

Aiken City Council MinutesEXECUTIVE SESSION

November 28, 2016

Present: Mayor Osbon, Councilmembers Dewar, Diggs, Ebner, Homoki, Merry, and Price.

Others Present: John Klimm, Stuart Bedenbaugh, Gary Smith, George Grinton, Michelle Jones, and Sara Ridout.

CALL TO ORDER

Mayor Osbon called the meeting to order at 6:34 P.M.

EXECUTIVE SESSION

Purchase of Property

Sale of Property

Apartment Complex

Road

Mayor Osbon stated City Council needs to go into Executive Session pursuant to Section 30-4-70(a)(2) to discuss negotiations incident to a proposed contractual arrangement and proposed sale or purchase of property and to receive legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege.

Specifically, City Council will discuss the following: A proposed contractual arrangement with the developer of real estate for a possible apartment complex and a proposed contractual arrangement with the owners of real estate regarding the possible purchase and/or acquisition of land to develop a new road in the City of Aiken.

Upon returning to open session, Council may take action on matters discussed in executive session.

Councilwoman Diggs moved, seconded by Councilman Merry, that Council go into executive session to discuss the matters stated by the Mayor. The motion was unanimously approved.

Council went into executive session at 6:35 p.m. After discussion Council returned to the Council Chambers at 7:09 p.m.

Mayor Osbon stated Council had returned to the Council Chambers from executive session where Council discussed negotiations incident to proposed contractual agreements and proposed sale or purchase of property. No voting took place. He asked for a vote to come out of executive session.

Councilwoman Diggs moved, seconded by Councilman Homoki, that Council come out of Executive Session. The motion was unanimously approved.

REGULAR MEETING

November 28, 2016

Present: Mayor Osbon, Councilmembers Dewar, Diggs, Ebner, Homoki, Merry, and Price.

Others Present: John Klimm, Stuart Bedenbaugh, Gary Smith, Charles Barranco, Jessica Campbell, Kim Abney, Sara Ridout, Michelle Jones, John McMichael, Nola Grant, Ryan Bland, George Grinton, Dan Brown of the Aiken Standard, and about 55 citizens.

CALL TO ORDER

Mayor Osbon called the regular meeting to order at 7:10 P.M. Mr. Charles Matthews, of Second Baptist Church, led in prayer. The pledge of allegiance to the flag was led by Chief Barranco.

GUIDELINES

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

ADDITIONS OR DELETIONS TO AGENDA

Mayor Osbon asked if there were any additions or deletions to the agenda. Mayor Pro Tem Ebner stated he did not know of any changes to the agenda. Councilman Dewar asked for an update on the status of opening The Alley at the end of the agenda. Councilman Ebner moved that the agenda be approved with the addition requested by Councilman Dewar. The motion was seconded by Councilwoman Diggs and unanimously approved.

MINUTES

The minutes of the Work Sessions on November 7, 10, and 14, and the Regular Meeting of November 14, 2016, were considered for approval. Councilwoman Price moved, seconded by Councilman Merry, that the minutes of the Work Sessions and Regular Meetings of November 7, 10, and 14, 2016, be approved. The motion was unanimously approved.

PRESENTATIONSAiken High School
Hornets Volleyball Team

Mayor Osbon stated City Council wanted to recognize the Girls Volleyball Team of Aiken High School for top honors in winning the 2016 South Carolina Class AAAA state championship title.

Councilwoman Diggs read the proclamation. Mayor Osbon and Councilwoman Diggs presented the proclamation to the Coach and team members present.

Frelicia Tucker
National Finalist
Wendy's High School Heisman Award

Mayor Osbon stated City Council wanted to recognize Frelicia Tucker for being selected as one of 10 national finalists for the Wendy's High School Heisman Award.

Councilwoman Price read the proclamation. Councilwoman Price and Mayor Osbon presented the proclamation to Frelicia Tucker and her family.

BOARDS AND COMMISSIONS

Appointments

Norman Dunagan

Energy and Environmental Committee

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

Mr. Klimm stated Council has 23 pending appointments to fill vacancies on different City boards, commissions, and committees. One appointment is presented for Council's consideration and vote at the meeting tonight.

Councilwoman Diggs has recommended the reappointment of Norman Dunagan to the Energy and Environmental Committee. If reappointed Mr. Dunagan's term would expire December 31, 2018.

For Council consideration is the appointment of Norman Dunagan to the Energy and Environmental Committee.

Councilman Homoki moved, seconded by Councilwoman Diggs, that Norman Dunagan be reappointed to the Energy and Environmental Committee. The motion was unanimously approved.

Mayor Osbon asked for nominations for appointments to be considered at the next meeting of Council.

Councilman Ebner stated he would like to recommend the reappointment of Jack Hunter to the Planning Commission.

Councilman Dewar stated he would like to recommend the reappointment of Robert Besley to the Planning Commission.

Councilman Homoki stated he would like to recommend the reappointment of Kent Cubbage to the Planning Commission. He would also like to recommend the appointment of Andrea Gregory to the Arts Commission to fill the position of Sharon Brown and the reappointment of Trudy Boyd to the Community Development Committee.

Councilwoman Price stated she would like to recommend the reappointment of Joann Saunders to the Arts Commission.

AUDIT – ORDINANCE 11282016

FY 2015-16

Mauldin and Jenkins

Mayor Osbon stated this was the time advertised for second reading and public hearing of an ordinance to accept the FY 2015-16 Audit.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE ACCEPTING THE FISCAL YEAR 2015-2016 AUDITED FINANCIAL STATEMENTS AND AUTHORIZING VARIANCES TO THE FISCAL YEAR 2015-2016 BUDGET ORDINANCE.

Councilwoman Diggs moved, seconded by Councilman Homoki, that Council approve on second reading and public hearing an ordinance to accept the FY 2015-16 audit.

Mr. Klimm stated our auditor, Mauldin and Jenkins, Certified Public Accountant, LLC, has prepared the FY 2015-16 financial audit, required by state law and city code.

Mr. Miller Edwards, of Mauldin and Jenkins, reviewed the audit with Council at the work session on November 14, 2016. He reported that the City received an unqualified

opinion with no material weaknesses and no instances of noncompliance material to the financial statements.

City Council approved this ordinance on first reading at the November 14, 2016, meeting. For City Council consideration is second reading and public hearing of an ordinance to accept the FY 2015-16 audited financial statements.

Mayor Osbon asked for comments from the audience and City Council.

Mayor Osbon called for a vote on the motion by Councilwoman Diggs, seconded by Councilman Homoki, that the ordinance be approved on second reading to accept the FY 2015-16 audit. The motion was unanimously approved.

ANNEXATION – ORDINANCE 11282016A

William Putnam
Palmetto Crossing, LP
Kevin Connelly
Owens Street
Dougherty Road
Apartments
TPN 122-13-02-015
TPN 122-13-02-029

Mayor Osbon stated this was the time advertised for second reading and public hearing of an ordinance to annex 5 acres owned by Palmetto Crossing, LP located on Owens Street, approve the concept plan and zone the area Planned Residential.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 5 ACRES OF LAND, MORE OR LESS, OWNED BY PALMETTO CROSSING, LP AND LOCATED ON OWENS STREET AND TO ZONE THE SAME PLANNED RESIDENTIAL (PR).

Councilman Merry moved, seconded by Mayor Osbon, that Council approve on second reading an ordinance to annex 5 acres owned by Palmetto Crossing, LP located on Owens Street, approve the concept plan and zone the area Planned Residential.

Mr. Klimm stated Applicant, Connelly Development, and Owner, Palmetto Crossing, LP, are requesting annexation and approval of a Concept Plan that began as a sixty unit multi-family complex, but it is now 48 units, to be located on a five-acre parcel on Owens Street just off Dougherty Road behind Walgreens. The complex would consist of two, three and four bedroom apartments. The property is currently vacant. A portion of the property has been reserved for a future right-of-way connection to Neilson Road.

In October, 2006 Council adopted a policy regarding the development, annexation and request for city utility services for tracts of land larger than four acres which are to be used primarily for residential purposes 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 Planning Commission at their January 12, 2016, meeting considered this request for annexation and approval of the Concept Plan which was for a 60-unit multi-family complex. After review the Planning Commission voted unanimously to recommend approval of the application with the following conditions:

Annexation approval is conditioned on the following:

- a. That the applicant sign an agreement of annexation within 180 days.
- b. That the annexation is contingent upon the sale of the property.

Concept Plan approval is conditioned on the following:

- a. That the emergency access is installed and approved by Public Safety, and that only one full movement access is provided.
- b. That the sign be accepted as submitted in the application package.
- c. That the developer will submit a traffic study for approval by the City's On-Call Traffic Engineer, and comply with any recommendations.
- d. That the developer remit monies in an amount that will reflect the percent of traffic increase created by the development on Dougherty and Whiskey Road to be used toward improvements on Whiskey and Dougherty Road or other traffic improvements within the City.
- e. That the development comply with the LDR Study by installation of street trees, sidewalk, and the closing of any open ditch along Owens Street, or monies, in an amount determined appropriate by the Director of Engineering, be placed in a City fund designated for improvements along Whiskey Road.
- f. That a revised concept plan listing conditions of approval and any changes required by City Council be submitted within 180 days.
- g. That the applicant sign an agreement stating the conditions of approval within 180 days.

City Council approved this ordinance on first reading at the January 25, 2016, meeting. At the February 8, 22, and 29, 2016, meetings Council voted to continue this item. In the meantime, this 5-acre parcel has been sold, and it is now owned by Palmetto Crossing, LP. Connelly Development and Palmetto Crossing, LP are continuing to pursue annexation and development of this property, but for 48 units instead of 60 units. A revised ordinance has been prepared for Council's consideration.

For City Council consideration is second reading and public hearing of an ordinance to annex 5 acres owned by Palmetto Crossing, LP located on Owens Street and zone the property Planned Residential (PR) with the conditions recommended in the revised ordinance.

Mayor Osbon asked for comments from the audience and City Council.

Mr. Kevin Connelly, of Connelly Development and Palmetto Crossing, LP, stated Mr. Klimm had outlined the history of the proposed project. He pointed out that he had been waiting almost 11 months for annexation of the property and approval of his proposed project. He said he had made every effort to comply with the 2008 Aiken Comprehensive Plan. He said he had also reviewed the 2016 Draft Comprehensive Plan. He noted that the ordinance for approval of annexation and the concept plan was approved on first reading on January 25, 2016, with a vote of 6 to 1. He pointed out that the number of proposed units had been reduced from 60 to 48. He said he had tried to work with the city to try to accommodate any concerns as far as traffic. He noted that the Traffic Study which was done was based on 60 units but the number of units has now been reduced to 48. He noted that the layout had been revised to better serve the residents as well as to accommodate the city's need and desire to put a road through the property to help accommodate traffic. He said he had met with the city staff on several occasions to express his interest in working with the city to also help with any drainage issues which may be of concern in the area. He said there may be some additional property the way the plan has been laid out, so not only the drainage for his property could be taken care of, but also could help with some other potential drainage. Mr. Connelly stated he had received an award of Federal Tax Credits, had purchased the land, and have engineering and architectural drawings almost completed. He said he would be glad to answer any of Council's questions and concerns.

Mayor Osbon asked if Mr. Connelly had any drawings showing the 48 units. Mr. Connelly stated he did have a draft drawing of the plan.

Mr. Gary Smith, City Attorney, asked Mr. Connelly if he had seen the revised ordinance which had been presented to Council for consideration at this meeting and if he had any concerns with any of the conditions in the ordinance. Mr. Connelly stated he had seen the ordinance and did not have concerns with the conditions in the ordinance. Mr. Connelly stated they had been asked, and had agreed, to donate the property for a road

through the project. He noted that a concern is that it is difficult to buy property at \$5 per square foot and within 30 days give it away. He pointed out that was not a smart financial move on his part, but he was trying to do what he can to be a good neighbor and facilitate making the road happen for the city.

Mr. Gary Smith noted that the concept plan is conditioned on seven conditions listed in the ordinance. He asked if Mr. Connelly would be agreeable to the addition of a condition which would state that the concept plan approval is conditioned on: "(g) that the owner amend the concept plan to show not more than 48 units on the property." Mr. Connelly stated that would not be a problem.

Mr. Smith asked if Council would accept the amendment to the motion. Councilman Merry who made the motion stated he would accept the amendment and Mayor Osbon stated he would also.

Mr. Connelly then presented and reviewed the revised concept plan for City Council. He noted the dotted lines going through the property which is the approximate location of the road that the city wants for the proposed road. He said he had a concern about splitting the property, and did not want residents or children crossing a road through the property. All buildings have been moved to one side of the proposed road with the retention pond on the other side of the proposed road. He said it is felt that the large retention pond will accommodate more than any runoff from his property.

Councilman Ebner noted that other businesses on Owens Street have pictures where their area has flooded before. He pointed out that Owens Street is a state highway, and they are responsible for the water. He also noted that the rest of the property in the area is in the county. He suggested that Mr. Connelly work on the stormwater issues soon so if there are any other changes he would not have gone so far.

Councilman Dewar pointed out an item in the Traffic Report which notes the project would generate 480 daily trips between the a.m. and p.m. peak time. He felt that is a lot of traffic for that area with all those trips having to go out at Owens and Whiskey or Owens and Dougherty.

Mr. Connelly noted that the Traffic Study was based on 60 units rather than the present proposal of 48 units so the traffic count would be less now. He stated the traffic study that was done did stipulate that it would not change the level of service. There were no additional requirements required by the traffic study. He also noted there have been commercial properties added on Whiskey Road recently since he has been working on his project. He said he did not disagree that every car adds traffic to a road, but the amount of impact on the acreage for his project with what he is proposing to do is far less than what it could be with commercial development and far less than the impact that has been for some of the commercial property that has been approved, such as Krispy Kreme on Whiskey Road.

Councilman Merry asked about the property which had been carved out on the lower right hand corner of the property adjacent to the retention pond. He noted that was not shown on the previous concept plan. Mr. Connelly stated he had tried to facilitate all the different ideas as there had not been a concrete plan as far as the direction of the city. He noted that the concept for the proposed road through the property was not there initially. He understood initially that the city wanted to utilize a strip of 40 feet vertically along the side of the property for the possible extension of a road. The first rendition of the plan was for a road along the side of the property and the development was moved over on the property. After that he found out that the city had done another traffic study which says that a road needs to be put through the middle of the property. He said he had tried to work with the seller Mr. William Putnam and leave room for the road that is proposed to go through his property at some time. He said he had tried to move and shift to do what he could to not only accommodate the city, but also try to accommodate the seller of the property.

Councilman Merry agreed that Mr. Connelly had not received a singular message from the city, but he felt the cut out was rather large, being .798 acres+/- . He asked if that was

reserved for future use. Mr. Connelly responded that the property would go back to Mr. Putnam. He noted that if we utilize this width instead of reserving that for the city, then we were basically trading the strip and keeping the other strip and Mr. Putnam was going to retain the front corner for potential future development.

Councilman Merry stated after first reading he felt it was still the city's desire to have the vertical right of way to correspond with the horizontal one. He noted that as talked about at the first reading and as shown on the drawing at first reading, both of those were desired. Mr. Connelly stated he was not a traffic or civil engineer, but he was concerned about if the road comes through, that it would be difficult to get one to tie in on a curve.

Councilwoman Price asked where the proposed road would go. Mr. Connelly stated the road which he had been told was the priority of the city was going through the middle of his property, and he was donating an 80 foot strip for that road. Councilwoman Price stated she was unclear where Mr. Putnam's interest comes into the picture. Mr. Connelly pointed out that the corner property would be retained by Mr. Putnam.

Councilman Homoki pointed out if the vertical road is to be built, would the city have to go back to Mr. Putnam to buy the property or would he donate the property to the city. Mr. Connelly stated he had not received a clear signal. He said they were told when they were informed about the road going through the middle of the property that the vertical road was no longer a preference or a priority. He said he did not make a lot of plans for the area. He said if it were abandoned, why would he continue to plan for it. He said he has also been told recently that possibly the vertical road on the right side of the property may not be high priority, but another road is being worked on. He said he was not involved in the roads that are being proposed for the city. All he knows is what is affecting his property. He said it would be much simpler for him to go back to his original layout and not worry about the road through the middle, but do the road to the right of the property which would be easier to accommodate. He said the road through the middle of the property was of concern and that was why they reduced the number of units as they did not want the residents crossing a road.

Councilwoman Price stated her reservation is that she feels she does not know everything that goes with this piece of property—who connects with it, what comes next. She felt she was not fully informed, and there are some unanswered questions that she has reservations about. She said her questions are what Mr. Connelly owns, what he does not own, and what the city will have to buy in the future.

Mr. Smith pointed out that the annexation ordinance says the city would be annexing two parcels, including Tax Parcels 122-13-02-015 and 029. Mr. William Putnam pointed out that Mr. Connelly controls both parcels. If the city chooses at any point to go with the vertical road, the 40 feet that is shown, Mr. Putnam stated he would agree to give it to them, and he would give permission now. He said Mr. Connelly controls the entire property and owns the property. He wondered if that is a condition that is stopping the project. He said it was their understanding that the city had abandoned this idea, and it was irrelevant. He pointed out that the reason the property is shown as two parcels is that there are two parcels which are being annexed. Mr. Putnam stated if the city is saying they want to have the road along the right of the property, the city could have the 40 foot strip along the side of the property.

Councilman Dewar pointed out that in fairness to Mr. Connelly, the city has to know what we want to do and whether or not we want to build the road along the side of the property. He pointed out the road through the middle of the property may be the highest priority, but does the city still want to retain the right to have a road vertically along the side of the property to access the road that would eventually go to Neilson.

Mr. Connelly pointed out that no building is shown as being built over the 40 foot strip along the right side of the property. He said they were trying to be as accommodating as possible. He pointed out it is possible for both roads to go in. He said his concern is that he does not want to over commit himself, and if the city were to come in and put the two roads in, that his property would no longer meet the size and zoning requirements and if one of the buildings were to burn down he would not be able to replace it. He said he

was trying to accommodate the needs of the city. He pointed out that he was planning to install a large retention pond to try to accommodate drainage issues in the area. He noted that every time you put down a square foot of pavement, there is more impervious surface for run off. He said he had tried to optimize the space and still make his transaction work, but accommodate the needs of the city.

Councilman Ebner pointed out that it appears we have the best thinking we have as of today. From what Mr. Connelly has said, and what members of Council have said, Mr. Connelly has drawn up basically what we asked him to do. He noted that is what is before Council to vote on.

Mr. Smith stated he would be concerned about taking the second parcel out because presently Council has an annexation ordinance to annex both tracts. Mr. Connelly pointed out that he owns both parcels, and both pieces are to be annexed.

Councilman Merry asked Mr. Connelly if he would be agreeable for the proposed ordinance to be modified to say that “the 80 foot wide right of way for the horizontal road as well as the vertical 40 foot right of way would be granted to the city for roads at the time the city wants to build the roads.” Mr. Connelly stated he had the same issue in the City of Sumter. He said there he set aside the property, but was able to build what he had planned to build. Later the city was ready to build the road and was able to because nothing was built over the property. He noted the plan was laid out to where he does not plan to build over the property that might be considered for a road in the future. He pointed out that whether he owns the property or someone else owns the property, the city could take the land if they desired for a road right of way.

Councilman Merry stated he wondered if Mr. Connelly would be agreeable to a modification being made to the ordinance that a condition of the annexation would be that the rights of way for the proposed horizontal and vertical roads could be exercised at the city’s request.

Mr. Smith pointed out that the proposed right of way would be on the concept plan, and any change to the concept plan would have to be approved by City Council.

Councilman Merry pointed out that there is no great and perfect use of the property. Being apartments would actually mean there would be a much lower traffic volume than other potential uses of the property. With the proposed project, if it would give the city a way to ultimately address and relieve some of the traffic problems on Whiskey Road, then it may be the thing to do. We just need to be sure the city has the option for the future rights of way for proposed roads in the area.

Councilwoman Price stated she wanted Mr. Connelly to state for the record where the proposed road is that the city told him where they wanted the road to be built. Mr. Connelly pointed out that road is shown on the concept plan by an 80 foot right of way horizontally through the middle of his property.

Councilwoman Price pointed out that Mr. Connelly is correct that the city allowed a donut business to go on Whiskey Road which created some traffic congestion for a couple of weeks. She said for Council to delay Mr. Connelly’s project and continually delay the project would not be in the best interest of the city legally. She said she does have some reservations about the project, but will support what Mr. Connelly has submitted for the project at this meeting.

Councilman Ebner stated the proposed project is to be zoned Planned Residential, and if the concept plan is to be revised, it has to come back to Council either one day or 50 years from now. Mr. Smith stated Council has to approve a modified concept plan. Councilman Ebner pointed out what is shown on the concept plan has to stay until some future Council says otherwise. It was noted that the concept plan Mr. Connelly presented is to become a part of the record.

Mr. Connelly pointed out to ease Council’s concerns, he cannot add another building as his finance package has already been submitted and already approved.

Mr. Smith, City Attorney, stated he had a proposed modification to the ordinance under “Annexation approval is conditioned on the following: (b) That the owner will donate eighty (80’) feet of right of way through this property that will allow connectivity to Dougherty Road via an existing right of way.” Mr. Smith stated he proposes to add a second sentence: “The owner will donate a 40 foot right of way along the northern boundary of this property. These rights of way shall be shown on the concept plan for this property.”

Councilwoman Price stated since Mr. Connelly had reduced the number of units from 60 to 48 units, would the rooms increase in size or remain the same as the original design plans. Mr. Connelly stated they would remain the same. He said the only thing reduced would be the parking because of the lesser number of units.

Mr. Connelly stated his concern with the two potential roads going through the property, if the city did decide to exercise the option of putting in both roads, he wanted to make sure that his property would not become non-compliant with the zoning.

Mr. Smith stated he did not think the 80 foot right of way would be a concern, but the 40 foot right of way might be a concern because of setback requirements. Councilman Ebner pointed out that the 5 acre rule has to be watched because if the 40 feet is taken out that would make the parcel less than 5 acres. Mr. Smith stated the right of way does not take away the property. Mr. Connelly still owns the property, he would just be granting a right of way through the property.

Councilman Merry pointed out that Council would be approving the concept plan as shown. He noted that the PR zoning is not subject to all the other Zoning Ordinance requirements. The Planned Residential zone allows a deviation from the setback requirements.

Councilman Dewar stated he would like to support the project as he feels we need the housing, but he can’t get beyond the traffic issue. He said he knows that Krispy Kreme was approved on Whiskey Road, and they had to pay for police officers to be on site for a couple of weeks. He pointed out that the tenants who will live in the units will only have two terrible intersections to use to get out. He challenged the city to get the road network structured and built so eventually we could give residents of the apartments a back way out and not have to use the two bad intersections.

Mr. William Putnam stated in regards to the traffic study, the study shows a fraction of the traffic that Krispy Kreme creates. He pointed out that he felt the property will be minimally impacted by the traffic. Councilman Dewar stated the intersections that the proposed project will use are different from the exit routes from Krispy Kreme. He pointed out that Krispy Kreme comes out onto Whiskey Road. He pointed out if one tries to come out at Owens and Whiskey or Owens and Dougherty at certain times of the day, it is almost impossible.

Mr. Smith pointed out that Council had already accepted the first modification to the ordinance. He said the second modification he had suggested to the ordinance needs a motion and second for approval.

Mr. Smith read the proposed wording for the second modification. “That the owner will donate a 40 foot right of way along the northern boundary of this property and these rights of way shall be shown on the concept plan for this property.”

Councilman Merry and Mayor Osbon accepted the proposed modification to the ordinance.

Mayor Osbon called for a vote on the amended ordinance as read. The motion was approved by a vote of 6 to 1 with Councilman Dewar opposing the motion.

THE ALLEY

Councilman Dewar stated he had two issues with The Alley. One is a request for an update on the status of keeping The Alley open or closing it. Secondly, he understood that Newberry Street was closed Friday night and some businesses were not notified. He said he hoped that all businesses are notified when the street is closed and not just those that are members of the Aiken Downtown Development Association.

Mr. Klimm stated at this time he could not give an update on The Alley as he was not aware that the matter was coming up. He said he knew that the Business Vitality Manager has worked very closely with the staff of ADDA, working with property owners that would be impacted upon a decision about keeping The Alley closed or opening it up. He said he could update Council via an email or give a presentation at the next Council meeting. Councilman Dewar asked that a presentation be given at the next Council meeting.

EXECUTIVE SESSIONLaw Suits
Update

Mayor Osbon stated Council needs to go into Executive Session pursuant to Section 30-4-70(a)(2) to receive legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim. Specifically, City Council will receive a legal briefing on the Pontoon v. City of Aiken lawsuit and a legal briefing on a possible new action that may be filed against the City of Aiken.

Councilwoman Diggs moved, seconded by Councilman Homoki, that Council go into executive session to discuss the items noted. The motion was unanimously approved.

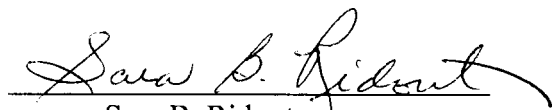
Council went into executive session at 8:09 p.m. After discussion Council returned to the Council Chambers at 9:22 p.m.

Mayor Osbon stated Council had come out of executive session where Council discussed possible law suits.

Councilman Dewar moved, seconded by Councilman Merry that Council come out of executive session. The motion was unanimously approved.

ADJOURNMENT

There being no further business, Councilman Ebner moved that the meeting adjourn. The motion was seconded by Councilman Homoki and unanimously approved. The meeting adjourned at 9:23 P.M.


Sara B. Ridout
City Clerk