

Aiken City Council Minutes

REGULAR MEETING

August 10, 2020

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

Others Present: Stuart Bedenbaugh, Gary Smith, Kim Abney, Sara Ridout, Charles Barranco, Kym Rooks, Mike Przybylowicz, Ryan Bland, Tim O'Briant, Jessica Campbell, Gary Meadows, Colin Demarest of the Aiken Standard, Channel 6 TV, and 45 citizens with only 22 in the Council Chambers at one time.

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 to 22 persons 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 August 10, 2020, to order at 7:00 P.M. Councilwoman Brohl led in prayer. The pledge of allegiance to the flag was led by Chief Charles Barranco.

Mayor Osbon thanked Mayor Pro Tem Price for the tremendous job she did while he was absent with COVID. He also thanked friends, staff, Councilmembers, and citizens who sent notes, cards and calls while he was sick.

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 Councilman Woltz, that the agenda be approved as presented. The motion was unanimously approved.

MINUTES

The minutes of the work session and regular meeting of July 13, 2020, were considered for approval. Councilwoman Diggs moved, seconded by Councilwoman Brohl, that the minutes for the meeting of July 13, 2020, be approved as presented. The motion was unanimously approved.

PRESENTATION

Citizens Review Board

Mayor Osbon stated the Citizens Review Board was present for a presentation, and he thought most of the Board members were present.

He said Judge John Dangler, Chairman of the Citizens Review Board, will give a presentation on the board's work to date. The board was formed in 2016 and currently consists of nine members who review complaints filed against Aiken Department of Public Safety officers. The Board is a success in our community and a lot of cities in the Southeast have looked at this model.

Judge John Dangler, Chair of the Aiken Citizens Review Board, stated he wanted to talk about some of his background, goals and objectives of the Citizens Review Board, and some current statistics. He noted that the Vice Chair is present as well as all of the nine members of the Board. He stated after the Vice Chair makes comments, he would ask the other Board members if they wished to make a few comments sharing their background.

Judge Dangler stated he is a retired State Superior Court Judge, and been living in Aiken almost eleven years. He came from New Jersey. Most of his career was in Morris County, New Jersey, which is in the northern part of the state, about 35 miles west of New York City, population about 500,000, with an area about one-third the size of Aiken County. Prior to being on the Superior Court, he served as the County Prosecutor for Morris County. He was the Chief Law Enforcement Officer for 39 police departments in the County. His office had about 200 detectives, assistant prosecutors, and support staff. Prior to that he spent 20 years in the private practice of law during which time he also served as a municipal prosecutor for three different police departments. He said he had been on the Citizens Review Board for two years. He stated it is an honor to be part of a group of very talented and dedicated citizens.

Judge Dangler stated the Citizens Review Board was first established by the Mayor and Council in 2016. A few cases were heard at that time, but the Board really started rolling in 2017. He said there had been so much doom and gloom news, things about the virus and how it has impacted everyone. He said on a positive note he would like to share with Council that he believed that the citizens of Aiken are being well served by the members of the Citizens Review Board. They are adhering to the goals and objectives. He said the citizens need to know that they are looked upon with respect. He said he also finds that the men and women of the Aiken Department of Public Safety are also well serving the citizens of Aiken as well. He said the Board is committed to respect, accountability, transparency, and they are trying to ensure that there is professional and accountable law enforcement for all the citizens. He said the Board reviews every case. Many people will file a complaint, and they are looked upon by the police department and that is it. The Aiken Citizens Review Board looks at every complaint because they want to see if there is a pattern of conduct that troubles them and that they may need to sit down with the Chief and find out how they are dealing with that. The Board is broken up into panels so the load of looking at all the cases is spread out. In 2019 there were 18 complaints filed by citizens. What happens procedurally, if a citizen is upset with the way they were treated in their mind by a police officer or officers, they are advised if they are not satisfied with what happened, they can file a request for the Citizens Review Board to look at their case. Before that happens the Chief will assign the complaint to senior officers in the department. They will look at all the video cam, body cam, any information they have, and talk to the officers as well as talk to the person who has brought the complaint. When that is done they will make a ruling. They might find that one of their officers was out of line, that they used excessive force, or were very impolite or rude. Other times they find the officer acted in a proper manner and when the citizen who filed the complaint looks at the video often times they tend to agree. If they are still not happy or satisfied, and feel there is more information, they allow the Citizens Review Board to take another look to see if they agree or not. There were 4 cases out of the 18 that were filed in 2019 that the department found where there was improper conduct, perhaps use of force was inappropriate, and the department dealt with those officers. Sometimes the department lets the officers go. They may be on probation, and the complaint is the final straw, and they are not going to put up with that conduct. Sometimes there needs to be new training for the officers so the conduct does not get repeated. The Citizens Review Board is advised of what the department is doing. In 2020 there have been 15 complaints so far. Two of the cases have been sustained in which the complaints were justified. He said the department probably deals with thousands of cases every year. He said the number speaks well for the work being done by the Department of Public Safety. He said the Citizens Review Board members have to be neutral and look at a complaint on behalf of the citizens, but also have to remember the job of the officers. He said being a police officer or fireman is one of those jobs where you are never sure that you are going home that day.

Judge Dangler stated the Citizens Review Board members are dedicated people. He introduced Carmen Landy, Vice Chair, to make some comments.

Ms. Carmen Landy, Vice Chair, stated the Citizens Review Board allows an opportunity for people who do not feel included in the system and people who feel disenfranchised to be heard. She thanked the City of Aiken for establishing the Citizens Review Board to hold the mirror up to ourselves and open the window to the community so we can see exactly how things work. She pointed out that the Board is a group of people from all over the community who are not in a position to attest the City of Aiken and law enforcement, and also not in a position to say that everything that law enforcement does is right which is a great thing about the Board. They disagree sometimes, but they are friendly. They have some healthy debates. They all come from a different perspective. It casts a really great light on the specific issues that our community might be dealing with as a city, community members and even as law enforcement. The issues are not always law enforcement, but sometimes mental health issues. These are things that need to be highlighted so we can serve our community better and the City of Aiken. She thanked Council for bringing the Board together. She noted she had been on the Board since its inception and has served as Vice Chair for a couple of years. She has watched the Board develop and grow. She appreciates the fact that we have not diminished our standing and purpose for the community, but that we continue to press on and do the good work. She said Aiken is not perfect, but we are working on getting better. She felt we are lucky in Aiken and blessed to be in a city that cares to hear from its people and listen and process their complaints.

Judge Dangler stated that all nine members of the Board are present and each can make some comments.

Mr. Clark McCants, attorney, stated he had been a part of the Board since its inception. He said the group had looked at a lot of models for the Board, and they were not happy with them so they worked from scratch. They got the basic ingredients and put something together which they thought was tailored for our community. He said a lot of hours were spent in crafting bylaws and procedures. He said the Board was designed, in response to an unfortunate event, was to create a board that served the citizens. He noted that members of Public Safety are citizens too. The Board's design was designed to help everybody—the citizens who have complaints and to help Public Safety through the process of understanding that there may be some citizens who have been trained in this particular area to look over what they have done. He said he hoped Public Safety had appreciated that over the years that their objective is to make the relationship between the citizens and Public Safety a better one. He noted that in light of recent events in this country and the world, he is amazed that more communities do not have some model in place. He felt if that were the case, we would get rid of a lot of the issues and problems we have. If a Board like Aiken's communicated and worked with citizens, he felt it would help a lot.

Mr. James Gallman thanked Council for the opportunity to serve on the Citizens Review Board. He pointed out that he is an Aikenite and loves our city and the opportunity to serve.

Ms. Catina Broadwater stated she had grown up in this community and loves the community. She said she operates two businesses in the community. She said she loves to serve on the Citizens Review Board.

Ms. Ann Dicks stated she was very pleased to be on the CRB and to be able to work with Public Safety. She said she remembers when Aiken had a neighborhood service department that was to develop relationships between the community, the City and the Public Safety Department. She noted that Chief Barranco and her community had a very good and responsive relationship. She pointed out that she had discovered that if we treat people with respect and that they are important, then you can have a dialogue with them.

Ms. Jody Duggan stated she is not an Aikenite, but moved to Aiken in 2005 when she retired as a journalist in Washington, DC. She spent most of her life in DC so Aiken is very different for her. She said she had always been a volunteer even when she was working. She made sure both of her daughters became volunteers, and they are making sure their children become volunteers. She felt being a volunteer is one of the most

important things we do for our community and other people in the community. She said she was a journalist for her whole career. She ended her career as Assistant to the President of the National Wildlife Federation. She worked for at least five different political candidates over time and loved that work. She has been doing some political things in Aiken. Her main focus is the arts. She has been in five plays at the Playhouse. She is on the Board of Directors for the Aiken Performing Arts. She pointed out that she loves, in this small community, to be able to bring world class entertainment to Aiken. She stated Aiken is her home, and she feels that the work on the CRB is extremely important and worthy. She stated everyone on the Board is outstanding.

Mr. Geoffrey Alls stated he is not an Aikenite, but had married one. He said he is an attorney in the Augusta law department. He has been a prosecutor and a criminal defense attorney. He said he is committed to the work of criminal justice reform. He said he is happy to see that the Mayor, City Council and Chief Barranco have been committed to accountability. He felt the CRB is a great board and that other communities should model their boards after Aiken's. He felt it is something Aiken should be proud of, and he is proud to be a part of it.

Mr. Mike Beckner stated he is the most recent member of the Board other than the Judge. He said he was not one of the original members, but replaced someone who came off the Board. He said he had been on the Board for three years. He said he echoes what everyone else has said about the importance of the Board and the fulfillment that the members of the Board get by being intermediaries or enablers between Public Safety and the community and being able to put forward a positive message. He said he moved to Aiken 10 years ago from Falls Church, Virginia, a bedroom community of Washington, DC. He spent 35 years with the Federal Government as Special Agent with the Diplomatic Security Service of the U. S. Department of State. He had six overseas assignments where he was the chief law enforcement and security advisor to the Ambassador and U.S. Embassy where he was. He said he takes his hat off to Chief Barranco, the city leaders and the citizens of Aiken. He said he did not know that public policing could be so difficult under certain circumstances. He said he had learned a lot about community policing, community affairs, and the relationship between people. He said one misses out a lot living overseas of being an American citizen. He said he likes to tell people that Aiken is now the hometown that he never had. He said he was proud to be here and thanked Council for the opportunity to serve.

Judge Dangler said that concludes the presentation. He said he wanted Council to see the diverse group that serves on the Citizens Review Board.

Mayor Osbon stated from the inception of the group there were some models of Citizens Review Boards that they looked at, but the group said they did not fit Aiken so they worked to set up our own model. He pointed out the commitment of the Board members to make sure we got it right. He said he felt the citizens and law enforcement appreciate the Board, and we are a better city because of their efforts. He thanked the Board members for their service because it makes a big difference in our community as anything we do in our city.

BOARDS AND COMMISSIONS

Appointments

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

Mr. Bedenbaugh stated Council has 34 pending appointments to fill vacancies on different City boards, commissions, and committees. No nominations for appointments were made at the last Council meeting. However, a list of boards, commissions, and committees needing appointments by City Council was provided to Council. Council may have some nominations for appointments to be placed on the agenda for the next meeting of Council.

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

Councilman Girardeau stated he would like to recommend the reappointment of Mary Beth Fields to the Senior Commission for consideration at the next Council meeting.

CONCEPT PLAN – ORDINANCE

Whiskey Road

Stratford Drive

Sizemore Circle

Carlos Marban

LuLu's Holdings of South Carolina, LLC

TPN 123-11-12-002

Mayor Osbon stated an ordinance had been prepared for first reading to approve a concept plan for property located on Whiskey Road between Stratford Drive and Sizemore Circle.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE APPROVING THE CONCEPT PLAN FOR PROPERTY LOCATED ON WHISKEY ROAD BETWEEN STRATFORD DRIVE AND SIZEMORE CIRCLE.

Councilman Girardeau moved, seconded by Councilwoman Brohl, that Council pass on first reading an ordinance to approve a concept plan for property located at Whiskey Road between Stratford Drive and Sizemore Circle.

Mr. Bedenbaugh stated Carlos Marban, LuLu's Holdings of South Carolina, LLC, applicant, is requesting a concept plan approval for 11.80 acres of Planned Commercial (PC). The property fronts on Whiskey Road between Stratford Drive and Sizemore Circle. Springstone Villas is the residential component of the original Planned Commercial concept plan approved in 2003 by Ordinance 08112003A. Since no building permits have been issued within 5 years of the original commercial component of the Concept Plan approval, the 2003 approval for the commercial component has expired.

The current concept plan depicts a LuLu's carwash on the southeastern portion of the property, with the balance of the property to be subdivided and remain as future development. For any development in the PC zone, a Concept Plan must be reviewed by the Planning Commission and approved by City Council. Any future development on this property would require the submittal of a revised Concept Plan for review by the Planning Commission and City Council.

The developer proposes an approximately 3,500 square foot LuLu's carwash on approximately 2.71 acres of the total 11.80-acre parcel with the design to be similar to other LuLu locations in the area. The developer proposes a 35 foot wooded buffer along Stratford Drive, Whiskey Road, and Sizemore Circle. A 40-foot buffer is proposed along the west side of the property adjacent to the Springstone Villas. The Concept Plan depicts a 42-foot right-of-way with three access points--a right-in and right-out on Whiskey Road, one access on Stratford Drive, and the other on Sizemore Circle with full turning movement. SCDOT approval will be required for the access points on Whiskey Road and Sizemore Circle. The City of Aiken has approval authority for the access on Stratford Drive. The developer proposes a 4.5 foot by 6.5 foot monument sign, which is the same design as the LuLu's on Richland Avenue W. Since SCDOT policy does not permit piecemeal installation of sidewalk segments, developers have the option to pay a fee in lieu of installing sidewalks and street trees at the time of construction, or accommodate the sidewalk into the development rather than right-of-way. Based on the number of customers per day at other LuLu locations, a Traffic Study would not be required.

The Planning Commission reviewed the request for concept plan approval at their July 14, 2020, meeting. The Commission voted 5-0 (Commissioners Brookshire and Matthews were not present) to recommend approval of the concept plan with the following conditions:

1. That the development comply with the landscaping, tree preservation, open space, and buffer requirements of the Zoning Ordinance.
2. that the development comply with the LDR Whiskey Road Corridor Study regarding installation of sidewalks along Whiskey Road and adjoining streets, or alternatively, that the development pay a fee in lieu of sidewalks and street tree installation in an amount as determined by the City Engineer. Sidewalks shall be depicted on the site and landscape plan for each phase of development pursuant to the concept plan, and either construction of sidewalks or payment of fee in lieu shall be satisfied prior to issuance of a Certificate of Occupancy for each phase of development;
3. that a Traffic Impact Analysis be conducted at which time the cumulative development of the Planned Commercial-zoned property projects to generate 100 peak hour trips or greater;
4. that access from Whiskey Road and Sizemore Street be subject to approval from SCDOT;
5. that the signage comply with the requirements of the Zoning Ordinance and policy established by the LDR Whiskey Road Corridor Study;
6. that the applicant sign an agreement stating the conditions of approval within 90 days; and
7. that the developer submits a revised concept plan listing any conditions of approval be submitted within 90 days.

Mr. Bedenbaugh stated there had been some discussions about the intersections where Stratford terminates into Whiskey Road and also Powderhouse. There have been discussions with SCDOT through our traffic engineer. There are two options to be considered—either or. DOT would want us first to look at potentially reconfiguring and restriping the intersection where Powderhouse terminates into Whiskey Road. If that is not feasible, primarily from a cost standpoint, particularly based on utility relocations, another option would be a split-phased traffic signal at the intersection which would be the second option. We would have to look at the restriping and potential reconfiguration of the intersection first. A split-phased light is similar to what we have at Whiskey Road and Silver Bluff and Price Avenue next to the Virginia Acres Park.

For City Council consideration is first reading of an ordinance to approve the Concept Plan for property located on Whiskey Road between Stratford Drive and Sizemore Circle with the conditions recommended by the Planning Commission.

Mayor Osbon noted that there were concerns earlier about water from the car wash. He asked the City Manager to share information about the regulations that are specific for this type of business.

Mr. Bedenbaugh stated the proposed business is a car wash. The water is recirculated and recycled and ultimately it would go directly into our sanitary sewer system. It would not go into the stormwater system or be released back into the soil. After being recycled, it would ultimately go into the city's sewer system and then into the regional sewer plant for treatment.

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

Mr. Peter Stein, 100 Sessions Drive, currently president of the Stratford Hall Homeowners Association, stated it is amazing that a presentation has occurred several times. The last time he made a presentation was 15 years ago when he spoke against the curb cut for the Holiday Inn Hotel and how that was worked out. He noted that there appears to be consideration for even more properties in that general area with more houses going up on the east side of Whiskey Road next to the convenience store. There is the potential for the old BP station to be addressed with more commercial. He said there are certain assumptions that he wanted to make. He said one had been addressed with the retention and water runoff. That is a concern for the Springstone Villas. He said there had been a lot of conversations amongst the residents of Stratford Hall and some of their representatives both state and local. 1. He pointed out that LuLu's proposal had not been approved and that is why the group is present. 2. He noted that the City of Aiken is responsible for the curb cut off of Stratford. 3. The Department of Transportation has

responsibility for Sizemore as it is a state road. 4. Based on recent conversations the Department of Transportation has no opinion on the Stratford curb cut. 5. There is no current proposal to fix the intersection which would be a great concern if the curb cut were to be approved.

Mr. Stein pointed out that Council had in their packet a petition signed by citizens opposing the curbside cut off Stratford Drive into the proposed Lulu's car wash tract. He said he had spoken to many of those who signed the petition. He said while the curb cut was a pet peeve, the intersection was paramount to anything happening. He said that has to be fixed. He said that the residents realize that it may be expensive to fix. He asked that Council please take into consideration the curb cut and curb cut without the intersection.

Ms. Zelda Rand, 204 Khaki Court, stated she moved to Aiken 15 years ago, and she had looked forward to the purchase and development of the corner of Whiskey and Stratford Drive. Now it is finally going to happen. All that is left now is to make it work. There are definitely pros and cons to be considered. One is that the property will finally be beautified and tax money will be generated. On the other side there are serious concerns that need to be addressed. Questions are: How and what steps will be taken to eliminate emissions pollution, noise pollution, and the community's disapproval of the curb cut in Stratford Drive. The developer of Lulu's is well aware of these concerns, but the residents are still waiting to hear acceptable solutions. She said she was before Council on behalf of her friends and neighbors to ask Council to please reconsider the cut on Stratford Drive. She pointed out Council had heard from the residents twice before. She noted that Council is well aware of why the residents don't want the curb cut on Stratford Drive as they were made known when the matter of the hotel came up and the nursing home that was proposed. She pointed out that the homeowners are really very passionate about the curb cut on Stratford Drive. She said they were concerned as to why the city would reverse their original decision for the two previous applicants with no curb cut on Stratford Drive to allow a curb cut for the new applicant. She asked that Lulu's work with them on the curb cut on Stratford Drive. She said they want to see something developed on the property, but they don't want the curb cut on Stratford Drive. She asked that they please work with them.

Mr. Mark Graham, Carolina Land Surveying, representing Lulu's, 1934 Highway 57 North, Little River, SC, noted that the City Manager had addressed a lot of the items and told Council what was going on with the matters. Lulu's does not generate the traffic to require a traffic study. In talking with engineering companies, the important thing that DOT and the development company would like to address as far as the turn is concerned is the ability to use the light that was installed at Stratford Drive which makes it safe for people to come out on Whiskey Road and turn left. Without the ability to do that, you kind of adversely affect the traveling public on Whiskey Road if you have a lot of other cars coming out on Whiskey from other roads. The right-in right-out will take some entrance access away from Stratford Drive and anyone going right can go out the driveway in the middle of the property and turn right. However, anyone trying to turn left on Whiskey Road is a problem. The intersection would have to be addressed somewhere. He noted that in the past he remembered when they were working on the filling station across the street, there were some problems with the city water utility lines. He said as far as making the turn lane the alternate light situation may be the answer to the problem. That is in the engineering phase and not in this phase. He said those questions will have to be answered in the engineering phase. There is room for stormwater so the city's requirements for stormwater management can be met.

Mayor Osbon stated he had heard mention about speed bumps to keep people from cutting across from Stratford to Sizemore. Mr. Graham stated that would be city roads and they could do whatever the city required.

Councilman Girardeau stated speed bumps were suggested to try to keep the road from being a cut through from Sizemore to Stratford to get to the light and speed bumps would slow people down.

Ms. Susan Wilson, 228 Khaki Court, expressed concern about the buffer from her back yard and how this may affect the property values. She was concerned about the lights that might shine in her backyard and the noise from the car wash. She wondered if the car wash could be closer to Whiskey Road. She also asked if the proposed road between Stratford and Sizemore would mean that traffic could go in either direction because they don't want to go out on Sizemore Circle.

Councilman Girardeau noted that was probably because the signalization is at Stratford Drive and Whiskey Road. It was pointed out that the traffic signal needs to be corrected to allow left turn lanes onto Whiskey Road. They are working with DOT on that.

It was pointed out to Ms. Wilson that Tract C which backs up to Springstone Villas is not being developed at this time. The Lulu's car wash is proposed to be built on Tract B which faces on Whiskey Road and there is Tract C between Lulu's and Springstone Villas. Any development proposed on Tract C would have to be reviewed by the Planning Commission and City Council.

Councilwoman Gregory entered the meeting at this point.

Mr. Bill Rouch, Treasurer, 151 Lynn Drive, displayed a map showing the housing in the area. He pointed out the location of Stratford Hall with 96 houses and noted that the only exit from Stratford Hall is Stratford Drive to Whiskey Road. He also pointed out the location of Springstone subdivision with 75 houses and the location of Springstone Villas with 37 houses. There are over 200 homes in the area, and they all only have one exit on Stratford Drive to Whiskey Road. He noted the problem is that from the property Lulu's will be on the people leaving the car wash have no way to get from the car wash onto Whiskey going north except for the road they will put in from Whiskey to Sizemore Circle. That would then allow them to get to the light to go north. All the other exits are geared for going south on Whiskey. The problem is that the intersection where all three subdivisions come is to Stratford Drive and there are over 200 homes and they all only have one exit using Stratford Drive to get to Whiskey Road. He pointed out that the Holiday Inn was taken care of without going out onto Stratford Drive. He noted the problem is the traffic signal and the road that is proposed to be built. He said the residents in the area do not want that. He also asked if the property that is to the west and north of the Holiday Inn will be able to get a curb cut on Stratford Drive at a later date. He pointed out there is something in the covenants about the number of curb cuts that can be done on Stratford Drive.

Mr. Jerry Waters, 1547 Dibble Road, stated he had been a resident of Aiken County for many years and been in business for a long time. He said he wanted to give a little history of Stratford Hall. He said he was very much involved in development at the time Stratford Hall was designed. It was designed in the late 1980s when Woodside was going strong and SRS was changing contractors and they were looking for a great influx of people. Stratford Hall Drive was designed to be ingress and egress to Woodside which was planned to get a big portion of the influx of people, plus Stratford Hall Drive was designed to take care of the area where Lulu's is to be located at a much higher density than Lulu's will be. He said he was developing something else in the area and the road was put in at a different location than it is now. DOT required that the road be moved to align with Powderhouse Road because at some point a traffic signal would be installed at Powderhouse. He said he understands now that the signal needs some corrections. He said he was just giving this as information. He pointed out that Stratford Drive was designed and approved to serve a much larger portion of property than it can serve today because Stratford Hall has now blocked off any access to Woodside. He said DOT in the 1980s felt that Stratford Hall Drive could handle traffic of the future and allowed curb cuts on the properties.

Mayor Osbon asked for comments from Council.

Councilman Girardeau stated he has similar concerns as Mr. Steiner and the Homeowners Association does. He said if they are to do this project it is incumbent upon getting the traffic signal to a point where it is centered. He pointed out that Powderhouse is not perpendicular, but comes in at an angle and creates some problems with striping which

we are addressing. He felt phasing of the light like we have at Whiskey Road and Silver Bluff and Price Avenue would alleviate a lot of problems. He felt we all can agree that needs to be done. He said putting speed bumps on the road cutting through would make it not so much a cut through. He pointed out that in January when this first came up, there were no cuts off of Whiskey Road. The proposed plans are a redo from January. They added the deceleration lane and the right-out coming in through the middle of the property with Lulu's in the southeast corner of the property. He pointed out if there is an accident at the intersection, if the proposed road is built it would give an option of being able to turn and get out of the subdivision. He said that is a positive. He said he understands that residents in Stratford Hall do not want the curb cut. He said it is a safety issue and to be able to come out to the traffic signal to turn left with the traffic signal is a lot better than what we have had in the past in terms of curb cuts on Whiskey Road. He felt it is a good plan, and we need to talk to DOT. Jennifer Bihl, our Traffic Engineer, liaison to DOT, is working with DOT regarding the traffic signal. We are working on that to get a definitive answer.

Mayor Osbon stated that Councilman Girardeau had worked with Mr. Stein, Mr. Howard and some others on the matter of the traffic signal. He said we have to work with DOT on the matter of the traffic signal. He noted that three members of the Delegation-Senator Young, Representative Blackwell, and Bill Taylor are working with us to encourage DOT to split phase the traffic signal, and the restriping on Powderhouse makes sense. He asked staff to try to have some definite information before the matter comes back to Council for second reading.

Councilman Woltz noted there had been a concern about the lighting shining on people's property who may be behind the Lulu's. He asked if the Planning Commission had recommended some sort of light pollution mitigation that generates light to the inside of the project so it does not spill out to other properties.

Mr. Ryan Bland, Planning Director, stated the Planned Commercial district does include ambient light standards for commercial development. The lights would be directed down, and they can only spill over so much from the site. Regarding the question about buffers, Mr. Bland stated the minimum Planned Commercial standards are a 10-foot buffer. They are offering a 40-foot buffer to the rear. That would be taking into account over the long term of the site. In the short term much of that back parcel would remain wooded. Lulu's would be on the other side of the road. The 40-foot buffer for the time being until something is approved on that back lot, the entire area would be wooded to the back line. Nothing has been requested for the back lot at this time. Any development of the other two lots would have to come before the Planning Commission and City Council.

Councilwoman Gregory stated, regarding the sidewalk segment, the developer has an option to pay a fee in lieu of installing sidewalks. She asked what the developer is considering doing regarding sidewalks. Mr. Bland stated they had not got into that conversation at this point regarding which way they would prefer to go. The two options are to either install sidewalks on their side of the property, and we would make sure they would connect to the corner so it could be connected to another sidewalk system in the future. He pointed out that DOT may not permit the sidewalks at this time. The second option is if the sidewalks were denied, then the City would work with their engineer to assess the present value of the sidewalk so we would have the funding when we could connect to a sidewalk. He said DOT may allow them to put the sidewalk in. Councilwoman Gregory asked if the fee would be paid to the city for the sidewalk. Mr. Bland responded that the fee would be paid to the city. There have been several developments along the way, and the city has been collecting those funds and setting the money aside for the sidewalk projects along Whiskey Road.

Councilwoman Diggs asked when the traffic signal issue would be addressed. Mr. Bedenbaugh stated the matter is being looked at now. He said he did not believe we would have a definitive answer by second reading should Council pass the ordinance on first reading. He pointed out the two options that are being looked at with DOT are the restriping and the potential reconfiguration of the Powderhouse intersection and Whiskey Road split phase traffic signalization. He stated Ms. Bihl, Traffic Engineer, had been

working with DOT on the matters and could possibly comment when we might have an answer on the two requests.

Ms. Bihl, Traffic Engineer, stated we don't have a definitive answer because we can't control the SCDOT process. She said we have already had preliminary conversations with DOT on the engineering side and the analysis. It is hoped it will be done quickly, but two weeks is probably not possible, but we would expect an answer in short order. They know this is a priority. It is working through the district level which is based in Orangeburg. In response to the question as to whether it would be done to the satisfaction of the residents, Ms. Bihl stated we are working on the different analyses and make sure DOT looks at the different options. We will then see what can be installed based on their guidelines.

Councilman Girardeau stated he had talked to Bill Taylor, Bart Blackwell, and Tom Young, and they have contacted DOT regarding the matter.

Mr. Bedenbaugh stated one thing in our favor is that DOT looks at the cost burden. In looking at the issue, we discovered and know relocating utilities is much more expensive than signalization. He pointed out that when the Powderhouse intersection was improved several years ago, there is an abrupt tapering there and the primary reason was to avoid having to relocate a lot of utilities in the area.

Mr. Mike Przybylowicz, Engineering & Utilities Director, stated the city has water and sewer lines in the area. There is also a large fiber optic cable that runs down to SRS. There is consideration of these lines in determining what is done. Conversations with DOT are kind of difficult in the sense that with COVID going on, they have people in the office one week and out the next week. He felt to get an answer in two weeks was almost impossible. He felt that probably within a month we would have some preliminary ideas of what we could comprise with going forward that does not include moving lines. The City has a 14-inch water line in the area and sewer lines as well as the fiber optic cable. It would cost more to relocate those lines than changing the signals and striping.

Mayor Osbon stated this is first reading of the ordinance for approval of a concept plan for Lulu's on Whiskey Road. He said Council had some questions that they would like to see answered or some sort of movement or commitment regarding the reconfiguration of the traffic signal at Powderhouse and restriping in the area to help with traffic flow by second reading if possible. He felt the citizens in the area have expressed some valid concerns. He felt even without Lulu's, the signalization is dangerous. He said he would also call the Delegation members regarding this matter. He said he would encourage staff to try to get an answer or commitment from DOT regarding the signalization.

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 approve a concept plan for property located on Whiskey Road between Stratford Drive and Sizemore Circle. The motion was unanimously approved.

Mayor Osbon thanked the concerned citizens for coming and expressing their concerns to Council.

Mr. Bedenbaugh stated staff would keep Council informed of any benchmarks in the conversations with DOT.

RESOLUTION 0810202

Aiken Municipal Development Corporation Downtown Redevelopment Plan

Mayor Osbon stated a resolution had been prepared for Council's consideration approving the Aiken Municipal Development Corporation's Downtown Redevelopment Plan.

Mayor Osbon read the title of the resolution.

A RESOLUTION ADOPTING REDEVELOPMENT PLAN ONE AS
RECOMMENDED BY THE AIKEN MUNICIPAL DEVELOPMENT COMMISSION,
AND MATTERS RELATED THERETO.

Councilwoman Price moved, seconded by Councilwoman Brohl, that Council pass the resolution approving the Aiken Municipal Development Corporation Downtown Redevelopment Plan One.

Mr. Bedenbaugh stated as part of the SC Code section that allows for the Aiken Municipal Development Corporation [AMDC], City Council must approve a downtown redevelopment plan submitted by AMDC. Section 31-10-100 of the SC Code states:

Prior to recommending a redevelopment plan to the governing body for approval, the commission shall utilize the local private planning, financing, and financial services to the greatest extent possible and shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the community and its environs, that will in accordance with present and future needs promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational, and community facilities, and other public requirements, the promotion of sound design and arrangements, the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, slums, or conditions of blight.

The area selected for the development area is downtown from Richland Avenue W. to Park Avenue from Laurens Street SW to Chesterfield Street S. The plan that was reviewed by the Municipal Development Commission is in the agenda packet.

For Council consideration is a resolution approving the Aiken Municipal Redevelopment Corporation Downtown Redevelopment Plan One.

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

Mayor Osbon called for a vote on the motion made by Councilwoman Price, seconded by Councilwoman Brohl, that Council pass the resolution approving the Aiken Municipal Development Corporation Downtown Redevelopment Plan One. The motion was unanimously approved.

Mayor Osbon thanked the Commission for the work that they were doing, and stated Council is looking forward to good things coming.

ECONOMIC DEVELOPMENT INCENTIVES – ORDINANCE

Woodford Trace SC LLC

Incentive Agreement

Owens Street

Dougherty Road

TPN 122-13-02-024

Mayor Osbon stated an ordinance had been prepared for first reading to authorize certain economic incentives, pursuant to Ordinance 08132018 of the City of Aiken Code of Ordinances for a project to be developed by the Woodford Trace SC LLC, approving an economic development inducement and incentive agreement and other matters related thereto.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE AUTHORIZING CERTAIN ECONOMIC DEVELOPMENT INCENTIVES, PURSUANT TO ORDINANCE NO. 08132018 OF THE CITY OF AIKEN CODE OF ORDINANCES, FOR A PROJECT DEVELOPED BY WOODFORD TRACE SC LLC; APPROVING AN ECONOMIC DEVELOPMENT INDUCEMENT AND INCENTIVE AGREEMENT; AND OTHER MATTERS RELATED THERETO.

Councilman Girardeau moved, seconded by Councilman Woltz, that Council pass on first reading an ordinance to authorize certain economic incentives, pursuant to Ordinance 08132018 of the City of Aiken Code of Ordinances for a project to be developed by the Woodford Trace SC LLC, approving an economic development inducement and incentive agreement.

Mr. Bedenbaugh stated Woodford Trace SC LLC is pursuing the construction of 48 apartment units near Owens Street. The acquisition costs are \$1.23 million with additional development costs of approximately \$8.4 million. The project will be completed within one year after the groundbreaking.

Mr. Bedenbaugh stated the city has an Incentive Ordinance that Council passed about two years ago. Woodford Trace SC LLC has made an application to participate in the incentive program. This would be the fourth incentive request before Council since the inception of the ordinance. It is the largest project in terms of development costs. He noted that Betsy's was the first incentive agreement. Their incentive was 1% of their \$680,000 investment. The South Company's incentive was about a 1.5% incentive based on a \$275,000 investment. The old Union Building at Fairfield and Park was a \$275,000 investment and the incentive was about 1.3% of the investment. The Woodford Trace investment would be about a \$9.7 million investment with about a \$98,000 incentive. Our incentives ordinance allows for projects to be reimbursed for a period of up to 5 years. However, since this is a construction project similar to The South Company and old Union Building, staff is recommending just one year's worth of incentives to be reimbursed. The project meets City Council goals of additional rental housing and bringing more improved property into the tax rolls. However, it will see the bulk of expenses for the investor to be in the first year and will not be a long-term job creator. The fees and expenses will be reimbursed at a rate of 50% one year after a Certificate of Occupancy is issued for all units. The fees to be reimbursed include the building permit fees, water and sewer tap fees and other related development fees.

Since this is economic development, this request was taken to the Municipal Development Commission for review and recommendation. They recommended that the request for incentives be sent to Council for consideration at first reading.

For Council consideration is first reading of an ordinance authorizing certain economic development incentives, pursuant to Ordinance 08132018 of the City of Aiken Code of Ordinances for a project developed by Woodford Trace SC LLC, Inc., approving an Economic Development Inducement and Incentive Agreement.

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

Councilwoman Gregory noted that the Municipal Development Commission voted unanimously to recommend that Council consider the request for incentives for the Woodford Trace project. She asked who on the Commission votes.

Mr. Bedenbaugh responded there are nine members on the Commission, and three members are Councilmembers. He pointed out that the three Councilmembers recused themselves from voting on the request since this was a matter going before Council. He said based on a recommendation from the Municipal Development Commission, staff may be bringing an ordinance to Council to revise the way the membership of the Commission is composed to address questions in the future regarding Councilmembers voting on matters. He pointed out that the Councilmembers on the Commission which are Price, Girardeau, and Woltz are very careful when it comes to voting. Right now with the Councilmembers being voting members a conflict does take place.

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Councilwoman Gregory stated she was glad the Councilmembers recused themselves from voting as that was the right thing to do. She said she is in favor of moving forward with the incentive agreement and she appreciates that the matter got brought to the Commission's attention. She said she would continue to state that she felt the structure of the Municipal Development Commission needs to be revisited. She said she does not believe Councilmembers should be a part of the Commission. She noted Councilmembers could attend the meetings, but she felt they should not be voting members or the core part of the membership.

Councilwoman Brohl stated she would like to echo Councilwoman Gregory's opinion on the membership of the Municipal Development Commission. She pointed out that Council appoints all the other commissions and boards, but Council does not sit on any of the other boards or commissions or give input to them. She said she felt the Commission should be an independent Commission brainstorming ideas, and they could take the ideas to Council. She felt having Council present inhibits their freeness of talking and bringing up ideas.

Mayor Osbon stated that it sounds as though the matter will be on the next agenda, and Council will have the opportunity for discussion at that time.

Mr. Bedenbaugh stated the matter will be on the next Council agenda to address some of the concerns of membership for the Municipal Development Commission.

Councilwoman Price stated she wanted to echo some of the comments that Councilwoman Gregory had made. She said the comments were not different from what the members of the Commission had already said. She said the matter will be on the next agenda in terms of some changes. She said the City Manager and the City Attorney are aware of what is being recommended for changes to the Commission.

Councilwoman Gregory stated the matter is something that she has been recommending since the formation of the Commission. She noted that the change would open up three seats on the Commission for talented entrepreneurial professionals in our community who can take membership of the organization and do as Councilwoman Brohl suggested brainstorm ideas.

Mayor Osbon asked if there were any other comments on the incentive request for Woodford Trace project.

Mayor Osbon called for a vote on the motion made by Councilman Girardeau, seconded by Councilman Woltz, that Council approve on first reading an ordinance to authorize certain economic development incentives, pursuant to Ordinance 08132018 of the City of Aiken Code of Ordinances for a project developed by the Woodford Trace SC LLC. The motion was unanimously approved.

ANNEXATION – ORDINANCE

229 East Pine Log Road

Aaron C. Baity

TPN 122-09-08-010

Mayor Osbon stated an ordinance had been prepared for first reading to annex 229 East Pine Log Road and zone it residential single-family (RS-10).

Mayor Osbon read the title of the ordinance.

AN ORDINANCE TO ANNEX PROPERTY OWNED BY AARON BAITY, AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-10).

Councilwoman Diggs moved, seconded by Councilwoman Gregory, that Council pass on first reading an ordinance to annex 229 East Pine Log Road and zone it residential single-family (RS-10).

Mr. Bedenbaugh stated pursuant to the City of Aiken's water/sewer service annexation policy, Aaron C. Baity, owner and applicant, is requesting annexation of 229 East Pine Log Road. The property is located in Block G, Section II of Virginia Acres Subdivision. The proposed Residential Single-Family (RS-10) zoning is consistent with the surrounding uses and zoning.

The Planning Commission reviewed this request at their July 14, 2020, meeting and by a vote of 5-0 (Commissioners Brookshire and Matthews were not present) recommended approval of the annexation of 229 East Pine Log Road with RS-10 zoning.

For City Council consideration on first reading is an ordinance to annex 229 East Pine Log Road and zone it Residential Single-Family (RS-10).

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

Mayor Osbon called for a vote on the motion made by Councilwoman Diggs, seconded by Councilwoman Gregory, that Council approve on first reading an ordinance to annex 229 East Pine Log Road and zone it residential single-family (RS-10). The motion was unanimously approved.

ANNEXATION – ORDINANCE

Park Avenue SE
Richland Avenue E
Wagener Road
Old Wagener Road
LED of Aiken, Inc.
TPN 137-13-02-001

Mayor Osbon stated an ordinance had been prepared for first reading to annex .40 acres owned by LED of Aiken, Inc. located at the intersection of Park Avenue and Richland Avenue and zone it General Business.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY OWNED BY LED OF AIKEN, INC. AND LOCATED AT THE INTERSECTION OF PARK AVENUE SE AND RICHLAND AVENUE AND TO ZONE THE SAME GENERAL BUSINESS (GB).

Councilman Girardeau moved, seconded by Councilwoman Price, that Council pass on first reading an ordinance to annex .40 acres owned by LED of Aiken, Inc. located at the intersection of Park Avenue and Richland Avenue E and zone it General Business.

Mr. Bedenbaugh stated LED of Aiken, Inc., applicant and owner, is requesting annexation of a .40 acre of undeveloped property at the intersection of Park Avenue SE, Richland Avenue E, Wagener Road, and Old Wagener Road. The proposed zoning is General Business (GB) which is consistent with the surrounding commercial land uses and zoning, and with the development pattern in this area. No development on this property is proposed at this time.

Mr. Bedenbaugh noted that when we gave a grant to the Steeplechase Association one of the conditions was that the property owned by Aiken Steeplechase be annexed to the city as soon as possible. Acquisition of this .40-acre parcel that is between Park Avenue and Richland Avenue will make the Steeplechase property contiguous to the city.

The Planning Commission reviewed this request for annexation at their July 14, 2020, meeting and recommended by a vote of 4-0 approval of the application for annexation.

Commissioners Brookshire and Matthews were not present and Commissioner Rabun recused himself.

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For Council consideration is first reading of an ordinance to annex a .40 acre of undeveloped property at the intersection of Park Avenue SE and Richland Avenue E and zone it General Business (GB).

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

Mayor Osbon called for a vote on the motion made by Councilman Girardeau, seconded by Councilwoman Price, that Council approve on first reading an ordinance to annex .40 acres owned by LED of Aiken, Inc. located at the intersection of Park Avenue and Richland Avenue and zone it General Business. The motion was unanimously approved.

ANNEXATION – ORDINANCE

Aiken Steeplechase Association

Old Wagener Road

Rudy Mason Parkway

TPN 137-09-03-001

Mayor Osbon stated an ordinance had been prepared for first reading to annex 140.80 acres owned by Aiken Steeplechase Association located at Old Wagener Road and Rudy Mason Parkway, zone the property planned residential (PR) and approve a concept plan.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY OWNED BY AIKEN STEEPLCHASE ASSOCIATION AND LOCATED AT THE INTERSECTION OF OLD WAGENER ROAD AND RUDY MASON PARKWAY AND TO ZONE THE SAME PLANNED RESIDENTIAL (PR) AND TO APPROVE A CONCEPT PLAN.

Councilwoman Diggs moved, seconded by Councilwoman Price, that Council pass on first reading an ordinance to annex 140.90 acres owned by Aiken Steeplechase Association located at Old Wagener Road and Rudy Mason Parkway, zone the property planned residential (PR), and approve a concept plan.

Mr. Bedenbaugh stated as noted in the prior item, when Council executed a grant to the Aiken Steeplechase Association, one of the considerations was to annex the property into the city. There have been a number of discussions with the Steeplechase Association since they acquired the property in February to try to find the right zoning use for this property. Planned Residential was the zone recommended based on the use. Long term they do have some potential commercial options for some frontage property which would require going back to the Planning Commission and Council for review.

Mr. Bedenbaugh stated the Aiken Steeplechase Association, applicant and owner, is requesting annexation of 140.80 acres and approval of a concept plan. The property is located at the intersection of Old Wagener Road and Rudy Mason Parkway (SC 118). The developer is proposing to build an equine facility on the 140 acres. This will include a steeplechase track, various support structures for the steeplechase event, and an area dedicated to future commercial use.

On October 23, 2006, Council adopted a policy regarding the development of larger tracts of land with respect to zoning and the provision of City utility services. That policy requires that tracts of four (4) acres or more requesting annexation and City utility services with the property being used primarily for residential purposes be required to comply with the Planned Residential (PR) zoning. For any development in the PR zone, a concept plan must be reviewed by the Planning Commission and approved by City Council.

The developer is proposing a steeplechase track, support structures, and a proposed future commercial area on approximately 140 acres. The support structures are proposed to include stables, a tower and pavilion, spectators' berm, well and pump house, and event parking. It is proposed that temporary facilities are to be used initially and then transitioning to more permanent structures. Other items include jockey and impact

physician tents, and a grantor's tent with cook and bar tents. The materials of the tower and stables will be similar to those at Ford Conger Field.

In a Planned Residential project the Zoning Ordinance requires 20% open space. The proposed concept plan depicts 28.3 acres or 20% open space will be provided. A fifty-foot buffer is proposed along the northeast side of the property between the proposed use and the existing residential properties. The City Engineer has noted that a Jurisdictional Determination will be required by the US Army Corp of Engineers (USACE) for the existing ditch on the property, as well as, land disturbance permitting by SCDHEC. A detention pond location has not been noted on the concept plan. The Aiken Steeplechase Association is proposing a 14-acre future commercial area, which is about 10% of the entire parcel and is consistent with the Planned Residential zoning. The commercial area uses will front Old Wagener Road and Richland Avenue. Any future proposed commercial use will require review and approval by the Planning Commission and City Council. Depending on the extent of development of the commercial area, the property could fall under two GB sign scenarios as determined by the Planning Director. The proposed concept plan proposes four access points--one along Richland Avenue, two off Old Wagener Road, and one on Rudy Mason Parkway (SC 118). Encroachment permit approval would be required from SCDOT. Normal operations of the steeplechase facility should not generate enough peak hour trips to require a traffic study, but since it is also an event venue, a traffic study may be required by SCDOT.

The Planning Commission reviewed the request for annexation and concept plan approval at their July 14, 2020, meeting. The Commission recommended 5-0 (Commissioners Brookshire and Matthews were not present) for approval of the annexation and concept plan approval with the following conditions:

1. That additional evergreen plantings will be installed if the buffer is not adequate to screen the use from the adjacent residential properties;
2. that a Jurisdictional Determination by the USACE be provided by the developer, and any other required land disturbance permitting by SCDHEC. In addition, a minimum of 20 percent open space will be provided minus the detention pond, if it cannot be planted with trees;
3. that, as determined by the Planning Director, a single ground mounted sign be limited to 75 square feet at the intersection of Richland Avenue and Old Wagener Road, of 50 square feet at the intersection of Old Wagener Road and Rudy Mason Parkway, or limited to two ground mounted signs on separate road frontages with 60 square feet for the first two tenants and 10 square feet for each additional tenant with a maximum of 120 square feet;
4. that encroachment permits be approved by SCDOT;
5. that an annexation plat be recorded within 180 days; and
6. 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 annex 140.80 acres owned by Aiken Steeplechase Association and approve the concept plan with the conditions recommended by the Planning Commission.

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

Mayor Osbon called for a vote on the motion made by Councilwoman Diggs, seconded by Councilwoman Price, that Council approve on first reading an ordinance to annex 140.80 acres owned by Aiken Steeplechase Association located at Old Wagener Road and Rudy Mason Parkway, zone the property planned residential (PR) and approve a concept plan. The motion was unanimously approved.

ACCOMMODATIONS TAX COMMITTEE

2019-20 Funding Cycle
Accommodations Tax Grant
COVID-19

Mayor Osbon stated Council needed to consider recommendations from the Accommodations Tax Committee for allocation of funds from the 2019-20 funding cycle.

Councilwoman Brohl moved, seconded by Councilwoman Diggs, that Council approve the recommendation of the Accommodations Tax Committee for distribution of the Accommodations Tax funds for the 2019-20 cycle.

Mr. Bedenbaugh pointed out that the Accommodations Tax Committee looks at State Accommodations Tax funds which is money paid to the state and then distributed to the cities. There are limitations on how this money can be used. It can be used for tourist attracting “heads on beds” advertising more than 50 miles away. He noted that COVID 19 had affected a number of events so there were several entities that did not spend the funds, cancelled the events, or were unable to have a full-fledged event.

Mr. Bedenbaugh stated typically, any unspent Accommodations Tax awards go back to the fund to be awarded in the next open award cycle (which would be FY22). However, the Accommodations Tax Committee met to discuss the Accommodations Tax Grant submissions for events affected by COVID-19. Their recommendation is to allow unspent funding to be awarded.

The FY20 events that cancelled or did not submit for reimbursement will not carry-forward unspent funds. The Committee recommends that a portion of the remaining unspent funds from FY20 be reallocated to the City’s Tourism Division for projects to help local hotels, restaurants and retail stores which were hurt due to COVID-19. Members of the committee feel strongly that the City should promote Aiken as a destination within the 2-3 hour drive market and as a destination for small business meetings or conferences. The Accommodations Tax Committee recommends \$42,380.80 be awarded to the City of Aiken and Aiken Downtown Development Association per the memo recommendation from Peggy Penland.

ORGANIZATION	PROJECT	Amount Requested	Committee Recommendation
City of Aiken Tourism	Small Market Meetings	\$20,700.00	\$20,700.00
City of Aiken Economic Development	Aiken COVID-19 Recovery Campaign	\$17,500.00	\$17,500.00
Aiken Downtown Development Association	Hops and Hogs/Busking Festival	\$ 4,180.80	\$ 4,180.80
		\$42,380.80	\$42,380.80

For Council consideration is approval of the recommendations of the Accommodation Tax Committee for allocation of funds from 2019-20 funding cycle to be used for the postponed event and to market Aiken.

Mayor Osbon noted since the Hops & Hogs/Busking Festival had been cancelled should the award be for \$38,200 or should the full \$42,380.80 be designated for marketing. He noted that the Hops & Hogs was listed for ADDA for \$4,180.80, but that has been cancelled. He was wondering if those funds should be designated for something else.

Mr. Bedenbaugh responded that the funding approval should be amended to be \$38,200 for the two items for the City of Aiken.

Councilwoman Brohl amended her motion to approve funding in the amount of \$38,200 for the two items listed for the City of Aiken from the Accommodations Tax funds for the 2019-20 cycle. The amended motion was seconded by Councilwoman Diggs.

Mayor Osbon asked for comments from the audience and Council.

Councilman Woltz asked if there was a plan for the money. He said there is a title for what it is, but how will it be spent.

Jessica Campbell, Parks, Recreation & Tourism Director, stated the Accommodations Tax Committee received a grant application from both the City of Aiken Tourism and the Economic Development. She noted that she has portions of the application with her. She said she could give a brief description of the projects and could provide a copy of the applications which the Committee reviewed to Council. The Committee made their recommendations based on the applications.

Ms. Campbell stated the description from Aiken Economic Development for the Aiken COVID-19 Recovery Campaign says the project will help drive commerce in the form of shopping, dining, recreation and overnight stays. The campaign will utilize cross device targeting by linking multiple device activity to maximize sequential storytelling and KPIs. Using data in this way makes every dollar count. The goal is to increase foot traffic as quickly as possible so they can begin to recover. Target audiences include Columbia, South Carolina, Greenville, South Carolina, Charleston, South Carolina, Savannah, Georgia, and areas within the Augusta drive market outside 50 miles of Aiken.

Ms. Campbell stated Mary Rosbach, of Tourism, had submitted the Small Market Meetings application. The description is as follows: Top-tier meeting planners from qualified leadership will be recruited in order to help select the best applicants to join a FAM tour of Aiken. That would be bringing groups of travel writers in to promote and write about Aiken. This exclusive program would bring in up to 15 qualified meeting planners to experience with us the destination so they can bring their groups back for future meetings. The FAM offers Aiken year-long visibility in Small Market Meetings magazine, website and social media channels culminating in a 7 to 8 page feature article highlighting the trip that will run in an issue of Small Market Meetings Magazine that is mailed to 10,000 meeting planners and over 8,000 meeting planners that receive the digital edition of the magazine. Media includes both print and digital components that will provide a year-long campaign with Pioneer Publishing.

Mr. O'Briant stated that the Aiken COVID-19 Recovery Campaign came to Economic Development because someone at the City needed to make the application, and it could not be the Tourism Division. It was a good partnership that we worked with Tourism and Haley Knight of Aiken Downtown Development Association and Bandwagon Media. We evaluated several different things. There was initial consideration of actually including and incorporating some of our safety precautions that we have in the community which we have included in the campaign. Some of the funding would be billboard advertising outside the area leading people in and establishing that this is a good nearby place to visit and that we keep safety on the forefront here related to the pandemic. A lot is digital media. We received a proposal from Bandwagon that looked very good as far as advertising the outdoor activities which is what we wanted to concentrate on, specifically using imagery where families could come and be very separate from others. We thought of several iconic things, including activities in our parkways, our parks, and in our Horse District where we could get images of people enjoying their family time, greatly separated from others. Typically, we might concentrate on a restaurant or bar scene, but we were trying to find an alternative for people who wanted to travel somewhere where they could enjoy small town charm and some time in nature.

Councilman Woltz pointed out that many of our downtown businesses are working shorter hours now. He wondered about promoting this if many of the businesses are closed at 3 p.m. and people show up. He wondered how we would work around that.

Mr. O'Briant stated that is a chicken and the egg question. We both need to work with our businesses, which we are doing, to encourage them to do their best. They are impacted individually by some health concerns and concerns about the pandemic. Hopefully this campaign will create traffic downtown that will convince our merchants that they need to be open because there is foot traffic downtown.

Mr. O'Briant stated regarding the Small Market Meetings request, basically they all put their heads together and discussed the situation where we have had a number of events that have been cancelled. He pointed out that Ms. Campbell and the Tourism Division said there is a problem and an opportunity. Instead of leaving that money to evaporate, we wondered how we could apply it to the current situation. This is very much an on the field call to say these events are not happening, and we need to use this money now to our best advantage to try to build traffic in Aiken.

Councilman Woltz asked what would happen to the money for the ADDA event which was cancelled.

Mr. O'Briant stated that ADDA was a really good partner on the team trying to figure out where and what we should market.

Mayor Osbon noted that Ms. Peggy Penland, the Accommodations Tax Committee, Chair, was present.

Ms. Penland stated she wanted to say that when the pandemic hit, the hotels, restaurants, and retail businesses suffered a tremendous blow. The Accommodations Tax Committee met a couple of months ago about events that had been cancelled—the Steeplechase, the Masters which does not receive any ATax but affected all, horse shows and many others. Members of the ATax Committee felt strongly and have felt very strongly for the last two or three years that the City should spend marketing dollars to promote Aiken as a destination. Some operations are franchises and they have big pots of money, but other properties like the Willcox, Carriage House, Rose Hill, etc. don't have that kind of resources. She said the ATax Committee thought that the City could be the clearing house to advertise. She pointed out there is a segment of our population that does not want any tourists coming in. She said the Commission is fully aware of the dangers of the virus. However, there are opportunities, of which unfortunately we have not taken advantage because of various budgetary reasons, etc. She said she knows as a hotelier that there is opportunity in the summer time to attract people from the low country. She noted two places she did not hear mentioned tonight are Hilton Head and Beaufort. She pointed out that Ms. Rosbach did everything she could, but we were not able to do the facebook post and the kind of marketing that should have happened in May and June to boost the business in Aiken during the summer. She stated she was very pleased that there is now a proposal. She noted there is a new company called Bandwagon, and she hoped they do a great job. She pointed out that as far as the ATax dollars approximately 92% of the ATax dollars are generated by hoteliers outside of downtown. She pointed out that is an important fact. She said we need to market Aiken to individuals, couples, and small groups who are not a danger where we can socially distance. They can go to Hitchcock Woods and take a walk in the woods; they can go to Hopelands Gardens; they can do what we call "echo tourism." She noted, however, we are behind the eight ball. She asked that we get busy. She said we understand the concerns of the residents of Aiken, but if our hotels, restaurants and our shops go under, then what do we have to offer to our residents.

Councilwoman Price pointed out that Ms. Penland had made comments about the other things we should be doing rather than, in this period of time, concentrating on people coming to stay overnight and walk downtown. They are looking for other things, and we should have had our eyes on these things early on in March and April. She pointed out Ms. Penland's comments are timely, but even when we get beyond the COVID, this is still something that we need to be doing to broaden interest in our town. Aiken has wonderful things to offer, but we have to market it properly.

Ms. Penland stated we have to get creative during this virus. She pointed out one thing she and some friends had come up with which starts on August 25 and goes through September, October, November and December, at her small establishment they are going to have something to benefit musicians. She pointed out that musicians and artists are hurting. All the art shows have been cancelled; musicians can't play. She said people are hungry. She stated today two musicians came free of charge and they are going to do facebooks, video, etc. to build momentum for art shows that will take place in September. She stated this will be a small crowd, but this is the kind of thing we need to get into our

heads, social distancing, drop-in, art. The musicians will play at the art show, and then if we have any profit, it will go to the ACTS food program. She pointed out that we have to think outside the box.

Mayor Osbon asked for a vote on the motion by Councilwoman Brohl, seconded by Councilwoman Diggs, that Council approve the recommendation from the Accommodations Tax Committee for allocation of funds from the 2019-20 funding cycle to be used to market Aiken in the amount of \$38,200 for the City of Aiken Tourism and Economic Development. The motion was unanimously approved.

RESOLUTION 08102020A

Water Service

Sewer Service

101 Dominion Drive

Whiskey Road

Christian Judy

TPN 123-20-03-004

Mayor Osbon stated a resolution had been prepared for Council's consideration to provide water and sewer utility service to 101 Dominion Drive.

Mayor Osbon read the title of the resolution.

A RESOLUTION AUTHORIZING THE PROVISION OF WATER AND SANITARY SEWER UTILITY SERVICES TO PROPERTY LOCATED AT 101 DOMINION DRIVE.

Councilman Girardeau moved, seconded by Councilman Woltz, that Council approve the resolution to provide water and sewer utility service to 101 Dominion Drive.

Mr. Bedenbaugh stated a request has been received from Christian Judy, applicant, for City water and sewer service for a restaurant to be located at 101 Dominion Drive. The applicant is proposing an 8,600 square foot sit-down restaurant with drive-through service and about 310 seats. The exterior materials will include a 4" block veneer bottom, metal wall panels, lap siding, and board and batten siding with a standing seam metal roof. Water and sewer service are available to this 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 July 14, 2020, meeting reviewed the request for water and sewer service and recommended approval with a vote of 5-0 (Commissioners Brookshire and Matthews were not present) 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 Aiken County RMC office;
2. that there be a condition that the agreement to annex the property as soon as it becomes contiguous be executed by the property owner and recorded within 90 days;
3. that the transfer of ownership be completed within 90 days of approval by City Council;
4. that the site and landscape plan comply with the City of Aiken Tree Preservation and Landscaping regulations;
5. that the project comply with the requirements of the Whiskey Road Corridor Study;
6. that the sign be a ground-mounted monument sign with a sign area no larger than 75 square feet;
7. that an inter-parcel access easement to the southern undeveloped parcel be provided with the location shown on the site plan;
8. that MUTCD compliant striping be installed on Dominion Drive through the commercial area, and that the entrance be redesigned to alleviate the potential left turn conflicts; and

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9. that the City Engineer approve the design of the water and sewer service.

For City Council consideration is approval of a resolution to provide water service to 101 Dominion Drive with the conditions recommended by the Planning Commission.

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

Mayor Osbon called for a vote on the motion made by Councilman Girardeau, seconded by Councilman Woltz, that Council approve the resolution to provide water and sewer utility service to 101 Dominion Drive with the conditions recommended by the Planning Commission. The motion was unanimously approved.

RESOLUTION 08102020B

City Services

Water Service

Sewer Service

Columbia Highway North

I-20

Edward J. Allen

Creighton Companies, LLC

TPN 133-00-04-001

Mayor Osbon stated a resolution had been prepared for Council's consideration to provide City services to property located at Columbia Highway North and I-20.

Mayor Osbon read the title of the resolution.

A RESOLUTION AUTHORIZING THE PROVISION OF WATER AND SANITARY SEWER UTILITY SERVICES TO PROPERTY LOCATED AT COLUMBIA HIGHWAY NORTH.

Councilwoman Diggs moved, seconded by Councilman Woltz, that Council approve the resolution to provide City services to property located at Columbia Highway North and I-20.

Mr. Bedenbaugh stated a request has been received from Edward J. Allen of Creighton Companies, LLC, applicant, for City water and sewer service for a proposed 4,717 square foot convenience store and fuel station on 3.66 acres of a 5.66-acre tract located just north of I-20 on Columbia Highway North. The property is currently not contiguous to the city limits.

The concept plan for the development shows two vehicular points of ingress/egress--a full movement access opposite Shiloh Church Road and another opposite Fulmer Road. The convenience store and fueling stations are to be located on the western half of the 5.66-acre parcel fronting Columbia Highway.

The project is within an area that will be affected by a construction recovery fee of approximately \$45,000 which will be used to extend sewer service to and beyond the project's location. Water service is available and sewer service will be available in the future.

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 discussed the request for water and sewer service at their July 14, 2020, meeting. After review the Planning Commission recommended by a vote of 5-0 (Commissioners Brookshire and Matthews were not present) that City services be provided to a 5.66-acre tract located just north of I-20 on Columbia Highway North 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 Aiken County RMC office;
2. that there be a condition that the agreement to annex the property as soon as it becomes contiguous be executed by the property owner and recorded within 90 days;
3. that the transfer of ownership be completed within 90 days of approval by City Council;
4. that the site and landscape plan comply with the City of Aiken Tree Preservation and Landscaping regulations;
5. that signage shall comply with the City of Aiken's sign ordinance for property zoned General Business (GB) with the exception that the development be permitted an additional sign of up to 80 feet in height;
6. that SCDOT approval for the access drives be obtained before approval of the site and landscape plan, and that an inter-parcel access easement to the out-parcel to the east be provided with the location shown on the site plan;
7. that a traffic study be approved by the City of Aiken on-call traffic engineer prior to the approval of the site and landscape plan; and
8. that the City Engineer approve the design of the water and sewer service.

For City Council consideration is approval of a resolution to provide water and sewer service to a 5.66-acre tract located on Columbia Highway North just beyond I-20.

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

Mr. Ryan Bland, Planning Director, stated the applicant had asked for additional time in excess of the 90 days that we typically give for an annexation agreement in order for transfer of ownership to occur on this property. He also pointed out that the City still has to extend sewer service across to the property and that provides them a little bit of uncertainty on their timing. They want to make sure sewer service is available by the time they start to close their deal on the property so they asked for additional time longer than the 90 days. They would like up to a year, but that is longer than we would typically grant. We don't want to have something extended for a long time to the extent that conditions may change significantly. Their request was to buy some additional time on conditions 1 and 3.

Mr. Bedenbaugh stated from a staff perspective, we are okay with some additional time. The sewer project has been bid out. The bids came in well under budget. Mr. Przybylowicz, Engineering and Utilities Director, stated for the construction of the sewer line boring under I-20, we are probably looking at the first of September to start. It will probably be the end of November before the project is completed. Water service is already available to the property.

Mr. Bedenbaugh stated the November completion is about a month longer than we had hoped. The project did come in under budget. Mr. Przybylowicz stated with the contractor's bid being as low as it was there were questions and comments as they had never dealt with the contractor before. All the indications and the other contractors that we are dealing with now recommended the low bid contractor. He said it took a couple of weeks to get the information on the contractor.

Mayor Osbon asked if staff would recommend changing the 90 days to 180 days. Mr. Bedenbaugh responded that staff would be okay with 180 days and believe that should be the longest extension.

Councilwoman Brohl asked Mr. Bedenbaugh to explain the Construction Recovery Fee. Mr. Bedenbaugh stated there are impact fees to install water and sewer service. For similar projects we have done in the past there would be an additional fee. It would not be dollar for dollar. Council has been clear that they wanted infrastructure developed. The impact fee would be no more than probably 25% of the cost of the project. It is about 73 acres that the sewer project is covering. The bid came in just over \$700,000. In this case the impact fee would be about 25% of the cost of the project. It was noted that there will probably be other developments in the area since sewer will be extended to the

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area. Since the bid was low we were able to run sewer as far out as Piper Road and there is developer frontage in the area so it is felt there will be other developments in the area.

Mr. Bedenbaugh also noted that this falls in line with the expansion of the water and sewer area that County Council has to approve. That will be before them for first reading later this month.

Mayor Osbon stated he would ask Councilwoman Diggs and Councilman Woltz who made and seconded the motion to approve the request for water and sewer service if they would amend their motion to change the 90 days in conditions 1 and 3 to 180 days to give time for transfer of property and to extend the sewer line to the area. They agreed to change the 90 days in conditions 1 and 3 to 180 days.

Mayor Osbon called for a vote on the motion made by Councilwoman Diggs seconded by Councilman Woltz, that Council approve the resolution to provide water and sewer City services to property located at Columbia Highway North and I-20 with the conditions recommended by the Planning Commission and changing the 90 days in conditions 1 and 3 to 180 days. The motion was unanimously approved.

RESOLUTION 08102020C

Sanitary Sewer Service
Toolebeck Road
Charleston Highway
Crowell & Co, Inc.
Woodward Drive
TPN 138-07-01-001
TPN 137-19-01-006

Mayor Osbon stated a resolution had been prepared for Council's consideration to provide sanitary sewer service to property located between Toolebeck Road and Charleston Highway.

Mayor Osbon read the title of the resolution.

A RESOLUTION AUTHORIZING THE PROVISION OF SANITARY SEWER UTILITY SERVICES TO PROPERTY LOCATED BETWEEN TOOLEBECK ROAD AND CHARLESTON HIGHWAY.

Councilman Girardeau moved, seconded by Councilwoman Brohl, that Council approve the resolution to provide sanitary sewer service to property located between Toolebeck Road and Charleston Highway.

Mr. Bedenbaugh stated a request has been received from Crowell & Co, Inc, owner and applicant, for City sanitary sewer service for a proposed subdivision on 60.41 acres between Toolebeck Road and Woodward Drive, which runs parallel to Charleston Highway. The subdivision is proposed to have 247 single-family units comprised of 169 single-family detached homes, and 78 triplex units dispersed throughout the project. The property is currently in the County and not adjacent to the city limits.

The applicant is requesting sanitary sewer service from the City of Aiken. The water service will be provided by the Montmorenci-Coughton Water and Sewer District. The City Engineer has noted that this project is part of the east side sewer expansion program. A developer's agreement will be needed prior to the approval of plans for construction permitting. Utility design compliance will be reviewed by the City of Aiken Engineering Department when the plans are submitted for review.

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 applicant proposes three ingress/egress points--one on Toolebeck Road and two on Woodward Drive. Woodward Drive, a County road, parallels Charleston Highway and is

currently unpaved. The Land Development Regulations require that the road be improved to City of Aiken standards from each entrance to the closest access point onto Charleston Highway. Also, SCDOT encroachment permits will be required for the Toolebeck Road entrance. The International Fire Code requires that all dead end roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Public Safety has requested a 96-foot diameter paved area at the cul-de-sacs.

The Planning Commission discussed the request for sanitary sewer service at their July 14, 2020, meeting. After review the Planning Commission recommended by a vote of 5-0 (Commissioners Brookshire and Matthews were not present) that sanitary sewer service be provided to the proposed subdivision located between Toolebeck Road and Woodward Drive 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 Aiken County RMC Office.
2. That there be a condition that the agreement to annex the property as soon as it becomes contiguous be executed by the property owner and recorded within 90 days.
3. That the City Engineer approve the design of the sewer service, and that the applicant initiate a development agreement with the City of Aiken.
4. That the site and landscape plan comply with the City of Aiken Tree Preservation and Landscaping regulations.
5. That the sign be ground mounted and have a sign area no larger than 24 square feet if a single sign, or combined square footage if a double sign.
6. That a portion of Woodward Drive be improved from each entrance to the closest access point onto Charleston Highway subject to approval by the City Engineer.
7. That the Toolebeck Road entrance be approved by SCDOT.
8. That the cul-de-sacs have a paved area with a diameter of 96 feet and a right-of-way with a diameter of no less than 100 feet.
9. That a traffic analysis study be approved by the City of Aiken's on-call traffic engineer and SCDOT.

For City Council consideration is approval of a resolution to provide sanitary sewer service to a 60.41-acre subdivision located between Toolebeck Road and Woodward Drive with the conditions recommended by the Planning Commission.

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

Mayor Osbon called for a vote on the motion made by Councilman Girardeau, seconded by Councilwoman Brohl, that Council approve the resolution to provide sanitary sewer to property located between Toolebeck Road and Charleston Highway with the conditions recommended by the Planning Commission. The motion was unanimously approved.

RESOLUTION

Water Service

Sewer service

University Lane

University Parkway

Dan Rickabaugh, Zimmerman, Evans and Leopold, Inc.

University Estates

TPN 087-19-12-009

TPN 087-19-11-003

Mayor Osbon stated a resolution had been prepared for Council's consideration to provide water and sewer services to property located on University Lane off of University Parkway.

Mayor Osbon read the title of the resolution.

A RESOLUTION AUTHORIZING THE PROVISION OF WATER AND SANITARY SEWER UTILITY SERVICES TO PROPERTY LOCATED ON UNIVERSITY LANE.

Councilwoman Price moved, seconded by Councilman Girardeau, that Council approve the resolution to provide water and sewer services to property located on University Lane off of University Parkway.

Mr. Bedenbaugh stated a request has been received from Dan Rickabaugh, Zimmerman, Evans and Leopold, Inc., applicant, for City water and sewer service for a proposed development across University Lane in University Estates located off of University Parkway. The proposed development consists of 12 townhomes with groupings of six single-family attached dwelling units on opposite parcels across University Lane. Architectural materials will be primarily brick with vinyl siding. The parcels are located in the County outside of the city limits.

Staff has received several inquiries regarding restrictive covenants which would prohibit the proposed use, and some property owners adjacent to the proposed development have questioned the legality of townhomes. However, the covenants were amended in 2019 to allow townhomes and multifamily developments within University Estates.

Water and sewer service are available to this site and will be reviewed for City of Aiken design compliance when the site and landscape plans are submitted.

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 proposed development would have to comply with the City of Aiken Tree Preservation and Landscaping regulations, sign requirements, and access management regulations.

The Planning Commission discussed the request for water and sewer service at their July 14, 2020, meeting. After review the Planning Commission recommended by a vote of 4-1 (Commissioners Brookshire and Matthews were not present and Commissioner Clarkson voted in opposition) to recommend approval of the application 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 Aiken County RMC Office.
2. That there be a condition that the agreement to annex the property as soon as it becomes contiguous be executed by the property owner and recorded within 90 days.
3. That the City Engineer approve the design of the water and sewer 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 sign maximum of 24 square feet if a double sign, with a maximum of 8 feet in height.
6. That the ingress/egress drives receive SCDOT encroachment permit approval.

For City Council consideration is approval of a resolution to provide water and sewer service to a proposed development on University Lane with the conditions recommended by the Planning Commission.

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

Mr. Charles Blair, 1236 University Lane, stated he had been in Aiken for almost 20 years. He said he was speaking on behalf of 12 home owners in University Estates. He said they are opposed to building 12 townhomes on lots restricted to single family homes in the subdivision. At the July 14, 2020, Planning Commission meeting he and several others spoke, making known their opposition to utility hookups and this project. They cited the likely negative consequences to their peaceful enjoyment and quality of life and the aesthetic quality of the community if this project came to be. If allowed to go

forward, this project is likely to damage their property values. There were several written comments opposing approval of the request for services and one individual spoke on behalf of approval. He was the seller of one lot to the requestors. He has never been a home owner, and in their view, has no skin in the game. When it came time for a vote the Chairman declared that he had to accept the amendment to the covenants the requestors created in 2019 as valid as they were “notarized, recorded, and probated.” He held up a document they assumed was the amendment. Mr. Blair emphasized the word the Chairman used “probated.” He stated that we all know that notarizing a document or recording it does not imbue it with any real legal weight. He said they contend that the 2019 amendment submitted to the Planning Commission is an invalid instrument. The creators circumvented the process of restrictive covenants by not giving all owners notice of their plans to create an amendment and an opportunity to vote on it. These men made a unilateral decision to create an amendment to allow their project of multi-family dwellings without any notice to other owners. Mr. Blair said their group consists of 12 home owners. They are the majority of owners. He said they all call on Council to reverse the Planning Commission’s approval for the requestors city services because it is, at best, of questionable validity. They want the name of the judge who probated the amendment to their covenants and see that judge’s signature on the amendment. The Planning Commission Chairman absolutely relied on that amendment when calling for the vote. The Planning Commission ignored the voice of 12 in favor of 3 because they accepted that document as real. If the Chairman of the Planning Commission was in error about the amendment being probated, they want Council to reverse the decision of the Planning Commission or delay approval for services until the requestors invite all owners to vote on their project as they should have done a long time ago. They also ask for Council to explain to them their policy as to what the standard of proof is for documents submitted for consideration of a vote. He said they believe the signatories to the 2019 amendment of the University Estates covenants acted in bad faith for their own financial benefit and not for the betterment of our community. He said the group respectfully requests Council acquiesce to their request for the legal basis for the probate of the amendment, and if there is none reverse the Planning Commission’s decision they based on a document of dubious validity.

Mr. Kevin Butler, 116 Campanile Court, said he is a home owner. He said he wanted to speak regarding the ownership of the majority parcels group. They have the opportunity to benefit from their owning of property in the subdivision. They are proposing to build townhomes or apartments. He was concerned that there may be more apartments built in the future on vacant lots in the subdivision. They own at least 40 parcels of vacant property in the University Estates subdivision. He said that is very concerning to him and his family. He said they had been living in University Estates for four years. They looked for a home at least two years to be able to find a home that was desirable for his kids to live in and a good neighborhood and environment. He felt building townhomes in the area would be taking all that they found in the neighborhood away. He asked that Council think about what this may do to their neighborhood, taking away their peaceful neighborhood. He was concerned that the developers are taking the opportunity to benefit, but are not looking at the concerns of the neighborhood. He said University Estates is a small community, and they like it that way.

Councilwoman Price asked Mr. Butler if he was advocating for single family homes to be built in the area rather than townhomes. Mr. Butler responded that was correct.

Councilwoman Brohl noted that she had driven through University Estates and the area is beautiful. She said she could understand their concern as there are some condos or apartments near the area which are not very well kept.

Ms. Elisa M. Sanders, 112 Campanile Court, stated the townhomes that were built behind University Estates were built out of covenant. When they learned about them it was too late. Two years ago a developer attempted to build townhomes. The residents found out about it, and went to the Planning Commission office and it was stopped because the covenants specifically say that the homes must be 2,200 sq.ft. They were not allowed to build the townhomes. She pointed out that residents in the area saw the signs and started inquiring about what was going on, and that is how they learned that the covenants were changed. She noted that home owners in the area did not know and were not contacted

about changing the covenants. The people who have changed the covenants are land owners of vacant property, not residents of the area. She said they had tried to contact the developer to get more information, but no one has ever called them back. She pointed out that it had been said no homes had been built in the area in decades. She said she built her house in 2003 and she has since made additions to her house. She said she considered selling her home when she heard that townhomes were going to be built in the area. A realtor told her that the price of the homes in the area would be lower because of the townhomes in the area. She pointed out that no townhomes in an area appreciates the value of homes in the area, but depreciates the value of the homes. She noted that the townhomes would be adjacent to her property and across from Mr. Butler. She expressed concern about the covenants being changed and none of the residents in the area were aware that the covenants were being changed to allow townhomes in the area.

Councilwoman Gregory stated she has questions as she was trying to piece it all together. She noted that the residents purchased their homes in the area based on the beauty of the area and the covenants that were on the property. She asked if the residents have a HOA or property owners' association, to which those present stated they do not have an HOA. She asked if the covenants say they can be amended by the property owners at any point. Ms. Sanders noted that the covenants state the covenants can be amended by the majority of the property owners. She noted that the resident property owners were never told that the covenants were being amended. They did not want them to know about the changes as the residents stopped the covenants and townhomes from being built two years ago.

Councilwoman Gregory stated there seems to be a lot of vagueness on the covenants. It does not seem right that they were changed without the residents knowing about the change, but she does not know what the document says.

Mayor Osbon noted that the request is for city services, but the property is not within the city, and we don't know how it was planned.

Mr. Bland, Planning Director, stated the area is zoned as a Rural Development District. It was pointed out that the subdivision has water and sewer service from the City of Aiken. A change in land use is proposed so that is what triggered the review of the subdivision. The change is for a denser land use.

Councilwoman Gregory asked if supporting the resolution would be opening the gate for other properties to be used for townhomes or apartments. She pointed out that the property is in the county, but the residents receive city water service.

Mr. Gary Smith, City Attorney, stated he heard what Mr. Blair said about what Mr. Hunter, Chair of the Planning Commission, said regarding the restrictive covenants. He talked about them being signed and recorded at the RMC Office, and being probated. He pointed out that a probate on a real estate document is where the notary signs to prove the witnesses actually witnessed the signature of the person. It is a term used on the documents. If it was probated, that means it was notarized. If the document was recorded at the RMC Office, it met the requirements of being recorded at the RMC Office. It had to be properly witnessed. It had to be notarized. It had to be probated. They had to give them the proper number of documents for the document to be recorded. There is no one in the RMC Office that looks at that document before they record it to make a determination whether or not that amendment was passed in accordance with the requirements of the restrictive covenants. There is no independent evaluation done to determine whether or not that was a proper document. When the document comes to the City, what we know is that they have a certified copy of a document that has been recorded at the RMC Office giving notice to all that it is being alleged that it is a proper document. The City has no way to make an independent evaluation as to whether or not that is a proper document. There is only one way one can challenge the properness of the document, and it would require the home owners in the neighborhood to file a legal action in the Court of Common Pleas to have a judge review anything, hear witness testimony, take evidence, and then make a determination as to whether or not that amendment had been passed in accordance with the proper procedures outlined in the restrictive covenants. It would require a legal process in order for the covenants to be challenged. He said he would urge the neighborhood if they really are concerned about

the validity of the document to seek their own private legal counsel to get the advice that they need to decide what path they should take going forward. If their lawyer is able to help them understand that the document really was not done correctly, they may be able to stop this from happening. What is being presented to the City at this meeting seems to be a proper document that was presented to the Planning Commission and to City Council so City Council has to address the request on its face as to whether or not they think it would be appropriate to provide utility services to the organization given the conditions that the Planning Commission has recommended.

Mr. William Brantley, 2202 Gadson Street, Columbia, SC, stated he had appeared before the Planning Commission when the matter was before them. He said he submitted another set of comments to Council for their information with basically the same information he presented to the Planning Commission. He said he thought he was the oldest property owner in University Estates. He said Gene Williams, his uncle, was the developer of University Estates. He said his roots are Graniteville. He noted that Gene Williams was a very successful man, and he convinced him to buy into his dream which cost him a lot of money at the time. This was 44+ years ago that he bought his first property and is now the only property he owns in University Estates. He sold the other properties that he had owned in University Estates. He said he did not have the covenants with him, but had looked at them many times, particularly back in the planning days with Gene Williams when he was putting the concept plan together in 1972. He said he was one of the first buyers in University Estates. He said he knew what Gene Williams wanted. He wanted a nice, vibrant, exclusive type development. That is why he insisted on 2,200 sq. ft. homes in the 1970's. He noted that is a large home, and people today are building smaller homes and more maintenance free. The covenants said 2,200 sq. ft. for homes. He said the covenants also said that the majority of the property owners can change the covenants. He said he is a property owner, but does not have a house on the property. He pointed out that there are only six single family homes in that neighborhood after nearly 50 years since it was designed. Part of the reason is the 2,200 sq. ft., but mainly the man that dreamed it, designed it and wanted it, pushed it, died 44 years ago. He noted that the last home built was in 2003. He pointed out of the six homes there, two of them don't meet the size requirement of the covenants. He said the covenants have been changed, and he was not a part of that. He said the neighborhood needs something. He said the people living there may want to live in the woods, but he has a piece of property there that he wants to sell. He said he would not be building a house on the lot. He said he wants something to be done in University Estates after he and Gene Williams planned it since 1972. He said he wanted to see some growth for the subdivision. He said the proposed concept is the best that he had seen in decades for the area. It is proposed that the townhomes be owner occupied where people have pride and pay taxes. He said he did not know if the entire area might be turned into townhomes, and he really did not want that. He said it was not his plan, but he would not stop it either. He noted there were 60+ lots in the original subdivision, and there are only six houses in the subdivision in 44 years. He felt that something has to change. He felt the proposed development is a good idea. He said sanitary sewer is available for the proposed development. He knows that because he granted an easement for the City of Aiken to run the sewer line. He pointed out that he was told that the townhomes that are already there which are rental homes are going to be turned into owner occupied homes. He urged Council to approve city utility services to the proposed project.

Mayor Osbon asked if the developers of the proposed development would have to go through the County Planning Commission with a concept plan for the development.

There was a question since sewer is available why are the developers asking for sewer service. Mr. Bland, Planning Director, stated they went through a similar process for this earlier for services. At that time, it was assumed that the development would be for single family development. In our policies related to public service provision to properties outside the city limits, if there is a change in density or in use or demand, it triggers review of the process. It was noted that water and sewer service are available to the proposed development.

Councilwoman Gregory stated then the resolution for approval of city services is because of the change in density from single family to multiple townhomes in one location, not

that the city would have to expand water or sewer lines. Mr. Bland pointed out that the water and sewer lines are available to the area.

In response to a question as to whether the proposed units would be owner occupied, Mr. Bland stated the representative at the Planning Commission stated the units would be for sale. Mr. Bland stated with regard to the County process, the County would oversee the permitting process related to the units other than the city services. It is his understanding that townhomes can be conditionally approved with density requirements on RD properties. He said he was not familiar enough with the County process to know if there would be any public hearings. He said the permitting would be through the County. In their regulations there are setbacks, stormwater regulations, density, etc. which would be handled through the County. It was noted though that the City can condition city services and have conditions to be met if city services are provided. He stated the city provision was essentially created to try to make properties that are outside the city, but receiving city services more compatible with development inside the city.

Councilman Girardeau pointed out in the past similar cases have come up, such as the hotel on Whiskey Road. Council may think what is proposed should not be built on the property, such as the hotel, but they got services elsewhere and built the hotel anyway. The property is in the County and all Council is being asked is whether the City of Aiken will provide water and sewer service. The City cannot say you can't develop the property, that is up to the County. He said he understands what the residents are saying. He agrees with Mr. Smith that if the residents want to fight the development, then they need to hire an attorney. It is not up to the City of Aiken to decide that. The City needs to decide whether to provide water and sewer to the development.

Ms. Marian Tyler, 248 Gregg Highway, stated she had lived there since 1997. She said she understands that Council is only to decide whether the development will get city services or not. She said the question came up as to how valid the change in the covenants may be. She noted that the City wants money, but at what cost. Regarding the covenants, it had been noted that it takes the majority of the property owners to make a change in the covenants. It does not say the owner of the majority of property to make a change in the covenants. She said she did not understand as the majority of the property owners are present and are opposed to changing the covenants. She pointed out that Mr. Brantley is a property owner, but does not live on the property but lives in Columbia. He said it is a shame that the property has not developed. She said it is not a shame to the people who live in the area. She noted that it had been said the property owners can get an attorney to look into the matter of the covenants. She asked if the developers could continue to move on in the meantime with the development.

Councilwoman Diggs pointed out to Ms. Tyler that what has been said is that the only thing the developers are asking the City for is water and sanitary sewer service, and because the property is in the county, the city does not have the authority to make a decision on any matters other than what is on the agenda for providing water and sewer service. The other matters are legal issues and something the home owners need to consider as to whether they want to get an attorney to check on the matters discussed regarding the covenants since they feel that the covenants may not have been done right and the home owners were not considered. She pointed out that the only thing City Council is to consider is whether to provide water and sewer service to the property.

Councilwoman Price stated she understands what the residents are saying because they are at the point now and wondering if this moves forward to provide water and sewer service to the proposed development, what happens and have they lost control because of the City's decision. She wondered if they had talked to County Council or had come together and talked about getting an attorney. She said something has to take place beyond just thinking that Council cannot legally do their job based on assumptions. She said she also understands that the residents feel that they were betrayed by someone and don't know what to believe at this point. She said if the residents desire, they may have to take some legal action to see what they can do in terms of legal action.

Councilman Woltz stated since the residents brought up the change of the covenants, would it be proper for Council to say we have a question about whether the covenants

were changed properly or not. Mr. Smith, City Attorney, responded that if Council wants to receive clarification on the process or how the restrictive covenants were amended, Council would ask for that clarification to be presented to the City Manager. He said he would be uncomfortable with Council making a determination as to whether or not the amendment of the covenants was legally appropriate. He said the information could be gathered and have the developer explain to Council the circumstances behind the amendment to the covenants. Then Council as a body may decide with the explanation that you have been given that they may not be comfortable approving the project. However, Council does not have the ability to conclude whether or not the amendment was done properly.

Councilman Woltz asked if Council could table the item and let the home owners get clarification. Mr. Smith responded that he did not know how easy that would be. The document should have some language in it that talks about the procedure that was followed in order to amend the covenants.

Councilman Woltz stated that was why he was asking that if Council has some question about the amendment of the covenants, can Council table this discussion until they can get further information. Mr. Smith responded that would be an appropriate response from City Council.

Ms. Latasha Butler, 116 Campanile Court, stated the biggest issue she has is with the water and sewer. She pointed out that her house is across the street from the property where the townhomes are proposed to be built. She pointed out that in their yard there is a sewer line, and they have to continuously cover the hole up which runs out into the road on Campanile. She wondered about the extension of the sewer line and how that might affect their property as far as the water going back up into their yard. They keep filling the hole up when it rains.

Mr. Mike Przybylowicz, Engineering & Utilities Director, stated he thought what Ms. Butler is referring to is stormwater. He said he was not familiar with the line and would have to do some investigation and see some kind of engineering plans to see what kind of line is in the area.

Councilwoman Gregory stated she felt that Ms. Butler's point opens up another situation that brings it back to the resolution of what they have been asked to approve. Because of that and not knowing what is going on in Ms. Butler's yard, gives a valid reason for Council to continue the request to the next meeting.

Councilman Woltz stated he would like to make a motion to table the request for water and sewer service to property on University Lane. Councilwoman Brohl seconded the motion. The motion was approved by a majority vote with Mayor Osbon opposing the motion.

Mayor Osbon pointed out that Council tabled the request. Council has requested further information about where the water and sewer lines run; what the capacity of the lines is; some clarity on the amended covenants.

CPST IV

Grant Match

Sewer Line

South Carolina Rural Infrastructure Authority

US 1 Parallel Relief Sewer Project

Mayor Osbon stated that Council needed to consider a request to borrow ahead from CPST IV funds for a grant match for a sewer line project.

Councilwoman Diggs moved, seconded by Councilwoman Brohl, that Council approve a request to borrow ahead from CPST IV funds for a grant match for a sewer line.

Mr. Bedenbaugh stated on May 21, 2020, the City received a \$500,000 grant from the South Carolina Rural Infrastructure Authority for the US 1 Parallel Relief Sewer project, with Council acceptance of this grant on June 8, 2020.

This project will connect the Shaw Industries lift station discharge manhole to remove the flow from the present line and increase system capacity for current industries with a 12" PVC sewer line. Additionally, this line will provide relief for the 10 industries, 59 commercial/business and 7 residential customers being served on an 8" clay line, installed in 1981. This new line will provide capacity for expansion of the industrial park and provide for future development, while leaving the existing 8" line in place and providing additional capacity for those customers. The project will be located at US Highway 1 and Interstate 20 (Exit 22), run south to Windham Boulevard and into Verenes Industrial Park and connecting to an existing 12" line that terminates at the industrial park lift station.

This grant funded project has a total estimated project budget of \$859,925.00. Staff is requesting a total project budget of up to \$900,000 to include engineering, construction, contingency fees and unknown conditions. Staff is recommending an interfund borrow for up to \$400,000. The grant match will be provided through CPST IV funding from the Sewer Infrastructure account, 018-3181-468-76-02 4INFRS, with borrow ahead funds.

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

Mayor Osbon called for a vote on the motion made by Councilwoman Diggs, seconded by Councilwoman Brohl, that Council approve the request to borrow ahead from CPST IV funds for a grant match for a sewer line. The motion was unanimously approved.

INFORMATION

Mr. Bedenbaugh stated he had three items that he wanted to inform Council about. He said he had asked Mr. Bland to provide an update on the Hotel Aiken project that was before the Design Review Board on Tuesday, August 4, 2020, and the steps going forward. He stated the Design Review Board discussed the Hotel at their work session and took no action.

Hotel Aiken. Mr. Bland stated the Design Review Board received an inquiry from a downtown business owner regarding the status of Hotel Aiken and the possibility of using the demolition by neglect provision in the Zoning Ordinance which is a tool that the Design Review Board can use to prevent the deterioration of historic structures. Hotel Aiken was put on the local register a little over two years ago. It is one of the buildings downtown that is subject to that provision. It is a way for the Board to take a look at the zoning violations; if they find that something is in such a state of disrepair that it is starting to self-demolish or elements of a historic building that are nearly irreplaceable and starting to self-demolish. The inquiry was heard at the DRB meeting work session. The Historic Hospitality came to respond at the meeting as well. The DRB provided them with information to kind of clarify what the request was to look into. They provided a brief update. Essentially what has been going on the last few years is that there has been historic documentation piece by piece of the interior of the structure, how it was built, and where chases are. It was built in the 1880s, 1910s and 1930s so there are no building plans. There were a lot of opening walls to document for the purpose of the historic preservation and starting redesign and talk with their hotel chain through that process. At the Board hearing the Board requested more information from staff at the next work session about the structure of the building itself through the Building Inspections Division. They also requested information about the security of the building and any calls that were received there over the last year or so while it has been vacant and in the state of being taken apart strategically on the inside to document. He said they would work with Public Safety to provide that information. For the next meeting the Board also requested a written response from the Historic Hospitality as far as what has been done thus far and the status of their plan. At the meeting it was said that the plans were very close to being able to be submitted. The DRB asked that in 90 days that something be presented either architecturally or conceptually. Historic Hospitality came to DRB about 2 to 2 1/2 years ago to update the DRB on what their plans were.

The DRB wanted a new update to know what the moving parts have been in the meantime with the assumption that if they were to move forward the DRB would have to review it any way, and it is best to keep them updated formally through the work session process. If the Board were to be dissatisfied and find that there are certain conditions that need to be addressed that are historic elements that are failing on the property that need to be established and preserved, then they would have the opportunity to put that on a regular meeting. If they were to issue a finding that would typically allow the property owner some time to respond by bringing those things up to code and if not, then the zoning violation can be issued on the property.

Mr. Bedenbaugh stated this does not come to City Council. The Design Review Board is the final arbitrator within the city for this. It only applies to the Hotel Aiken piece of the property complex of the physical plant. It does not apply to the motor court or the building that runs from Bee Lane east to Richland East and to Newberry Street.

Fire Fees. Mr. Bedenbaugh stated Council may have received inquiries from customers in our fire district that are not on city water. He said he wanted to provide some perspective. Over the last year staff has been working very hard to identify parcels that have not been paying for fire protection, but are within our fire limits. Along those lines earlier this year, back in May and June Council approved charging all fire customers based on the value of their structure independent if they have been connected to city water. For example, prior to this folks who are on city water but not in the city, a residential property owner would pay \$41 per month for fire protection. That increased modestly to \$45 per month maximum based on the value of the property. Then we discovered to date that there are 2,221 parcels that are not on city water, but within our fire district that were not getting billed so we began billing those customers in July the \$45 per month. Of the 2,221 parcels 956 are residential properties. We have also identified another 1,195 parcels of the 2,221 that are vacant—unimproved land. As part of our rate structure that Council approved those vacant properties will be billed \$15 per quarter starting in October, for a total of \$60 per year for fire service. He said he wanted to provide some additional background for Council. He noted this was discussed in two ordinance readings and touched on briefly in the budget process.

Banning Smoking in The Alley. Mr. Bedenbaugh stated that two weeks ago he shared with Council the petition that was received about Council considering banning smoking in The Alley area. That was received as information. He felt at this time, unless Council directs staff otherwise, the petition will be received as information. As we work through all the issues associated with the pandemic, we wanted to get further with some light at the end of the tunnel with the pandemic before we consider bringing the petition to Council in the form of a work session. Then if Council desires, we will have some sort of ordinance for Council's consideration.

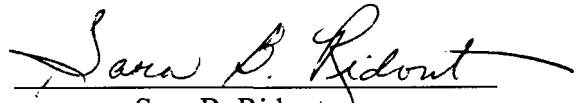
Councilwoman Gregory stated regarding the fire fees, she and Mr. Bedenbaugh had spoken at length about the matter. She stated when Council voted for the fee, it made sense to her because those adjustments needed to be made. She said she had heard from a couple of people, but one in particular, Ms. Ivey. She said she wanted to make sure that we revisit her specific situation which is different from the other categories that Mr. Bedenbaugh brought to our attention tonight. In her case she is not receiving any city services. Mr. Bedenbaugh stated that individual only gets fire service. He pointed out those customers are suburban that are not on city water nor sewer, but within our fire district. Councilwoman Gregory pointed out in Ms. Ivey's case she would be paying \$540 a year which is more than what city taxes would be. She felt Ms. Ivey really does plead a very good case. She said she would like for staff to bring to Council how many people fall into the category that Ms. Ivey is in, and how much total money that encompasses. She asked that perhaps Council can revisit this and see about options to address Ms. Ivey's fire fees because she is in the county and gets zero services and she is paying a significant amount of money. She felt this really doesn't make sense and asked that the matter be revisited.

Mr. Bedenbaugh stated staff will have that information for folks that are in our fire district, not on water or sewer, and residential bill with a maximum rate of \$45 per month.

August 10, 2020

ADJOURNMENT

There being no further business, Councilman Girardeau moved, seconded by Councilman Woltz moved that the meeting adjourn. The meeting adjourned at 10:11 p.m.


Sara B. Ridout
City Clerk