit would not apply to special presentations.

ADDITIONS OR DELETIONS TO AGENDA

Mayor Cavanaugh asked if there were any additions or deletions to the agenda. Councilman Homoki stated he would like to make a comment. He introduced his wife Zee, his daughter Liz from Albuquerque and his two granddaughters Zeda, and Ellie.

Councilman Ebner pointed out that County Councilmember Camille Furguele was present. Councilwoman Price pointed out State Representative Bill Clyburn and his wife Beverly Clyburn were present. Councilman Homoki noted that Lessie Price is a Mayoral candidate. Councilwoman Digg noted that School Board member Tad Barber is present.

MINUTES

The minutes of the Executive Session and Regular meeting of June 22, were considered for approval. Councilwoman Diggs moved, seconded by Councilman Merry, that the minutes of June 22, 2015, be approved. The motion was unanimously approved.

BOARDS AND COMMISSIONSAppointmentsDoug HufferGeneral Aviation CommissionMarion NaifehPark Commission

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

Mr. Klimm stated Councilman Ebner has recommended the reappointment of Doug Huffer to the General Aviation Commission. If reappointed his term would expire September 1, 2017. Councilman Ebner has also recommended the reappointment of Marion Naifeh to the Park Commission, and if reappointed her term would expire

December 1, 2017.

For Council consideration is the reappointment of Doug Huffer to the General Aviation Commission and Marion Naifeh to the Park Commission.

Councilman Ebner moved, seconded by Councilman Dewar, that Council reappoint Doug Huffer to the General Aviation Commission with the term to expire September 1, 2017 and reappoint Marion Naifeh to the Park Commission with the term to expire December 1, 2017. The motion was unanimously approved.

Mayor Cavanaugh asked if there were any nominations for the next Council meeting.

Councilman Merry stated he would like to nominate Butch Roberson for reappointment to the General Aviation Commission.

Councilman Dewar stated he would like to nominate Lori Comshaw to the Recreation Commission.

Councilwoman Diggs stated she would like to nominate Gary Yount for appointment to the Community Development Committee to replace Carmen Roa.

Mayor Cavanaugh stated he would like to nominate Jordan Goetzman to the Community Development Committee to replace Eugene McKie.

Mayor Cavanaugh stated the recommendations would be on the next Council agenda for August 10, 2015.

REZONING – ORDINANCE 07132015

1139 York Street NE  
Waffle House  
Ben Chavis  
Lloyd Crytzer  
TPN 120-11-18-007

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to rezone property at 1139 York Street NE from Industrial (I) to General Business (GB).

Mr. Klimm read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED AT 1139 YORK STREET NE FROM INDUSTRIAL TO GENERAL BUSINESS (GB).

Mr. Klimm stated the applicant Waffle House, Inc. and owners Ben Chavis and Lloyd Crytzer have requested that the property at 1139 York Street NE be rezoned from Industrial (I) to General Business (GB). Currently the property is used as an auto sales lot. The proposed rezoning is to allow the property to be used as a new restaurant. A used car lot is a permitted use under GB and I zoning. However, eating establishments are only permitted by special exception in an area zoned Industrial.

The Planning Commission reviewed the request at their June 9, 2015, meeting. They voted unanimously to recommend approval of the application with the condition that there be no access from York Street.

City Council approved this ordinance on first reading at the June 22, 2015, meeting. For Council consideration is second reading and public hearing of an ordinance to rezone property at 1139 York Street NE from Industrial (I) to General Business (GB).

The public hearing was held.

Councilwoman Diggs moved, seconded by Councilman Ebner, that Council approve on second and final reading an ordinance to rezone property at 1139 York Street NE from Industrial (I) to General Business (GB). The motion was unanimously approved

CONCEPT PLAN - ORDINANCE 07132015A

South Park Shopping Center

Harvard's

TPN 106-08-03-007

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of ordinance to amend the concept plan for Harvard's at South Park Shopping Center.

Mr. Klimm read the title of the ordinance.

AN ORDINANCE AMENDING THE CONCEPT PLAN FOR SOUTH PARK SHOPPING CENTER.

Mr. Klimm stated applicant, J. E. Stewart Builders, proposes to construct a 12' by 79' expansion along the rear of Harvard's building located in the South Park Shopping Center. This expansion would be used as additional storage space. The addition would encroach upon an existing grassed 19.14' space between the current rear face of the building and the existing service drive. Four small landscape trees would be relocated. The Zoning Ordinance states any change to the approved concept plan that affects the intent and character of the development, the density, or land use pattern, or similar changes shall require approval by City Council after recommendation by the Planning Commission.

The Planning Commission at their regular June 9, 2015, meeting considered the request to revise the Concept Plan for Harvard's at South Park Shopping Center to allow for an expansion of the existing building. The Commission voted unanimously to recommend approval of the application to expand Harvard's with the condition that the four small landscape trees be relocated.

City Council approved this ordinance on first reading at the June 22, 2015, meeting. For Council consideration is second reading and public hearing of an ordinance to amend the Concept Plan for South Park Shopping Center to allow an expansion at the rear of Harvard's building.

The public hearing was held.

Councilman Dewar moved, seconded by Councilwoman Price, that Council approve on second and final reading an ordinance to amend the Concept Plan for South Park Shopping Center to allow an expansion at the rear of Harvard's building. The motion was unanimously approved.

ZONING ORDINANCE AMENDMENT – ORDINANCE

Maximum Building Height

Downtown Business District

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of ordinance to amend the Zoning Ordinance to change the maximum building height in the Downtown Business District.

Mr. Klimm read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING BUILDING HEIGHT RESTRICTIONS IN THE DOWNTOWN BUSINESS ZONE.

Mr. Klimm stated at the April 14 and May 12 work sessions, the Planning Commission discussed the City's request to consider changes to the height restrictions in the Downtown Business (DB) zoning district to increase the allowable height from a

maximum of 50 feet. At the May 12 work session, the Commission agreed at that time to only discuss an increased height limit in the Downtown Business (DB) district. They agreed to schedule a public hearing to discuss changing the maximum height to 75 feet at the June 9 Planning Commission meeting.

At the regular Planning Commission meeting on June 9, 2015, they considered a request to change Table 4.3.1 of the Zoning Ordinance to allow the maximum building height in the Downtown Business District (DB) to be changed from 50 feet to 75 feet.

After discussion the Planning Commission voted 6 to 1 to recommend approval to amend the Zoning Ordinance to allow the maximum building height in the Downtown Business District (DB) to be changed from 50 feet to 75 feet.

Since the last City Council meeting on June 22, 2015, the developer of the Hotel Aiken has approached us and informed us they will make every effort to renovate this project within our height restrictions.

City Council approved this ordinance on first reading. For City Council consideration is second reading and public hearing of an ordinance to amend the Zoning Ordinance Table 4.3.1 to allow the maximum building height in the Downtown Business District (DB) to be changed from 50 feet to 75 feet.

The public hearing was held.

Mayor Cavanaugh stated he would like to move that Council suspend the rules so Council can have a discussion on this issue. The motion was seconded by Councilman Dewar. The motion was unanimously approved.

Mayor Cavanaugh stated he felt it was perfectly clear now how the citizens feel about this issue. He said it is also clear how the Shahs feel about the matter. He said he felt Council can take a vote on this issue and put this to bed in his view and that of Council. He asked if any Councilmembers had any comments or questions.

Councilman Merry stated he would like to make a comment. He said he had heard from a lot of people. He said he had done his best to reply to as many as possible. He said his comments before the vote at first reading were then as they are now. He felt it was important to have the issue passed on first reading so we could communicate with our constituents and also the hotel project developers. In doing that not only did it crystalize the issue, but it also showed respect for recommendations from the Planning Commission. He said Council does not always do everything they recommend, but Council should always listen and understand why they say it. He said that was a big factor as well. He felt Council did the right thing in passing the ordinance on first reading. Knowing that the Planning Commission's recommendation was predicated a great degree on the hotel project, knowing that the hotel project has been as it was originally conceived pulled off the table, and knowing there is no compelling reason to raise the height 75 feet at this time, he did not feel there would be any reason to go forward with the ordinance. He said he wanted to make reference to what Council did at the non-binding first reading vote, and point out that he felt it had been a valuable process for Council.

Councilwoman Diggs stated she would like to thank Mr. Shah for going back to the architects and the drawing board and modifying the plans and actually coming up with another way to add additional rooms without adding more height. She said she appreciates his efforts in doing that. She said she hoped when this project begins that the hotel will be restored to its vibrancy. She pointed out that her wedding party stayed at the Hotel Aiken in 1980, and she loved the hotel. She said she knew the hotel had been referred to as a roach hotel. She said let's clean it up and get it restored to its original beauty.

Councilman Homoki stated one of the things that concerned him at the last meeting was if Council had rejected the ordinance outright, we would have been in a position of having the developer saying they were not interested in the project any more. He said he

was very interested in seeing the hotel rehabilitated and rebuilt. He felt it could be a magnet for businessmen who come to Aiken and tourists as well which he felt it was not at this time.

Councilwoman Price stated she wanted to thank the citizens out there. She said many citizens called Council, sent emails and had incredible passion for what they felt, not with the intent of saying they were against the proposed ordinance, but that they were determined to let Council know that they love this community, love the character, and were willing to do whatever they could to protect it within reason. She said that being said Mr. Shah and his father heard the citizens as well, and they decided to withdraw their request, go back to the drawing board and look at their design and architectural plan. With that they decided to design something that fits the character of Aiken. She said she could not applaud the Shahs more for wanting to do that and also the citizens for having the passion to have everybody take a different look at the project. She said her thoughts had been reinforced for Aiken not only for the people who called with their passions, but the fact that they could talk to each other, debate an issue passionately, and then leave as friends trying to work together for the betterment of the community. She thanked those present on both sides of the aisle; those who called and said they wanted to see the height raised to 75 feet and those who called and asked that Council leave it as it is at 50 feet as they wanted to protect what we have historically. She felt we could move forward with an attractive design plan. She said she was looking forward to working with the Shahs. She said interestingly Mr. Shah said he doesn't mind sharing that information before it comes to Council. She said she knew she had a few people that she asked to go to the Shahs and share their concerns with them. They asked if they could look at the design plans before they are reviewed by Council, and she felt the Shahs were willing to do that. She said we all want to work together for the good of the community.

Councilman Dewar stated he would like to thank the people as well. He felt it was a passionate response to a dramatic change in the community that we are just not ready for yet. He said he did not get an indication from anyone that they were opposed to revamping and upgrading Hotel Aiken. It is a fine piece of property. It is in a great location. He said he hoped we can get to the point where we can see enough specifics to be thrilled with what is going to happen to our community. He said he was particularly pleased with the tone of the response of most of the people except for one who contacted him were against the change in the building height, but they were in support of what the Shah family wants to do with the property. He said he thanked them for that. It just proves when the citizens get together Council listens. He said he felt five of Council would listen more closely than they have before.

Councilman Ebner stated he wanted a point of clarification. He said we had not discussed the multi-story parking garage. He said he assumed the turn down of this ordinance or the vote for it would include the height restrictions on the parking garage also. He said that was the initial thing, the six story parking garage.

Councilman Merry stated there had never been a proposal for a parking garage or a number of stories or anything else. He said that was never part of this. Councilman Ebner stated that was initially talked about. He said he wanted to be sure what we are talking about tonight includes any building in town.

Mr. Smith, City Attorney, stated if Council goes down the path he was expecting Council to go, the 50 foot height restriction would apply to all buildings in DBD.

Councilman Dewar stated as a point of order, could Council make a motion. Mr. Smith responded Council could make a motion.

Councilman Merry stated he would move that Council reject the recommendation of the Planning Commission to raise the height limit in the DBD to 75 feet. He said in rejecting the recommendation of the Planning Commission that would mean that the 50 foot height limit was preserved for all of the Downtown Business District for all buildings new or existing. The motion was seconded by Councilwoman Price.

Councilman Dewar stated when Council votes on this, there are some people present who want to take the opportunity to speak to Council on the matter, even though they will know the results of whether the ordinance is going to be defeated. He felt they should have the right to speak before Council since they have taken the time to come to the meeting.

Mayor Cavanaugh stated ordinances primarily have two readings. He said several members of Council voted in favor of the ordinance to raise the maximum height limit on first reading. He said many times we want to get the matter out there again to see what other folks who perhaps did not have a chance to be at the meeting had to say about the issue. He said Council has done this many times, and it was not because they knew they were going to vote the same way the second time. He said he thought he and Councilwoman Price and some others all said their vote did not imply in any way that they were going to vote in favor of raising the height limit on the second reading. He said he wanted to say that because some people think it is a dead issue and Council will vote for it again on second reading. He said he also wanted to thank the citizens for their support against the ordinance as it lets Council know very clearly how the citizens feel and that is what Council wants to know. He said we always want to work together the best we can. He felt that is what they were doing at this meeting.

Councilwoman Price stated in her opinion, there is no one losing in this. We are all winners, and we can come together and make this work. She pointed out we are talking about a \$9 to \$10 million investment. That kind of investment has not been made in our downtown for a very, very long time. She said we can work together to achieve it.

Mayor Cavanaugh stated he felt we all know that we can't just let that building sit, and thanks to the Shahs who want to improve it. He said just imagine if the building just sits there and gets worse and worse which would not be good either. He said certainly we want to work together and get something going on that building that will be an improvement to our city and move our city forward in that respect.

Mayor Cavanaugh called for a vote on the motion by Councilman Merry. Councilman Ebner asked that the motion be restated and say what a yes vote is and what a no vote is.

Mr. Smith, City Attorney, stated the motion was to deny the ordinance. Councilman Ebner asked if a yes vote denies the ordinance, and a no vote would approve the ordinance.

Councilman Merry stated a vote in favor of the motion would mean there would be no change in the present Zoning Ordinance. The height limit would remain at 50 feet in the DBD.

Councilman Ebner asked that the City Attorney restate the motion.

Mr. Smith stated the motion from Councilman Merry was to deny the adoption of the recommendation of the Planning Commission which would be a rejection of the ordinance which is before Council. The ordinance before Council would increase the building height limit in the DBD from 50 feet to 75 feet. If Council votes in favor of Councilman Merry's motion, Council would be denying the increase in the height of buildings in the downtown. That would keep the maximum height of buildings at 50 feet.

Mayor Cavanaugh called for a vote on the motion by Councilman Merry that Council reject the recommendation of the Planning Commission to raise the height limit for buildings in the DBD to 75 feet. He said in rejecting the recommendation of the Planning Commission that would mean that the 50 foot height limit was preserved for all of the Downtown Business District for all buildings new or existing. The motion was seconded by Councilwoman Price. The motion was unanimously approved.

Mayor Cavanaugh stated the citizens who wanted to speak on the matter could do so at this time.

Ms. Jane Page Thompson, 240 Knox Avenue, stated she wanted to represent about 100 people who could not be present and who signed a petition. She presented the petition to Council. Ms. Thompson thanked Mr. Shah for listening to the citizens of Aiken. She said she appreciated his willingness to hear suggestions and to reach out and talk to people as that is great civic stewardship. She said she did want to get one question on the record because of the semantics of this. She said most of the discussion had centered around one building and one initiative and one great investment. She said going forward City Council may want to consider some alternatives so an entire Zoning Ordinance for 700+/- buildings downtown are not impacted by one single advantage of one business over another. She said she had about 100 signatures on the petition being submitted to Council. She said some could not be present tonight or were here but did not want to speak. She thanked Council for doing the right thing for the citizens.

Councilwoman Price said that brings up a point that was discussed at the last meeting. She said it concerns her, and she received several phone calls that Council approved the height for the proposed hotel building, but denied two other requests. She said she would like for Mr. Paradise to come forward. She said that statement concerns her, and she would like to address that concern as to whether City Council had rejected other requests for a higher building height. She said a comment that came to her was that City Council rejected the Carriage House request and another request for an increase in building height. She said her concern is whether that is true and if it is not true it needs to be addressed so erroneous information is not being circulated saying City Council is doing something for someone and not for someone else.

Mr. Paradise stated if there was a variance request, it would have gone to the Board of Zoning Appeals rather than City Council as that is the normal process. He said he researched when the Zoning Ordinance changed in 1999. He said there was a question about Carriage House Inn. He found their application for a height variance for the location. Another question he received was about St. Mary's Church. St. Mary's did apply for a variance application and received a variance to allow a 57.5 foot tall church building and a 92 foot tall bell tower. Those were approved by the Zoning Board of Appeals. He said he did not find a building height variance going back to 1999 that was not approved. Councilwoman Price pointed out that none of those came to City Council. Mr. Paradise responded that those requests did not come to City Council.

Councilman Dewar stated he wanted to clarify the issue with regard to the Carriage House. As you know the Design Review Board has an informal session and people go before it before they incur any expenses to do what they want to do. The process was undertaken by the Carriage House Inn to consider increasing the height, and they were pretty well told no that it probably would not be favorably considered. They did want to increase the height, but they were dissuaded at the Design Review Board which was not the place they should have gone. He said this again points out a need as Councilman Merry has supported the hiring of someone with the Hospitality Tax money. He said this again points out the difficulty some of our businesses have with knowing the rules and where to go, who to go to, etc. Mr. Paradise is correct. If you want to vary the height, you go to the Board of Zoning Appeals; you don't go to the Design Review Board.

Councilwoman Price stated she was being specific of City Council as they don't have much in their lives besides our families and credibility. She said she had been told specifically that City Council rejected these two requests. She pointed out that Mr. Paradise stated that these requests never came to City Council. Mr. Paradise stated they did not come before City Council.

Councilman Homoki stated that is why we don't put people under oath when they testify. Councilwoman Price stated that is why she wanted it clear because it bothered her that this was being circulated, and she did not recall a request. She said Mayor Cavanaugh did not recall a request, but these comments were coming to Council, and she wanted to make sure that Council had not considered those requests.

Mr. Paradise stated up until 1999 a person could have come to the Planning Commission and City Council to request a height variance. When the Zoning Ordinance changed in

1999 under the Planning Act that was passed by the State legislature, City Council no longer had that authority. Those requests revert to the Board of Zoning Appeals.

Councilman Merry stated that was what he was going to ask clarification on. He said Mr. Paradise said the law changed and so that clarifies what he was trying to figure out. Councilman Merry stated one note to add to Councilman Dewar's comment, is that actually the Design Review Board has the right to limit height, but it does not have the authority to grant height greater than the ordinance allows. They could theoretically say 20 feet if they wanted to and that is all an applicant could do. The Carriage House never made a formal application as Mr. Paradise said for a higher limit. He said the DRB has the unique right to limit height, but does not have the right to grant height greater than what the ordinance allows. They have the right one way, but not both ways.

Councilwoman Diggs stated Council was accused of showing favoritism to the Shahs, but Council never discriminated against anyone because they never came to Council and asked for a higher height. Mr. Paradise stated that was correct.

Councilman Ebner stated let's go back to what Council talked about at the last meeting and this meeting. All the time this ordinance applied to the Downtown area and to all the buildings. He said he clarified that this time and last time. He said it was all buildings; it was not favoritism anywhere. He said there are a lot of rumors for different things going on, but he kind of discounts those.

Mr. Jeffery Jordan stated he was not present to speak on behalf of the Shahs, and he did not know the Hotel Aiken. He said he is a downtown business owner. He is a lifelong resident and grew up working in his dad's service station where the Pizza Joint is located today at the corner of Newberry Street and Richland Avenue. He said he grew up downtown. He said we have to be careful as a community and as Council that in an effort to maintain history and historical features of downtown that it does not become historical. He said he can remember in the early 1980s that the downtown was not in very good shape, and a lot of people put a lot of investment of time and money in making downtown good again. He said unfortunately when you leave here if you drive a couple of blocks, you will see a lot of empty buildings. He said he did not see a lot of people clamoring to invest in the downtown and the buildings. He asked how long can the property owners maintain buildings that no one rents and where shops are left unopened and where hotels cannot expand. He said we get so closed minded that we become afraid to go into the next century. He said he did not want to see downtown fade, not only because he is a businessman, but also because he does love Aiken as he is from here. He said we have to be careful in our arrogance that we don't get to where we hold up an ideal that we can't maintain. He said he was not under oath and he really didn't see this, but he was going to make a joke about this. He said a certain Councilman (Merry) when trying to use tax dollar money to invest in the downtown was burned in effigy for a while. He said we know that we don't want the taxpayers to invest in the downtown. That is pretty evident. He said it will take individuals like the Shahs, whom he does not know, but he was totally excited about their project as a downtown business owner as he does not know when there has been that big of an investment in the downtown. He said the thought of that excited him to no end. He said he was afraid that the waves that have crashed over the Shahs that they would get cold feet and say this might be more trouble than it is worth, and they don't want to do it. He said that will discourage other people from investing in the downtown. He said he had invested in a restaurant that had been closed for over two years, and spent more money rehabbing that than if they had gone on the south side and gone into a new building. He said they did that only because they love the downtown. He said there had been a flurry of businesses that closed in the downtown recently. He said that is not good for anybody. He said when people hold up an ideal of maintaining the historical, beauty, and integrity of all these things, we have to remember that somebody has to pay for that. If taxpayers are not willing to pay for it and pay to have buildings painted a certain color, maintain buildings, and grow businesses, that is going to take private investment. He said he felt the culture of Aiken has changed in the last 40 years for sure, but we have to make sure that we maintain change in a positive way. He felt we need to make sure we are monitoring things and what is moving in, but don't be afraid to change and don't be afraid to vote for height extensions and things of that nature. He said if we don't we will see more and more businesses fail. He said he

understood that revenue from building permits is way down, and businesses are closing because people don't want to invest and stick their neck out. They don't want to take their personal savings and put them into a business. He asked that Council be cautious about listening to a few people who say we don't need this or that, or why does Aiken need this or that. He said let the market place decide that; let the investors decide, not a few citizens who are concerned about the looks of something. He said he knew he was a Johnny Come Lately, and the proposed ordinance has been defeated. He said he does not owe the Shahs anything, and they don't owe him anything. However, he did want to point out that we have to be careful about running off investors, especially from the downtown because they are not lining up to invest in the downtown.

Councilwoman Price stated she would like to add that Mr. Jordan was not isolated in his concerns. She said she had heard some of these concerns. She said some of these individuals said they were afraid to come to speak out. She said she had said to them that they should not be afraid. They would not have a bunch of hecklers who would throw eggs at them. She said we are respectful and some civility is reinforced by our Mayor over and over. She said we welcome diverse comments. She thanked Mr. Jordan for speaking out. She said all that was considered before she voted, having heard some of those comments earlier. She felt we can look forward to a balance of economic development in this town. She said she wanted to commit to that. She said we can't have all of one thing or all the other, but need a balance.

Ms. Charlotte Wiedenman, 626 Hayne Avenue, stated she was from Historic Aiken Foundation Board of Trustees. She said her comments are their opposition to the proposed ordinance change to increase building height limits.

**The Historic Aiken Foundation Board of Trustees**  
***Opposition to***  
**Proposed Ordinance Change to Increase Aiken's Building Height Limits**

"The Historic Aiken Foundation (HAF) Board of Trustees is opposed to the proposal to change the current zoning ordinance in the Aiken Downtown Business District and most importantly the Old Aiken Overlay District by increasing the maximum building height from 50 to 75 feet. The Foundation Trustees firmly support the development of a vibrant downtown but are resolutely committed to protecting the City's *Old Aiken Overlay District* height restrictions. Changing current zoning restrictions to allow taller buildings, by 50%, would threaten the charm and historic appeal of Aiken's downtown.

While proponents of the height increase cite lack of height restrictions in North Augusta and 75 foot limits in Rock Hill and Sumter, HAF encourages Aiken City Council, the Design Review Board, Board of Zoning Appeals and the Planning Commissions to follow the course of well-respected preservation leaders like Charleston and Beaufort. Aiken's current 50 foot limit is consistent with these other highly regarded historic, vibrant and popular tourism areas. Charleston, the recognized national leader in the historic preservation movement, adopted their height restrictions in 1974. As a part of that city's 1974 preservation plan, Charleston imposed strict preservation guidelines including a height restriction of 55 feet to protect her historic integrity. It is obvious that Charleston's downtown has flourished economically by remaining steadfast in the protection of her historic downtown.

Recognizing the importance of historical preservation and planning for the future, Charleston, Beaufort, and Aiken all employed professional historic preservation consultants in 2008 to develop their new historic preservation plans. The "*Old Aiken Design Guidelines*" adopted in 2008 encourage height restrictions for a uniform, aesthetic, low-level skyline. The purpose of these *Guidelines* is "to protect the unique architectural characteristics of Aiken's downtown." Recently, Charleston and Mt Pleasant planning commissions have continued to insist on close adherence to the lower building heights and voted actually to *decrease* allowable heights as part of their updated preservation plans. Columbia also voted to not allow a 5-story structure in its "Five-Points" area as detrimental to the aesthetics of a lower-level skyline.

When the Mt Pleasant Planning Commission unanimously voted to *lower* building heights in Mt Pleasant from 75 feet to 55 feet, they referenced Aiken's Laurens Street as a model downtown streetscape—likening its appeal to King Street in Charleston and Bay Street in Beaufort. This is no wonder, since the Jaeger Company, in its *Historic Resources Survey of the City of Aiken 2010*, points out that “Few small cities in the United States can rival Aiken, South Carolina's rich history and abundance of historically significant architectural resources.” We must protect Aiken's historic appeal by continuing our adherence to current preservation guidelines and ordinances and following the lead of other successful historic towns.”

Councilman Merry stated the Historic Aiken Foundation did their homework, and they even had the person burned in effigy come to their meeting and speak on this. He said he wanted to thank them for inviting him. He said he did not know if he helped at all, but it was a great opportunity and he was grateful for it.

Ms. Liz Stewart, Chair of the Planning Commission, stated she would like to take the opportunity to make a quick clarification. The applicants and the proposals that come before the Planning Commission come in a variety of ways. Sometimes they come from an individual, sometimes from a corporation or a developer, and sometimes they come from City Council. She said that every situation and every application that is brought before the Planning Commission is looked at in a more global sense when they look at changing an ordinance. She said while there has been some conversation about they were looking at this for the Shahs project, the Shahs project was the application and the impetus for discussion. She said, however, they did a lot of research, homework, and talked to a lot of people. They looked at not only what the change would do for this project, but also how it would impact other ordinances and the community as a whole. She said the Planning Commission understands they are a recommending body, and as Councilman Merry has said Council does not always do what the Commission recommends. She said the Commission certainly appreciates the conversations that have been had. She said she would like to make another comment. She said as she looks at the audience, she would have to say there are more people present at this meeting than there has probably been for a total in one year's meetings of the Planning Commission. She said she would like to make a point of education and say the Planning Commission is the recommending body that these issues go before. She said if the Planning Commission had had the opportunity to have the number of people and the input that Council has had that it does make as much of a difference to the Planning Commission's decisions as it does to the City Council's decisions. She said she would encourage those present when they see in the newspaper what the Planning Commission is talking about that they come and join the Planning Commission and share their input. She said they can get their opinions stated earlier and make Council's lives easier.

Ms. Julie Londo stated she is a resident of Aiken and a restoration preservationist. She said she had restored several homes in her lifetime. She said she is a realtor who works downtown, and is also on the Historic Aiken Foundation. She said she had been involved in quite a few projects in the different cities she has lived in such as Houston, Texas and Clement, Michigan. She said she sees so clearly the issues because everybody wants the hotel to be restored, and it is like it is going to take this big person to come and redo it to justify how many rooms we can get, but it is really no different than restoring a house. She said one of the houses she restored in Aiken had not been lived in in 25 years. She said it should have been demolished, but it was brought to life. She said she was here to say that as a citizen of Aiken what she would really like to see is the hotel remain with its charm and to restore it back to its grandeur. Rather than rehabbing, she would really like to see it restored. She knew that is a huge undertaking as she has done a lot of projects. She said she challenges this group of people. If there is that much energy in the room, and we all want to see the downtown flourish, and we all want to see the hotel come back to life, what can we do and what contacts do we have. Can we get somebody that has \$10 million to invest and who would love to take this on. She said this is a community thing, not just the hotel and not just a business venture. She said that is just a question she wants to put in the people's minds before we hastily go and just make it nicer and justify the hotel rates that we can get. She said the hotel has been there for 120 years. She said let's see what we can do to anchor it for another 120 years.

Mayor Cavanaugh stated that is exactly what Mr. Shah wants to do. He asked Ms. Londo if she had had any conversations with Mr. Shah about her thoughts.

Councilwoman Price stated she needed to talk to Ms. Londo. She said we have homes in Aiken and instead of tearing the homes down, we are looking for folks to work with us to leave those homes in place and given what Ms. Londo has just said her skills would be of value to us. She said she wanted to make sure to get in touch with her.

Mayor Cavanaugh thanked the citizens for being present at the Council meeting and for giving Council their opinions. He said Council appreciates their input very much.

As the citizens were leaving Councilwoman Price introduced her son Justin who had just come to the meeting. She said he was in grad school.

#### DEVELOPMENT AGREEMENT

##### Oak Grove Road George's Pond

Mayor Cavanaugh stated a Development Agreement had been prepared for Council's consideration for property located south of Oak Grove Road.

Mr. Klimm stated we have been working with John George, the owner of property adjacent to George's Pond for many months. There is interest in potentially developing this parcel, which is approximately 11.5 acres. There are several unique issues on which we worked with the owner and have provided a copy of the Development Agreement for Council review:

1. This agreement does not abridge the 2010 Development Agreement approved by Council for George's Pond. That agreement was provided for Council's information.
2. As part of the easement Mr. George is granting to run the sewer line over to the TD Bank and Ladd Britt properties on Whiskey Road, we are providing three sanitary sewer stubs for future development on this property.
3. The parcel will be subdivided and the City will only annex portions of this property as it is developed.

We also reiterate and expound on items from the 2010 George's Pond development agreement including:

1. Paragraph 8 notes storm water improvements to be bid out that involve replacing a 10 inch existing outlet structure with pipe of the same size for George's Pond.
2. We have developed a landscape plan to place appropriate plantings around George's Pond and will add non-porous material [e.g., kaolin] to seal the bottom of the pond. City staff will regularly inspect our property and clean the trash.

The Owner and the City have reviewed the proposed Development Agreement and both parties agree to its contents. We recommend Council's approval of this agreement.

For Council consideration is approval of a development agreement for property located South of Oak Grove Road.

Mr. Klimm stated Mr. Bedenbaugh and Mr. Grinton both worked closely with Mr. George in developing the Development Agreement. He said Mr. George is also present at this meeting.

Councilman Ebner moved, seconded by Councilwoman Diggs, that Council approve the Development Agreement with John George for property located south of Oak Grove Road.

Councilman Ebner stated he wanted some clarifications with Mr. George. He said he wanted to be sure and he had communicated several times with Mr. Grinton, Mr. Bedenbaugh, and Mr. George. He said this agreement had gone past its due date. He said he wanted to be sure from Mr. George that the agreement satisfies not only the original intent, but the discussions they have had. Mr. George responded the agreement meets that intent.

Councilman Ebner stated there was some discussion about the landscaping plan, and he asked if we are incorporating the natural with city requirements. Mr. Grinton stated that we are. Councilman Ebner stated there was an erroneous number floating around that did not cover the appropriate city codes. Mr. Grinton stated he had included sufficient funding that should provide what is needed. Councilman Ebner stated the reason he brought these matters up is that there were some discussions in the past and there was a limit put on the landscaping plan. He said it is like other things, if you limit one place you need to limit all. He said we had some issues with the Montmorenci Church with some landscaping. He said the City needs to meet its requirements as well as businesses. He said that was his question to Mr. George and Mr. Grinton.

Councilman Dewar stated he had a couple of questions. He asked where the sewer line would start. He wondered if it started behind Cracker Barrel some place. Mr. Grinton pointed out if Council has a picture of the pond, the start of the line where the gravity flows is at the Ladd Britt-TD Bank property. Then it follows down a dirt road, to a house behind the property; it goes across the front of the property; then it crosses over Oak Grove onto Mr. George's property. After it crosses over it goes to the property line of the city property around the pond, and then connects behind Lowe's and the mattress store.

Councilman Dewar asked how many feet we were talking about running the sewer line. Mr. Grinton stated he did not remember. Councilman Dewar stated Mr. Grinton had just described a lot of pipe. Mr. Grinton stated the approximate cost of the sewer line is close to \$110,000. Councilman Dewar asked where the money would come from. Mr. Grinton responded the money would come from \$20,000 from the TD Bank. Also, \$50,000 is being asked for from the Economic Re-Investment Fund, and \$20,000 would be the connection fee that the future Ladd Britt developer and if the Tire Kingdom wanted to connect to the sewer line they would pay the \$20,000 connection fee. He said it is a grand total of \$110,000. He said in effect \$40,000 +/- would be floated as a loan from the Utility Fund until such time as the potential users would connect. Then the City would recoup the fee.

Mayor Cavanaugh called for a vote on the motion of Councilman Ebner, seconded by Councilwoman Diggs, that Council approve the Development Agreement with John George for property located south of Oak Grove Road. The motion passed unanimously.

#### DEED OF DEDICATION – RESOLUTION 07132015B

##### Utilities

##### Village at Woodside

##### Silver Bluff Development Company, LLC

Mayor Cavanaugh stated a resolution had been prepared for Council's consideration to accept a deed of dedication of utilities in the Village at Woodside Commercial Area.

Mr. Klimm read the title of the resolution.

#### A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DEED OF DEDICATION FROM SILVER BLUFF DEVELOPMENT COMPANY, LLC.

Mr. Klimm stated the Silver Bluff Development Company, LCC, owner of the Village at Woodside Commercial Area Expansion, has requested the City to accept the water, sanitary sewer, and storm sewer systems, other related equipment and apparatus, and the associated easements in the development.

The Engineering and Utilities Department has reviewed the proposed dedication and has recommended acceptance of these utilities and easements. The Engineer of Record has certified that the systems were built according to City specifications.

For City Council consideration is approval of a resolution accepting the deed of dedication for the utilities and the associated easements in the Village at Woodside Commercial Area Expansion.

Councilman Ebner asked if the roads that the sewer lines goes under to the different buildings are private roads or if there were any public roads.

Mr. Grinton stated this would be a commercial development so we were not sure if there are parking lots in this section. He said the city was not taking over any parking lots. Councilman Ebner stated we have to be careful out there. He said when this was passed in 2005 or 2006 there were some agreements about parking lot maintenance out there. He said as these are done in the future, be sure to go back and read those agreements. He said the City owns more parking lots out there than we realize.

Councilman Homoki stated just in case someone has not seen the Aiken Standard, Woodside has been selected as one of the 50 best retirement locations in the country.

Mayor Cavanaugh asked who the Engineer of Record was on the project. Mr. Grinton said the procedures we have do require that they have the Engineer of Record. He said he does not recall the name of the Engineer of Record. He said it might be David Banks of Southern Partners. He said to be sure he would have to check in the files. Councilman Ebner stated the Engineer of Record is not listed in the Resolution. The letter came from Hull Barrett requesting the dedication, but it did not specifically mention a name of the Engineer of Record.

Councilwoman Diggs moved, seconded by Councilman Ebner, that Council accept the deed of dedication for utilities in the Village at Woodside Commercial Area. The motion was unanimously approved.

#### MUNICIPAL ELECTION SCHEDULE

##### Dates of Election Schedule

Mayor Cavanaugh stated a request had been received that Council contract with the Aiken County Election Commission to conduct city elections.

Councilman Dewar stated he asked for two items regarding the municipal elections be placed on the agenda for discussion. He said he was not asking for any action at this meeting. He said he would like to know the sense of Council on these two matters. He said the first item he suggested was to consider moving the city elections from the current August primary, November General Election earlier in the year. He said today was the last day for filing for the City Council election in November, 2015. He said at this time there is a contested Republican primary. He said that is the only contested election that we know of. He said when he ran he knocked on a lot of doors. He said he ran in August and the primary was in September. He said with the new schedule by state law we are now 30 days earlier. He said he would like to know if the majority of Council is interested in considering moving the election, as North Augusta does, earlier in the year so candidates are not walking the streets in 100 degree temperatures. He said he knows there is one Councilmember who likes the election schedule as it is. He said if there is a sense of Council and more than four who might like to change the schedule, then we could ask staff to proceed with some action for Council.

Councilman Homoki stated when he was running at large, he lost 17 pounds so it is not all bad. Councilwoman Diggs asked Councilman Dewar what dates he had in mind for changing the election. Councilman Dewar responded he had no dates in mind. He said he knows that North Augusta has their election earlier than we do. He said if we were to have the schedule start in the April to June timeframe, the weather is better to campaign and people are more likely to be in town. With our present schedule we will have people who are vacationing when the primary is held. He said he had a question for the Election

Commission about absentee ballots. He asked if there was any interest in looking at changing the election dates. Councilwoman Diggs pointed out that Councilman Dewar does not have an opponent this time so he does not have to go knocking on doors. Councilman Dewar stated he was sympathetic of candidates who might have to knock on doors.

Mayor Cavanaugh asked Councilman Dewar what his main concern was. He wondered if it was the timing of the start and finish with the election process starting a month earlier. Councilman Dewar stated his concern was walking the streets in 100 degree weather. Mayor Cavanaugh pointed out we never know what the temperature may be. He stated he was trying to understand if Councilman Dewar was concerned about the extra month that was added to the beginning of the election process. Councilman Dewar responded the extra month causes us to start in July instead of in August. The primary date is August 11, 2015. He said the primary campaign started today. Councilman Merry asked the date of the General Election. It was pointed out the General Election is scheduled for November 3, 2015. Councilman Merry pointed out that corresponds with the national election date. Councilman Dewar pointed out that the City of Aiken is on the odd year elections so we are not in concert with the national elections.

Councilman Dewar stated if the majority feel that we should consider changing the schedule then fine. If not, he just raises the issue and appreciates Council listening.

Councilwoman Price stated she was the one who had mentioned to Councilman Dewar that she was fine with the schedule as is. She said she had been serving for some time and experienced a lot of heat over the years, and she has had opposition. She said she has no problem with the schedule as it is now. Councilwoman Diggs stated the person could knock on doors later in the evening not during the middle of the day.

Mayor Cavanaugh stated we could ask the Election Commission their feelings on changing the schedule. He said they are a valuable committee.

Councilman Dewar stated he does not sense any interest in looking at changing the schedule.

#### MUNICIPAL ELECTION COMMISSION

##### Transfer of Duties

##### Aiken County Voter and Registration Office

Councilman Dewar stated his next item is that currently when we do the General Election the Aiken County Registration Office gives us the machines, tabulates the votes, etc. There are some cities that contract completely with the County. He said he was raising the issue of whether or not the City of Aiken should contract with the County to be completely responsible for conducting city elections or continue the way we are. He pointed out that two members of the Election Commission are present at this meeting. He said he did contact Mr. Richard Johnson, Chair of the Election Commission, to tell him he was putting the issue on the agenda. He said he did not know exactly what that would mean. He said if we contract with the County, we would not need a City Election Commission. He asked what that would mean. He said if there is an interest staff would have to do some research and get back to Council.

Councilwoman Diggs stated the Election Commission has done a great job so far so she does not understand why we would consider the suggestion when it is not broken.

Mayor Cavanaugh asked if there were any good reasons and why we would change and give something that is done by the city to the county. He said the Election Commission has done a wonderful job and has for years. He asked why we would all of a sudden give that to the County Voter and Registration Office.

Councilman Dewar stated with the comments from Council that takes care of that request. He asked about the absentee ballot provisions for the primary and when voting will begin at the County Registration Office for the primary. He asked when will absentee voting begin for the Republican Primary.

Mr. Richard Johnson, Chair of the Municipal Election Commission, stated he did not have the schedule of dates with him, but he could check with the County Election Commission Office to see when the ballots will be ready. He said he thought that could be done now.

Councilman Dewar asked if it was up to the County Registration Office as to when voting is available at their location. He said Mr. Johnson had indicated that voting can be done at the County Voter Registration Office for Monday through Friday. Mr. Johnson stated that was for absentee voting. Councilman Dewar stated for absentee or in person. He said there comes a time when elderly people can go down and those who will not be in town when the election is held will be able to vote. Mr. Johnson stated that would be set by the County Registration Office.

Mr. Richard Johnson, Chair of the Municipal Election Commission, stated he would like to make some comments.

Mr. Johnson addressed Mayor Cavanaugh and members of City Council, City Manager, City Attorney and citizens of Aiken. He said he was Richard Johnson, Jr. and resides at 428 Marion Street NE. He said his purpose is to address the Election Commission issue. He said over the years City Council has afforded him the opportunity to serve on different committees. He said he would like to mention those if he may. Over the years the City has appointed him to serve on different committees and he listed them. He said he had served on the Aiken-Augusta Metropolitan Council of Governments. He said he was a member of that Council when the decision was made to construct a road from Highway 1 to I-20 in North Augusta. It is now known as Palmetto Parkway. He said he served on the Aiken Community Block Grant Committee, having been appointed by City Council. He said he assisted in writing the first procedure for the low interest rate for homeowners. He said he served on the city's Bicentennial Committee and the city's Sesquicentennial Committee. He pointed out that Aiken had been awarded numerous awards. He pointed out the city had just received an award within the past couple of months. He said he was appointed to serve on the committee to go to Columbia to compete for a state-wide award for the Public Works Department, and the award was given to Aiken.

Mr. Johnson stated he now wanted to talk about the Municipal Election Commission. He said he had titled this as his journey with the Municipal Election Commission. About 30 years ago City Council appointed him to the Municipal Election Commission. At that time all elections were done on paper ballots. All elections were conducted at large. There were 9 precincts within the City of Aiken. Over the years we have advanced from paper ballots to voteomatic punch card machines and from that to the current computerized machines. Over that same period of time we have conducted almost every type of election imaginable. We have conducted General Elections, Special Elections, Petition Elections, and Referendums. We have gone from the at-large voting system to the single member 4-2-1 system, to the current 6-1 single member district. We have grown from 9 precincts in the City of Aiken to 23 precincts. All of this has been accomplished over a 30 year period without one single complaint to City Council about the way the elections turned out. He said with that his question is what would be the advantage of transferring the City election duties to Aiken County. He said to transfer the election to Aiken County there would be an additional financial cost to the City of Aiken.

Mr. Johnson stated to the Mayor and Councilmembers he would not do anything or be a part of anything that would cause negative publicity to the election process in the City of Aiken. He said if his service is no longer desired, he serves at Council's pleasure. He said if the election process is transferred to the Aiken County Registration Office, they cannot do it any better. The best they can do is to equal what we have done over 30 years. He said it would take them 30 years before they could do any better because we have a perfect record. He said with that he wanted the Mayor and Councilmembers to know that he had been honored to serve and he thanks Council for the opportunity to allow him to serve in this capacity. He said he loves Aiken, and he was not going to be a part of anything that would bring negative publicity to Aiken. He said he serves at

Council's pleasure and is willing to serve, but he wanted to be free to conduct the elections and that is what he does. He said the Commission follows the rules and the law. He said the Commission operates as a team. There are three Commissioners and a staff member, Sara Ridout, who takes care of things. When the Commission has questions, we go to the City Attorney. He said the Commission follows the book. He said if anyone thinks the Commission is going to favor them in operation they are absolutely wrong because the Commission is going to follow the book and the law. He said if we do anything wrong, it will be because we followed the law. He said that might be what happened now because the Commission follows the law. He thanked Council for the opportunity to speak to the Councilmembers and to let Council know we have conducted elections for 30 years, and we have not received a complaint from Council or the community. At the end of the elections the Commission certifies the questionable ballots; we reconcile them, and certify the election. He said the Commission has done that over the time that he has been fortunate to serve on the Municipal Election Commission. He said he would continue to do that if it is Council's desire. He thanked Council for listening.

Mayor Cavanaugh stated he had one question. He stated over all those years how much money had Mr. Johnson received for his duties. Mr. Johnson responded that he had not received it yet, but the check might be in the mail.

Councilman Homoki asked if Mr. Johnson would favorably consider volunteering for the 200<sup>th</sup> anniversary of the city.

Councilman Dewar stated he would like to make a comment since he raised the issue. He said he raised it because other cities have done that. He said he appreciates what Mr. Johnson has done over the years. He said he had never had any slight need to question Mr. Johnson's integrity, his dedication, and his perseverance. He said he holds Mr. Johnson personally in very high regard. He said he was simply asking Council whether or not the city should turn the election process over to the County as other cities have done. He said obviously there is no interest in doing that. He thanked Mr. Johnson for his presentation. He said he felt Mr. Johnson has made Council proud in his support for the city and the election system.

Mayor Cavanaugh pointed out that Keith Wood is the third person on the Municipal Election Commission, and he is not present at this meeting. Mr. Johnson pointed out that Keith Wood is the Vice Chair of the Municipal Election Commission, and he is out of town. He pointed out that Ray Visotski the new member is present at the meeting tonight.

Mayor Cavanaugh stated that Mr. Wood had expressed in an email that he had sent to him that he was against transferring the duties of the Municipal Election Commission to the County Registration Office. He wanted to keep the City of Aiken involved in the election process. Mr. Wood stated he has enjoyed working with the three that he has been working with, and he sees no reason why it should be changed at this point in time.

Councilwoman Price stated that Mr. Johnson has served in many capacities not only locally, but also in the state with the highest integrity. She said Council appreciates not only what he has done for the city and receiving no salary, and for what Mr. Johnson will continue to do. She thanked Mr. Johnson for his service.

Councilman Ebner stated he could give his two election experiences. The first time he went down to register as a candidate, he went to the local Republican office, gave them his check, shook their hands and left. The second time which was two years ago that went away per legislative action, and the County handled all of that. He went to the County to sign up, pay his check, and give an Economic Statement Report. He said things have changed that the County did not use to do that the County does now. He pointed out that they have all of the equipment, and there are things they do now that they did not do for us before. He pointed out that from what Mr. Johnson has said he gets the information from the County to certify our election. He said there are procedures that are almost 90% change just in his time on City Council. He felt we need to recognize that. He said Mr. Johnson still certifies and checks on the election. He pointed out, however,

the times have changed because of some election issues in some other counties that have been brought up over the years. Councilman Dewar pointed out that had changed back and candidates now file at the party again. Councilman Ebner stated times are changing, and Council needs to be sensitive to that.

Mayor Cavanaugh stated his view is that as long as the city can still handle the election, then we should keep the Municipal Election Commission.

Councilwoman Diggs stated that she would like to thank some of the people who came to the meeting in support of Mr. Johnson. She said she would like to recognize her first cousin who is the water commissioner of New Ellenton and his wife who are present. Councilwoman Price pointed out that those present are from Mr. Johnson's church.

#### SEWER LINE

##### Economic Re-investment Fund

##### Sewer Line Installation

##### Whiskey Road

##### Oak Grove Road

Mayor Cavanaugh stated a request was before Council to spend Economic Re-Investment Fund money for installation of a sewer line along Whiskey Road north of Oak Grove Avenue.

Mr. Klimm stated staff has four financial requests relating to ongoing projects. He said the FY 2015-16 budget included money in our Economic Re-Investment Fund [Fund 027] for sewer line improvements from the intersection of Oak Grove Road and Athol Avenue north on Whiskey Road. This sewer line extension would enable property adjacent to George's Pond, as well as property currently occupied by NTB Tire and Service Center, the old TD Bank, and the old Ladd Britt Auto Sales to potentially have sewer service and annex into the City limits. The project will cost no more than \$110,000, with each property owner along Whiskey Road paying \$20,000 to tap on to the sewer line upon their execution of a Development Agreement or Annexation Agreement with us.

Our timeline for this project is to have a bid opening for this work on July 30 and report our recommendation for City Council approval at the August 10 meeting. The project can then be completed by the November 30 deadline specified in the Council-approved Development Agreement with RealtyLink LLC, the owners of the old TD Bank property.

This project is being conducted concurrently with improvements at George's Pond using CPST II funds which is being addressed as a separate agenda item tonight.

For Council approval is a request to spend Economic Re-Investment Fund money for installation of a sewer line on Whiskey Road north of Oak Grove Avenue. He said Mr. George Grinton is present to answer any questions Council might have.

Mr. Grinton stated the cost is \$110,000 and \$90,000 was an earlier number and the number he remembered when Councilman Dewar asked about the cost earlier.

Councilman Merry asked if the funding was \$50-\$20-\$20. Mr. Grinton stated he knew that we would get \$20,000. The original budget was \$50,000, and he thought we were modifying that.

Councilman Dewar asked how much money is in the 027 Economic Re-Investment Fund at this point.

Ms. Kim Abney, Finance Director, stated we had discussed how we would fund the 027 Fund and whether we would transfer money monthly, semi-annually or annually. She said since we just started July she has not transferred any money yet. She said the budget calls for \$700,000. She said under the plan that we have discussed, we would transfer an equal amount every month. She said, however, they could transfer more than that if that is what Council desires.

Councilman Dewar asked when Ms. Abney would have a final number as to how much Hospitality Tax has been collected in June. Ms. Abney stated the due date is the 20<sup>th</sup> of July. She said as of last week she looked, and we had only collected about 8 payments. She said that it is very early to tell. She said it would be July 20 before she would have an idea. Councilman Dewar asked if at the next Council meeting Ms. Abney would be able to give Council a final account of June as best she can. Ms. Abney stated she should be able to since Council will not meet again until August 10.

Councilman Dewar stated the reason he raises the question is that Mr. Grinton is asking for 027 Economic Re-Investment Fund money for a job that he thought Council had agreed that we would not spend the money until we have it.

Ms. Abney pointed out that the Hospitality Tax is going into Fund 014 and that has nothing to do with Fund 027 Economic Re-Investment Fund. Councilman Dewar stated that Fund 027 is where we have the magic \$700,000. Ms. Abney responded that \$700,000 comes from the General Fund to fund 027. Councilman Dewar asked if Fund 027 has \$700,000 in it. Ms. Abney stated it is July 13, and she has not transferred anything, but she will transfer whatever Mr. Klimm desires to be transferred. She said she could transfer money monthly or however it is desired to be done. She said she had not gotten to that point yet as they were still trying to close June, the end of the fiscal year.

Councilman Ebner asked if this item was one reading to approve the request. He said if there is an issue with the finances it could come back later to Council. He said he needed to meet with Mr. Klimm and be sure that the money is coming from the right pocket to do this. He said he did not see \$110,000 out of the \$700,000 or even \$50,000 in the budget for this. He said he would do that out of the meeting.

Councilman Merry moved, seconded by Councilwoman Price, that Council approve a request to spend up to \$50,000 out of the Economic Re-Investment Fund (027) money for installation of a sewer line near Whiskey Road and Oak Grove Road.

Councilwoman Price stated a statement was made in the memo to Council that the project will cost no more than \$110,000, but the motion was for \$50,000. Councilman Merry stated there are three properties that will possibly receive sewer service and will each pay an assessment of \$20,000 each which will make \$60,000 so that leaves \$50,000 to come from the Economic Re-Investment Fund.

Mr. Grinton stated he thought the intention was that the Economic Re-Investment Fund would pay the \$110,000 with \$50,000 from Fund 027 and when a \$20,000 reimbursement is received from each of the three property developments that is when the fund would be reimbursed by \$60,000, leaving a cost of \$50,000 from 027.

Councilman Merry pointed out that earlier Mr. Grinton had said the funds would come out of the Utility Fund. Mr. Grinton said he thought it was when they were first looking at this and Mr. Bedenbaugh had reminded him of some of the finances. He said Ms. Abney might be able to explain it better than he has. He said he had been worrying about how much he was going to spend and not where the money would come from.

Councilwoman Price asked if we should wait or do we need to move forward. Councilman Merry asked if there is an emergency in approving the item. Mr. Grinton stated there is. He said we have a Development Agreement with the TD Bank investment people to complete this project by November 30, 2015. He said for him to accomplish that he needs to be able to go out to bid. He pointed out that he has two projects that he wants to combine. He wants to combine the sewer line for the TD Bank and improvements to George's Pond. He said it makes sense to combine the two into one project because we will be putting the sewer line right where the trail is and at the same time we would be removing dirt for the pond as we would be for the sewer. He said these projects would be bid under the same contract. In order to get that started and to complete the sewer line so the sewer will be available for the TD Bank investment

development by November 30, 2015, he needs permission to go ahead and put these two projects out to bid and grant the bid for the work.

Councilman Homoki asked if we have the property owners who are willing to sign on to the sewer line other than the TD Bank. Mr. Grinton stated at this time there are no other property owners who are going to sign on for the sewer service. Mr. Grinton said Mr. George's plan is to develop his property that is adjacent. He pointed out that as part of Mr. George's agreement in 2010 that if we install the sewer line that they would have access to it. He said it had been designed such that the access will be available. He said Mr. George will be interested in connecting to the sewer line. Councilman Homoki stated what if we don't do it before the next fiscal year, will we be \$110,000 in the hole this budget year. He asked how we would account for that. He asked if we did something like this a couple of years ago with multi-year reconciling the books because we spent money in one year hoping that the money would be reimbursed, but the money did not actually arrived until the subsequent year.

Mr. Grinton stated part of the Development Agreement was \$20,000 from the TD Bank. The Ladd Britt property and the Tire Kingdom property are future potential users of the sewer system. The price of \$20,000 is the cost assessed for each of those properties. He said they would not be able to tie into the sewer line without paying the assessed fee. Councilman Merry stated then when the other two properties want to tie in it will be a \$20,000 fee. Mr. Grinton responded that is correct for the two other properties on Whiskey Road. Councilman Merry stated then they will not have to spend money to build their own detention system or sewer system. Mr. Grinton responded just the sewer system. He said the detention is different as that is storm water. Councilman Merry stated the water would go to George's Pond and both projects are being done at the same time. Mr. Grinton stated they would be able to access that in that area. He said it depends on the design of the TD Bank property. They are creating their own detention pond. He said that is really up to the developers and their engineers to design something that meets requirements.

Councilman Merry asked for a tract of land that size what would a developer normally spend on providing sewer. He said the city is going to charge these \$20,000 each. Mr. Grinton stated it all depends on where they have to go to connect. Councilman Merry asked if \$20,000 is a big number or a small number for this location and those properties and where they have to go to connect. Mr. Grinton stated there are some places we can't get to. Councilman Merry asked if there were places we could not get to on these properties. Mr. Grinton responded that today we can't without the proposed line. He said that is why the line is proposed to be installed. It does serve the purpose of helping the development of Mr. George's property as well as connect to the commercial properties on Whiskey Road. Councilman Merry stated it will raise the price of those pieces of land by \$20,000 each. Mr. Grinton stated this was all worked out with Mr. LeDuc and these were the agreements that he was able to establish.

Councilwoman Price asked if we can wait and do nothing until we can see clearance for our funds and see if we get these Economic Re-Investment funds. Mr. Grinton stated we would be at risk of not meeting the November 30, 2015, agreement that was signed with TD Bank plus we will be delaying again Mr. George's Pond work.

Councilman Merry stated we will get the funds to cover these items. He said the issue is whether we want to spend all of it out of the Economic Re-Investment Fund or if we want it to come out of the Utility Fund. He said what Mr. Grinton is saying is that at whatever point down the road—6 months, a year, six years, etc.—when the two adjacent properties develop then that reimburses either the Utility Fund or the Economic Re-Investment Fund. Mr. Grinton stated if we are putting the sewer line in for economic development opportunities, then he felt the Economic Re-Investment Fund should be paying for it as opposed to private utility users. Councilman Merry stated if there were no Economic Re-Investment Fund how would it have been done before. Mr. Grinton responded that he did not know that the work would have been done as there would not have been funds to pay for it. Councilman Merry stated that the city had run sewer lines in the past. He asked how they were paid for. Mr. Grinton stated if the economics were correct, we would do something like this and note the fact that future users would pay a certain cost. He said

most of the time developers put in the sewer. He said it does make a development attractive or unattractive depending on what utilities are available.

Councilman Ebner stated he would give a little history. In 2010 when the city bought the George's Pond property the agreement was that we were supposed to run the storm water, the potable water, and the sewer line on, at the time, Tire Kingdom's side of Oak Grove Road. That was the agreement that was agreed to by three City Managers and the previous Engineering Director. He said the agreement was that the sewer line would be under the road. Unfortunately someone decided not to do it. Otherwise we would not even be having this discussion. He said the bottom line is that it is a mistake and somebody deleted that line. He said we are running probably three times the length of pipe that could have been installed underneath Athol Road or underneath the Cracker Barrel property. The way it is now you would have to go through their parking lot and tear up the concrete road, and everything we have done. He said what we are doing is fixing something from the past. He said a mistake was made, and it has to be covered. Councilman Merry stated he understands that and that is not his question. He said he was just trying to get his hands around all the money, and where it is all coming from. Councilman Ebner stated part of the money would have been spent. The sewer line would have been a little larger line, etc. He said the money has to come out of the city budget somewhere. He said that is what Council has to decide at this meeting.

Councilman Merry stated wherever we charge it, it will be reimbursable. Councilman Ebner pointed out that all the original work came out of the 016 Fund. All the work that was done there was from two or three accounts out of Capital Projects Sales Tax. He pointed out money came out of the budget for Oak Grove and to rework Athol. The storm water was put in out there, and the potable water, but the sewer line did not get done. Councilman Merry asked if Councilman Ebner was saying that was done by CPST money. Councilman Ebner pointed out that all three of the projects go together and you have to deal with them together.

Councilman Merry stated his motion was to take \$50,000 out of the Economic Re-Investment Fund. He said of the \$60,000 left, \$20,000 would come from the current developer, and it would be paid before November 30, 2015, as that is in the agreement. He said that leaves \$40,000 in question. He said his first thought was that this was supposed to be done with the CPST money. Councilman Ebner stated the Interim City Manager did not agree with him, and we are reliving history. He said in his opinion the cost should come out of the same pot where we did the original work in 2010 and in 2012 for the Cracker Barrel. He said that is his opinion. Councilman Merry stated if that was how it should have been done, and it just was not done right he would agree with Councilman Ebner. Councilman Ebner stated that is where it should come from.

Councilwoman Price pointed out there was a motion and second on a motion already. She said she would withdraw her second to the original motion.

Councilman Merry stated his new revised motion is that Council approve a request to spend up to \$50,000 out of the Economic Re-Investment Fund (027) money for installation of a sewer line near Whiskey Road and Oak Grove Road with \$20,000 coming from the developers of the TD Bank, and another \$40,000 coming from the CPST II (016-3030-433-75-09) fund that was originally the fund that should have been paying for doing this work in the first place. Councilman Ebner stated it is actually three funds, but it still comes out of the Whiskey Road work and the Powderhouse connector work. Councilman Ebner seconded the amended motion. The motion was unanimously approved.

Councilman Ebner stated he had sent Mr. Klimm an email on this already. He said he had checked the account and there is sufficient money in it.

Mr. Gary Smith, City Attorney, asked if the motion would meet the time line requirements that the engineer was concerned about. Mr. Grinton responded that it would if we have access to those funds. Councilman Ebner stated this does not create a bookkeeping nightmare five years from now.

Councilman Dewar stated he would like to make a suggestion. He asked if Council could move consideration of Item 8 regarding the Chamber of Commerce request for use of Park Avenue for Aiken's Makin' for consideration next.

#### CHAMBER OF COMMERCE

Aiken's Makin'  
Parkways  
Park Avenue

Mayor Cavanaugh stated Council has received a request for approval of the Greater Aiken Chamber of Commerce's 39<sup>th</sup> Annual Aiken's Makin' event.

Mr. Klimm stated we have received a request from the Greater Aiken Chamber of Commerce to allow them to close the entire west bound lane of Park Avenue from Union Street to Chesterfield Street in order to hold the 39th Annual Aiken's Makin' festival. They also want to close half of the east bound lane of Park from Union to Chesterfield.

The festival will be held from 9 a.m. to 6 p.m. Friday, September 11, and from 9 a.m. to 5 p.m. on Saturday, September 12, 2015. Exhibitors will set up on the paved portion of Park Avenue.

For Council approval is authorization for the Greater Aiken Chamber of Commerce to hold their 39th Annual Aiken's Makin' event on Park Avenue.

Councilman Dewar moved, seconded by Councilwoman Price, that Council approve the Chamber of Commerce holding its 39<sup>th</sup> Annual Aiken's Makin' event on Park Avenue on September 11 and 12, 2015. The motion was unanimously approved.

#### CAPITAL PROJECT SALES TAX

CPST II  
Improvements  
George's Pond  
Economic Re-Investment  
Oak Grove Road  
Whiskey Road

Mayor Cavanaugh stated a request was before Council to spend up to \$275,000 from CPST II money for improvements at George's Pond.

As part of our Economic Re-Investment project for sewer from Oak Grove Road to several properties along Whiskey Road, we would like to address issues related to the George's Pond property we purchased in 2010 and committed to upgrading in a 2010 Council-approved Development Agreement executed with John and Ruth George. Among the improvements we would make would be the replacement of the 10" inflow pipe and appropriate landscaping for this site. Plans for the infrastructure work and landscaping developed by our consulting engineer Tilden Hilderbrand was provided to Council for review. This project would be bid in a package with the Whiskey Road sewer line installation item Council just considered on the agenda. Staff and our consulting engineer felt it would reduce time and cost of construction to package these in one bid. The total cost of the project would be no more than \$385,000 with \$110,000 being paid for with Economic Re-Investment money [Fund 027]. The remaining money would come from CPST II money.

We are asking Council's approval to spend up to \$275,000 of CPST II money from Fund 016-3130--433-75-09 CWRI for this portion of the project for the improvements at George's Pond. If Council approves this project, we will let out a bid and award it in a timely manner so the work can be completed before November 30, 2015.

For Council approval is a request to spend up to \$275,000 from CPST II money for improvements at George's Pond.

Mr. Grinton stated this project is the other half of the project Council had just discussed regarding the sewer line installation near Whiskey Road and Oak Grove Avenue. He said this part will be charged to the Whiskey Road Improvement line item (016-3130-433.75-09). He said the engineer's estimate is \$350,000 between the two projects. Because there is the potential there would be an overage once bid, there is a 10% allowance. He said if the bids were higher than the \$350,000, he was asking for permission to go ahead and award the bid if it does not exceed \$385,000 so they could meet the time dead line of November 30, 2015, for the previous project.

Councilman Merry asked Mr. Grinton if he was asking for \$275,000 from the CPST II 016-3130-433-75-09 fund. Mr. Grinton stated in effect it would be \$275,000 plus \$40,000 from the sewer line project to be charged to the CPST II fund. Mr. Grinton stated he would like to have permission to award that bid without coming back to Council if it does not exceed \$385,000. He said the next Council meeting is August 10. He said the bids will be opened on July 30, 2015. He said if staff could proceed with the bid that would save a week of time where we could start working to meet the deadline.

Councilman Ebner moved, seconded by Councilwoman Price, that Council approve an expenditure of \$275,000 out of Fund 016-3130-433-75-09 account to pay for work at George's Pond and if the amount of the bid does not exceed \$385,000 Mr. Grinton is authorized to award the bid when the bids come in on July 30, 2015. The motion was unanimously approved.

#### CROSLAND PARK – SANITARY SEWER

##### Capital Projects Sales Tax III

##### Crosland Park

##### Sanitary Sewer Replacement

Mayor Cavanaugh stated a request was before Council to approve spending additional funds from CPST III for the Crosland Park Sanitary Sewer Replacement Project.

Mr. Klimm stated we have completed approximately 67% of the Crosland Park Sanitary Sewer Replacement Project using CPST III funds. Currently the spending is under the project bid amount of \$1,608,319.50. However, through this point in the project several unplanned expenses have been incurred and change orders have been granted to the contractor. Staff has projected that we will exceed the cost for this project by 15% to 16% if we complete all of the streets that were scheduled to be completed. The two biggest added costs have been reconstructing the roads and replacing sewer service line connections in the back of houses.

The Engineering and Utilities Department and contractor have looked at the remaining work to be done. The contractor has committed to not exceed a total cost of \$1,858,830 to complete all of the remaining work and to have the work completed by the end of October, 2015. Mr. Grinton has requested authorization for additional funding so all sections of the Crosland Park Sewer Replacement Project can be completed.

For Council consideration is authorization of up to \$250,511 of additional funds from the CPST III infrastructure project line item to cover the additional expense for completion of the Crosland Park Sanitary Sewer Replacement Project.

Councilman Ebner stated he needed clarification on the cost. He stated he had sent a memo to Mr. Klimm. The paving costs need to go to the 016 account that has paving money in it. He stated if you go back a number of years in doing this, the infrastructure money was to do all the work that Mr. Grinton has been doing, but when you come to resurfacing the whole street, that money had to go back out of the other account. There is \$96,000 in the 016 account still left and there is \$1.75 million in the 017 account. That is cost accounting. He stated he is still in favor of it; the money needs to be put in the right pocket, and he sent Mr. Klimm a memo on that.

Mr. Grinton stated this will not be charged to any Capital Sales Tax Projects. This is the Aiken County Transportation Commission allocation that will be used to resurface Crosland Park. These are State roads. Councilman Ebner stated Mr. Grinton had

mentioned that before and that was his error. Mr. Grinton stated as long as the money is allocated, it will not be against this project.

Councilman Ebner stated if he needs it, it is there, but he had told him earlier in the day that is coming out of our allocation from the County. Councilman Merry asked if there was \$1.75 million there. Councilman Merry stated the total potential cost of this at \$1.85 million does not include any resurfacing of the streets. Mr. Grinton stated that was correct. Councilman Merry stated the CPST line item, in which funding is coming, only has \$1.75 million in it.

Councilman Ebner stated there are two issues. One of them is all the rework of the sewer lines out there comes out of the CPST III \$8 million fund. His concern was when he sent the email to Mr. Klimm where the resurfacing money is coming from. He said Mr. Grinton answered his question and stated it is coming from a State allocation through the County. Councilman Merry asked which line has \$1.75 million in it. Councilman Ebner stated it doesn't apply here.

Councilwoman Price stated the City received the lowest bid for this project. She asked Mr. Grinton if we are receiving quality. Mr. Grinton stated we are. He stated it is a local contractor and that is why they had the good value. He stated it is a contractor that has been used on many projects and he was very happy we were able to award it to them. The other two contractors were out of town and considerably more expensive.

Councilwoman Price asked what the schedule was for resurfacing that area. Mr. Grinton stated we have it on the State contract for 2015-2016 fiscal year. Normally they would have it completed by the November-December time frame where they cut off the paving for the year, but they are behind this year. Their contract goes through April 30, 2016. He stated we are going to try and work with them to start paving some of the roads where the City has already completed the streets. We will try to get it in this calendar year, but it may fall into the next calendar. The City is a little bit of at the mercy of their scheduling.

Councilwoman Price asked if they were finished with the infrastructure work next to Burger King. Mr. Grinton stated that is a Safe Routes to School project. He said he is one letter away to complete the application. He stated he needs to get with the School District because the original grant is for \$360,000. The estimate of cost to date is \$790,000 to do everything. There has to be a scope change, and we have made some selections to try and reduce the scope and have separated it into additive alternative bids so we can help prioritize. That is the last thing that needs to be done in order to get the \$360,000 grant from SCDOT. It is a federal grant, but they administer it. He is meeting with the new Deputy Superintendent. He stated everyone is new so he has to bring them up to speed and gain their agreement on the scope change and then resubmit it. He stated he would put it out to bid, get a number back, and then he will offer Council the opportunity to allocate some Capital Sales Tax money to do all of the project rather than just the portion that will be paid for by the \$360,000 from the grant. If that is all the money we have then he will have to match the scope to the money.

Councilwoman Price stated that area is in great need. The roads are pretty awful. Mr. Grinton stated we also have that allocated for the CTC funding. What we need is to put the sidewalk in first connecting Aldrich from York to where the sidewalk is. He stated that, plus the pathways through the properties, are the highest priority and then we will add the other streets to the next priority. He stated costs went up because SCDOT required the City to do a hydrology study, and that required some storm water infrastructure being installed.

Councilwoman Price stated her personal opinion is the fact that we have not been able to do the improvements which has probably hindered people from wanting to move into that area. It may be also creating more problems out there than we want because people will visit areas they feel are unsafe and may not be highly patrolled and it tends to attract people that may cause some problems in the community when you have areas looking the way that entranceway looks. She stated we need to address that quickly. Mr. Grinton

stated that is still part of it, but it is an additional amount of money that we are trying to marry in with the other project. We are trying to leverage all these funding sources.

Mayor Cavanaugh stated he has ridden through there a couple of times recently and is impressed with the work that is going on. He stated he hasn't seen anybody not working. It is an awful lot of work. There is a tremendous amount of work going on different roads. Mr. Grinton stated it is a challenging project, and the residents actually should be given a little bit of a pat on the back for being so tolerant and considerate of all the things that are going on. It is very disruptive and we are trying to get it completed and get to the point where everyone will be smiling. Councilwoman Price stated people tend to see the entranceway versus what is happening on the back end. That is unfortunate.

Councilwoman Diggs stated she appreciated Mr. Grinton attending the last community meeting at Crosland Park and updating the residents because she was getting a lot of calls from people concerned about the time that it is taking to complete the project. For Mr. Grinton to spend more time updating them as to what kind of process he has to go through to get it done helped. She thinks they thought we would be in and out in two weeks and that hasn't happened. She appreciated Mr. Grinton giving them the update and reassuring them that the City is trying to complete the project in a timely manner, but you want to make sure that it is done right so we do not have to go back in there. They were very pleased.

Councilman Ebner stated before we leave the sidewalks, this job is about four or five years old. Mr. Grinton asked if he was referring to the Safe Routes to School project. Mr. Grinton stated 2008 was on the application. Councilman Ebner stated about a year and half ago there was a crisis about getting the design to the State before the deadline ran out. He asked if the city made that deadline. Mr. Grinton stated we reapplied for an extension and that has been granted. Councilman Ebner stated then we are clear to get the money. He stated in 017, there is \$700,000 in there for sidewalks, curb, and gutter. If you go back in history far enough, part of this money could apply to that. Mr. Grinton stated he was hoping we might be able to do that, but he will not know until he has firm numbers. Councilman Ebner stated when he comes back, there is money in the 017 account. Councilman Dewar stated we will not get to that point. The money will not be available. Councilman Ebner stated that is Item 11 in 017 CPST Funds.

Councilwoman Diggs moved, seconded by Councilman Homoki, that Council approve authorization of up to \$250,511 of additional funds from the CPST III infrastructure project line item to cover the additional expense for completion of the Crosland Park Sanitary Sewer Replacement Project. The motion was unanimously approved.

#### THE ALLEY RENOVATION PROJECT

##### Bids

Mayor Cavanaugh stated Council needed to consider approval of a bid for The Alley Renovation Project.

Mr. Klimm stated the Engineering and Utilities Department sent out bid requests for The Alley Renovation project on June 12, 2015. The bid opening was July 9, 2015. It was expected that the project bid costs would be within the original projected project cost of \$1,255,000. George Grinton, Engineering and Utilities Director, is requesting that Council review the bids at the July 13 meeting at which time he will have the bid amounts and recommendation for the award of the bid.

For Council consideration is approval to proceed with the project and approval of the bid award for The Alley Renovation project. Mr. Klimm stated Mr. Grinton is present to inform us about what the bids were and to solicit Council's opinion about what course of action we should take.

Mr. Grinton stated we had two bids for The Alley project. The lowest bid was \$1,456,700, and the second bid was \$1,545,479, which is a difference of approximately 6%. The original consultant estimated the cost of The Alley renovation to be \$1,255,000. That did not include at that time the concept of replacing the water and sewer

infrastructure in The Alley. He stated when we began talking we decided we needed to provide for it and in the budgeting process his estimate was about \$170,000. He stated of the \$1,456,700 the breakout of the infrastructure is \$196,545.

He stated the JLA design consultant did an estimate and he thought that this bid should have come in, including the water and sanitary sewer, at \$1,236,000. We were disappointed that we were not closer to the numbers that the consultant was thinking it should be. It is actually approximately \$200,000 more than what they were thinking the cost should be. He stated we have allocated for underground utilities \$1,077,000, streetscape - \$144,900, and \$196,000 could be used from the infrastructure CPST II money. That brings the total available funding to \$1,419,000 versus the bid of \$1,456,700. There is a shortfall of about \$38,000. He stated he sees about three options we have. One is to identify additional funding for the work. This project will have some unknowns, and there will be some need for contingency potentially in that you do not know what is down there until you dig it up. Hopefully the costs are covered, but you don't know. He stated if we were to choose projects, we actually have the CPST II project 13, which is the same project we just talked about getting the \$40,000 for George's Pond from. It had a surplus after his estimate of \$385,000 of \$192,000 so we would be able to complete the project if we allocated funds from that project to the undergrounding, streetscaping, or whichever part. He stated we also have the same projects. CPST III curb, sidewalk, landscaping is \$700,000. It is not that far down the list. It is about to be funded so that would be a source of some of this streetscaping for The Alley as well. He stated much further down the list at number 17 on Capital Projects Sales Tax III - Whiskey Road Improvements Phase II that also will not get done because we cannot do the others. That funding could also be allocated. That will probably be funded a little bit later. We want to do the project now, so that may constitute needing to borrow money. He thinks the other thing we can do is eliminate the arches and the bollards from the project. That is a \$62,000 cost that technically would get us into balance, but it wouldn't provide any type of contingency. That is not a terrific option. He stated we will be doing this regardless of whether or not it will solve all of the funding issues or not. We will work with the low cost contractor to value engineer the issues to see if they have any cost saving opportunities, and we try to bring it back down to the scope and remove as much money as we can. He stated we used this technique on the Silver Bluff Water Treatment Plant where we had a bid and a contract amount. As you recall we did not approve additional contingency for the project. The first thing we did was we sat down with the contractor and were able to identify \$50,000 to \$75,000 of things where we could still do the project, but they changed a little bit on how it would be constructed. They would save money and we would save money. That became the contingency which then allowed us to meet our spending total. He has expectations that we will save some money. Those are the options as he sees them.

Councilman Dewar asked if we were going to get some money from the utility companies to help out. Mr. Grinton stated the way the utility company is helping to fund is they are providing the conductor, the installation of the conductor, and pulling of wire through the conduits and connecting. They are assisting the City with the bore. We are splitting the cost of the bore from The Alley to the bollards in the middle of Laurens Street. He stated there is not a lot of funding we have been able to pry loose from them. He stated Scott Neely, from SCANA, can attest that he has tried to get more dollars.

Councilman Dewar asked when this project will start and finish. Mr. Grinton stated if we are given permission to go ahead and start, we would award the bid with a three day contest, so within a week or so we would be able to award it and then our plan is to get started as early as we can in August. The schedule calls for the work to continue through Thanksgiving. We are dividing the work into three phases - Phase I - Laurens Street to just short of Bee Lane would be completed prior to Thanksgiving. Phase II would be Bee Lane. We would not work during the Thanksgiving and Christmas holidays. We would start back again in January and February. We would then stop again because we would have the horse races and the Masters. We would not want to interfere with those events. That is when that smaller section would be done. After the end of April, we would complete Phase III going out to Newberry Street.

Councilman Merry asked if there were only two bidders. Mr. Grinton answered yes. Councilman Merry asked if they were the only ones interested or qualified. Mr. Grinton stated there were four people that showed up for the mandatory pre-bid, and the City insisted on some high credentials because we did not want this to be somebody's first attempt at streetscaping and working in an urban environment. They had to show the City three demonstrated projects where they have done this type of work before to even qualify.

Councilman Merry asked if a \$200,000 miss by the consultant is within the range of how far consultants normally miss it. He stated it seems like a large miss to him. Councilman Merry stated a \$220,000 miss seems like a big miss, and he wonders if they were right and we received two high bids, or if the bids were right and they were off by \$220,000. Mr. Grinton stated the only thing you could do to try to decide is if you could get some additional bidders and see what their numbers came in. It would delay the project. He stated he doesn't have an answer on that. He doesn't have a lot of experience with JLA to know how well they estimate. Councilman Merry stated it may be worth a phone call to them. Mr. Grinton said we will sit down with JLA and value engineer and try to get the cost down. Councilman Merry stated as a private developer, if he had worked up numbers and the engineer had worked up numbers and said it should \$1.25 million and it came in at \$1.5 million, he would go back to them and ask them why they missed by so much and get them to explain it to him.

Councilman Ebner stated there are two things that have happened since the initial concept plan was done. One was the City spent \$39,000 or \$49,000 for an underground survey down The Alley. Council approved that. He asked Mr. Grinton if he knew how much that bid was. Mr. Grinton asked if he meant the original concept. Councilman Ebner asked if we had hired someone to survey the lines. Mr. Grinton stated we did spend some money for surveying. That was part of the work that JLA has done. Councilman Merry asked if that was in the bids. Mr. Grinton responded no.

Councilman Ebner stated he thinks in talking with the person that Mr. Grinton has working for him, when they did the underground survey they did some camera work. He said this piece of work was done after the concept plan was done. His understanding is that the sewer lines and storm water lines are not in very good shape so the bidders had the advantage of knowing something that the concept plan people did not have. He stated he is not trying to justify it, but we had more information when they went out for bid, which was the appropriate day to say what the soil conditions were and the water lines.

Councilman Merry asked if the arches and bollards would go through the Design Review Board for design approval. Mr. Grinton stated they had talked about presenting it to the Planning Commission. He doesn't know that it is required, but we were planning to do it anyway because we want everybody's input. He stated he has been working very closely with Avery Spears-Mahoney with the Aiken Downtown Development Association to make sure the restaurant owners and property owners know what is going on. They actually sat with us when we selected the design company and developed the bid. Councilman Merry asked if the new structural pieces need to go before the Design Review Board. Interim Planning Director Tommy Paradise stated they did not because they are in the public right-of-way. The DRB does not have jurisdiction except for some curbing and cobblestone streets. If it is in the right-of-way, then the DRB does not have jurisdiction. Councilman Merry asked if the right-of-way ran from the edge of the building to the edge of the building. Mr. Paradise stated that was correct. He stated it was his suggestion along the way to bring them in and get their comments. He stated Mr. Grinton will be doing that as he moves forward. Councilman Merry stated he didn't have to, but he will. Mr. Grinton stated that was correct. He plans on doing that. We have an architect's concept, and we are working with the ADDA to get their stamp of what they would like to see and then when we get that finalized we would like to take it to the DRB for their review.

Councilwoman Price asked Mr. Grinton if we are talking about a current projected bid of \$1.2 million. Mr. Grinton stated that is what JLA projected, but the bid came in over that. Councilwoman Price stated we have two bids. She said Mr. Grinton has said we are about \$38,000 short. Mr. Grinton stated we are short \$38,000 based on what we

allocated prior which was \$1 million for undergrounding, \$144,000 for streetscaping, and \$196,000 for infrastructure. Councilwoman Price stated the question is where does the \$38,000 come from. She asked if we had selected a bidder yet. Mr. Grinton stated their recommendation is the AOS Specialty Contractors, the low bid. They have good credentials, and they are the low bid.

Councilman Merry asked if the bid package allows Mr. Grinton to go back and negotiate with the low bidder. Mr. Grinton stated yes, we would award the bid and then do some value engineering to do some design changes so that you can change things to save money. Councilman Merry asked if he could go back and simply try to negotiate \$38,000 out of the low bid. City Attorney Gary Smith stated he thinks the project would have to be rebid. Mr. Grinton stated you have to award the bid, but then you can negotiate changes to the scope to reduce costs or increase costs. Councilwoman Price asked what it would do if we rebid the project. Mr. Grinton stated realistically, what would happen is that we would probably postpone the project's start until after the Masters next year. That would give all summer to do the project. It would then actually be one phase, and there would not be phases 1, 2, and 3. There would not be three mobilizations, and we might save a little money.

Councilwoman Price stated she saw Ms. Spears-Mahoney and Jason Rabun of ADDA shaking their heads. She asked if they were saying to move forward. Councilman Merry stated the problem is there is no contingency built into this right now. Mr. Grinton stated his recommendation would be if we have \$192,000 unallocated funds in CPST II Item 13, which is the Whiskey Road Improvements after George's Pond and all that spending, that could be reallocated because it will not be used for Whiskey Road. That could be allocated to this project, and it would cover all the shortfall plus have a contingency. Councilwoman Price stated she supported that.

Councilman Merry stated he still feels we are overpaying for it, but we need to get the project going. He feels we are spending too much to do it. It is a lot of money. He stated he wants to get the project moving forward, so if that's the way to fund it and the rest of Council wants to go that route, then he will too. He stated with no contingency allowance, which you normally allow 10%-15% on, it is still \$220,000 over what JLA projected for the project. He doesn't want to hold the project up for a year.

Councilwoman Price asked Councilman Ebner what his thoughts were since he is an engineer. Councilman Ebner stated he talked to Mr. Grinton beforehand and followed the money trail when it was started. He stated whether the bid is right or wrong, if he was bidding the job, he would put in 10%-15% extra because he figures the store owners will give him a hard time as well as the City. He stated he guarantees there is 10%-15% in the bid above their normal 10%. He figures they are about 25% high, and if he was bidding the job, that is exactly how he would bid it. You will have the store owners and Public Safety on your case. There will be people on their case that they got mud tracked into the stores. He stated they can try rebidding it, but that will run the risk of getting a higher bid. He said it could run both ways. He stated he supports what we are doing. He stated it is part of economic development for downtown. He said he would be facetious and say that maybe some of the money from the Hospitality Tax should go there. Councilman Merry pointed out that this was a CPST project. Councilwoman Price stated this project has to do with tourism. She stated this impacts tourism.

Councilwoman Price moved, seconded by Councilman Ebner, that Council approve staff to proceed with the project and approval the bid award for The Alley Renovation project from AOS Specialty Contractor in the amount of \$1,456,700 with a shortfall of \$38,000 which will come from the CPST Whiskey Road Project funds. The motion was unanimously approved.

UNFREEZE EMPLOYEE POSITIONS

Finance Department

Engineering and Utilities Department

Mayor Cavanaugh stated Council has a request from city departments to unfreeze employee positions.

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

The following positions are requested to be unfrozen:

**FINANCE DEPARTMENT**

Accounts Receivable Clerk - 1 vacancy. Full-time position. Employee needed to process mail for water bills, taxes and business licenses. This position answers customers calls and scans finance documents into Laserfiche. This person also reviews and updates 10 water routes per month.

**ENGINEERING AND UTILITIES - STORM WATER DIVISION**

Utilities Technician - 1 vacancy. Full-time position. Employee would replace the position of Heavy Equipment Operator. Need Utilities Technician experienced in construction and project layout who will also be responsible for operating the division's light and heavy equipment.

Mr. Klimm stated there were two requests. One is from the Finance Department and one is from the Engineering and Utilities Department. He stated the Finance Department position is straight forward. There is a vacancy and it needs to be filled. The position in Engineering and Utilities is a request to change the scope of the job in terms of increased complexity.

Mr. Grinton stated because the Stormwater team is actually very small with only four people including the supervisor. The fifth one when we hire a Stormwater Engineer will be taking care of the regulatory design, and to actually get the work done, do the inspections and do the corrective actions that need to be taken. It is a small team. We want to upgrade the Heavy Equipment Operator position to a Utility Technician so we can employ construction experience and layout experience and when the supervisor is away getting materials and overseeing the other duties he has, this person can stay on the job and be the supervisor in his absence. It is an upgrade so we can be a little leaner and keep up the high efficiency of productivity.

For Council consideration is to unfreeze one full-time position in the Finance Department and one full-time position in the Storm Water Fund.

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council unfreeze the positions requested by the Finance Department and the Engineering and Utilities Department. The motion was unanimously approved.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:22 P.M.

  
Sara B. Ridout  
City Clerk