

Aiken City Council MinutesREGULAR MEETING

January 11, 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, George Grinton, Tommy Paradise, Tim Coakley, Sara Ridout, Emory Langston, Dan Brown of the Aiken Standard, and about 30 citizens.

CALL TO ORDER

Mayor Osbon called the regular meeting to order at 7:01 P.M. Reverend Paul Bush led in prayer, which was followed by the pledge of allegiance to the flag.

Mayor Osbon asked Reverend Bush to tell those present who he represents and the church he is with. Reverend Bush stated he is President of the Concerned Ministers Fellowship Group which is a group of ministers and lay people who meet every Friday just to talk about the direction of how the city and churches are going. He said they believe in standing for justice and equality for all people. He said they work with the government. They have done a lot of things with City Council, work with the police force, the schools, and the legislature. He said they try to make sure they are a part of what is going on. He said the group looks at themselves as a bridge and not necessarily a fence, but a bridge for our community to our elected officials. That way they can help keep peace in our town. He said they feel they did a lot over the last year. So much has been going on up north with rioting and other things. People have been wanting to come into our town and create that same kind of atmosphere, but we made sure that we joined together and let everybody know that we stand with our government, our police force, and we will not allow outsiders to come in and cause problems in our homes. He said if anyone hears about CMF throughout the year, they are a voice for both sides. He said he and Chief Barranco often talk about things. He said he believes that a lot of time if you don't let people speak out they will end up acting out. He said as long as we can give them a voice and continue to work in our community he felt we will enjoy our community and other people will come to enjoy it as well.

GUIDELINES

Mayor Osbon reviewed the guidelines for speaking at the Council meeting. He asked that those who would like to speak raise their hand and be recognized and limit their comments to five minutes. He asked those wishing to speak to come to the podium and give their name and address.

ADDITIONS OR DELETIONS TO AGENDA

Mayor Osbon asked if there were any additions or deletions to the agenda. Councilman Dewar stated he would like to add an item under Petitions and Requests for a brief discussion regarding Hitchcock Woods. Councilman Ebner stated he would like to suggest that under Petitions and Requests there is an item for Update of Storm Water Project for Area Between Beatty Lane and Oak Grove Road. He felt that item might be appropriate to discuss just before Council discusses the Ordinance to annex 2.76 acres of the Ladd Britt property. He pointed out those items are connected. Mayor Osbon suggested that Councilman Dewar's item be added as item 2 under Petitions and Requests and that Councilman Ebner's item be added as item 2 (b) under New Business.

Councilman Dewar moved that Council approve the revised agenda with the items requested to be added. The motion was seconded by Councilman Ebner and unanimously approved.

MINUTES

The minutes of the Work Session and Regular Meeting of December 14, 2015 and Executive Session of December 15, 2015, were considered for approval. Councilwoman Diggs moved, seconded by Councilman Merry, that the minutes of December 14 and 15, 2015, be approved. The motion was unanimously approved.

BOARDS AND COMMISSIONS

Appointments

John Brecht

Board of Zoning Appeals

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

Mr. Klimm stated Council has 16 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 that John Brecht be reappointed to the Board of Zoning Appeals. If reappointed, Mr. Brecht's term would expire December 1, 2018. Terms on the Board of Zoning Appeals are for three years.

For Council consideration is the reappointment of John Brecht to the Board of Zoning Appeals.

Councilman Merry moved, seconded by Councilman Ebner, that John Brecht be reappointed to the Board of Zoning Appeals for a three year term to expire December 1, 2018. The motion was unanimously approved.

Councilwoman Diggs stated she would like to recommend the reappointment of Scott Murphy to the Senior Commission to be considered at the next meeting of Council.

Mayor Osbon stated he would like to recommend the appointment of Jason Rabun to the Planning Commission to replace John McMichael who has resigned. He would also like to recommend K. T. Ruthven to the Board of Zoning Appeals to replace Nancy Dukes who has resigned. These recommendations will be placed on the next agenda for consideration by City Council.

CROSLAND PARK – ORDINANCE 01112016

622 Schroder Avenue NE

Faith Ortiz

Purchase of Property

TPN 120-11-05-018

Mayor Osbon stated this was the time advertised for second reading and public hearing on an ordinance to approve the sale of 622 Schroder Avenue NE.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE OF 622 SCHRODER AVENUE NE IN CROSLAND PARK SUBDIVISION.

Mr. Klimm stated Faith Ortiz has offered to purchase 622 Schroder Avenue NE in Crosland Park for \$60,000. A pre-qualification letter from Security Federal has been provided indicating she qualifies for a loan to purchase the property. The appraisal for the property shows an appraised value of \$62,000. If an offer less than the appraised value is received for the purchase of property, the offer must be reviewed by City Council for approval.

Staff has reviewed the purchase and recommends Council approval.

Council approved this ordinance on first reading at the December 14, 2015, meeting. For City Council consideration on second reading and public hearing is approval of an ordinance to sell 622 Schroder Avenue NE to Faith Ortiz for \$60,000, upon the terms and conditions set forth in the Purchase and Sale Agreement.

The public hearing was held.

Councilwoman Diggs pointed out that Ms. Ortiz could not be present at this meeting as she is working. She said she spoke with Ms. Ortiz earlier and she is very excited about being a homeowner. She thanked her family for their support, Ms. Langston for working with Ms. Ortiz, and the City of Aiken for giving Ms. Ortiz the opportunity to realize the dream of homeownership.

Councilwoman Diggs moved, seconded by Councilman Dewar, that Council approve on second reading an ordinance to sell 622 Schroder Avenue NE to Faith Ortiz for \$60,000, upon the terms and conditions set forth in the Purchase and Sale Agreement. The motion was unanimously approved.

CROSLAND PARK – ORDINANCE

1111 Croft Avenue NE
Theresa L. Sammons
Purchase of Property
TPN 120-12-08-002

Mayor Osbon stated an ordinance had been prepared for consideration by Council on first reading to approve the sale of 1111 Croft Avenue NE.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE APPROVING THE SALE OF 1111 CROFT AVENUE NE IN CROSLAND PARK SUBDIVISION.

Mr. Klimm stated Theresa L. Sammons has offered to purchase 1111 Croft Avenue NE in Crosland Park for \$60,000 as an owner occupied resident. She has made a cash offer for the purchase. The appraisal for the property shows an appraised value of \$62,900. If an offer for the purchase of property is less than the appraised value, the offer must be reviewed by City Council for approval.

Staff has reviewed the purchase and recommends Council approval.

For City Council consideration on first reading is approval of an ordinance to sell 1111 Croft Avenue NE to Theresa L. Sammons for \$60,000 upon the terms and conditions set forth in the Purchase and Sale Agreement.

Councilman Merry moved, seconded by Councilwoman Diggs, that Council approve on first reading an ordinance to sell 1111 Croft Avenue NE to Theresa L. Sammons for \$60,000 upon the terms and conditions set forth in the Purchase and Sale Agreement. The motion was unanimously approved.

ANNEXATION – ORDINANCE

Mundy’s Corner
2948 Whiskey Road
Powderhouse Road
Concept Plan
TPN 123-11-01-002

Mayor Osbon stated an ordinance had been prepared for first reading to annex 1.901 acres located at 2948 Whiskey road owned by Mundy’s Corner, LLC and zone it Planned Commercial.

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 1.901 ACRES OF LAND, MORE OR LESS, OWNED BY MUNDY'S CORNER, LLC AND LOCATED AT 2948 WHISKEY ROAD AND TO ZONE THE SAME PLANNED COMMERCIAL (PC).

Mr. Klimm stated Mundy's Corner, LLC, applicant, is requesting annexation and approval of the Concept Plan for 1.901 acres located at 2948 Whiskey Road and zoning as Planned Commercial. The Concept Plan shows a convenience store, car wash and fuel dispensers to be located at the corner of Whiskey Road and Powderhouse Road. The property consists of one lot with road frontage on both Whiskey Road and Powderhouse Road. Sometime ago Council adopted a policy that all annexations along the Whiskey Road corridor would be zoned either Planned Commercial or Planned Residential. For any development in the PC zone, a concept plan must be reviewed by the Planning Commission and approved by City Council.

The Planning Commission at their December 15, 2015, meeting reviewed the request for annexation and the proposed Concept Plan. After discussion, the Planning Commission recommended annexation of the 1.901 acres on Whiskey Road and approval of the Concept Plan with the following conditions:

- a. That an annexation agreement be recorded within 180 days.
- b. That approval of the concept plan include approval of any use allowed in the PC zone.
- c. That cross access be provided unless the Planning Director deemed it inappropriate or impractical to connect to future adjacent development.
- d. That the developer complies with any recommendations from the City's On-Call traffic engineer.
- e. That a revised concept plan listing conditions of approval and any changes required by City Council be submitted within 180 days.
- f. That the applicant sign an agreement stating the conditions of approval within 180 days.
- g. That the Planning Director review the landscape plan to ensure no sight obstruction and a waiver be granted from the landscaping requirements if the Planning Director determines such landscaping would create a sight problem or safety hazard.
- h. That the development comply with the LDR Study by installation of street trees, sidewalk, and the closing of any open ditch along Whiskey Road, or monies, in an amount determined appropriate by the Director of Engineering, be placed in a City fund designated for improvements along Whiskey Road.

For City Council approval is first reading of an ordinance to annex 1.901 acres on Whiskey Road at Powderhouse Road and approval of the Concept Plan with the conditions recommended by the Planning Commission.

Councilman Dewar stated he had a couple of questions. He wondered if people going down Whiskey Road and taking a left onto Powderhouse Road can take a left into the project off of Powderhouse Road.

Mr. Philip Green, of Southern Partners, Inc., 1233 Augusta West Parkway, Augusta, Ga., asked if the question was regarding access to the property. Councilman Dewar stated if one were driving down Whiskey Road and turns left onto Powderhouse Road, can they turn left off of Powderhouse Road into the project. Mr. Green responded that is correct; that is the way it is set up. Councilman Dewar asked if someone is on the project can they go left or right on Powderhouse. Mr. Green responded that was correct. Councilman Dewar asked if on the entrance from Whiskey Road, if someone were going south on Whiskey Road, could they go left into the project and coming out they could go left or right. Mr. Green responded that was correct. Councilman Dewar asked if there was any traffic impact from the project. Mr. Green stated the traffic study shows there would be little, if any, impact with any being mitigated by some road work on Powderhouse Road, but beyond that there were no other recommendations from the traffic engineers.

Councilman Dewar asked if the traffic study was available to the public. He said he thought there was someone at the Planning Commission asking about the traffic study, but it was not available then, but is available now.

Mr. Eric Harper of 317 Sessions Drive, which is in Stratford Hall at the intersection being discussed. He said there was some proposed presentation about the stack up lane on Powderhouse Road in the traffic study. He said there was no discussion about that. He said he felt there is no way there could not be an impact to the traffic on Powderhouse. Currently there is only room for about a two car stack up at the intersection. He felt if one turns onto Powderhouse from Whiskey one would not be able to turn into the station off of Powderhouse as traffic currently stacks up there. He said he was a little concerned as he understands the same company owns Kangaroo which is on the southside of Powderhouse. He wondered why they would have two stations competing with each other across the street. He was concerned about what will happen to the other property and what that will do to the neighborhood as well.

Councilman Dewar asked if a stack up lane was planned for Powderhouse Road. Mr. Green responded that a stack up lane was planned for Powderhouse as part of the mitigation. The improvements on Powderhouse would be taking the two car stack up distance and taking it to about a nine or ten car stack up.

Councilman Merry pointed out that every convenience store on a corner in every city in America has the same situation. He pointed out that it does work.

Councilwoman Diggs was concerned about the proposal and stated Council had not heard from anyone else in opposition to the development. She wondered if anyone else was present who wanted to speak in favor or in opposition to the proposed development.

Mayor Osbon asked if anyone else present wished to speak on the issue. No one else spoke.

Councilwoman Price stated she would support the ordinance on first reading, but she had a number of questions. She pointed out that Mr. Harper had made some good points. She asked that he meet with the developers to try to get some answers to his questions prior to second reading of the ordinance.

Councilman Ebner moved, seconded by Councilman Merry, that Council approve on first reading an ordinance to annex 1.901 acres on Whiskey Road at Powderhouse Road and approve the Concept Plan with the conditions recommended by the Planning Commission. The motion was unanimously approved.

Mayor Osbon pointed out that Council would look into the matter and get more information on the questions raised before second reading.

STORM WATER PROJECT

Update

Beatty Lane

Oak Grove Road

Sanitary Sewer

Mayor Osbon stated Mr. Grinton would update Council on the storm water plan for the area between Beatty Lane and Oak Grove Road.

Mr. George Grinton, Engineering & Utilities Director, stated that Pearce Atkins, Assistant City Engineer, had worked with Tilden Hilderbrand and the contractor that has been awarded the project to install the storm and sanitary sewer to George's Pond. He said the two projects had been bid together although they are separate projects so we could have a common period of time during construction. The contractor has begun the sanitary sewer portion of the project. They are presently clearing the big trees around George's Pond and are making progress. He said staff had been working to try to obtain the easements across the back of the NTB property which is Tire Kingdom. We have finally been able to get in contact with the attorney for the property owner who lives out

of town. He said one question was if the tenant on the property would allow this and if it would interfere with their operation. He said staff worked with Tire Kingdom and their management in their corporate office. He said we have obtained a construction easement. He said they had expressed their written approval that they did not see that the easement would cause a problem. Mr. Grinton stated one of the aspects of what they are working with on this project is that because we did not obtain the original bid sewer easement which was across the Ginger property, staff started an alternate approach. He said they are working with NTB on that and with the TD Bank's new owners to obtain easements there. When we obtain those two easements, then we will be able to implement the redesigned sewer project. A question came up as to whether we could add a storm sewer connection as well to these two properties and in a future date could it also be extended across the Ladd Britt property onto Beatty Lane. He said the answer is yes, and that is what they are looking into. He said it had been concluded that we could put both the pipe lines for the storm sewer and the sanitary sewer together. However, this would mean that we would be using the whole easement. He pointed out that usually you have a 20 foot easement for either a storm water or a sanitary sewer line. In this case we would take the same 20 foot easement and install both the storm water and sanitary sewer line. He said that means that we will have to position the lines in the center, but kind of equidistant. This requires that we take down a line of trees that line the ditch behind the properties. Because of their proximity to buildings we are expecting to have to use cranes to remove the trees. He said the contractor had given us a cost for that, which is a large cost. The contractor has given us a cost of \$32,000 to remove the trees along the NTB property and a few trees will have to be removed from the TD Bank property. All of this has to be arranged.

Mr. Grinton stated adding the storm water pipe and installation cost adds about \$27,000. Then we are looking to change the position of the sanitary sewer line from the northside of Oak Grove to the southside of Oak Grove which means we will be removing it from the Ginger property, and placing it on the other side of the road where we will work with Mr. George to hopefully bring that easement to us. That is an area where Mr. George is planning to have a parking lot so we don't anticipate that being a problem. He said he would be meeting with Mr. George tomorrow to review the proposal.

Mr. Grinton stated with the 10% contingency to complete this work, to make the changes to the sanitary sewer, and get the easements where we need to go, the cost comes to \$81,360 for which we need to find funding.

Councilman Ebner asked if that would get the sanitary sewer and the storm water line to the edge of the Ladd Britt property. Mr. Grinton responded that it would. Councilman Ebner stated he thought previously we had said as part of the agreement for that property we would have an easement across to go down to the next property. Mr. Grinton stated our plan would be that when it is time to connect to the Ladd Britt property we would work with them to obtain a pathway that they would approve. The comment we heard from the first contact is that they did not like it to just cut across the property and separate portions of their property and extend it beyond to the TD Bank property. The City's communication back was that we could route it to the back of the property line. He said we don't really know where to ask for an easement or where to route the pipe until we start working with the developers of the property. Councilman Ebner stated he assumed that between first and second reading of the ordinance that would be a discussion with them.

Councilman Dewar asked if any of the cost would be recoverable as development occurs. Mr. Grinton stated that the money that we had originally said we would charge was \$20,000 as a matching fee for the sewer which would be for NTB, TD Bank and presumably for the Ladd Britt property. To date the only one that has agreed to that fee is TD Bank, and that is in their Development Agreement. He said he had not seen the Development Agreement for the Ladd Britt property so he did not know if that had been negotiated or considered at this time. NTB is on a septic tank and does not need a connection to the building currently. Councilman Dewar stated then out of the \$81,000 cost, the city might get back \$20,000. Mr. Grinton responded that the city would get \$20,000 back from the original money Council approved which was \$120,000.

Councilman Dewar asked why we would be doing this at this time. Councilman Ebner pointed out that if Council approves item 3 on the agenda which is annexation of the Ladd Britt property, they have to have sanitary sewer and storm sewer connections. He said that is why he asked that Mr. Grinton make his presentation at this time because this matter is tied in with the item regarding the annexation of the Ladd Britt property. Councilman Dewar questioned then for annexation of the Ladd Britt property would we need to tear down all the trees. Councilman Ebner responded it would be for two reasons—one for the TD Bank property and for the Ladd Britt property. He said the Ladd Britt property just happens to have gotten in front of TD Bank. Technically the line for TD Bank should have been done. He said it was just postponed a couple of meetings ago. He said it would service the third property where the loan company is and the art studio. Mr. Grinton stated when the city obtains an easement across the Ladd Britt property we will make sure that it on the edge of the property so there is a connection point to the other properties.

Councilman Merry stated then the Ladd Britt property is on the agenda for first reading, but we don't have an easement yet and we don't have an agreement on the \$20,000 connection fee. Mr. Grinton stated that is correct. Councilman Merry stated then the \$120,000 that Council approved in the past was for storm water related work. Mr. Grinton corrected that and said the \$120,000 was for sanitary sewer work. He said the storm water is the addition. He said we are working for a more expensive easement to get the easement for the sanitary sewer. Councilman Merry asked what was meant by more expensive easement. Mr. Grinton stated the original design when the project was put out to bid was to go across the Ginger property which is the trailer park. Then we would be coming from the east side to connect on to the other properties which meant we did not require any more easements. It just required one from Ms. Ginger. Councilman Merry asked if it is expensive because we have to pay for the easement. Mr. Grinton stated it is a longer route and therefore it will cost more. Councilman Merry stated there is more cost for the work but there is no compensation for the easement. Mr. Grinton stated that at this point, we have not determined if the NTB property holder will require compensation for the right of way as we don't have that information yet. He said NTB had not been overly motivated. He said staff had tried since September to contact the individuals. He said we had to get NTB and their corporate people to agree to the place for the easement. He said that was a decision for the property owner, once it is determined we go to the next property owner and negotiate. He said the property owners aren't as motivated as the city from a time perspective. He said we are trying to move them along.

Councilman Merry stated we are talking about \$120,000 for sanitary sewer. He asked who that would serve. Mr. Grinton responded it would have the potential to serve the TD Bank property, the NTB—Tire Kingdom, the Ladd Britt property, and it is also part of the agreement that we have with Mr. George for George's Pond. The agreement is that when we put in the sewer line Mr. George would be able to connect to the line. Councilman Merry asked prior to this how is the NTB property getting sewer service. Mr. Grinton responded NTB is on a septic tank and TD Bank was also. Councilman Merry asked if they intend to connect to the new sewer line the city will be running. Mr. Grinton responded just TD Bank has committed to connecting to the sewer line at this time. He stated NTB does not need the connection at this time.

Councilman Merry asked if the \$81,000 that Mr. Grinton had described at this meeting was in addition to the sanitary sewer work that Council had already approved. Mr. Grinton stated the cost is to get the storm water in place and to address the easement concerns since we were not able to get an easement from the Ginger property. Councilman Merry asked if Mr. Grinton anticipated the easement being a problem. Mr. Grinton responded not at this point. He asked if there would be a sense from Council that they would be interested in pursuing condemnation if there are problems in obtaining the easements.

Councilman Merry stated he would like to sit down with staff to see the layout of every one of these parcels and look at them and see what we are talking about. He said it sounds like we are just pouring money in a hole to some degree. He said he was very much in favor of the redevelopment of the Ladd Britt property. He said he was glad to

see the property redeveloped. He said this was not necessarily their doings. He pointed out that the city will have over \$200,000 in these projects. He asked where does it end. He said he would like to get an understanding of the projects. He said he would like to meet with Mr. Grinton or maybe Council would like to have a work session on this matter.

Mayor Osbon stated he felt there are several issues coming up and the previous one Council had just talked about on Whiskey Road. He suggested that perhaps Council could meet at 6 p.m. for a work session prior to the next Council meeting on January 25, 2016, and get more information about the projects.

Councilman Ebner stated he felt it was important to have a work session. Another thing that is important is to look at that side of Whiskey Road. About the only thing left to develop along Whiskey Road are properties that have already been developed. He pointed out that in previous meetings it had been discussed that the land beside Mr. George's property which is 252 acres is probably a non-development item until all the storm water is taken care of on down Whiskey Road. He said Mr. Hilderbrand had done a lot of study on the 252 acres. He pointed out that about two months ago we asked Mr. Hilderbrand to study the matter of providing services to all this property. He said if you don't do all of it at one time, then you can't do the last ones. He felt Council needs to look at this. If we are going to allow it to be developed, we have to keep moving forward. He said information is good. He pointed out there are four valuable pieces of property in this area. He said if we go back about a year or so ago, the first estimate for providing service was \$250,000 to \$300,000 for this work. He felt there had been some work to negotiate this down or choose different ways to do it.

Councilman Merry stated he could take down a lot of trees for \$32,000. Mr. Grinton pointed out that the work would require the use of cranes to do the work. He said that was the first estimate for taking down the trees. He said they would see if they could get that cost down. Councilman Merry stated he did not know how many trees or how many acres, but he felt that was a lot of money for taking down trees.

Councilwoman Price stated she supports some of the things that Councilman Merry has stated. She said she feels that we have been piecemeal with this property. She stated Ladd Britt had owned the property as a car dealership, and now he wants to develop it as something else. She said now they need taxpayer's money to redevelop the property. She said we want to see our city grow, and we want to see property be developed. She said giving Council one piece at the time, she was not sure about a full concept plan or how this entire area should look and how much money the city will put into the property if we do this. Councilwoman Price stated she supports Councilman Merry's comments regarding meeting and taking a look at the full scope of what we would be doing.

Councilman Merry stated he would be happy to come to a 6 p.m. work session before the next meeting, but he would also like to do something earlier before then so Council would have more time to digest it. Then if Council has questions, staff would have time to research the answers.

Councilman Dewar stated that is a good point. Meeting an hour before the meeting, if Council had additional questions, staff would not have time to get the answers. Mayor Osbon asked that staff find a time that Council can meet earlier. He said he agrees that Council needs more time to digest the matter. He said Council needs to take a comprehensive look at the area. He asked that staff find a time to meet that works for Council to discuss this issue.

Councilman Ebner stated he felt that was a valuable thing to do. He said he thought the Ginger property where the road was supposed to go could also feed into this line. He pointed out that there are a lot of acres behind that which the elder lady owns which goes over to Beatty Street. He said he had forgotten who owns the 252 acres, but Ms. Ginger owns a lot of property in the area. This work would also allow her property to develop. It has commercial buildings on it now. He asked that Council look at the project as a 10 to 15 year future project.

ANNEXATION – ORDINANCE

Ladd K. Britt
Jordan Trotter Commercial Real Estate
2270 Whiskey Road
Planned Commercial Zone
Concept Plan
TPN 122-18-05-003

Mayor Osbon stated an ordinance had been prepared for consideration on first reading to annex 2.76 acres located at 2270 Whiskey Road owned by Ladd K. Britt and zone it Planned Commercial.

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 2.76 ACRES OF LAND, MORE OR LESS, OWNED BY LADD K. BRITT AND LOCATED AT 2270 WHISKEY ROAD AND TO ZONE THE SAME PLANNED COMMERCIAL (PC).

Mr. Klimm stated Ladd K. Britt, owner, and Jordan Trotter Commercial Real Estate, applicant, are requesting annexation of 2.76 acres located at 2270 Whiskey Road. This property was previously used for Ladd Britt Auto Sales. They are also requesting approval of two Concept Plans (Concept Plan A and Concept Plan B). Concept Plan A shows a 14,940 square foot retail building in the rear and a 4,150 square foot multi-tenant outparcel close to Whiskey Road. The retail outparcel would function as retail, professional, or restaurant space or some combination of these listed uses. Concept Plan B would retain the same 14,940 square foot retail building in the rear and a 3,400 square foot single-tenant drive thru restaurant located on the outparcel.

Several years ago City Council adopted a policy that all annexations along the Whiskey Road corridor would be zoned either PC or PR. The requested zoning for this property is Planned Commercial (PC) and the concept plan must be reviewed by the Planning Commission and approved by City Council. Two proposed Concept Plans are provided for Council's review for development of this property.

The property at 2270 Whiskey Road was occupied by the Ladd Britt Auto Sales building. The applicant proposes to remove the existing building and redevelop the lot. The applicant has prepared two Concept Plans--Plans A and B. Plan A shows a 14,940 square foot single-tenant retail building and a 4,150 square foot multi-tenant building closer to Whiskey Road. The proposed uses are retail, professional, or restaurant. Concept B shows the same 14,940 square foot single-tenant building in the rear and a 3,400 square foot single-tenant drive thru restaurant fronting Whiskey Road.

Concept Plan A shows 93 parking spaces and Plan B shows 89 parking spaces. Per an agreement the parking spaces will be shared and maintained by all tenants. The site currently has one curb cut along Whiskey Road. In order to increase interconnectivity both Concept Plans A and B show stub-outs to the adjacent parcels. The developer has indicated that the site and landscape plan will provide the required open space. The traffic study presented does not see the project causing significant traffic increase on Whiskey Road.

The Planning Commission at their December 15, 2015, meeting reviewed the request for annexation and the two proposed Concept Plans. After discussion the Planning Commission recommended annexation of the 2.76 acres on Whiskey Road with Planned Commercial zoning. The Commission also recommended approval of Concept Plans A and B with the following conditions:

- a. That approval of the concept plan include approval of any use allowed in the PC zone.
- b. That cross access be provided unless the Planning Director deemed it inappropriate or impractical to connect to future adjacent development.
- c. That a waiver is granted for Concept Plan A to have not less than 93 parking spaces.

- d. That a signed agreement for the shared parking and maintenance of the parking areas by all tenants is recorded in the Aiken County RMC office.
- e. That a waiver is granted for the Harbor Freight sign and Monument Option 1.
- f. That a waiver be granted to allow a pole sign for Krispy Kreme.
- g. That the development comply with the LDR Study by installation of street trees, sidewalk, and the closing of any open ditch along Whiskey Road, or monies, in an amount determined appropriate by the Director of Engineering, be placed in a City fund designated for improvements along Whiskey Road.
- h. That a revised concept plan listing conditions of approval and any changes required by City Council be submitted within 180 days.
- i. 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 and zone 2.76 acres located at 2270 Whiskey Road as Planned Commercial and approve the Concept Plans with the conditions as recommended by the Planning Commission.

Mr. Dennis Trotter, of Jordan Trotter Commercial Real Estate of Augusta, GA, stated he was the applicant. He said they were interested in the previous discussion. He said they have been in touch with staff in the administrative office and their project needs sanitary sewer to proceed. He said the proposed uses don't work well on septic systems. He said a sewer line is needed to lock in a quality development on this property as well as the property next door. He said this had been discussed briefly, and they have seen the development agreement already signed by TD Bank. He said they are amenable to those basic provisions in the agreement, including the \$20,000 payment for reimbursement to the city for a portion of the utility costs. He said there is some coordination that we need to do with Mr. Grinton prior to construction activities, but are amenable to extending the city's utility easement across the northern boundary of the Ladd Britt property so it can service parcels farther to the north. He said they need to work together with the city's Engineering Department regarding an easement to their building and detention pond. He said there needs to be some coordination about that, and they would be happy to cooperate in that regard. He said the storm water and sanitary sewer lines are critical for the success of their project. He said the discussion of the line and plan does seem to predate their involvement with the Ladd Britt property, but it has certainly converted their interest into action in securing some of the prospects they have for the project. He said they would certainly meet with Mr. Grinton to make sure they have dotted their I's and crossed their T's. He said he would be glad to answer any questions.

Councilwoman Price asked the total cost of the construction for the sewer line. She said Mr. Trotter had mentioned \$20,000 and she was not getting the connection. Mr. Trotter stated that Mr. Grinton had mentioned that TD Bank had agreed with a payment of \$20,000 as a tap fee for the sewer line. He said they would agree to the same payment for the Ladd Britt property.

Councilman Dewar stated he had a few questions. He asked if there was a city cost in approving the proposed development beyond what has just been discussed.

Councilman Ebner stated from the meetings that he has had with Tilden Hilderbrand over the years and what has been done from the design aspect, and from the drawings that he has looked at this should get all four pieces of property appropriately serviced, plus the Ginger Lane property behind it. He said the city had paid Mr. Hilderbrand \$5,000 or \$10,000 to study the area that would drain into this. He has done that.

Mr. Grinton stated he would like to add that \$20,000 is a sanitary sewer charge. What is new is the storm water connection. He said as we would look at it today, each of those properties would require their own detention to control the drainage. They don't really have a place to discharge so the idea behind the storm water pipe was to allow them to discharge to the city's storm water pipe which would connect to the main line that goes into George's Pond. They would not be using George's Pond as retention, but it would be the path by which storm water continues to move down and the storm water flow. It is a distribution path. He said there could also be a connection fee if Council is interested in

trying to negotiate with anyone who wants to connect to the storm water line to also pay a fee.

Councilman Dewar asked if we are building a storm water line that is going to George's Pond, but we are not going to use it. Mr. Grinton stated it would be used as a discharge for a discharge pathway to the detention ponds that will still need to be constructed on the properties.

Councilman Merry stated it is like an overflow. Mr. Grinton responded that it is more than just an overflow. It is an outlet. It would be an outlet of the pond. It would only be for the dry pond so it will drain within 72 hours. The storm water pipe is designed to handle that flow. It would normally go in a ditch or something like that. They don't have that drain now; it just kind of dumps in the back. The existing use is grandfathered so any new development or even less pervious pavement still requires a pathway. For them to meet today's regulations, they need to be able to carry it out. The city can provide that in the same easement by adding another pipe into it so they can discharge. It is just another thing that allows them to develop the property. He said it is not unlike what we did with the storm water line for the Starbucks property. They were planning to build a significantly expensive \$100,000 underground detention. In that case we allowed them to have a drainage easement through our pipe into the regional pond which is near Walmart and Pawnee-Neilson. They paid their fair share of that storm water issue which came to \$46,000. He said this matter is a similar situation. He said he had not had any contact with the developers to negotiate a development agreement for the property.

Councilwoman Diggs asked Mr. Grinton what he would suggest that the fee be for the developments that connect to the storm water. Mr. Grinton stated he did not know at this time, but would have to think about that. He said he would say it should be enough for the development to stay and for Council to vote to approve the project.

Councilman Ebner stated he thought when we talk about storm water fee, we have the same issue over where Starbucks is developed. If the current businesses that adjoin the properties there ever redevelop, they will be required to go into that storm water line. He said as we look to the future, both sides of the road have very similar circumstances and there is not a lot of difference in acreage. Councilman Ebner stated he had asked Mr. Hilderbrand if we could grandfather any of the impervious material because the Ladd Britt property is almost all solid. He said it looks like it is grassed, but it has gravel under it and water stands on it. He said they won't let you do that anymore. Also, there was an existing detention pond at TD Bank, and that is just like it did not exist when you start in today's world. All the background on both sides of the road have been looked at. Mr. Grinton stated we want to make the same case that it is an economic development project as we did for the Starbuck's property.

Councilman Dewar stated we need to be careful in the sense that we have joined with the County to try to get a storm water study over that part of town, and we are continuing to add to the storm water demands when we approve these projects. He said he has the same concerns with regard to traffic. He said it is not fair to pick on this project. He said we are putting a lot of businesses in on Whiskey Road. He said he would reiterate a comment that he made when he first got elected. He said he would love to have a Traffic Engineer on staff to represent the city on these projects. He said he also recognizes the conflict between making it more difficult to get access to the businesses, but on the other hand making it easier to use Whiskey Road so it does not end up as the famous street in Augusta. He felt we are getting close. He said a lot of these are service businesses. If Council has a meeting, he would like to discuss some of the traffic issues as well. He pointed out that for the Ladd Britt property the developers are asking for three waivers. He said he was not sure that he understood all the numbers. He said the traffic study is full of numbers. He said we are creating additional trips, and there is no question about that. He said we had done that in this area with Starbucks; Panera and Chipotle's will open soon. Krispy Kreme and Harbor Freight are proposed. He said these are all adding to a very congested area. He said he did not know what the solution is.

Councilman Merry stated the proposed meeting as he understood it was to discuss multiple properties, not this project or pick on this project. He said he was not thinking

about getting into the traffic in that meeting, but felt the meeting would be about storm water and sanitary sewer for four or five properties and growth and future development in the back. He said the traffic study in the proposal done by the city's traffic engineer on a retainer which is the less expensive way to do it, to have somebody that looks out for our interests, says there would be no significant negative impact. There is a rather insignificant impact at peak hour in the afternoon. That is in the executive summary and concluding document. He stated that Councilman Ebner had pointed out that the property is already impervious because of the gravel that is there. From a storm water standpoint he did not think we would make it any more impervious. From a traffic standpoint we have a professional who is supposed to be representing the city's interest and is on a retainer on the city's payroll, who has said that it will not create a negative impact. He said if we don't trust the traffic engineer, we need to take him off retainer and get rid of him.

Councilman Dewar stated during the eight years he has been on Council, he has never seen a project stopped by a traffic report. Every traffic report he has ever seen has been compatible. He said all he is saying is that we have four more businesses to open. They will all add traffic to Whiskey Road. At some point in time we will have to pay attention. He said if you take a look individually, the projects are fine, but you need to take them collectively. He pointed out Dougherty Road. He said if you go on Dougherty Road on Friday afternoon from Silver Bluff to Whiskey, you will be taking a long time to get there. He said it would be nice to get proactive with our traffic management. He said we are not putting any restrictions on any of these properties in terms of being able to come out on the east side and go to the west side or to go directly across. He said we have the suicide lane. He said he just suggested that if Council has a work session that Council perhaps talk about traffic and ask Chief Barranco to give his views as he is over the department that enforces traffic and deals with traffic. He could tell us about the accidents that are on Whiskey Road. He said he was just concerned. He said it seems that at some point we will have to do something before it gets too far away.

Councilman Merry stated this project is redevelopment of a car dealership which obviously would generate a low number of trips per day. He pointed out that all the others that Councilman Dewar had named were basically a business before, and they generated traffic for their businesses.

Councilman Dewar stated that is not true. He stated Harbor Freight and Krispy Kreme will create additional traffic. Councilman Merry stated those businesses are part of the Ladd Britt property project. He said he was talking about the others that Councilman Dewar had named. Councilman Dewar stated that Panera has a lot of parking, and he felt it would generate a lot of traffic. He thought Chipotle's would probably create a lot of traffic if they get their problem resolved. Councilman Merry pointed out that there were trips per day coming in and off those properties before the proposed redevelopment.

Mayor Osbon stated he thought through this discussion what we are seeing as a body is that we need to set some policy for determining where we want to go as far as growth and annexation. He said he thought this year Council as a body is going to have to come together and come to a consensus on that. He said he did not think Council was going to resolve it at this meeting. He said at the next work session these are some topics that Council will need to discuss.

Councilwoman Price stated that many people she talks to see traffic as a good thing. Otherwise there would not be development on the southside. She said one of the issues we have is there is a lack of balance of growth. She said we need to look at the north, east and west. She said the west side would love to have those concerns about traffic, but we have not properly planned for development in those areas. She said we certainly need to concentrate on growth in some of those areas to create greater economic development. She said they have the same concerns that have been expressed about traffic in those areas. She said she had a conversation today with someone who had moved here from Texas, and it is a laughing matter when we talk about traffic concerns in our town. She said she has a friend in Johnston who says that any time there are two cars at the traffic light, it is a traffic concern in Johnston. She said it depends on where you live as to whether there are great traffic concerns or not.

Councilman Merry stated he would suggest, so as not to confuse matters, that if we are going to have future work sessions on these matters that we keep the one about storm water and sanitary sewer for these four properties separate from the conversations concerning traffic so as not to make it too complicated.

Councilman Ebner moved, seconded by Councilman Merry, that Council approve on first reading an ordinance to annex and zone 2.76 acres located at 2270 Whiskey Road as Planned Commercial and approve the Concept Plans with the conditions as recommended by the Planning Commission. The motion was unanimously approved.

OLD AIKEN OVERLAY DESIGN GUIDELINES - ORDINANCE

Buildings Over Two Stories

Structured Parking

Mayor Osbon stated an ordinance had been prepared for consideration by Council on first reading to amend the Old Aiken Overlay Design Guidelines regarding buildings and additions over two stories and structured parking.

Mayor Osbon read the title of the ordinance:

AN ORDINANCE AMENDING THE OLD AIKEN OVERLAY DESIGN GUIDELINES REGARDING BUILDINGS AND ADDITIONS OVER TWO STORIES AND STRUCTURED PARKING.

Mr. Klimm stated for several months the Design Review Board has been working on two new sections of the Old Aiken Overlay Design Guidelines. These sections include guidelines for "Buildings and Additions Over Two Stories" and for "Structured Parking."

At the regular meeting on November 17, 2015, the Design Review Board held a public hearing to consider these new sections to the guidelines. After receiving input and holding a public hearing, the Design Review Board recommended approval of the new section of the Guidelines for "Buildings and Additions Over Two Stories" and for "Structured Parking."

For City Council consideration is first reading of an ordinance to amend the Old Aiken Overlay Design Guidelines regarding buildings and additions over two stories and structured parking.

Mr. Klimm noted that McDonald Law, Chairman of the Design Review Board, was present to answer any questions Council might have.

Councilman Dewar asked what was being added. He said the ordinance says to add Section 3.2.12, but he did not see 3.2.12 in the packet. That section of the ordinance was pointed out to Councilman Dewar.

Councilman Ebner stated he had a broad philosophy question. He asked that we be sure that all the little satellite groups such as the Historic Aiken Foundation etc. have had their chance to look at the proposed ordinance. He pointed out that many times nothing happens until we go to do something, and then all the people show up. He asked if the groups had commented on the proposed ordinance. He said it touches a lot.

Mr. McDonald Law, Chair of the Design Review Board, stated there was a press release when the Board first began looking at the idea of taller buildings downtown. He said a lot of that attention came to the Board. He said then the Board advertised the public hearings. He pointed out that at the work session the Board invited people to speak. He said primarily Historic Aiken members came and spoke. Councilman Ebner stated he just wanted to be sure some of the groups had come because they are usually vocal about issues. He said if several people from Historic Aiken had been present, then they are aware of the proposed changes. Mr. Law stated the Board had something in writing from Historic Aiken. He said he thought they actually had another design professional to review the guidelines and overall they were positive.

Councilwoman Diggs pointed out that someone from the Historic Aiken was present.

Councilwoman Price stated there was a statement in 3.2.13 Structured Parking which states "Entire buildings devoted to parking are discouraged." She asked if they are saying they are discouraging parking garages.

Mr. Law stated that is correct. They are saying that in the Overlay District we would rather not see a whole parcel turned over to parking completely. He said a parking structure can eliminate some open parking lots. He said we need parking lots. We need places to park, and a parking structure can solve that problem. He said what they are saying is that on the lower level make that a revenue producing retail store, restaurant, etc. Then the upper levels could be parking. Then the structure would fit in and you would not see the fronts of automobiles on the first level.

Councilwoman Price stated examples of that are the Belmont and Charleston Place in Charleston. Mr. Law pointed out that in Charleston you are not really aware of how many parking garages there are, but that is how they get that many people on the streets. Councilwoman Price pointed out that Greenville also has a good example of a parking structure.

Councilman Merry stated he wanted to thank and echo the comments already made. He said getting out in front of this as Mr. Law said is the right thing to do. It allows citizens to objectively, properly, and soberly consider these items such as structured parking or taller buildings when they are not under the gun of a specific application. He felt it was a smart and proactive thing to do. He thanked the Design Review Board for their hard work.

Councilwoman Diggs moved, seconded by Councilman Merry, that Council approve on first reading an ordinance to amend the Old Aiken Overlay Design Guidelines regarding buildings and additions over two stories and structured parking. The motion was unanimously approved.

AIKEN COUNTY PUBLIC DEFENDER – RESOLUTION 01112016A

Indigent Defense

Municipal Court

Agreement

Mayor Osbon stated a resolution had been prepared for Council's consideration authorizing the City to enter into a contractual arrangement with the Aiken County Public Defender's office.

Mayor Osbon read the title of the resolution:

A RESOLUTION AUTHORIZING THE CITY OF AIKEN TO ENTER INTO A CONTRACTUAL ARRANGEMENT WITH THE AIKEN COUNTY PUBLIC DEFENDER'S OFFICE.

Mr. Klimm stated as part of the FY 2015-16 South Carolina State Budget, indigent defense costs for defendants in South Carolina municipal courts must now be paid for by the municipalities. We have worked with Aiken County, the Second Circuit Solicitor's Office and the Aiken County Public Defender's Office on a proposed Agreement for Services that will charge \$400 per defendant with services provided by the Public Defender's Office. We have also spoken to our counterparts in the City of North Augusta and this is the method they are using to provide indigent defense at this time.

This contract will be paid for out of the Solicitor/Assistant Attorney Division Budget of the General Fund's Legal line item [001-1201-412.32-10]. This unfunded mandate from the State was not budgeted as part of our City FY 2015-16 budget, so a potential negative budget variance could occur in this line item.

For Council consideration is a resolution authorizing the City of Aiken to enter into a contractual agreement with the Aiken County Public Defender's Office.

Councilwoman Diggs asked if the cost was not included in the present budget. Mr. Klimm stated it was not included in the budget as it was not known at the time of preparation of the budget that we would need to pay these costs. He pointed out this is an unfunded mandate by the State. It is something we have to do. The question for us is whether we would be better off using an outside law firm. Both the County and North Augusta have done research and found that using the Public Defender's Office would be the most economical way to address the situation. There will be a need for a budget variance at some point before the end of the fiscal year.

Councilman Homoki asked based on past performance, do we know how many cases we might have.

Mr. Bedenbaugh stated currently there are defendants with 13 charges that have qualified for indigent defendant representation. It was pointed out that several of the defendants have multiple charges. The cost will be \$400 per case.

Councilwoman Price asked the reason that the State Budget Control decided not to continue the funds for indigent cases. Mr. Smith stated for whatever reason the Legislature decided when they passed the budget to impose this mandate on municipalities. It does not apply to counties. The justification there was that the county was already funding the Public Defender's Office. He pointed out that the County is filing the same charges that the city files. It is an unfair situation. He said apparently it was one of the things that was put in the budget at the last minute. He pointed out that the city would only be funding this through the end of the fiscal year. Councilwoman Price asked if the Municipal Association was not aware of this. Mr. Smith stated that is the information he has. He thought the Municipal Association did not know about this as it was put in the budget at the last minute. Mr. Bedenbaugh stated it was vetoed by the Governor, but the veto was overruled by the Legislature according to the information we received. If the Governor's veto had been sustained, it would have continued on as in past years, and we would not have had to bear the cost. Mr. Smith stated he thought there is hope that there will be attention to it in the current Legislative session, and this will only be a six month contract. It was pointed out the agreement would expire June 30, 2016, which would be the end of the current fiscal year. Councilwoman Price stated it surprises her that we have the Municipal Association closely monitoring this and this slipped by them.

Councilman Ebner stated since he has been on Council he thought this was the third or fourth thing that the Legislature has done like that. He said the trickle-down theory keeps working.

Councilman Dewar moved, seconded by Councilman Ebner, that Council approve the resolution authorizing the City of Aiken to enter into a contractual agreement with the Aiken County Public Defender's Office to provide indigent defense for the Aiken Municipal Court. The motion was unanimously approved.

JURY BOX 2016

Municipal Court

Mayor Osbon stated Council needs to consider approval of the Jury Box for 2016 for the Municipal Court.

Mr. Klimm stated the City Clerk, has prepared a Jury Box, which under state law must be submitted to City Council for approval.

Under the Council-Manager city government model, City Council acts as Jury Commissioners for our City Court. Each year, Council must approve the preparation of the names for our jury box. The box contains two compartments--designated as Compartment A and Compartment B. The names of all registered voters and holders of a valid driver's license, or state identification card, issued pursuant to state law are placed

in Compartment A. During the year jurors are randomly selected from this compartment and after selection for a particular term of court, the names are then placed in Compartment B. Therefore, the names are not selected again during the calendar year. We have placed a total of 14,667 names in the box.

For City Council consideration is approval of the 2016 City Court Jury Box.

Councilman Ebner moved, seconded by Councilwoman Diggs, that Council approve the preparation of the 2016 City Court Jury Box. The motion was unanimously approved.

HITCHCOCK WOODS

Presentation

Mayor Osbon stated an item concerning the Hitchcock Woods presentation was added to the agenda.

Councilman Dewar stated he would like Council to consider inviting the Hitchcock Woods Foundation to make a presentation on the work they are doing in Hitchcock Woods. He said he knows Hitchcock Woods is private, and they don't have to come. He said he was sure that he was not the only member of Council hearing concerns about the Woods. He said he is hearing from equestrians who are concerned about items in the trails, a lot of hardwoods that have been cut, and the lack of shade in the Woods in certain areas. He said there is too little known by the public about what is happening in the Woods. It may be the right thing to do for the Woods, but he is not aware that there has been any public forum given for the people to either ask questions or to register opinions on their thoughts about what is happening to the Woods. He asked if Council would like to extend an invitation to the Woods Foundation to see if they could come to a Council meeting or at a special session. He said he felt a lot of his constituents would look forward to a presentation and the opportunity to discuss the Woods. The Woods is a very, very valuable resource for the city. We sell the benefits of the Woods to people who come into the city. A lot of equestrians come in from out of the city to use the Woods. He said the Woods is a very, very precious resource. He hoped the Foundation would understand why there is so much concern on the part of people in Aiken. He said if at least three members of Council are interested a formal invitation could be extended to the Woods Foundation to make a presentation.

Councilwoman Diggs asked if the purpose of the presentation would be for informational and educational purposes. Councilman Dewar responded the purpose would be for both educational and informational purposes.

Mayor Osbon asked that staff work with the Hitchcock Woods Foundation to schedule a date for a presentation about the Woods. Mayor Osbon pointed out that the Woods is certainly an important selling point for Aiken and something that as citizens we all enjoy.

Road Specifications

Councilman Dewar thanked the Mayor and City Manager for including the Design Criteria and Standard Drawings for Public Works Improvements known as the city's Road Specification Document dated August, 1987. He said he looked forward to the opportunity of bringing that into the next century.

Information

Budget

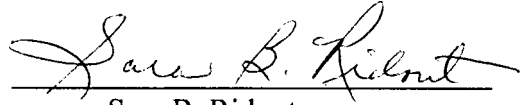
Vision

Mayor Osbon pointed out that the City Offices will be closed January 18, 2016, in observance of the birthday of Martin Luther King, Jr. Monday, January 25, 2016, will be the next regularly scheduled City Council meeting. On Tuesday, January 26, 2016, at 5:30 p.m. Council will have a budget work session which will be held in Room 204. He also pointed out that on Tuesday, January 26, 2016, at 7 P.M. there will be a city visioning process. Interviews were conducted with 154 people to hear their vision for Aiken. He said the document would be very important for Council as it would be used as

a basis to move forward with Aiken's Strategic Plan. He said there will be a presentation of what has come out of the interviews and an opportunity for input. He encouraged citizens to come on Tuesday, January 26, 2016, to the visioning process to be held at 214 Park Avenue SW in the Municipal Conference Center.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:22 P.M.

A handwritten signature in cursive script, reading "Sara B. Ridout", written over a horizontal line.

Sara B. Ridout
City Clerk