

Aiken City Council Minutes

REGULAR MEETING

November 23, 2020

Present: Mayor Osbon, Councilmembers Brohl, Diggs, Girardeau, Gregory, Price, and Woltz.

Others Present: Stuart Bedenbaugh, Gary Smith, Kim Abney, Sara Ridout, Charles Barranco, Ryan Bland, Kym Rooks, Jessica Campbell, Gary Meadows, Daniel Williams, Colin Demarest of the Aiken Standard, and about 10 citizens.

The meeting was held in the City Council Chambers at 214 Park Avenue SW; however, the number of citizens that could attend at one time was limited because of the COVID-19 virus and the need for social distancing. The meeting was streamed live on the City's YouTube channel for the public to view and to comment by email.

CALL TO ORDER

Mayor Osbon called the regular meeting of November 23, 2020, to order at 7:19 P.M. Mayor Osbon led in prayer. The pledge of allegiance to the flag was led by Chief Charles Barranco.

GUIDELINES

Mayor Osbon reviewed the guidelines for speaking at the Council meeting.

ADDITIONS OR DELETIONS TO AGENDA

Mayor Osbon recognized Mayor Pro Tem Price for any additions or deletions to the agenda. Mayor Pro Tem Price asked if there were any additions or deletions to the agenda. There being no changes, Mayor Pro Tem Price moved, seconded by Councilwoman Diggs, that the agenda be approved as presented. The motion was unanimously approved.

MINUTES

The minutes of the work session and regular meeting of November 9, 2020, and the special called meeting of November 12, 2020, were considered for approval. Councilwoman Gregory moved, seconded by Councilman Woltz, that the minutes for the work session and regular meeting of November 9, 2020, and the special called meeting of November 12, 2020, be approved as presented. The motion was unanimously approved.

PRESENTATION

Hometown Hero Banner Project

Mayor Osbon stated the next item on the agenda was a presentation of appreciation for Council support of the Hometown Hero Banner Project.

Mr. Bedenbaugh stated Lowell Koppert and Linda Caldwell were present at the meeting to express their appreciation for Council's support for the Hometown Hero Banner Project. He pointed out the banners were put up in October to November for Veterans Day. Banners were also put up in May for Memorial Day recognizing the Veterans and those that lost their lives in service to our country.

Mr. Lowell Koppert stated he and Linda Caldwell wanted to come and thank Council for allowing the banners to be hung to recognize Veterans in May and November. He noted that Ms. Caldwell had seen the project in New Jersey and thought it would be a good program for Aiken. He pointed out there are about 18,000 Veterans that call Aiken County home. Those Veterans are very proud Veterans and the community is proud of

them. Aiken County Council led the way for the banner project recognizing Veterans. He said he and Ms. Caldwell wanted to thank Aiken City Council for their support for the banner project. He noted that they started a mini-banner program this year which is a small banner like the large banner that is hung on the light poles in the downtown. It is a personal banner that they can take home with them. He said he knows the community is proud of all those who have worn the uniform and will continue to wear the uniform. The project is a great recruiting tool for the younger generation. He noted that Ronald Reagan had made a comment about—we have a lease on freedom, not a deed, and to pass it on to each generation, it is something we have to continue to fight for. Mr. Koppert presented a certificate of thanks to each Councilmember. A picture was taken of Council and Mr. Koppert and Ms. Caldwell.

### BOARDS AND COMMISSIONS

#### Appointments

Clayton Clarkson

Jack Hunter

#### Planning Commission

Norman Dunagan

Brendolyn Boseman

Brittney Alls

Energy & Environmental Committee

Judy Sennett

Community Development Committee

Katy Lipscomb

Design Review Board

Melissa Viola

Recreation Commission

Larry Ogletree

Board of Zoning Appeals

Susan Trotter

Equine Committee

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

Mr. Bedenbaugh stated Council has 42 pending appointments to fill vacancies on different City boards, commissions, and committees. Nine appointments were presented for Council's consideration and vote.

Councilwoman Brohl recommended the reappointment of Clayton Clarkson to the Planning Commission. If reappointed Mr. Clarkson's term would expire December 1, 2022.

Councilwoman Diggs recommended the reappointment of Norman Dunagan to the Energy & Environmental Committee. If reappointed Mr. Dunagan's term would expire December 31, 2022.

Councilman Girardeau recommended the reappointment of Judy Sennett to the Community Development Committee with the term to expire September 2, 2022; Katy Lipscomb to the Design Review Board with the term to expire December 31, 2022; Jack Hunter to the Planning Commission with the term to expire December 1, 2022; and Melissa Viola to the Recreation Commission with the term to expire September 1, 2022.

Councilwoman Price recommended the reappointment of Larry Ogletree to the Board of Zoning Appeals with the term to expire December 1, 2023 (three year term) and the appointment of Brendolyn Boseman to the Energy & Environmental Committee to replace Brittney Alls who has resigned. Reverend Boseman's term would expire December 31, 2022.

Councilman Woltz recommended the appointment of Susan Trotter to the Equine Committee to fill the unexpired term of Linda McLean who has resigned. If appointed Ms. Trotter's term would expire January 28, 2022.

For Council consideration is the reappointment of Clayton Clarkson to the Planning Commission, Norman Dunagan to the Energy & Environmental Committee, Judy Sennett to the Community Development Committee, Katy Lipscomb to the Design Review Board, Jack Hunter to the Planning Commission, Melissa Viola to the Recreation Commission, Larry Ogletree to the Board of Zoning Appeals, and the appointment of Brendolyn Boseman to the Energy & Environmental Committee and Susan Trotter to the Equine Committee.

Councilwoman Brohl moved, seconded by Councilwoman Diggs, that Clayton Clarkson and Jack Hunter be reappointed to the Planning Commission, Norman Dunagan to the Energy & Environmental Committee, Judy Sennett to the Community Development Committee, Katy Lipscomb to the Design Review Board, Melissa Viola to the Recreation Commission, Larry Ogletree to the Board of Zoning Appeals, and appointment of Brendolyn Boseman to the Energy & Environmental Committee and Susan Trotter to the Equine Committee. The motion was unanimously approved.

Mayor Osbon asked if there were any nominations for appointments to be considered at the next Council meeting.

Councilwoman Price recommended the reappointment of Velice Cummings to the Design Review Board.

#### AUDIT – ORDINANCE 11232020

FY 2019-20

Mauldin and Jenkins

Mayor Osbon stated this was the time advertised for second reading and public hearing of an ordinance to accept the FY 2019-20 Audit.

Mayor Osbon read the title of the ordinance.

#### AN ORDINANCE ACCEPTING THE FISCAL YEAR 2019-2020 AUDITED FINANCIAL STATEMENTS AND AUTHORIZING VARIANCES TO THE FISCAL YEAR 2019-2020 BUDGET ORDINANCE.

Councilman Girardeau moved, seconded by Councilwoman Diggs, that Council pass on second reading an ordinance to accept the FY 2019-20 audit.

Mr. Bedenbaugh stated our auditor, Mauldin and Jenkins, Certified Public Accountant, LLC, have prepared the FY 2019-20 financial audit required by state law and city code.

Mr. Miller Edwards, of Mauldin and Jenkins, reviewed the audit with Council at the work session prior to the meeting on November 9, 2020. He reported that the City received an unqualified opinion with no material weaknesses and no instances of noncompliance material to the financial statements.

Council approved this ordinance on first reading at the November 9, 2020, meeting. For City Council consideration is second reading and public hearing of an ordinance to accept the FY 2019-20 audited financial statements.

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion made by Councilman Girardeau, seconded by Councilwoman Diggs, that Council approve on second reading an ordinance accepting the FY 2019-20 audit. The motion was unanimously approved.

CITY CODE – ORDINANCE 11232020A

Demo 200 Program  
Residential Demo  
Demo 2000 Program  
Commercial Demo

Mayor Osbon stated this was the time advertised for second reading and public hearing of an ordinance to amend Chapter 10 of the City Code regarding the demo program.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE AMENDING CHAPTER 10, SECTION 3 OF THE AIKEN CITY CODE REGARDING DEMOLITION OF BUILDINGS.

Councilwoman Gregory moved, seconded by Councilman Girardeau, that Council pass on second reading an ordinance to amend Chapter 10 of the City Code regarding the demolition program.

Mr. Bedenbaugh stated the Demo 200 program has been suspended since April 2019 at the request of City Council. Staff members have met with a group of interested citizens several times and presented their recommendation at the work session on October 12, 2020. Staff would like to recommend changes to Section 10-3 for the Demo 200 program and add a section for non-residential properties going forward. The non-residential section would include a provision for a “claw-back” if the property is sold within four years of the demolition. It will be structured as a loan that is forgiven at a rate of 25% per year that the owner retains ownership after the demolition. .

Council discussed this ordinance on first reading and asked that staff review the ordinance and add some additional text in Section 4 which addresses residential property. A paragraph was added at the end of the section which puts restrictions in place similar to the commercial Demolition \$2,000 program.

City Council approved this ordinance on first reading at the November 9, 2020, meeting. For Council consideration is second reading and public hearing of an ordinance to amend Chapter 10 Section 10-3 of the Aiken City Code, entitled Demolition 200 Program.

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion made by Councilwoman Gregory, seconded by Councilman Girardeau, that Council approve on second reading an ordinance to amend Chapter 10 of the City Code regarding the demolition program and adding a commercial demo program. The motion was unanimously approved.

ANNEXATION – ORDINANCE

501 Chatham Street  
Bethany J. Moon  
TPN 122-06-11-003  
618 Boardman Road  
June Cline  
Bonnie Cotton  
TPN 122-06-05-007  
111 Westwood Drive  
Christine Riviere  
TPN 105-18-05-001

Mayor Osbon stated an ordinance had been prepared for first reading to annex three properties: 501 Chatham Street, 618 Boardman Road, and 111 Westwood Drive and zone them Residential Single Family.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE TO ANNEX THREE PROPERTIES TO THE CITY OF AIKEN.

Councilwoman Gregory moved, seconded by Councilwoman Brohl, that Council pass on first reading an ordinance to annex three lots and zone them Residential Single Family.

Mr. Bedenbaugh stated the following requests have been received for annexation and zoning of their property:

1. Bethany J. Moon has requested annexation of 501 Chatham Street (TPN 122-06-11-003) and zoning as Residential Single-family (RS-10). The property containing .37 acres is located in the Virginia Acres Subdivision No. 3.
2. June Cline and Bonnie Cotton have requested annexation of 618 Boardman Road (TPN 122-06-05-007) and zoning as Residential Single-family (RS-10). The property containing .27 acres is located in the Virginia Acres Subdivision No. 3.
3. Christine Riviere has requested annexation of 111 Westwood Drive (TPN 105-18-05-001) and zoning as Residential Single-family (RS-15). The property containing .79 acres is located in the Westwood Subdivision.

The Planning Commission at their meeting on November 10, 2020, considered these requests for annexation and recommended that the properties be annexed and zoned Residential Single-family.

For Council consideration is first reading of an ordinance to annex property at: 501 Chatham Street owned by Bethany J. Moon, 618 Boardman Road owned by June Cline and Bonnie Cotton, and 111 Westwood Drive owned by Christine Riviere. The recommended zoning is Residential Single-family.

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion made by Councilwoman Gregory, seconded by Councilwoman Brohl, that Council approve on first reading an ordinance to annex property at: 501 Chatham Street owned by Bethany J. Moon, 618 Boardman Road owned by June Cline and Bonnie Cotton, and 111 Westwood Drive owned by Christine Riviere and zone them Residential Single Family. The motion was unanimously approved.

ANNEXATION – ORDINANCE

880 Banks Mill Road  
Andrew Phifer  
TPN 121-20-09-001  
TPN 121-20-09-002

Mayor Osbon stated an ordinance had been prepared for first reading to annex property at 880 Banks Mill Road and zone it Light Industrial (LI).

Mayor Osbon read the title of the ordinance.

AN ORDINANCE TO ANNEX CERTAIN PROPERTY LOCATED AT 880 BANKS MILL ROAD AND TO ZONE THE SAME LIGHT INDUSTRIAL (LI).

Councilman Girardeau moved, seconded by Councilwoman Brohl, that Council pass on first reading an ordinance to annex property at 880 Banks Mill Road and zone it Light Industrial (LI).

Mr. Bedenbaugh stated Andrew Phifer, applicant and owner, has requested annexation of 880 Banks Mill Road (TPN 121-20-09-001 and 121-20-09-00). The two lots contain 2.27 acres. The applicant intends to produce craft beer and specialty sodas for an on-site taproom and small keg distribution for local accounts. The applicant envisions a family and dog friendly outdoor seating area with food offered initially via a food truck. The requested zoning is Light Industrial (LI). The LI zone permits small batch manufacturing and eating establishments without drive-though. If the property is zoned Light Industrial

(LI) and the property owner decides to expand the business, the property would be eligible to apply for a Planned Mixed Use Industrial (PMI) zoning. The PMI zoning is only eligible for consideration if the property is already zoned LI. The PMI zone requires a concept plan review by the Planning Commission and City Council. The parcel does not satisfy the minimum acreage requirements for zoning to Planned Commercial or Planned Residential. The PMI zone does not have an acreage requirement.

The Planning Commission considered the request for annexation of 880 Banks Mill Road with Light Industrial (LI) zoning at their November 10, 2020, meeting and unanimously recommended annexation with the following conditions:

1. that there is a transfer of ownership within 90 days; and
2. that the applicant sign an agreement stating the conditions of approval within 90 days.

For City Council consideration is first reading of an ordinance to annex 880 Banks Mill Road and zone it Light Industrial (LI) with the conditions recommended by the Planning Commission.

Mayor Osbon asked for comments from the audience and Council.

Mr. Andrew Phifer, 43 Anderson Road, Wagener, SC, stated he represents the request for annexation and zoning of 880 Banks Mill Road and was present to answer any questions. He said the plan is to have a family friendly, dog friendly, craft beverage place adjacent to Citizens Park. He felt the proposed use would fit in well with the location with the outdoor activities that are already in the area. He felt it would be a nice addition for the City of Aiken. He said they would focus on outdoor entertainment. The size of their operation would be similar to the Aiken Brewing Company.

Jesse and Doris Bates, of 412 Monetta Street, were present to express concern about the property being considered for rezoning to Light Industrial and annexation as it adjoins their backyard. He said they had lived there for 28 years. He noted that they have seen a couple of businesses come and go during their time there, but they were friendly businesses and caused no problems. He pointed out that he is concerned about the proposed use of the property and the zoning to Light Industry. He pointed out that the building on the property is about 75 feet from his back fence. He stated he attended the Planning Commission meeting, and the posting of the property was on the wrong lot, and that has been corrected. Mr. Bates stated from what he understands Mr. Phifer wants to open up a brewery in his back yard. He noted that the business would operate from 11 a.m. to 11 p.m. on a couple of days a week and on other days from 11 a.m. to 10 p.m. He was concerned that activities proposed for the facility would be in the evening and that it would be noisy with lights, cars coming and going and would disturb their quietness. He pointed out there is no buffer between the two properties except his fence. There is nothing to give them privacy in their backyard. He noted that he felt the location is not the best for the use that is proposed for the property. He said if Council approves the use proposed, he would like to request that a buffer area of at least 10 feet be installed to separate the business from their property so they could enjoy their backyard. He was concerned that if alcohol is served that may cause some issues.

Mayor Osbon stated he would like to look at Mr. Bates' backyard to see the situation before second reading of the ordinance and asked that Mr. Bates leave his contact information.

Councilman Woltz asked if Mr. Phifer would be willing to put a buffer between the two properties. Council asked Mr. Bland, Planning Director, what kind of buffer would be required for the area.

Mr. Bland stated the property is in the county. The property has been zoned commercial in the county for some time, but presently it is zoned residential. Evidently the property has perpetuated as a legal non-conforming non-residential use in the area for some time. He said the city's site landscape regulations apply when improvements are made. In the initial phase they are not proposing to make any significant improvements to parking or to the building. However, he thought in the future they wish to do so. Typically, a five-

foot evergreen buffer would be required between a business and a residence. He said he thought there had been times when properties have been annexed and conditions have been required on properties that are not a planned district. There have been times we have required properties annexing comply with some of the buffer requirements or landscape plans of the city.

Councilman Woltz suggested that the applicant be asked to meet with the neighbors to see if something could be worked out before second reading on the ordinance. Mr. Phifer stated he would be happy to meet with Mr. Bates to see what they can do to be good neighbors.

Mr. Smith, City Attorney, suggested Mr. Phifer be in touch with Mr. Bland prior to second reading of the ordinance so Council could have some details about what they are willing to do.

Ms. Abney read the two emails comments received:

To Whom It May Concern,

My name is Christian Judy, and I am the owner of Dukes Bar-B-Que in Aiken. I have had the privilege of knowing Andrew and Rachael Phifer for a little over a year. We were introduced by mutual friends regarding their business venture, and they sought advice from someone in the restaurant industry as to the best ways to go about being a responsible and successful business owner. We have met on several occasions to go over realistic expectations as well as good business practices. In my experience, I have seen an excellent display of care and concern for the community in which they intend to do business. They ask the right questions, they go above and beyond in their efforts to succeed, and they have a wonderful business plan that is built to last. They are people we will personally be engaged in business with as timing allows. It is my recommendation that their inquiry pass this afternoon.

Christian Judy  
President/CEO  
Dukes Bar-B-Que of Aiken  
To Whom It May Concern,

My husband, Paul Batton and I, are writing in support of Good Girl Brewing Company. We have been long time acquaintances with owners Andrew and Rachel Phifer. We are excited about the possibility of adding a family focused business and destination spot to Aiken. We feel that the Phifers and Good Girl Brewing represent Aiken's ideals and that their business will be an asset to our community. We look forward to bringing our out of town family to a great local spot to enjoy a beer, our dogs, and nearby Citizens Park at the same time.

Sincerely,  
Morgan Batton  
Owner  
(803) 646-0169  
1410 East Pine Log Rd  
Aiken, SC 29803

Mayor Osbon asked if there were comments from Council.

Councilman Girardeau stated he had looked up the tax map on the County website to look at the property. He said he could see why Mr. Bates is concerned as the business would be in his backyard. He said it is interesting that the property is in the county. He said the City has stricter guidelines than the County. He said he hoped the two property owners could work out the concerns.

Councilwoman Price stated she shares the concerns of Mr. Bates living where he has been for almost 30 years and suddenly there is a change in the environment.

Councilwoman Gregory commended Mr. and Mrs. Bates for coming and presenting their concerns. She said she appreciated the opportunity for a working solution between the two property owners.

Mayor Osbon called for a vote on the motion made by Councilman Girardeau, seconded by Councilwoman Brohl, that Council approve on first reading an ordinance to annex property at 880 Banks Mill Road and zone it Light Industrial (LI). The motion was unanimously approved. It was noted that second reading of the ordinance would not be held until after a meeting with Mr. Phifer and Mr. Bates to work out their concerns.

#### CONCEPT PLAN – ORDINANCE

Old Airport Road

Keith Lawrence

TPN 137-13-05-009

Mayor Osbon stated an ordinance had been prepared for first reading to approve a revised concept plan for property on Old Airport Road.

Mayor Osbon read the title of the ordinance.

#### AN ORDINANCE APPROVING A REVISED CONCEPT PLAN FOR PROPERTY LOCATED ON OLD AIRPORT ROAD.

Councilwoman Diggs moved, seconded by Councilman Girardeau, that Council pass on first reading an ordinance to approve a revised concept plan for property on Old Airport Road.

Mr. Bedenbaugh stated Keith Lawrence, applicant, is requesting approval of a revised concept plan for property that was annexed and zoned Planning Residential in 2015 by Ordinance No. 05112015B. The previous concept plan included a mixture of duplex and multifamily development with 239 dwelling units at 8.8 units per acre. The proposed revised concept plan submitted by new owners of the property consists of 164 townhomes at 6.21 dwelling units per acre. The townhomes are arranged primarily as four-plexes with 54.5% open space.

Any development in the Planned Residential zone requires review of a concept plan by the Planning Commission and approval by City Council.

The Planning Commission reviewed the request for concept plan revision approval at their November 10, 2020, meeting. The Planning Commission voted 5-2 (Commissioners Rabun and Brookshire in opposition) to recommend approval of the revised concept plan with the following conditions:

1. That a minimum 4-foot wide sidewalk be included as part of new roads in the development.
2. That a traffic study be submitted for review and approval by SCDOT and the City of Aiken on-call Traffic Engineer.
3. The developer is granted a waiver from the requirement that there may not be more than three dwelling units in a row without a variation in the front façade of at least one foot in depth;
4. The developer is granted a waiver from the requirement that there may be no more than three dwelling units in a row without a variation in the roofline of at least one foot in height.
5. The developer is granted a waiver from the requirement that no more than 30 percent of the units may have a garage facing the primary street, and such a garage may not project beyond the front wall closest to the street.
6. That there will be a minimum 10 foot buffer between the townhomes and the existing residential properties.
7. That the townhomes be no closer than 20 feet to any other building.
8. That the development must comply with the provisions 4.6.4, and that grand and significant trees be identified and preserved.



9. That the plan comply with the Landscape and Tree Preservation requirements of 4.2.9 in the Zoning Ordinance, which requires trees and shrubbery between drives along the primary street.
10. That the signage comply with the requirements of the Zoning Ordinance.
11. That the applicant sign an agreement stating the conditions of approval within 180 days.

For City Council consideration is first reading of an ordinance to revise the concept plan for property on Old Airport Road to consist of 164 townhomes with the conditions recommended by the Planning Commission.

Mayor Osbon asked for comments from the audience and Council.

Mr. Keith Lawrence, applicant, stated the previous project of townhomes and apartments was not able to go forward, but they have proposed a new project of all townhomes. He noted Citizens Park is across the street for open space, but they have preserved a significant amount of open space on the property. They will be doing a tree study as there are some significant trees on the property that they want to be able to keep if possible. He said he felt the proposal is a good overall project. They have had very good success in Columbia County with a similar project. He said they are going to try their best to conform to the roof line changes, but the property is flat and the only way to do that would be to step up a unit in some of the cases. He said he felt it would be a good project. It is different from other townhomes; it is more of an upscale townhome project. The price range would be a minimum of \$150,000 up. One unit in Columbia County closed at \$205,000. Mr. Lawrence pointed out that they are in the process of the Traffic Study now. If the project is approved by Council, then they will move forward with engineering plans and probably break ground in the June to July, 2021, timeframe.

Councilwoman Price noted the garages. She pointed out that when you have a single parking lane, people tend to park on the grass which affects the appearance. There is normally a minimum of two cars to a family. She wondered if there were any problems in Columbia County with cars parking on the grass.

Mr. Lawrence stated they had not had any problems with that in Columbia, and that is a reason for the garages. He said they have a strong Home Owners Association that will enforce the rules.

Councilwoman Brohl noted that no one was present at the Planning Commission meeting to answer questions. Mr. Lawrence stated he never misses a meeting, but did not have the meeting marked on his calendar. Councilwoman Brohl pointed out that the Commission members had the same questions that Council has. She noted that the Planning Commission talked about something like the Carolina Bay being on the property on Old Airport Road. Mr. Lawrence stated it is not wetlands, but there is one like that, but that area is not being disturbed. He pointed out that they want to keep as many of the trees as possible and that is one of the unique parts about having open space. He pointed out there are some nice trees in the corner of Old Airport Road and that is green space on the plan. It was pointed out there is 54.5% open space for the project.

Mayor Osbon called for a vote on the motion made by Councilwoman Diggs, seconded by Councilman Girardeau, that Council approve on first reading an ordinance to approve a revised concept plan for property on Old Airport Road. The motion was unanimously approved.

#### RESOLUTION 11232020B

Woodford Trace  
Owens Street  
Reimbursement Agreement  
Road Construction

Mayor Osbon stated Council needed to consider a resolution approving a Reimbursement Agreement with Woodford Trace for road construction on Owens Street.

Mayor Osbon read the title of the resolution.

A RESOLUTION AUTHORIZING THE CITY OF AIKEN TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH WOODFORD TRACE SC, LLC.

Councilman Girardeau moved, seconded by Councilman Woltz, that Council pass the resolution approving a Reimbursement Agreement with Woodford Trace for road construction on Owens Street.

Mr. Bedenbaugh stated for reasons related to limited Right of Way availability, Woodford Trace SC LLC is being required to build portions of the Pawnee-Neilson Connector and Owens Road Extension to a higher and more expensive standard than the City and the developer agreed upon in January of 2020. Initially we were going to have a rural residential standard road which is in our Land Development Regulations. Because the factors that have caused this increase in the project costs are beyond the control of both the City and the Developer, we have negotiated an agreement that would allow the City to reimburse not more than \$130,000 of the excess costs upon satisfactory completion of the road and its acceptance by the City. We recommend using funds from our Road Maintenance Account to accomplish this.

The original agreement envisioned a road with 2' shoulders that would meet rural residential standards to include grass swales for storm water retention. The final plans call for a more costly hybrid construction that will replace the grass swales with rolled asphalt curbs, storm water piping and a number of drain boxes and other storm water management features. These changes are required due to the lack of required right-of-way width through the area.

For City Council consideration is a resolution authorizing the City of Aiken to enter into the proposed reimbursement agreement allowing for the reimbursement of not more than \$130,000 in verified excess road construction expenses related to the Woodford Trace project.

Mayor Osbon asked if there were any comments from the audience or Council.

Councilman Girardeau pointed out that back in the 1990s there was a curb and gutter reimbursement program. He said he would like to see the City go back to that program as it encourages the developer to go the extra mile to make things better. Mr. Bedenbaugh stated the proposal is similar to that program.

Councilwoman Brohl noted that Mr. O'Briant had pointed out that the developer had done everything he could, even shifted the entire site 20 feet to the south. The extra cost was something not anticipated. Mr. Bedenbaugh pointed out that Mr. Fitch wants to get the project moving and had worked with the city.

Mayor Osbon called for a vote on the motion made by Councilman Girardeau, seconded by Councilman Woltz, that Council pass the resolution approving a Reimbursement Agreement with Woodford Trace for road construction on Owens Street. The motion was unanimously approved.

BUDGET – ORDINANCE

FY 2020-21

Purchase of Land

Mason Branch Road

Road Construction

Owens Street

Mayor Osbon stated an ordinance had been prepared for first reading to amend the FY 2020-21 budget.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2020, AND ENDING JUNE 30, 2021, FOR ROAD MAINTENANCE AND PURCHASE OF PROPERTY.

Councilwoman Price moved, seconded by Councilman Woltz, that Council pass on first reading an ordinance to amend the FY 2020-21 budget.

Mr. Bedenbaugh stated staff is recommending that adjustments be made to the 2020-2021 budget for the following items:

1. The City has agreed to purchase a tract of land of approximately 2,489 acres located near Mason Branch Road to protect our water sources at Shaws Creek. The purchase price for the land is \$5,250,000. An additional \$100,000 is requested for surveying, site preparation for buffers, and related work. He pointed out that the property has not been surveyed since 1968, and we want to be sure we have very defined corners for the property. He pointed out that 300 acres of the property on the southwest by Shiloh Church Road long term could be attractive for development. An interfund loan from the General Fund's Equipment Replacement Account and the Water & Sewer System Depreciation Funds will be used to purchase the property. As we did for the water plant on Silver Bluff Road we made monthly payments and paid the loan off in about five years. For this project we anticipate to pay the loan off in ten years with no penalty to pay off the loan early. The Water & Sewer Fund budget for 2020-21 does not include this purchase so a budget adjustment needs to be made to provide the funds for this purchase.
2. The City has entered into an agreement with Woodford Trace SC, LLC for a project known as Affordable Housing Community on Owens Street with the City requiring the developer to construct and dedicate to the City certain road rights-of-way. The City has agreed to reimburse the developer \$130,000 for excess construction costs over the original cost for the road rights-of-way. The Road Maintenance Fund budget for 2020-21 did not include funds for this cost.

For City Council consideration, is first reading of an ordinance to adjust the budget for the 2020-2021 fiscal year to provide funds for the road construction and for the purchase of land for protection of our water source.

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion made by Councilwoman Price, seconded by Councilman Woltz, that Council approve on first reading an ordinance to amend the budget for the 2020-2021 fiscal year to provide funds for the road construction and for the purchase of land for protection of our water source. The motion was unanimously approved.

SALE OF PROPERTY – ORDINANCE

Governor Aiken Park  
Tom Sherer  
Christine Sherer  
Stewart Drive  
TPN 121-16-13-008

Mayor Osbon stated an ordinance had been prepared for first reading to sell property in Governor Aiken Park to Tom and Christine Sherer.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE OF ONE LOT IN GOVERNOR AIKEN PARK TO TOM AND CHRISTINE SHERER.

Councilwoman Diggs moved, seconded by Councilman Girardeau, that Council pass on first reading an ordinance to sell property in Governor Aiken Park to Tom and Christine Sherer.

Mr. Bedenbaugh stated Tom Sherer and Christine Sherer have offered to purchase Lot 140 (TPN 121-16-13-008) on Stewart Drive owned by the City in Governor Aiken Park. They have offered \$6,000 in a cash transaction for the lot. It is our understanding that the lot will be used to expand the community garden.

Should Council approve this transaction, it is the recommendation to place the net proceeds from this sale into our funds dedicated for building demolition.

For City Council consideration is first reading and public hearing of an ordinance to sell property known as Lot 140 on Stewart Drive in Governor Aiken Park to Tim and Christine Sherer for \$6,000.

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion made by Councilwoman Diggs, seconded by Councilman Girardeau, that Council approve on first reading an ordinance to sell property in Governor Aiken Park to Tom and Christine Sherer. The motion was unanimously approved.

#### RESOLUTION 11232020C

Water Utility Service  
US Highway 1 North  
James Howard  
Arbor Ridge  
TPN 134-10-04-002

Mayor Osbon stated Council needed to consider a resolution to provide water utility service to property on U.S. Highway 1 North.

Mayor Osbon read the title of the resolution.

#### A RESOLUTION AUTHORIZING THE CITY OF AIKEN TO PROVIDE WATER UTILITY SERVICES TO PROPERTY LOCATED ON U.S. HIGHWAY 1 NORTH.

Councilwoman Gregory moved, seconded by Councilwoman Diggs, that Council approve the resolution to provide water utility service to property on U.S. Highway 1 North known as Arbor Ridge.

Mr. Bedenbaugh stated a request has been received from James Howard, owner, for City water service for a proposed nine lot subdivision located on U. S. Highway 1 North known as Arbor Ridge. The property is located approximately 1 1/2 miles to the south of Reynolds Pond Road off of Highway 1 N. The property consists of 10 acres and will likely consist of double-wide mobile homes or modular homes. The property is located outside of the City of Aiken limits. Water service is available to the site.

City Council has adopted a "Policy for the Provision of Water and Sanitary Sewer Service to Unincorporated Areas" which establishes the process and conditions for City services to developments outside the City limits.

The Planning Commission at their November 10, 2020, meeting reviewed the request for water service and unanimously recommended approval with the following conditions:

1. That an executed "Agreement on the Provision of City Services" listing conditions of approval be recorded within 90 days of approval by City Council at the RMC Office.
2. That there be a condition that the agreement to annex the property as soon as it becomes contiguous be executed and recorded.
3. That the City Engineer approve the design of the water service.
4. That the site and landscape plan comply with the City of Aiken Tree Preservation and Landscaping regulations.
5. That the sign area be no larger than 24 square feet for a single sign, or a combined maximum of 24 square feet if a double sign, with a maximum of 8 feet in height.

6. That the ingress/egress drive receive an SCDOT encroachment permit approval.

For City Council consideration is approval of a resolution to provide water service to a proposed subdivision of nine lots on U.S. Highway 1 North known as Arbor Ridge with the conditions recommended by the Planning Commission

Mayor Osbon asked if there were any comments from the audience or Council.

Mayor Osbon called for a vote on the motion made by Councilwoman Gregory, seconded by Councilwoman Diggs, that Council approve the resolution to provide water utility service to property on U.S. Highway 1 North known as Arbor Ridge. The motion was unanimously approved.

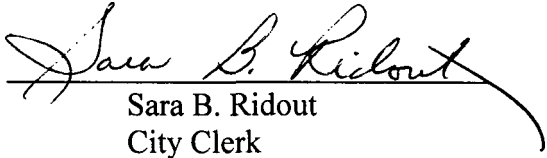
#### INFORMATION

Mr. Bedenbaugh stated an email had been sent to Council regarding an invitation from the Lower Savannah Council of Governments for a legislative breakfast to be held in the Municipal Conference Center on Friday, December 11, 2020, at 8 a.m. to 9:30 a.m. He asked that Council RSVP to the invitation.

He pointed out the next Council meeting will be on December 7, 2020, not December 14, 2020.

#### ADJOURNMENT

There being no further business, Councilman Girardeau moved, seconded by Councilwoman Price, that the meeting adjourn. The meeting adjourned at 8:16 p.m.

  
Sara B. Ridout  
City Clerk