

December 9, 2019

Aiken City Council Minutes

December 9, 2019

WORK SESSION

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

Others Present: Stuart Bedenbaugh, Gary Smith, Sara Ridout, Kim Abney, Tim O'Briant, Ryan Bland, and Kym Wheat,

EXECUTIVE SESSION

Mayor Osbon stated 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. City Council will also discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

Specifically, City Council will discuss the following in executive session:

1. The proposed sale of real estate to WTC Laurens, LLC.
2. The provision of City services to a facility that is considering locating in the City of Aiken.

Mayor Osbon stated he will recuse himself from the discussion on the proposed sale of real estate to WTC Laurens, LLC.

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

Mayor Osbon turned the meeting over to Mayor Pro Tem Lessie Price.

Mayor Pro Tem Price stated the subject is to discuss the 135 Laurens Street SW building sale to WTC Laurens, LLC.

Council went into executive session at 4:10 p.m.

After discussion Councilwoman Brohl moved, seconded by Councilwoman Diggs, that Council come out of executive session. The motion was unanimously approved.

The Executive Session ended at 4:50 p.m. Then Council held a work session on the sale of 135 Laurens Street SW.

135 LAURENS STREET SW

WTC Laurens, LLC

Administration & Finance Building

Weldon Wyatt

Mr. Bedenbaugh stated Council had first reading of this item for the sale of 135 Laurens Street SW on November 25, 2019, and subsequent to the meeting, there were comments and questions from Council and others. Staff met with WTC representatives after the meeting and discussed this item and answered questions. They turned the questions around and provided answers that were reviewed internally and with the City Attorney. He stated the item is the agreement as considered by Council for first reading for the sale of 135 Laurens Street SW for \$1.2 million. The sale would not be formally executed

until a date no later than January 31, 2022, which is 24 months after February 1, 2020. The reason for that is the work at the Regions property (107 Chesterfield Street SW) should be completed at that time. Council asked to see a draft lease from WTC should we have to be in the building after February 1, 2022. The City will continue to own the building until a point around the February, 2022, time period. He stated another question asked by Council was what would go on the property site after WTC Laurens acquires the property. The next question was additional assurances that WTC Laurens would commit to a purchase of the property between second reading and the time the City vacates the building, and would WTC consider a purchase now with 24 months free rent to include additional money for taxes that would need to be paid while the City occupied the building. He stated they consulted with WTC staff and the agenda packet accurately reflects what was discussed with them. The draft lease is attached to the work session agenda. The base lease rate is basically \$10,883 a month which is based on about \$13 a square foot which WTC believes is in keeping with the per square foot value of commercial property in this area. He stated the property would be sold as currently composed with parking, office, and/or commercial use, but with no current plans for housing or new construction on the site. They also requested that the deed restriction that has been in effect on this property since December, 2011, running through December, 2026, be released as a condition of the sale. The building was purchased from First Citizens Bank in 2011 by the City and as one of the conditions of purchase, there is a 15 year deed restriction that it cannot be used as a financial institution through December, 2026. Mr. Bedenbaugh stated Council wanted assurance that WTC Laurens would be fully committed to the purchase, and the initial agreement that Council had at first reading and passed was \$100,000 of non-refundable earnest money to be presented and WTC subsequently agreed to \$100,000 per year. WTC declined to take the City up on the request to purchase now with 24 months free rent and include additional money for taxes, but WTC is willing to purchase as soon as the City vacates, either now or in 24 months as the current proposal calls for. Mr. Bedenbaugh turned the meeting over to WTC for questions.

Mr. Weldon Wyatt, of WTC Laurens, LLC stated the only comment he had was they are looking at something two years out, and they do not know what will happen in two years, but they are willing to take that risk. They are willing to buy the property now if the City is willing to get out. He said he understands the city does not want to move twice. Mayor Pro Tem Price stated the comment came up if WTC would be willing to buy now. Mr. Wyatt stated he is willing to buy now if the City moves out. Mr. Bedenbaugh stated that is something potentially staff can discuss with WTC to see what would be a time period between second reading and the City vacates the Laurens Street building. He stated one of the items would be working on getting something in writing regarding the deed restriction lifted that it cannot be used as a financial institution through December, 2026, among other things. If Council desires, that is something staff can begin discussion on. That can be discussed at second reading and staff is willing to discuss with WTC if Council so desires. Councilwoman Gail Diggs asked Mr. Wyatt if he had any idea what would go in the building. Mr. Wyatt stated they are looking at two years out. He said he would not be looking at buying it if he didn't think they could use it, but they do not know what they would use it for right now. He noted that he had bought the Wells Fargo property for \$750,000, and does not have a use for it at this time. He said when looking at something two years out, it is difficult to figure out what you will do with it. He said he could not do anything with it for two years. Councilwoman Kay Brohl asked Mr. Wyatt if he originally came with a proposal to buy right then. Mr. Bedenbaugh stated several years ago he did. Mr. Wyatt stated they have been around Aiken a long time; Council knows what he does and what he has done. He stated either the City wants to sell the Laurens Street building or keep it. Councilman Ed Girardeau agreed. Mayor Pro Tem Price asked for more information regarding purchasing the building now and the city vacating it now. Mr. Wyatt stated they would close in 60 days. He stated it is a lot of expense for staff to relocate temporarily and then go somewhere else. Mayor Pro Tem Price stated Mr. Wyatt has been very considerate.

Councilwoman Brohl stated she knows WTC does good work. She stated it is not the quality, but Council's indecision about how to move forward. Mr. Wyatt stated it is hard to imagine what the building will be worth in two years. It could be more or less. He said what he was agreeing to pay is something they are putting their faith in Aiken that it will

be worth the \$1.2 million two years from now. Mayor Pro Tem Price stated she was part of Council when the Brinkley property was purchased for over \$900,000 and we will be lucky to get \$400,000 out of it right now.

Mr. Bedenbaugh stated staff will have some additional discussions in terms of options for transition. He stated he will have information to present to Council at the next Council meeting held in January for second reading. Mayor Pro Tem Price stated Council appreciates the patience of WTC Laurens, LLC. Councilwoman Brohl stated Council has not had a good track record with property. Mr. Wyatt stated he feels the City moving into the Regions building on Chesterfield Street is a good move.

Discussion on the sale of the 135 Laurens Street SW building was ended.

Mayor Rick Osbon returned to the meeting at 5:10 p.m.

WOODFORD TRACE APARTMENTS

Owens Street

Mayor Osbon stated the next item on the work session agenda is the Woodford Trace Apartments on Owens Street.

Mr. Bedenbaugh stated the proposed Woodford Trace Apartments are before City Council for consideration at first reading to annex property and provide city services to a proposed development at the regular meeting of Council at 7 p.m. He stated representatives of the property owner, the developer, and their legal counsel are present to discuss this project in the work session. He felt it would be beneficial to hear from them so that all of Council will hear the same thing in an informal setting and ask questions. Mr. Bedenbaugh introduced Mr. Kevin Pethick, the attorney for the development.

Mr. Kevin Pethick stated this was an opportunity for questions and answers. He stated they are proposing 48 units behind Walmart next to the existing Palmetto development. It was presented to the Planning Commission and turned down based on lack of infrastructure. He stated it was puzzling because there is a lot of traffic on Whiskey Road, but in this particular case, the traffic is much less than the Planning Commission had previously recommended for a grocery store that was a 3,600 traffic count, and this is 260 trips per day. Council also considered the Palmetto Crossing development a couple of years back and at that point in time had a traffic study that showed the traffic counts, and it was approved and accepted based on infrastructure with conditions that would be worse than they will be now after the road conditions are improved. The site is zoned in the County. Based on the changes the City requested that donut holes be eliminated, they are coming to the City to propose the project be annexed to the City. It is currently zoned properly in the County, but they would come to the City and be glad to be a part of the City. He said some things have happened on Whiskey Road that we are currently dealing with and have been for some time. He said the opportunity exists now to take this property and not continue that trend or pattern that exists where we have a lack of sidewalks and infrastructure. He stated this particular site is within the Comprehensive Plan. Aiken has a really big need for affordable housing. Aiken is 658 units in the hole now, and the need is continuing to grow at 14 units per year. This particular site was one of two sites in the state out of 33 applications that were submitted that received a perfect score. The selection criteria are based on nearby services, schools, businesses, grocery stores, and opportunities that would benefit the residents. Since it was an A+ site, it has been approved for tax credits and is ready to go so Aiken can meet the need for affordable housing. He stated that people have asked if they could use a different site, but the Chamber report that was done to determine if affordable housing might be appropriate for downtown stated they are receiving more calls regarding affordable housing on the southside. There have been some issues stated regarding crime and property management issues at the existing apartment site, but this development is not the existing site. He stated Hollis Fitch is from Aiken. His mother is Peggy Fitch. Mr. Fitch has a very successful company that manages over 10,000 units. This project is one that he takes a lot of pride in. His company does not do third party management, so they will not only develop and build the project, but they will continue to own, retain, and manage

it. They have already reached out to Chief Charles Barranco to establish a partnership arrangement whereby they will be putting up cameras with 24 hour surveillance and 72 hours of captured video. They are also working with the City to work on lighting and access. It is their goal for this to be a flagship project for Mr. Fitch's company and one that, if they work together, can account for any concerns that may exist for infrastructure. They have already received the confirmation for utilities.

Mr. Hollis Fitch stated his company is based in Charlotte, and they currently either own, manage, or operate about 10,000 affordable housing units throughout the Carolinas and Virginia. Their properties are throughout the state. This would be the first deal they have worked on in Aiken, but they have done over 500 units in the City of Greenville and about 300 units in the City of Charleston. They are still working in Charleston to develop a property on the peninsula. He stated affordable housing gets a bad name because it is associated with public housing, when what they do is very far from public housing. Affordable housing is built through private investment and tax incentives and is managed privately. What they develop they own long term, and what they own, they manage. They pride themselves on doing a good job on the management front. He has a number of letters from different communities he has worked in referencing their past history. He stated they provide third party management services, but they do not have any properties in their portfolio where they use a third party manager. A lot of the concerns he has received reference a lot of crime. He stated they met with Chief Barranco about the project. He stated the properties only do as well as how they are managed. If the property management is done poorly, you can have major issues. Palmetto Crossing uses a third party manager. He has driven by it a couple of times in the past two months, and it looks well maintained. The landscaping seems to be kept up, but that is not an indicator of how the property is doing. He stated something he has done in every community that he has developed in is to make the police department part of the management, giving them jurisdiction on the site. His company provides video camera systems throughout the property that are web based, and they can give real time access to the police department to make sure they are able to view the property, and the system also saves the video recordings for 72 hours to go back and reference. Beyond that, they have credit and criminal background checks for every tenant that lives in the property. They are vigilant about enforcing the rules. They check in with the tenants on a monthly basis to make sure there are not people in the unit that are not on the lease. All vehicles in the parking lot need to be operable and tagged. They have to follow all federal fair housing laws in the operation of what they do, but they are a vigilant manager.

Councilwoman Gail Diggs stated she agrees there is a need for affordable housing in Aiken. She wondered why they would choose that location with the traffic and congestion in the surrounding streets. She distinctly remembers attending the open house for Palmetto Crossing, and they made some of the same statements that are being made at this meeting about guaranteeing that the property will be maintained, credit checks, etc. Apparently some of it was not true because the property is not well maintained. She has seen the trash cans overflowing, trash in the woods, etc. She has spoken to some of the residents, and some are not happy. She wishes there was a different location for the apartments, but she understands the location has been chosen. She stated she knows they cannot reassure Council that management will not be a problem. She stated the biggest problem she has is the traffic congestion. Councilmember Brohl stated there is never a time when there is not traffic congestion. She stated she has traveled the area daily and you never know how long it will take you to get through the area.

Mr. Fitch stated the traffic was a problem 20 years ago when he lived in Aiken, but the population is growing and there is a need for the housing. He stated the way the program works in the State to get the funding is you have to find a location that will score well enough to get it, and there are not many locations. Councilwoman Diggs stated that is because of its access to business and schools. Mr. Fitch stated it is the most desirable place to be based on the State agency's criteria. Councilwoman Diggs voiced her concern regarding children walking to school and having to cross Whiskey Road. Mr. Fitch agreed there could be some serious issues there, but that is why the City is implementing the policy to bring the donut holes in where they are in the County so they can get the infrastructure to connect. Right now the City has no control over being able to put a sidewalk from Palmetto Crossing or the property he is pursuing. The only way

that will happen is to get these properties annexed into the City so the City has control. That is the main reason why he is at the Council meeting. He stated he was not able to use his normal traffic engineer for the traffic study. They were told they had to use an approved City traffic engineer, and they came up in their study that the impact from this property would be negligible. He stated he realizes there is traffic, and that is why the retail stores want to locate there and the reason that it is a desirable location to live. He said there are jobs in the near vicinity. He stated he currently has 26 properties under construction between Atlanta and DC. Councilwoman Diggs asked if any were close to Aiken. Mr. Fitch stated there is nothing close to Aiken. The closest at this time would be in Greenville or Charleston. He stated they contend with traffic in every single community to which they go. They are willing to work with the City to put in some type of connector between their site and Neilson, or providing an easement for that. He believes the property owners are willing to work with them as well, especially for construction traffic. He stated they want to work with the City and be a good partner.

Mr. Pethick stated something he feels is difficult when presenting is trying to counter what is anecdotal evidence. For example, "it was all dirty when I went there" or "I couldn't get out when I went there." He stated since he has taken on this project, he has been by there 12 times, and will just sit and observe. It is holiday season now with major road construction going on. If you could pick one point in the history of Aiken, there has probably never been this much congestion in this location because of the time of year and everything going on. He stated he understands why emotions are high about the traffic. He stated, however, this site did not create the problems. The problem could be solved by annexing into the City and allowing sidewalks along Owens and Whiskey Road. The traffic count showed 260 trips a day would be added to this count. There are 37,000 currently coming across Whiskey Road. It's less than a tenth of a percent of an impact. There are seven additional trips per hour during the peak hour, so that means about every seven to eight minutes there will be someone coming out of the particular site. It is not throwing a lot more traffic on it. He noted that the proposed grocery store would have added 3,600 to the traffic count. He stated the proposed housing would not add that much more traffic. He stated the affordable housing need is great. He stated Dupont Landing has been a wonderful project that has impacted him directly as he mentors kids in the schools, and he has discovered the more you get them involved in activities and clubs, the more they are going to exceed in school. When the projects are close to the schools, the kids are given the opportunity to be able to participate. Councilwoman Diggs stated the Rural Health Services is located in front of Dupont Landing, and their management is tops. They are very strict. She stated they are in the process of adding units for seniors. The original company that came in before they built the last 30 houses was not the same company. It was completely different. The management was not good. This management has made a tremendous difference. Mr. Pethick stated the residents realize it as well.

Councilwoman Price asked Mr. Fitch how many complaints they have received in the 10,000 units they own. Mr. Fitch stated there will be complaints with that many units, but not a high volume of complaints. He stated they have a 28 year history in property management. They have never had a single tax credit recaptured or a violation that was uncorrected. They have a sterling record from an operational standpoint. Councilwoman Price asked if he had ever removed a manager from the premises. Mr. Fitch stated they had removed site managers for violation of company policies, violation of the federal fair housing act, etc. They pride themselves on operating within the guidelines of the program. He stated when Councilwoman Diggs and he met previously, the company that manages that property, Dupont Landing, is Boyd Management. Bobby Jayco is the lady who runs their management operations. She's a partner of his on a number of different areas. He told Council to please reach out to her. If properties in this program are having issues, he gave Council the phone number for the state agencies and director of the program. If these properties are in violation, the state agency needs to know about it. He stated that as they build this property, if they do something that Council is not happy with, call his cell phone. He wants to know.

Councilwoman Price stated there has been a traffic problem for a long time. Because you have a desire to do this development, we cannot say to you there's a traffic problem and we don't want you to go back here. We can't say that because developers are going to

come to us with requests. So that's something as a Council, we have to fix ourselves. The safety issue with children coming and going would be a paramount issue, but that is up to the school district and our public safety to try to help manage that process. She pointed out that it had been stated there is a critical need for affordable housing in our community, and this location based on the needs and location is approved for funding by the State. She stated Council needs to decide if they want the housing to start with, and if they are going to look at the concern regarding safety and say because of safety they cannot approve this location. This problem is not going away. Someone else will come in and apply for another grant. There are some things that the City and the developer will need to do, if this is approved, to ensure that safety is in place for the tenants and for the community that is surrounding and in terms of the family's children being able to get to and from where they need to go. There are no sidewalks in the area. She stated there is a need and Council cannot overlook that need.

Mr. Fitch stated there is absolutely a need. They are willing to work with Walmart to create connectivity and add sidewalks. They are willing to put sidewalks on the edges of their property. He stated the site plan shows a potential connection between Neilson and Owens. They are happy to put a sidewalk along that street. He said for properties they don't own and that are in the county, he can't do anything on those. They want to be a good partner, and they want to work with the city. Councilwoman Price stated based on the income level, there are people that are working that qualify for occupancy in the units. She stated she knows of Mr. Pethick and his father's work in the school system with the children and how they take a lot of them from areas that are stereotyped and the children live with them in Woodside on the weekends. They take them to events and expose them to new things. Mr. Pethick stated that since the State is the entity that allows the tax credits and chooses the site, it is a discouragement to developers if it is turned down. If it is turned down, it will be at least three years until the next one can be approved. He stated in a three year span there would need to be 42 additional units for growth.

Councilwoman Gregory arrived at 5:40 p.m.

Councilwoman Brohl asked Mr. Bedenbaugh at what point would Dougherty Road be widened. Mr. Bedenbaugh stated it is on the ARTS list, but there are projects ahead of it. He stated by widen, they mean it would have three lanes. There would be a center lane to enable people to turn in and off. He stated the road project would probably be the middle of 2020 or later, unless it gets moved up. It is a third tier. Councilwoman Brohl stated she is over that way every day and sees children crossing Whiskey Road and Dougherty Road. Until things are fixed in there, adding more kids would have more kids crossing the roads. That is a big concern.

Councilwoman Andrea Gregory stated she had met with Mr. Pethick and Mr. Fitch regarding the project. It is a needed initiative in the City and community. She thinks emphasis needs to be placed on distribution of these developments within the City, where they do not become a cluster all over the place. She stated her ultimate concern is the traffic. Pedestrian traffic is a huge risk. She stated she questions the State making it an A+ site. That location is not conducive to pedestrian traffic. She pointed out that Whiskey Road and Dougherty Road are real concerns with construction in the area. As a City we are good at creating structures and constructing buildings with zero pedestrian infrastructure. That approach needs to be changed. She noted that 75% of the people that would live in the development have no means of transportation. She said walking is the way. Kids would have to walk to South Aiken or Millbrook. She said the thought scares her. She said the project sounds great and is needed. She asked how, as a City, we can partner with this project to fix the problems. Mr. Pethick stated this is a working class development. There are 11 jobs being posted on the City's website at this time and all of them qualify to be in this development. He said we can't just think there will be kids wandering aimlessly and not being taken care of, and the people won't be good parents. He said he felt that is not fair and reasonable. He stated if you ride around Palmetto Crossing, there are a lot of nice cars there. He stated he has failed to find the issues that have been brought up. He spoke with four to five of the residents on lunch break one time, and none had anything bad to say about it. They were thankful for the safety and opportunity the development has given them. He said you can find a couple of people, in

his opinion, that have financial reasons that they don't want this project here. He noted that the chief person opposed to this project is not in the City. They could easily dedicate sidewalks along their property to allow safety. She also put her property up for sale about three years ago to allow a 3,600 traffic count to come onto Whiskey Road. Mayor Osbon stated that person does own property in the City.

Councilwoman Gregory asked what percentage of the residents would be without transportation. Mr. Fitch stated he could give some suggestions of percentages. He stated for one-bedroom apartment the State agency requires that there is at least one parking space. For a two-bedroom apartment they are required to have two parking spaces. For a three-bedroom apartment they are to have two and a half parking spaces. That would suggest that the tenants living in the complex would have access to transportation. He does not have an exact percentage of tenants that would or would not have transportation. He stated the reason they are at this meeting is this is an annexation coming into the City. This property is zoned by the County. One reason the City implemented this policy of requiring people to come in by annexation to obtain utilities was to fix this problem where there is a lack of sidewalks. The City has no jurisdiction to put sidewalks when it is not in the City's boundaries. By bringing the property into the City, that is an opportunity for the City to have input. Councilwoman Gregory stated if this is brought into the City and we move forward with the project, the City has to pay attention to this infrastructure. This is in her district. It is not about the project. She feels it is her responsibility to be a good steward of the City infrastructure for this project. She stated when they first met, one of the pitches from Mr. Pethick and Mr. Fitch was this was a key community for pedestrian traffic because many people cannot afford transportation. She agrees on the project, but if we move forward with this project, which is needed, there are a lot of pros, She thinks as a Council they need to think about how they are going to support the infrastructure in that part of town. She said we have to do the right thing for the people who move into the community.

Mr. Billy Putnam stated he is responsible for selling the property to Palmetto Crossing. They were required to build a sidewalk. It is a sidewalk to nowhere, but a sidewalk to nowhere is part of their overlay idea or vision as a City to grow and eliminate the donut holes. The Colony at South Park Apartments, which are located behind Applebee's off of Whiskey Road are the same distance from Whiskey Road to the actual structure and has no sidewalks and has been at 95% occupancy forever. The Marriott behind Sonic has no sidewalks and no connectivity with anything. He stated Harbor Freight and Krispy Kreme have no sidewalks. Taco Bell will be building sidewalks because that is what we need. The infrastructure of the County properties that are there, are not participating. They do not want dual taxation and do not want to be part of the City. They have had the opportunity to annex into the City and dedicate space for sidewalks to improve safety. When the State Housing gave this rating, it was not accidental. There were more than 50 applicants, and it rated high for a reason. Mr. Putnam stated, in reference to Councilwoman Digg's remark about having it in her district, there needs to be diversity. The question he has had from every business owner that has called him about the project has not said they have a traffic or safety problem. They ask him why he would allow a ghetto to be there, and why would he let these people come here again. Councilwoman Diggs stated she agrees, and she also agrees there is a great need for additional affordable housing. She would like a location that is not so congested. Mr. Putnam stated that every business that is there is there for the traffic. They are not willing to move and go to the Northside.

Mr. Pethick stated it is great to have this annexation process to come into the City. He realizes they are building sidewalks to nowhere, and he wants to continue to do so. His main point in talking about businesses in the County that are complaining is to get them involved in this solution. He would like them to annex and solve the problem. Mayor Osbon stated he is not sure if the City has ever approached them to see if they would be willing to give an easement for a sidewalk. Mr. Putnam asked why not have connectivity as a city and why not approach each one. If we are going to give incentives to build a hotel, why not give equal incentive to build infrastructure.

Mayor Osbon asked if that parcel connects to the Walmart property. Mr. Pethick stated it runs along the Walmart boundary. Mayor Osbon asked if we could open up a sidewalk

on the edge that would get people from there and Palmetto Crossing. Mr. Pethick stated Palmetto Crossing could connect through the new property. He would love that option. He said if there could be an agreement between Walmart and Woodford Tract to put in a sidewalk, they would be agreeable to that. Mayor Osbon stated Mr. Putnam had already given the City a 40 foot section. Mr. Putnam stated the City asked for it. There is a parallel road that runs beside Palmetto Crossing that allows connectivity. When Palmetto Crossing was approved, his company gave the City that road for connectivity. Mayor Osbon stated they have the ability to get the connectivity to Neilson, tying in at Hamilton.

Mr. Bedenbaugh stated there is an agreement with Mr. Reuben who owns the property in between Neilson and the property in question, to construction a Pawnee connector as well as potentially a Hamilton extension. Mr. Putnam stated the Hamilton extension was not advised by Rick Toole. Mr. Bedenbaugh stated that was correct, but the agreement could be looked at if Council wants to pursue it. Mayor Osbon stated currently there is a development that releases and the only way out are two intersections that are both rated F--these are Whiskey/Owens and Whiskey/Dougherty. Mr. Putnam stated they can exit off onto Neilson. Mayor Osbon stated he thought he heard Mr. Fitch say they would put a road with a sidewalk for that connectivity. Mr. Fitch stated with improvements, both intersections would be rated as D.

Councilwoman Gregory stated she was glad Council was having this discussion. She stated Mr. Putnam has articulated all of the establishments that are not in the City that have zero sidewalks. She stated the City needs to stop doing that. This is a position that Council is in where we can make a stance as Council. She stated in her personal opinion this is a project that Council needs to pursue, but Council needs to pursue it following all the adequate fixes. Her goal is that all of the sidewalks to nowhere on Whiskey Road will eventually connect and Council needs to start thinking in that manner and holding the businesses and developers at task so they can help or help support this initiative.

Mayor Osbon stated that Whiskey Road is a State road. Filling in the ditches and putting sidewalks is a goal of everyone. Until utilities are located and there is a plan for moving them, there cannot be sidewalks. Planning Director Ryan Bland stated that Krispy Kreme was a good example. They have been paying into a fund along. There has to be a significant stretch to DOT's liking to install the sidewalk. As things have been redeveloping since that clause has been implemented, we have been doing that where it is feasible, such as Walgreens. It was a corner, and they allowed us to put the sidewalks in. The in-between sections is where they have been collecting fees in lieu of. We have been trying to make progress, but you have to be able to get a long enough stretch to be able to talk to DOT to allow a sidewalk. Councilwoman Gregory stated that is a great approach to do that with every business. Mayor Osbon stated they also gave an easement across the back for a rear access. Mr. Bland stated they are trying to provide both vehicular connectivity as well as pedestrian for parcels. Mr. Putnam stated he would volunteer for that task force. He would love to be part the sidewalk connectivity.

Mr. Pethick stated this is why they wanted to meet with Council. They want to have that discussion. They want to recommend plans that build sidewalks, but they want to make sure of the location of sidewalks from an engineering standpoint. They are not at all upset about being annexed into the City. They feel that is great, and it will be a service to the tenants to have the connectivity. He said perhaps the public forum could be an opportunity to invite others in the process instead of complaining about the problem, but help solve it. Mr. Fitch stated that being in the City is a huge benefit to the tenants when it comes to water and sewer rates.

Mayor Osbon asked Mr. Fitch if he could do this project in the County. Mr. Fitch stated he did not know. His understanding is that City Council could deny annexation. They are zoned by right in the County, so if the City denied annexation, and they were approved by the County to go ahead and build it, they would have to come back to City Council to ask for water and sewer connectivity, and they would have to pay more for the service. There was an infrastructure bond given to this area of the City. He believes they are required to pay \$15,000 per acre for the development site to repay the infrastructure work. Mr. Bedenbaugh stated when the City ran sewer to Walgreens in 2007, one of the

requirements is that as people tap onto the sewer in that area, they pay a prorated share of that cost to reimburse the City for initially running sewer to Walgreens and the surrounding area on that side of Dougherty Road and Whiskey Road. Mr. Putnam stated they spent the \$300,000 plus with the understanding that they would recoup it. Palmetto Crossing paid it, and this developer is willing to pay it, and the contiguous lands will pay it as well. It was pointed out that Walgreens paid their prorate share of the line.

The work session ended at 6:05 P.M.

EXECUTIVE SESSION

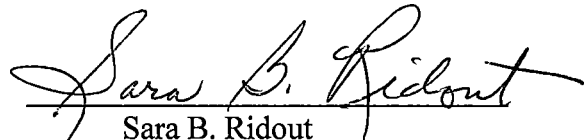
Mayor Osbon stated Council needs to reconvene the Executive Session in order to discuss the provision of City services to a facility that is considering locating in the City of Aiken.

Councilwoman Brohl moved, seconded by Councilman Woltz, that Council go back into executive session to discuss the item stated by Mayor Osbon. The motion was unanimously approved.

Council went into executive session at 6:06 p.m.

After discussion Councilwoman Price moved, seconded by Councilman Woltz, that Council come out of executive session. The motion was unanimously approved.

The Executive Session ended at 6:40 p.m.


Sara B. Ridout
City Clerk