

Aiken City CouncilWORK SESSION

July 8, 2019

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

Via Phone: Councilwoman Diggs

Others Present: Stuart Bedenbaugh, Gary Smith, Sara Ridout, Kim Abney, Mike Przybylowicz, Tim O'Briant, Ryan Bland, Joy Lester, Angela Hales, Mark Chostner, Beth and Lloyd Copenhaver, Gary Pope, Rick Toole, Gary Yount, Mike Jordan, Karl Odenthal, Teddy Umsted, and Colin Demarest of the Aiken Standard.

CALL TO ORDER

Mayor Osbon called the work session of July 8, 2019, to order at 5 P.M.

UPDATE ON ACCIDENT

Mr. Bedenbaugh stated that this morning Kyle Hartley, an employee, was hit while he was working on the back of a solid waste truck. He is in the intensive care unit at University Hospital. He asked that we keep him, his family and his co-workers in their thoughts and prayers. He said staff from the Employee Assistance Program will be coming tomorrow to meet with the Solid Waste staff and with those who were on the truck with Kyle Hartley for counseling. He said the indications from the Highway Patrol report is that the driver from the civilian vehicle was at fault.

PROPERTY MAINTENANCE CODEDemolition 200 Program

Mr. Bedenbaugh stated Council had asked for staff to provide an update on the Property Maintenance Code enforcement. He pointed out that Council had passed an updated property maintenance code last fall, and staff has worked hard to enforce its new components. Mike Jordan, Karl Odenthal, and Teddy Umsted have an update on this implementation and the status of the properties enrolled in the Demolition 200 program. He noted that a report on the property maintenance program was included with the agenda packet.

Mr. Jordan reported that for last fiscal year 16 houses were demolished. Six more houses should be demolished by the end of July. All of these structures were under the Demo 200 Program. Since the Council meeting on March 25, 2019, staff has suspended the Demo 200 Program. We have received several requests regarding the Demo 200 Program. He said staff is waiting to see what Council wants to do with the Demo 200 Program.

Mr. Bedenbaugh stated staff did suspend the Demo 200 program at Council's request after the March 25, 2019, meeting. The expectation is that at the first Council meeting in September there would be a work session about the Demo 200 Program with some staff recommendations for Council's consideration. Mr. Jordan and his staff have been looking at other municipalities as well as areas for improvement. There is a need for that type of program. Our program probably needs review since the program has been in effect going on 20 years. In that time there have been minimal modifications to the ordinance. He pointed out that there had been a lot of other issues to address in the interim. Building Inspections has done a good job in getting about three-fourths of the homes under the program down. Tentatively that work session will be on September 9, 2019.

Mr. Jordan pointed out that there had been some questions regarding the cost for demolition. He pointed out the average cost for demolition in the last 12 months has been about \$1,500 for asbestos testing and abatement and \$6,500 for demolition and

removal. He noted that they try to do the asbestos testing and abatement and demolition in lots as they get a better price versus a contractor coming in for one or two testings and demolitions.

Mr. Jordon stated in the review staff tried to go over the changes in the ordinance as far as vacant structures that are not habitable and boarded up structures. He said to date staff has not taken any action as far as involuntary demolitions. That will be their next step. He said response to their letters notifying the property owners of the change in the ordinance had been good. He said the property owners will have to do something with the structures that are boarded up and not habitable. He pointed out there had been a number of issues. For 20+ properties, staff does not know who owns them or have an address to send a letter to the property owners. He said that is not new. He said staff is trying to figure out what to do for those properties. He stated for the involuntary removals, a requirement in the ordinance is for staff to notify all interested parties, but many times staff has no information on the property owner. It was suggested that perhaps information could be received from the County as to an address and who pays taxes on the property. It was pointed out that one piece of property may have 10 owners and staff has to find each one of the owners. It was pointed out that the County may receive money for the taxes, but still not have an idea of who pays the taxes. It was pointed out that Building Inspection staff uses the County tax digest to obtain addresses for the properties as a starting point in locating property owners.

Mr. Jordan stated staff has had some success with people responding to the letters. Some permits have been issued and staff is working with those individuals. He said they have had some success with people fixing the houses up. There have been some properties with "For Sale" signs, but that does not eliminate the action staff will take in the future. If the property sells, it will change who owns the house.

Councilwoman Diggs asked what we are doing about the 16% that refuse to accept the notification letters. Mr. Jordon pointed out that at some point in time, staff will move forward. He said we will probably seek legal advice to see what direction we take, how we advertise, how we need to conduct the hearing, how we file at the Clerk of the County, etc. He said it is the same issues that they have faced for years for properties. No one wants to take responsibility. He said staff will continue to move forward and establish policies, procedures, and guidelines to hopefully expedite the process for involuntary demolitions. He said in the near future the Building Code Appeals Board will meet. He felt that Board needs some training on how to conduct hearings.

Councilwoman Diggs asked if staff could provide a listing of the locations where the demolitions have taken place so far. Mr. Bedenbaugh stated staff will send that information to Council.

Mr. Jordan pointed out that there may be some Community Development Block Grant funds available for demolitions which will help with more demolitions.

Mr. Jordan pointed out that the addition of a Property Code Officer and a Part Time Administrative Assistant had helped tremendously with the program.

Mr. Bedenbaugh pointed out that once the code and the software are revamped, there will be a line item on the building permit for the property owner to affirm that they are following the covenants and restrictions that are in place at the address for the permit. He pointed out that is something that the Council of Neighborhoods had talked about. Mr. Gary Smith, City Attorney, reviewed the language. The vendor for the software is writing the code for that statement. That should be in place soon. Councilman Dewar pointed out, however, that the city has no authority to enforce the covenants. We are just asking the people to agree to enforce them. Mr. Smith stated we will be asking the people to affirm that what they are proposing is in compliance with their covenants. Mr. Bedenbaugh noted that it would be similar to what the County does for a permit with similar language.

Mayor Osbon stated it seems we need to put some legal process in place so we can move forward in a timely manner for properties that need to be demolished where it is difficult to identify the property owners.

Councilwoman Diggs asked about the abandoned cars on the list. She asked if those had just been identified or actually removed from the premises. Mr. Odenthal noted that cars are challenging because you have to deal with an individual. He noted they can send a letter. In the case of overgrown lots, if the owner chooses not to comply, in 30 days the City can send a contractor out to cut the grass. In the case of a car, the City does not have the legal authority to remove the car from the property or take any other action. The main action is to work with the property owner to remove the car or get it running. It is a matter of catching people at home and trying to work with them. When they don't comply, it is a matter of tracking them down so we can write a citation and get them to court. He said the experience had been that when you write a ticket, you are more likely to get compliance. A question was what authority the court has. Mr. Umsted stated the court can fine the person, and he has taken several to court. It was noted that the fine is \$1,087. Mr. Odenthal stated the Judge has the right to lower the fine. The Judge can give them another 15 days to remove the vehicle or impose the fine.

Mr. Jordan pointed out that vehicles are difficult to deal with. He pointed out that with a lot of the vehicles that people complain about, there is nothing they can do. He noted the vehicles are operable; they are parked in the front; and they may not be tagged. If the vehicle can run on its own power, there is nothing they can do. If the vehicle is not tagged on public property, Public Safety will work on that. If the vehicle on private property is not tagged, Mr. Jordan stated he knows of no way they can force someone to register a motor vehicle on private property.

Councilman Woltz asked when the involuntary program was reviewed. Mr. Jordan stated it has been a number of years. He pointed out a case in which they went through the hearing process and the owner was there. It was for a dangerous structure. He stated the ordinance is basically modeled after the state law. He said the issue is how the law is written in that all interested parties must be notified. If you can't actually physically contact the person, the ordinance says we can have a hearing advertised in the paper. He said staff just wants to be sure they are on firm legal ground. He noted they are addressing 100+ structures. The last thing they want to do is to err and tear the wrong property down. He said it had been a number of years since they had used the law. In the past it was used for the worst structures, the ones that were dangerous, that we were taking down. Mr. Jordan stated at that time he conducted the hearings. That was changed in the new ordinance. He said the hearing now would be before the Board of Appeals Board. He said he felt for him to conduct the hearing was a conflict of interest since the property code officer worked for him, and they want the building down. He said since the Board of Appeals would conduct the hearing now, he felt the Board needed some training on how to conduct a hearing. Mr. Jordan stated most of the buildings they would be dealing with would be uninhabitable buildings. He noted that if a building is uninhabitable, then it would not be safe to be in it. He said the safety part they have done in the past is where the building could potentially collapse on someone. Those are the ones they targeted in the past and the last ones they did through the involuntary law. Most of what they have done in the last 8 to 10 years have been done under the Demo 200 Program, and it has been successful.

Councilwoman Gregory stated she was hearing that the various programs have not been revisited in a few years. She said she understands that the Demo 200 Program has not been reviewed in about 18 years. She asked when we plan to review the programs. Mr. Bedenbaugh stated the plan is to review the Demo 200 Program in a work session on September 9, 2019.

Mr. Jordan pointed out the reason the Demo 200 Program is so successful is that staff can talk to the people. The problem with the other 100+ structures is that staff cannot contact the owners and talk to them. He said he thought there are steps to take without contact, but they want to be sure they are on firm legal ground before tearing down properties without actually notifying the people that according to the ordinance are supposed to be notified.

Council then discussed the lot cleanup properties. It was noted that Building Inspections do a number of lot cleanups with occupied properties, not just vacant lots. It was pointed out that lot cleanups happen all over the city. It was pointed out that sometimes someone will clean up their yard and then put the debris on a vacant lot a few blocks away. It was noted that the city uses a contractor to clean up lots if debris has not been removed after notification. There was a question regarding the new ordinance, whether the complaints regarding the length of the grass before it is cut had increased in terms of calls. Mr. Umsted stated he did not think it had increased in the number of calls, but it has increased the amount of enforcement needed. He pointed out that two Property Code Officers can cover a lot more than one person and having an Administrative Assistant take care of notification letters, the Property Code Officers can stay in the field most of the day. He said the number of cases opened every month has increased at least three times because they are in the field most of the day.

Councilman Woltz asked if there were any way staff could work with the County to flag the properties where our staff cannot find the owners so when someone pays the taxes or makes contact with the County, they could get contact information.

Mr. Bedenbaugh stated staff could talk to the County Treasurer who collects payments for taxes. He said he would be glad to talk to him to see if there was a way to flag the properties to get information. Councilwoman Diggs noted that the owners probably have relatives or neighbors, or people in the churches who know who they are and where they are and could possibly share that information with us.

STATE TRANSPORTATION INFRASTRUCTURE BANK

Whiskey Road

Benesch Engineering

Rick Toole

Mayor Osbon stated the next item for discussion is the State Transportation Infrastructure Bank application.

Mr. Bedenbaugh stated as you know, we have been working on an application to submit to the State Infrastructure Bank [SIB]. For several years, the SIB was involved in litigation which temporarily suspended the application process. We were informed in mid-May that applications are being accepted until August 1 rather than December 1. We are preparing to submit our Whiskey Road Transportation Alternatives application. At tonight's Council meeting, Council will be asked to consider a resolution supporting this request which is part of the application as well as a resolution from Aiken County. Rick Toole of Benesch Engineering is here at the work session to discuss the components of the application, which he has presented to City Council several times since 2015. He noted that the application format is a little different from the ones in the past.

Mr. Rick Toole stated he and Joy Lester attended a workshop for the SIB application a few weeks ago. He pointed out that he wanted to quickly review the presentation which he had shown in the past. He said he wanted to hit the highlights and refresh Council about what we want to accomplish with the project and how we are going about it. He said he also wanted to review some of the revised areas of the application.

Mr. Toole pointed out the area on the Whiskey Road Corridor that we are interested in at this time is the area from East Pine Log Road down to Powderhouse Road. It encompasses Silver Bluff all the way over to Pine Log Road. The key issues in the study are congestion, accessibility, pedestrian and bicycle accommodations, and stormwater management. The options are that we can do nothing, allow individual projects to move through the system, select individual projects and seek alternate funding, and combine projects and seek alternative funding. The preferred alternative was to combine projects and make joint SIB application.

Mr. Toole reviewed the purpose of the project. He pointed out that many studies had been done on Whiskey Road, and he had reviewed the studies that had been done since 2000 and there were studies before that time. Through all the studies several projects

came to surface, including Dougherty Road, Powderhouse and South Centennial Connector, East Gate Connector, and Pawnee Neilson Connector. He pointed out that all of these have a significant impact on the congestion along Whiskey Road. He pointed out the benefit of the Powderhouse and South Centennial Connector which would not only reduce some of the congestion on Whiskey Road by providing two parallel paths, it also would open up 450 acres for development.

Mr. Toole reviewed each of the projects. He pointed out the Dougherty Road Corridor Improvement Project would cost about \$15 million. That project goes from Silver Bluff Road to Whiskey Road. The East Connector would be an extension from Dougherty Road down to the Mall area at East Gate Drive at an estimated cost of \$8.5 million. The Pawnee-Neilson Connector is to go from the East Gate extension back to Dougherty and then connect with Pawnee-Neilson behind Walmart at an estimated cost of \$9.8 million. A large project is the Powderhouse and South Centennial Connector at a cost of \$37.2 million, connecting East Pine Log into Powderhouse and rerouting Old Powderhouse Road and then coming from South Centennial connecting up to Centennial Drive and Corporate Parkway. He pointed out this is a significant project, but it has a lot of benefits in the way of reduction of traffic on Whiskey Road as well as the economic development aspects of property in the area.

Mr. Toole stated the Whiskey Road Corridor Improvement Project is from East Pine Log Road down to Powderhouse at a cost of \$46.4 million. The cost includes a significant amount for storm drainage. The Whiskey Road Corridor project would include a 6' sidewalk on one side, putting a closed stormwater system in with curb and gutter, using a median and/or center left two-way turn lanes and a 10' wide multi-use trail on the other side. The multi-use trail is in lieu of adding bike lanes on both sides which is a good way of separating cars from bikes, particularly on roads like Whiskey Road.

Mr. Toole stated the combined projects would reduce congestion and improve efficiency from 10% to 20%, improve operational safety with integrated signal coordination and reduced intersection volumes, provide bike and pedestrian accommodations by constructing bike lanes and sidewalks, improve area connectivity by creating better access to retail and commercial centers, reduce flooding by providing increased stormwater management for quantity and quality, and economic development by creating access to 450 acres of undeveloped property.

Mr. Toole noted the total estimated project cost is \$117,200,000. There are no ARTS Guideshare funding anticipated which will not be available until 2023. He said we are looking at South Carolina Transportation Infrastructure Bank funding, and local contribution and possibly some FHWA grants. He said the estimated local contribution is \$29,300,000. He pointed out that the first major change in the STIB application is that the original application process had no local match requirements. Now there is a 25% requirement. He noted that local contributions could include city and county CPST funding, FHWA INFRA Grant is not applicable, FHWA Tiger Grant – 18 month obligation requirement, FHWA Transit – investigating, LSCOG Guideshare, donated right-of-way, and looking around for others that might be available.

Mr. Toole then reviewed the changes in the SCTIB application. He noted that due August 1, 2019, is the first change in the application. He pointed out the project includes a majority of the Whiskey Road Corridor, addresses a regional transportation issue, joint application leverages City and County support, and requires resolution/letters of support from City, County, SCDOT, MPO, and Regional COG.

Mr. Toole pointed out other changes in the application include projects may not be combined, projects are rated on ranking and score from the Long Range Plan, project costs greater than \$50 million require 25% local contribution, written commitments from other sources of funds, SIB funding can be obtained through an act of the General Assembly, local match must cover design, ROW, environmental, and legal costs, and preference to eligible projects with local financial support, i.e. fees, donated ROW, local taxes, etc.

Council then discussed the project, the cost, funding sources, and alternatives.

Councilwoman Price suggested an alternative for traffic could be an overpass which is what some other cities have done. She said she would like for us to take a look at how we redirect growth in Aiken. She pointed out that she felt with this proposed project that we still are not coming up with a long term solution for growth and that is a concern of hers.

Mr. Toole responded that he did not disagree with what Councilwoman Price said. He said he had not worked with a city large or small that continues to grow and the prosperity not result in more cars on the road. He said there could be public transportation, but he felt that the American public loves their cars and he felt traffic will always be an issue if an area grows. He said even if traffic is reduced 20% on Whiskey Road in ten years it will be back. He said if people want to come here and the area is attractive people will come. He said if the City does not address anything then the growth can be strangled and stopped, and a worse problem can be created. He said he would rather put a frontage road on each side of Whiskey Road and have access down the middle. That would give an opportunity to control traffic and control access. However, that can't be done. He pointed out that a bypass could be good and bad if you take the traffic away from your business area.

Council continued to discuss the project and the process for the application. Council discussed the Powderhouse & South Centennial Connector Project for about \$37 million. Mr. Bedenbaugh noted that we could do the project in phases. The first phase of Centennial, the Centennial extension and the lower end of Powderhouse cost would be about \$12 to \$15 million. It was pointed out that phase would take about 10% traffic off Whiskey Road in one area. It was noted that the traffic that would be generated from the proposed development in the area had been included in the model. In response to a question as to what models had been done, Mr. Toole stated regional transportation models had been done in the area, looking at estimating the number of cars per home with residential development. Mr. Toole noted the good thing about this corridor is that it would be limited access. There would not be driveways into the road. It would all be internal circulation.

Councilwoman Price pointed out her concern is that the plans are relevant to the current population. Mr. Toole responded that it would be a standard traffic analysis. He said when they did the concept and traffic analysis, it is based on current and then you have a 3% growth and a projection in 20 years and 40 years. He said that is what is used for the level of service model.

Mr. Toole showed a matrix of all that is required in the application. He said the matrix is extremely detailed with a breakdown of each of the revenue sources and what you contribute from Hospitality Tax per year; they have to provide a detailed timeline commitment of revenue and expenditures. Mr. Bedenbaugh stated we started this process 2 1/2 years ago in earnest.

In summary we are going after \$84 million, with the City and County contributing \$29 million. Mr. Toole stated they have to show where the \$29 million will come from. Mr. Bedenbaugh stated money is set aside every year from Hospitality Tax and other funds. A portion of the Roads Maintenance money could be allocated because the Road Maintenance enabling ordinance allows for construction of roads. He said we have a mechanism to potentially fund the match. We have about \$4 million of cash on hand set aside. That does not include CPST IV funds that are dedicated for road improvements. In terms of borrowing we have the capacity for about \$18 to \$20 million. We could borrow against Roads Maintenance funds and Hospitality Tax as that is an allowable use of the funds for road construction.

Mayor Osbon asked that Mr. Toole keep Council informed as to where the application is in the process.

ASSISTANT TO THE CITY MANAGER FOR BUSINESS DEVELOPMENT
Job Description

Mayor Osbon stated the next item for discussion was the job description for the Assistant to the City Manager for Business Development.

Mr. Bedenbaugh stated Council and staff have had very good discussions recently about economic and business development. He said it seemed from the discussions at the last work session regarding the Redevelopment Commission that we are not going in that direction at this time. He noted that a Councilmember asked for a draft job description for Mr. O'Briant. He pointed out a job description titled Assistant to the City Manager for Business Development had been drafted for the position. He noted that it had been given to Council for informational purposes to layout the expectations of the job. Presently we are looking at filling the position internally by an existing staff person. He pointed out there had been questions about hiring a CEO for a Redevelopment Commission. He said the operation for economic development would be done out of the City Manager's Office. He pointed out the proposed job description has definable and measurable goals. He said Mr. O'Briant would work with economic development. He also pointed out that Sabina Craig would provide some administrative assistance because there would be a lot of paper work as part of the job. He pointed out that he feels that the job description meets a lot of the criteria of what Council was looking for. We believe it captures a lot of the stakeholders locally, state-wide and even regionally that Council has discussed. He said he felt this is a goal that Council is very interested in seeing the city pursue.

Councilwoman Diggs asked if the person would be collaborating with the Aiken Corporation in the economic development partnership. Mr. Bedenbaugh stated that is correct. Those are the stakeholders mentioned. They would have a seat at the table, and would be representing the City.

Councilman Dewar stated he was surprised there was nothing about annexation in the job description. Mr. Bedenbaugh stated that had been mentioned, and he would like to make the person part of the annexation effort. He pointed out that we already have someone who works with annexation on a part-time basis. He said he felt that annexing property ties in with economic development. That will be added as a component for the job. When it is ready to be put in the job bank, Council will get an updated draft.

Councilman Girardeau stated annexation does fit in with economic development. He said his understanding is that we are not going to pursue the Redevelopment Commission. Mr. Bedenbaugh stated at this point, it appeared that seemed to be the direction from Council. Councilman Woltz stated he did not know that Council had agreed to that. He said he felt that still should be discussed. Councilwoman Gregory stated she thought that is what they were empowering Mr. O'Briant with. He was to work with certain people and appoint his team, talk about it, develop it, bring it to the table, and then take it from there. She said it is too early in the process to have a full blown commission. Mr. Bedenbaugh stated the job description was the first step in the process.

Councilman Girardeau stated this may satisfy the need of moving forward with economic development and help decide whether we need a commission or not.

Mayor Osbon stated he felt this is a start. He said he felt it will be very interesting to see what Aiken Corporation does with their bylaws and how they interact with the position of Assistant to the City Manager for Business Development.

Councilman Woltz stated he felt Council should talk again once we establish this position and meet with business leaders. He pointed out that most major corporations have arms of economic development. He said he felt we need to get out of the box and think outside of it. He said the job description is a starting place, but the real thing will be getting on the streets and starting to knock on doors and then come back to Council for further discussion. He said he believes that we have to meet with the heads of the corporations to do this. He said he did not want to hear that they have killed it.

Mr. O'Briant stated in discussion with Council and with Mr. Bedenbaugh, he had a great deal of confidence in the direction that we are headed. We still have some work to do in meeting with the Aiken Corporation and formalizing Council's vision of how this will work. He said we will be spending some time in getting things done and setting what the next steps are. He said we are going to work and plan for the future.

The work session ended at 6:20 p.m.

EXECUTIVE SESSION

Mayor Osbon stated City Council needs to go into Executive Session pursuant to Section 30-4-70(a)(2) to discuss negotiations incident to a proposed contractual arrangement and proposed sale or purchase of property and to receive legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim. Specifically, City Council will discuss the following:

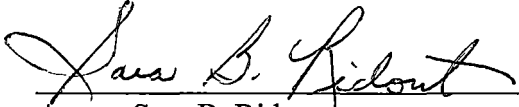
1. Proposed contractual arrangements with the potential owner of the old Aiken County Office building.
2. Proposed contractual arrangements with the potential owner of real estate for purchase by the City of Aiken.
3. Proposed contractual arrangements with the owners of real estate regarding the possible development of land in the City of Aiken.
4. Receive briefing on status of lawsuit filed against the City by a former employee.

Councilman Girardeau moved, seconded by Councilwoman Gregory, that Council go into executive session to discuss the items mentioned by Mayor Osbon. The motion was unanimously approved.

Council went into executive session at 6:30 p.m.

After discussion, Councilman Dewar moved, seconded by Councilwoman Price, that Council come out of executive session to conduct the regular meeting and then go back into executive session after the regular meeting. The motion was unanimously approved.

Council came out of executive session at 6:58 p.m.


Sara B. Ridout
City Clerk