

April 13, 2020

Aiken City Council Minutes

REGULAR MEETING

April 13, 2020

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

Others Present: Stuart Bedenbaugh, Gary Smith, Kim Abney, Sara Ridout, Charles Barranco, Gary Meadows, Angela Hales, Shiann Sivell of the Aiken Standard, and Ryan Bland, Mike Przybylowicz, Kym Wheat, and Leon Green.

The meeting was a virtual meeting held by using electronic devices with Councilmembers and staff members all in different locations because of the coronavirus pandemic. 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 April 13, 2020, to order at 7:01 P.M. Councilman Girardeau led in prayer. The pledge of allegiance to the flag was led by Mayor Osbon.

GUIDELINES

Mayor Osbon reviewed the guidelines for speaking at the Council meeting. He noted the opportunity for public comment on the agenda items should be by email at [publiccomment@cityofaikensc.gov](mailto:publiccomment@cityofaikensc.gov).

ADDITIONS OR DELETIONS TO AGENDA

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

MINUTES

The minutes of the executive session and regular meeting of March 23, 2020 and the special meeting of April 3, 2020, were considered for approval. Councilman Woltz moved, seconded by Councilwoman Gregory, that the minutes for the meetings of March 23, 2020 and April 3, 2020, be approved as presented. The motion was unanimously approved.

PROCLAMATION

Fair Housing Month

Mayor Osbon stated a proclamation had been prepared to proclaim April, 2020 as Fair Housing Month. Councilwoman Diggs read the proclamation.

Councilwoman Diggs moved, seconded by Councilman Girardeau, that Council approve the proclamation designating April as Fair Housing Month. The motion was unanimously approved.

## BOARDS AND COMMISSIONS

### Appointments

Dr. Melencia Johnson

Arts Commission

Angela Key

Accommodations Tax Committee

Brenda Holman

Senior Commission

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

Mr. Bedenbaugh stated Council has 45 pending appointments to fill vacancies on different City boards, commissions, and committees. Three appointments are presented for Council's consideration and vote.

Councilwoman Price has recommended the reappointment of the following:

1. Dr. Melencia Johnson to the Arts Commission. If reappointed Dr. Johnson's term would expire April 11, 2022.
2. Angela Key to the Accommodations Tax Committee. If reappointed Ms. Key's term would expire March 25, 2022.
3. Brenda Holman to the Senior Commission. If reappointed Ms. Holman's term would expire March 14, 2022.

For Council consideration is the reappointment of Dr. Melencia Johnson to the Arts Commission, Angela Key to the Accommodations Tax Committee, and Brenda Holman to the Senior Commission.

Mayor Osbon called for a vote on the recommendations. Councilwoman Brohl moved, seconded by Councilwoman Diggs, that Council approve the reappointments of Dr. Melencia Johnson to the Arts Commission, Angela Key to the Accommodations Tax Committee and Brenda Holman to the Senior Commission. The motion was unanimously approved.

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

Councilwoman Price stated that she would like to recommend the appointment of Stuart MacVean to the Municipal Development Commission.

Councilwoman Diggs stated she would like to recommend the appointment of Chris Verenes to the Municipal Development Commission.

Mayor Osbon stated those names would be on the next agenda for approval by City Council.

## CONCEPT PLAN – ORDINANCE 04132020

### Townhomes

Grier Court

Leon C. Green

Elizabeth L. Green

Town Creek Road

TPN 106-18-19-014

Mayor Osbon stated this was the time advertised for second reading and public hearing on an ordinance to approve a concept plan for six townhomes on Grier Court.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE TO APPROVE THE CONCEPT PLAN FOR PROPERTY  
LOCATED AT THE INTERSECTION OF TOWN CREEK ROAD AND GRIER  
COURT.

Councilwoman Gregory moved, seconded by Councilman Girardeau, that Council pass on second and final reading an ordinance to approve a concept plan for six townhomes on Grier Court.

Mr. Bedenbaugh stated a request had been received from Leon C. and Elizabeth L. Green, applicants and owners, for approval of a Concept Plan for six single-family attached townhome units on approximately .79 acres on Grier Court located off of Town Creek Road. These townhomes would be in addition to the nine units previously approved as part of this office and residential development on Town Creek Road.

The following is a history of the submittal of a concept plan for townhomes on Grier Court.

A previous concept plan proposed eight townhome units, but due to emergency vehicle access concerns, and non-compliance with setback requirements, the Planning Commission recommended denial of the concept plan as submitted at the March 13, 2018, meeting.

During the interim between the March Planning Commission meeting and the first reading of City Council on April 23, 2018, the applicant submitted a significantly revised concept plan for review. Because there were considerable changes, City Council remanded the revised concept plan to the June 12, 2018, Planning Commission meeting for review and recommendation.

One recommendation was that the stormwater management plan be approved by the City Engineer. Because of questions and concerns over the design of the detention pond, the project was continued by City Council at the June 23, 2018, meeting until such time as the detention pond issues were resolved.

On June 19, 2019, a major modification to the detention facility was approved by SCDHEC and the City of Aiken. However, the detention modifications have not been installed yet. The developer has indicated that the majority of the funding for the detention facility corrections will be dependent on the development of the townhomes.

Due to the passage of time, and changes to stormwater, and recent improvements to the Silver Bluff Road/Town Creek Road intersection, the concept plan approval request was sent to the Planning Commission instead of a continuation of review by City Council.

The Planning Commission at their March 10, 2020, meeting reviewed and discussed the proposed concept plan and recommended by a vote of 5-1 (Matthews opposed and Brookshire was not present) approval to City Council with the following conditions:

1. That the development comply with the Concept Plan submitted, and that there be a note added to the plan that the project will comply with Section 4.2.9. Attached Single-family Residential Projects of the Zoning Ordinance, unless specifically waived by City Council;
2. No grading permit for the townhome site shall be issued until permitted remediation work on the pond commences. If grading on the townhome site is being performed simultaneously to remediation to the pond, then stormwater BMPs shall be designed sufficient to mitigate any potential stormwater impacts to the pond, or properties and waters in the vicinity of the site; and such grading plans and BMPs shall be subject to approval by the City Engineer. If remediation work on the pond results in sediment being stored on the townhome site prior to issuance of a grading permit for the townhome development, stormwater BMPs shall be installed on the townhome property and no grading of the stored sediment will be permitted until a grading permit is issued for the townhome site to mitigate any impacts of such storage on the pond, or properties and waters in the vicinity of the subject property subject to approval by the City Engineer;

3. that a revised Concept Plan listing any conditions of approval be submitted within 90 days; and
4. that the applicant execute an agreement listing the conditions of approval within 90 days.
5. that the major modification to the stormwater pond be certified as completed by an engineer pursuant to the plans approved by SCDHEC and the City of Aiken on June 19, 2019 (or any subsequent approved amendment to those plans) prior to issuance of a Certificate of Occupancy.

The Planning Commission also recommended the following waivers to Section 4.2.9 of the Zoning Ordinance regarding the Attached Single-Family concept plan:

1. That driveways may be up to 22 feet in width to accommodate driveways serving two units; and
2. that garages may be forward-facing due to lack of suitable rear access to the units.

For City Council consideration is second reading and public hearing of an ordinance to approve a concept plan to develop six single-family attached townhome units on .79 acres on Grier Court with the conditions and waivers recommended by the Planning Commission.

Mayor Osbon asked if there were any email comments or comments from Council. There were no email comments or Council comments.

Mr. Leon Green was present by virtual meeting and stated he was looking forward to resolving the issues and going forward with the project.

Mayor Osbon called for a vote on the motion made by Councilwoman Gregory, seconded by Councilman Girardeau, that Council approve on second reading an ordinance to approve a concept plan for six townhomes on Grier Court with the conditions recommended by the Planning Commission. The motion was unanimously approved.

#### ANNEXATION – ORDINANCE 04132020A

875 Lincoln Avenue  
Lizzie Wakefield  
TPN 104-12-11-001  
857 Lincoln Avenue  
Bessie Funchess  
TPN 104-12-11-004

Mayor Osbon stated this was the time advertised for second reading and public hearing on an ordinance to annex 875 and 857 Lincoln Avenue and zone them Residential Single-Family (RS-8).

Mayor Osbon read the title of the ordinance.

#### AN ORDINANCE TO ANNEX TWO PROPERTIES TO THE CITY OF AIKEN.

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council approve on second reading and public hearing an ordinance to annex 875 and 857 Lincoln Avenue and zone them Residential Single-Family (RS-8).

Mr. Bedenbaugh stated through a review of the city boundaries for the next generation 911, Aiken County determined that four properties on Lincoln Avenue had been marked as being in the City of Aiken for 40 plus years and have been paying city property tax, in-city water rates and sewer rates, and had solid waste services. However, they had never formally been annexed to the City so the properties were removed from the City of Aiken limits. We approached those properties and gave them six months to annex. Two of the properties have petitioned that their property be annexed to the City and zoned Residential Single-family (RS-8). The following properties have petitioned to be annexed to the city:

1. Lizzie Wakefield, of 875 Lincoln Avenue, has requested that her property be annexed to the city. The property is a single lot in Lincoln Park Part I Subdivision located off of SC 19 North, TPN 104-12-11-001.

2. Bessie Funchess, 857 Lincoln Avenue, has requested that her property be annexed to the city. The property is a single lot in Lincoln Park Part I Subdivision located off of SC 19 North, TPN 104-12-11-004.

The other two properties have until July 22, 2020, to decide whether they would like to be annexed into the city. After that date if no agreement is executed, they will begin being charged out-of-city utility rates and will no longer have city solid waste service.

The Planning Commission at their March 10, 2020, meeting considered these two requests for annexation and zoning and by a vote of 6-0 (Brookshire was absent) recommended that 875 and 857 Lincoln Avenue be annexed and zoned as Residential Single-family (RS-8). During the six month period, we are continuing to serve these entities with in-city rates, city garbage pickup, etc. Once the six month period is over, any of those properties which do not annex to the city will be billed at out-of-city rates. They will no longer get city police protection, city garbage pickup, etc.

Council approved this ordinance on first reading at the March 23, 2020, meeting. For City Council consideration is second reading and public hearing of an ordinance to annex 875 Lincoln Avenue and 857 Lincoln Avenue and zone them Residential Single-family (RS-8).

Mayor Osbon asked Ms. Abney if there were any email comments and if there were any comments from Council. Ms. Abney responded there were no email comments.

Mayor Osbon called for a vote on the motion made by Councilwoman Price, seconded by Councilwoman Diggs, that Council approve on second reading and public hearing an ordinance to annex 875 and 857 Lincoln Avenue and zone them Residential Single-Family (RS-8). The motion was unanimously approved.

#### BID – SANITARY SEWER

Sanitary Sewer Service

Sandhurst Estates

Berrie Road

Tri-Star Construction

Mayor Osbon stated Council needed to consider approval of the bid for Sandhurst Estates Berrie Road sanitary sewer improvements.

Councilwoman Brohl moved, seconded by Councilman Girardeau, that Council approve the bid for Sandhurst Estates Berrie Road sanitary sewer improvements.

Mr. Bedenbaugh stated on March 20, 2020, the City received bids for the Sandhurst Estates Berrie Road Sanitary Sewer Improvement Project. This project will involve installing a duplex grinder pump lift station and about 570 feet of new force main piping, and a new manhole along with service lines to the residents on Berrie Road.

The low bidder was Tri-Star Construction, of Edgefield, SC, with a low bid amount of \$269,210, including contingency. The project was initially budgeted at \$270,000. The low bid contractor attended the pre-bid meeting and met all contractual requirements in the bid documentation. The project would take about 60 days for completion.

Funds are available in CPST III from Sanitary Sewer Improvements. These funds were collected through April 30, 2019. Engineering & Utilities staff are recommending approval of the low bid of Tri-Star Construction from CPST III funds.

For Council consideration is approval of the low bid of Tri-Star Construction for funding from CPST III in the amount of \$269,210 for sanitary sewer improvements in Sandhurst Estates along Berrie Road.

It was noted that if approved by Council, the contracts would be signed and the project would begin.

Mayor Osbon asked if there were any comments by email or comments from Council. Ms. Abney responded there were no email comments.

Mayor Osbon called for a vote on the motion by Councilwoman Brohl, seconded by Councilman Girardeau that Council approve the bid of Tri-State Construction for funding from CPST III in the amount of \$269,210 for sanitary sewer improvements in Sandhurst Estates along Berrie Road. The motion was unanimously approved.

### ISSUES

Mr. Bedenbaugh noted that the Planning Commission meeting scheduled for Tuesday, April 14, 2020, will take place virtually by Zoom. It will not be occurring in the City Council Chambers in the Municipal Building.

Mr. Bedenbaugh stated there will be a budget work session for Council at the next Council meeting. The meeting will probably still be held virtually by Zoom. At that time we will look at revenues and expenditures for the new fiscal year 2020-21.

Mayor Osbon noted that our city was mourning the death of a great ambassador for the City—Judith Burgess who passed away on Friday, April 10, 2020. He pointed out that she gave trolley tours of the city on most Saturdays. She worked with kids through the social and etiquette programs. She was a wonderful person and ambassador for our city. She will certainly be missed.

Mr. Bedenbaugh stated since the Governor ordered that non-essential businesses close and set guidelines for essential businesses, our Public Safety and Code Enforcement officers have been monitoring businesses and answering any complaints. He said it was his understanding that all have been complying over the last few days. He said we appreciate the businesses complying with the guidelines as this is a new normal during these uncertain times with the coronavirus.

Mayor Osbon pointed out that if there is a question from a business as to whether they can be open or not, they can contact the State Department of Commerce.

Mr. Bedenbaugh stated that is correct. Some businesses have believed they have an essential service. If a business is listed as non-essential they cannot be open except for curbside and delivery. If a business believes they are essential, they can contact the State Department of Commerce for clarification.

In response to a question by Councilwoman Price, Mr. Bedenbaugh stated city personnel are doing well. We have had to send several Public Safety Officers to quarantine due to contact with a suspect with whom we were not sure if they had the virus. Once the suspect was cleared, the officers were out of quarantine. There have been a few other personnel non-Public Safety Officers to be quarantined. To date we have been fortunate with no employees with the coronavirus. He noted that to protect our employees we have asked our employees to sign in at each building that they enter. Then should someone be suspected of having the virus, we have a paper trail and can notify and trace where they have been on city property to notify other employees that someone has been suspected of having coronavirus.

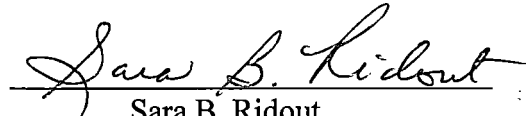
Councilwoman Price also asked about the storm last night. Mr. Bedenbaugh stated the city was very fortunate. There were several downed trees, mostly in the Dibble Road-Hayne Avenue area. Several utility poles were down in the Kalmia Hill area. One started a small fire that was quickly extinguished by Public Safety. Compared to some of our neighbors and other parts of the state, we were extremely fortunate.

Councilman Woltz congratulated the Recreation Department for doing a cottontail cruise Easter Egg Hunt. They did a great job. Councilwoman Diggs stated they really surprised and put smiles on a lot of children's faces.

Mayor Osbon thanked our health care providers, the clerks and stockers in the grocery stores, our pharmacies, and essential businesses. He also expressed appreciation to the city staff and employees for trying to keep our city running normal in unusual times.

ADJOURNMENT

There being no further business, Councilman Woltz moved, seconded by Councilwoman Price, that the meeting adjourn. The meeting adjourned at 7:29 p.m.

  
Sara B. Ridout  
City Clerk