

Aiken City Council Minutes

REGULAR MEETING

July 11, 2016

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

Others Present: John Klimm, Stuart Bedenbaugh, Gary Smith, Lt. Brian Mills, Jessica Campbell, George Grinton, Tim Coakley, Nola Grant, Kim Abney, Mike Jordan, Sara Ridout, Joy Gillespie, Dan Brown of the Aiken Standard, and about 25 citizens.

CALL TO ORDER

Mayor Osbon called the regular meeting to order at 7:04 P.M. Reverend Paul Bush led in prayer. Mayor Osbon pointed out that Reverend Bush and the Concerned Ministers Fellowship led an effort on Saturday, July 9, 2016, that expressed support for the community and for peace. He said he appreciated what Reverend Bush did in the march. He pointed out there are to be two other events in Aiken. Reverend Bush thanked Mayor Osbon, Public Safety and for all who allow them to work to help keep peace in Aiken. He said they have been doing this for about four years. He said they are being very careful the way they speak to the newspapers. He said sometimes the words get twisted. He said they have never said they are doing a protest. Everything they do they say it is a march and a vigil. He said Saturday was a great success, and they had a great turnout. He pointed out that Councilmembers Price and Diggs were there to hear some of the concerns in the community. He said one thing they hear echoing all throughout the land is that all we all want is respect, peace, and love towards each other. We want to respect our men and women in uniform, and we also want to remind them that the people they deal with every day are in their uniforms as well. They might be different colors on the top and the bottom, but that is their uniform. He said the next gathering will be on Wednesday. They will be in New Ellenton with the Mayor and the Chief of Police. They will march from Four Mile Missionary Baptist Church to City Hall. There they will meet in the parking lot and give citizens an opportunity to voice their care and concerns. That session will be closed with a prayer vigil. On Thursday, July 14, at 11:15 a.m. the group will meet in front of the city building on Laurens Street and march from there to the Public Safety building in honor of our law enforcement and also share with them our prayers and concerns for them and end with a prayer vigil there. On Friday, July 22, they will meet at Hopelands Gardens for a prayer vigil, the only event they had originally planned because of the shooting in Orlando, Florida. He said they try to be proactive in everything they do so we can keep the peace and harmony in Aiken County and not allow the evil to come in through and by other people. He said that is always their effort and determination. The pledge of allegiance to the flag was led by Lt. Bryan Mills.

GUIDELINES

Mayor Osbon reviewed the guidelines for speaking at the Council meeting. All the meetings are public meetings in which many opinions are expressed and the business of the city must be conducted. He said discipline, honorable and professional decorum is paramount. Courteous and respectful communication is expected. In public hearings all questions and statements from the public shall be directed to the Chair. He welcomed comments from the audience on the agenda items listed for public hearing. He asked that comments be limited to five minutes and that persons speak only one time per topic. He asked that those who would like to speak raise their hand and be recognized and 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.

Mayor Pro Tem Ebner asked if Councilmembers had any additions to the agenda.

Mayor Pro Tem Ebner moved that the agenda be approved as submitted. The motion was seconded by Councilwoman Price and unanimously approved.

### MINUTES

The minutes of the Special Meeting of June 20, 2016, and Regular Meeting of June 27, 2016, were considered for approval. Councilwoman Diggs moved, seconded by Councilman Homoki, that the minutes of the Special meeting of June 20, 2016, and Regular Meeting of June 27, 2016, be approved. The motion was unanimously approved.

### PRESENTATION

Ovarian Cancer Awareness Month

September

Gail's Anatomy

Debbie Mills

Mayor Osbon stated a proclamation designating September as Ovarian Cancer Awareness Month had been prepared for Council consideration.

Councilwoman Price read the proclamation designating September as Ovarian Cancer Awareness Month.

Ms. Debbie Mills stated Council has a request from Gail's Anatomy to turn the Newberry Street Festival Center fountain teal during the month of September in observance of Ovarian Cancer Awareness Month. She said she would also like to display teal bows at the Newberry Street water fountain and intersections of downtown Aiken. She said she and Alicia Owens appreciate the opportunity to be present at this meeting.

Ms. Alicia Owens stated she is co-director of Gail's Anatomy. She said the American Cancer Society estimates that in 2016 approximately 22,000 women will receive a diagnosis of ovarian cancer. About 14,000 of those will die. That is about 64%. That statistic has not changed much at all in the last 10 to 30 years. Ovarian cancer diagnosis is usually late and in stage 4, and that is why many women don't survive more than 2 to 5 years once diagnosed because of the late stage diagnosis. She said she felt that the teal fountain that is done in Aiken is probably the most important and far reaching awareness event that she and Ms. Mills do. She said they do many small health fairs, church fairs, school activities, but turning the fountain to teal for a whole month which is seen by hundreds of visitors who come through Aiken is one of the most important things they do. She thanked Council for allowing them to do that.

Ms. Mills pointed out that she had lost her only child to ovarian cancer when Gail was 30 years old. She got her yearly checkups, but it is not always easy to diagnosis. She noted that her daughter Gail's journey was short. Gail was diagnosed in October and passed away on February 14. She pointed out the campaign for ovarian cancer awareness continues to grow as others join with them.

Mayor Osbon thanked Ms. Mills for sharing her story. He said we know that Gail's impact has outreached and will continue to reach out to others. He said what Ms. Mills and Ms. Owens are doing is helping change lives and it matters in our community.

Mayor Osbon asked for a motion to approve the proclamation and approve the request for turning the fountain teal on Newberry Street and the placement of teal bows on Newberry Street and at the intersections in the downtown area. Councilwoman Price moved, seconded by Councilman Homoki that Council approve the proclamation designating September as Ovarian Cancer Awareness Month and the request for turning the fountain on Newberry Street teal and the placement of teal bows in the downtown area. The motion was unanimously approved.

Mayor Osbon and Councilwoman Price presented the proclamation to Ms. Debbie Mills and Ms. Alicia Owens who were present.

#### Guests

#### Interns

#### Department of Energy

Councilwoman Price stated she had asked Mayor Osbon if she could introduce three guests. She asked that they come forward. She said the three are students that work at the Savannah River Site. They are involved in the Department of Energy Mentorship for Environment Scholars Program. The guests were: Jabrial McKeve, of Aiken who attends S.C. State University. He said he works in S area at SRS which is DWPF, Defense Waste Process Facility. His major is Mechanical Engineer Technology. Belinda Owusu, a rising sophomore at Spellman College. She said she is a Biology major and works under ETP, under Environmental Compliance Authority. Alton Turner attends Elizabeth City State University. He said he is a double major in Mathematical and Engineer Technology. He said he works with WDA at SRS. The mother of Alton Turner, Ms. Dorch, was present at the meeting.

Councilwoman Price stated this is training for young people who are with the Department of Energy and their salary is funded by DOE headquarters for this experience.

Councilwoman Diggs pointed out that Ms. Dorch is her relative.

Councilwoman Price pointed out that many times students that pursue meaningful careers do not have an opportunity to get a meaningful job in their field largely because it is hard for some students to get meaningful work other than McDonald's. She praised the Department of Energy's MES program for providing the opportunity for these students to get meaningful experience so when they graduate they will be able to state they have experience for a meaningful job in their chosen field of study.

### BOARDS AND COMMISSIONS

#### Appointments

#### Keith Wood

#### Election Commission

#### Municipal Election Commission

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

Mr. Klimm stated Council has 13 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.

Mayor Osbon has recommended the reappointment of Keith Wood to the Election Commission. If reappointed, Mr. Wood's term would expire August, 2021. Election Commission members are appointed by Council at large and terms are for six years.

At the last meeting Brian Coulter was appointed to the Election Commission to fill the position of Ray Visotski. It has been called to our attention that Mr. Coulter lives outside the city in a donut hole surrounded by the City and would not be eligible to serve on the Municipal Election Commission. City Council needs to submit another name of a person to fill the unexpired term of Ray Visotski.

For Council consideration is the reappointment of Keith Wood to the Election Commission.

Councilwoman Diggs moved, seconded by Councilman Homoki, that Keith Wood be reappointed to the Municipal Election Commission. The motion was unanimously approved.

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

Councilman Dewar stated he would like to nominate Mr. Richard Funkhouser to the General Aviation Commission to fill the position of Don Barnes. He said he would like to thank Don Barnes for his extraordinary service to the Aviation Commission which is about 20 years.

Councilman Ebner stated he would like to nominate Rebecca Viquez to the Municipal Election Commission to fill the unexpired term of Ray Visotski. He said Ms. Viquez is a member of the Young Professionals group.

Councilman Ebner stated that in making appointments and reappointments, Council needs to be sure that person has not moved out of the city. He said it has been reported to him that we have several other committee members that are on committees besides the airport that don't live in the city. He felt that Council needs to be aware of that as people do move over a number of years.

#### RESOLUTION 07112016

Southwinds Construction

Deed of Dedication

South Park Commons Drive

Whiskey Road

Water System

Sanitary Sewer System

Utilities

Easements

Mayor Osbon stated a resolution had been prepared for consideration by Council to accept a deed of dedication from Southwinds Construction for South Park Commons Road and utilities and associated easements in South Park Commons located off Whiskey Road and Colony Parkway.

Mayor Osbon read the title of the resolution.

#### A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DEED OF DEDICATION FROM SOUTHWINDS CONSTRUCTION, LTD FOR SOUTH PARK COMMONS.

Councilman Dewar moved, seconded by Councilwoman Diggs, that Council approve the resolution to accept the deed of dedication from Southwinds Construction for South Park Commons Drive and the water system, sewer system, storm system, sidewalks and utility easements.

Mr. Klimm stated Southwinds Construction LLC developed South Park Commons Drive located near Applebee's just off Colony Parkway and Whiskey Road. They have submitted a deed for this roadway as well as for the water system, sanitary sewer system, utilities, and utility easements for Council's acceptance.

Engineering and Utilities Department Director George Grinton has reviewed this deed, inspected this roadway and this infrastructure. He recommends this deed for the roadway and utilities be accepted.

Council considered this request on June 10, 2013, and after a long discussion Council continued the request because there was a question as to whether the city had the necessary test results for the road.

For Council consideration is a resolution to accept South Park Commons Drive, utility easement, and utilities by the City of Aiken.

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion by Councilman Dewar, seconded by Councilwoman Diggs, that Council approve the resolution to accept the deed of

dedication from Southwinds Construction for South Park Commons. The motion was unanimously approved.

ANNEXATION – ORDINANCE 07112016A

Primary Care Properties, LLC

Rinehart Way

Hitchcock Parkway

TPN 089-07-05-002

Mayor Osbon stated this was the time advertised for second reading and public hearing on an ordinance to annex .24 acre on Hitchcock Parkway and Rinehart Way and zone it Office/Institutional (O).

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 0.24 ACRES OF LAND, MORE OR LESS, OWNED BY PRIMARY CARE PROPERTIES, LLC AND TO ZONE THE SAME OFFICE/INSTITUTIONAL (O).

Councilwoman Diggs moved, seconded by Councilman Ebner, that Council approve on second reading an ordinance to annex 0.24 acre on Hitchcock Parkway and Rinehart Way and zone it Office/Institutional (O).

Mr. Klimm stated Primary Care Properties, LLC, the developer, is requesting annexation and rezoning of an approximately .24 acre parcel from Rural District (RUD) to Office / Institutional (O). The property is located along Rinehart Way just off Hitchcock Parkway. The developer, Primary Care Properties, LLC, has combined this .24 acre parcel with a previously purchased 3-acre site which was rezoned to Office/Institutional by City Council on November 9, 2015 (Ordinance No. 11092015A). The developer intends to use the entire combined site to construct a Primary Care facility. The annexation and rezoning of the .24 acre parcel to Office/Institutional will bring the entire site into compliance with Section 2.1.3.A.2 of the City of Aiken Zoning Ordinance that requires that no parcel be divided by a zoning district.

At the June 14, 2016, meeting the Planning Commission considered the request for annexation and rezoning of the .24 acre parcel from Rural District (RUD) to Office/Institutional (O) and unanimously recommended approval of the annexation and rezoning of the .24 acre parcel.

At the last Council meeting there was a request to include the traffic study for this development. The Level of Service for this stretch of Hitchcock Parkway does not require a traffic study so one was not performed.

For City Council consideration on second reading is an ordinance to annex and rezone a .24 acre parcel owned by Primary Care Properties, LLC on Rinehart Way at Hitchcock Parkway from Rural District (RUD) to Office/Institutional (O).

Mayor Osbon asked for comments from the audience and Council.

Councilman Merry pointed out that at the last meeting there was a question about the resolution of the issue of the supply of water. He wondered if Mr. Grinton had any information on that issue.

Mr. Grinton stated the city was working with the VPSA and looking at doing a swap between their water district and Aiken's water district. Across the Hitchcock Parkway is Woods End. Two of those properties are within the VPSA area for water. The City has water and sewer available there that is easily connectible. On the Primary Care property the situation is the same, but it would be much more expensive to put our water and sewer in for the Primary Care development. We are looking at doing a swap of responsibility. We have contacted the VPSA, and they are interested in doing the swap.

The next step would be to do a developer's agreement and a contract revision with the VPSA. Mr. Grinton stated this swap would make both properties much easier to develop.

Councilman Merry stated the swap would help the people who are investing in our community on both sides of the road. He felt that was a good solution.

Mayor Osbon called for a vote on the motion by Councilwoman Diggs, seconded by Councilman Ebner, that Council approve on second reading an ordinance to annex 0.24 acre on Hitchcock Parkway and Rinehart Way and zone it Office/Institutional (O). The motion was unanimously approved.

ANNEXATION – ORDINANCE 07112016B

644 Old Airport Road

Allison R. Hilton

Robert L. Hilton

HBR Investments of Aiken LLC

Baseball and Softball Training Center

TPN 137-17-04-005 (portion of)

Mayor Osbon stated this was the time advertised for second reading and public hearing to annex and rezone a 1.89 acre parcel located at 644 Old Airport Road from Urban Development District to General Business.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 1.89 ACRES OF LAND, MORE OR LESS, OWNED BY HBR INVESTMENTS OF AIKEN, LLC AND LOCATED AT 644 OLD AIRPORT ROAD AND TO ZONE THE SAME GENERAL BUSINESS (GB).

Councilwoman Price moved, seconded by Councilman Homoki, that Council approve on second reading an ordinance to annex and rezone a 1.89 acre parcel located at 644 Old Airport Road from urban Development District to General Business.

Mr. Klimm stated HBR Investments of Aiken, LLC, and Bobby and Allison Hilton are requesting annexation and rezoning of an approximately 1.89 acre parcel from Urban Development District (UD) to General Business (GB). The property is located at 644 Old Airport Road near East Pine Log Road. The property owner is proposing to subdivide the northern portion of the property for conveyance to the Hiltons for the purpose of developing an indoor baseball and softball training facility. The site is served with city water, however, sanitary sewer service is not available so the development will utilize a septic system.

At the June 14, 2016, meeting the Planning Commission considered the request for annexation and rezoning of the 1.89 acres parcel on Old Airport Road from Urban Development to General Business. The Commission unanimously recommended to Council approval of the application with the following condition:

Annexation is contingent upon the seller conveying fee simple title to the buyers within 90 days.

Council approved this ordinance on first reading at the June 27, 2016, meeting. For City Council consideration on second reading is an ordinance to annex and rezone a 1.89 acre parcel located at 644 Old Airport Road from Urban Development District to General Business (GB) with the condition that annexation is contingent upon the seller conveying fee simple title to the buyers within 90 days.

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion by Councilwoman Price, seconded by Councilman Homoki, that Council approve on second reading an ordinance to annex and

rezone a 1.89 acre parcel located at 644 Old Airport Road from urban Development District to General Business. The motion was unanimously approved.

#### NORTHSIDE PARK

##### Phase I

##### U.S. Highway 1

##### Parks, Recreation & Tourism Department

##### CHA Consulting, Inc.

Mayor Osbon stated staff would like Council approval of a contract with CHA Consulting to begin work on Phase I of the Northside Park Project.

Councilman Ebner moved that Council suspend the rules and have discussion regarding the contract comments received after the first reading approval. The motion was seconded by Councilwoman Price and unanimously approved.

Councilman Ebner stated he would like to recommend that we separate approval of the concept plan which Council approved on first reading. He said on the items that he had recommended at the June 27, 2016, meeting and which Council voted on and approved on first reading, there are still some open issues from the City Attorney and CHA's attorney on getting the contract all prepared. He said he would recommend that Council at this meeting go ahead and approve the concept plan so they can finish their work on the concept plan and have a final presentation to Council. Then let the City Attorney and Mr. Bedenbaugh work out the differences in the contract language.

Mr. Gary Smith, City Attorney, stated we have received comments from CHA's legal counsel on the agreement and he feels we are very close to having a final draft of the revised agreement.

Mr. Bedenbaugh stated Mr. Graham who was present at the last meeting had given us approval, and then late Friday CHA's attorney had some issues that need to be worked through with regards to the contract that we need to come to some sort of agreement. He said we got the information near the close of business on Friday with regards to the contract.

Mr. Smith stated he had reviewed the revisions to the contract and have approved those revisions and given that information to Mr. Bedenbaugh today.

Councilman Ebner stated we were not able to get it in the agenda. He felt we could still move forward. He said he and Councilwoman Price had discussed it and feel that we can still move forward by approving the concept plan and not slow down the progress of the project. He said the contract could be on the August 8, 2016, agenda.

Mr. Smith stated that the terms in the memo still control the agreement. The agreement would be written to reflect the terms of the memo. Mayor Osbon asked if Council could have the contract ready for the August 8 meeting. Mr. Bedenbaugh responded that it would be ready. Mr. Smith stated if Council wants to have the project going forward, Council could approve the contract subject to providing guidance to the City Attorney and Mr. Bedenbaugh, Assistant City Manager.

Councilman Ebner stated the attorney objected to one or two of the terms that he felt were important. He said he preferred for the contract to be presented to Council at the August 8 meeting for approval. Mr. Bedenbaugh stated he thought the issue was more in keeping some things in the initial contract versus rolling it into the new agreement. He felt that could be worked out before the next Council meeting.

Councilman Ebner stated he would like to go ahead and approve the concept plan for Phase I and then continue the matter on approval of the contract until the August 8 meeting. He said he felt Council should be aware that the contract is not here to vote on at this meeting. Councilwoman Price stated the proposal would not hold up any of the process.

Councilman Ebner moved that Council approve the concept plan for Phase I of the Northside Park and that revision of the contract with CHA be on the August 8, 2016, Council agenda for Council consideration. The motion was seconded by Councilwoman Diggs.

Mayor Osbon stated the motion is to approve the concept plan for Phase I and the contract with CHA would be brought back to Council at the August 8 meeting for Council consideration.

Councilman Dewar stated he has a question regarding comments that John Wade made. He said the City Attorney had talked to John Wade earlier today. He said he was led to believe that putting a well in at the Northside Park, while well intentioned to save the city some money, is not as easy as it seems. He said his understanding is that DHEC needs to approve it, and if it serves more than 24 people it gets to be a federal issue. He said he was confused as to what we need to do to put a well at the Northside Park.

Mr. Smith stated he did speak with Mr. Wade today. Mr. Wade did not go into specifics regarding the regulations that the city has to jump through. He said he did not know if Mr. Grinton is familiar with the regulations or not in order to put a well on the property. He said he knows there is a process to get a well approved. Councilman Dewar stated there is a process to get the well approved, and he was dismayed to hear that because it will take more time. He wondered if Mr. Grinton was familiar with regulations for installing a well on the Northside Park site.

Mr. Grinton stated regarding installing a well on the Northside Park, the city would have to contact DHEC and follow their procedures. He said it is not a difficult process. Councilman Dewar stated Mr. Wade said DHEC can approve it if it does not serve more than 24 people. If it serves more than 24 people, it gets to be a federal issue. Mr. Grinton stated he was not familiar with that.

Mayor Osbon called for a vote on the motion by Councilman Ebner, seconded by Councilwoman Diggs, that Council approve the concept plan for Phase I and that revision of the contract with CHA be on the August 8, 2016, Council agenda for Council consideration. The motion was unanimously approved.

Councilwoman Price stated since the matter regarding a well had come up several times, can we resolve that question and have that information at the August 8, 2016, meeting.

### RESTROOMS

Perry Park

Schofield School

CPST II

Williamsburg Street

TPN 121-06-04-003 (po)

Mayor Osbon stated staff had made a request to spend CPST II money for restrooms at Perry Park.

Councilwoman Diggs moved, seconded by Councilwoman Price, that Council approve the expenditure of CPST II money for construction of restrooms at Perry Park.

Mr. Klimm stated in September 2014 Council approved the construction of restrooms at Perry Park, a recreational area adjacent to Schofield Middle School, after hearing a presentation from Rev. Paul Bush on behalf of the Concerned Ministers Fellowship. After much difficulty in dealing with the State Department of Education's Office of School Facilities, Council approved our purchase of 0.3845 acre of land from the School District. We executed a closing in April, 2016. We immediately let out bids and received three bids. The lowest responsible bid was from AOS, who submitted a bid of \$194,917.

At the June 27 meeting, Council asked staff to work with the lowest responsible bidder, AOS of Lexington, South Carolina, to reduce the cost of the Perry Park Restroom



Project. The bid currently stands at \$194,917. Staff met with the vendor last Wednesday and Friday and is prepared to discuss with Council options for this project. At the work session held prior to this meeting this matter was discussed with Council. Staff is now asking for Council's decision in terms of direction on this project.

Mayor Osbon asked if anyone in the audience wished to speak on the matter.

Mr. Alex Adams stated he is a taxpayer in the County and in the City. He expressed concern about there not being bathrooms at Perry Park. He pointed out that children and adults who have to use the bathroom while attending events at Perry Park have to use a port-a-pottie. He felt the port-a-pottie was nasty and there is no place to wash their hands when they use the port-a-pottie. He pointed out that a bathroom is needed at Perry Park to accommodate Aiken citizens and visitors to the city who attend events at Perry Park. He said he uses Perry Park starting in August for football practice for the Public Safety Department sponsored team. He felt using the port-a-pottie was not sanitary and there was no place to wash hands after using the bathroom. He said more people would use Perry Park if there were bathrooms there. He asked that Council please proceed with providing bathrooms at Perry Park and not wait any longer and if more bids are needed proceed with getting more bids. Mr. Adams introduced the two children who were with him as Jaden and T.J.

Councilwoman Price thanked Mr. Adams for what he does as a volunteer with Public Safety and for working with the children.

Councilwoman Diggs stated she appreciated Mr. Adams comments. She pointed out that she lives in that district and attends many of the events at Perry Park. She stated the city had been working on getting restrooms for Perry Park for a long time and Council is working on making this become a reality.

Reverend Bush stated he appreciates the progress which is being made to get bathrooms at Perry Park. He felt the project has taken way too long, but he knows there have been a lot of hoops to jump through to get to this point. He thanked City Council for continuing to work on this project. He said he knew that Council was going to put bathrooms at Perry Park. He pointed out that as we expand for the new Northside Park and at Eustis Park, he wanted to note that Perry Park has been there for some time and there are so many great events that happen at Perry Park. He pointed out that there have been many visitors at Perry Park who have come from some distance and national figures have come to events at Perry Park, and the question comes up as to where are the bathrooms. He pointed out that the Weeks Center and Citizens Park have bathrooms, and we want to make sure that there are equal facilities and opportunities at Perry Park. He said the bathrooms are long overdue at Perry Park, but he was glad to see that Council is getting ready to proceed with the project.

Councilman Merry pointed out that he had used Perry Park as a youngster for football practice, and he had experienced the need for bathrooms there. He said his reservations on the bathrooms is the amount of money the project is costing. He felt the cost is very high. He pointed out that for what the city spent at Citizens Park for bathrooms we could put four sets of bathrooms at Perry Park. He said his concern has been about spending \$200,000 on construction and untold amounts of money on the land, architectural cost, engineering cost, etc. He pointed out the city will have somewhere between \$200,000 and \$250,000 for putting bathrooms at Perry Park. He said he felt the bathrooms are needed, but to spend a quarter of a million dollars and only get two bathrooms is too expensive. He felt for \$250,000 we should be able to get more than two bathrooms at Perry Park. He said he felt we should put bathrooms where they are needed. He noted that Perry Park gets more use than many people realize. He felt that the project cost was out of line for what we would be getting. He felt that Council never gave good enough direction to staff and to the hired professionals, such as the engineers and architect, and the project got away from us. He said to spend \$250,000 in Perry Park he would like for it to give more than two bathrooms. He said if he votes against the project, it is not about providing bathrooms; it is about voting against \$250,000 and only getting two bathrooms.

Mayor Osbon stated he wanted Mr. Bedenbaugh to make some comments regarding the bid for the bathrooms at Perry Park. He stated Council discussed the bathrooms at Perry Park at the work session prior to the Council meeting. Mr. Bedenbaugh was asked to review the list of changes that were proposed to lower the bid for the bathrooms at Perry Park.

Mr. Bedenbaugh stated the lowest responsible bid came in at about \$195,000. In talking to the contractor and staff since the June 27, 2016, Council meeting, we were able to get the bid down to approximately \$161,327. However, Council did mention in the work session that they would like to keep three fixtures in each bathroom rather than two fixtures in each bathroom. He said to only have two fixtures for each bathroom would be a \$3,300 reduction in cost. If Council wants to have three fixtures per bathroom, we would have to add that \$3,300 back to the \$161,327 cost.

Councilwoman Price stated then the original bid was \$194,917 and staff recommended a reduction in cost of about \$33,590 which leaves a cost of about \$161,327.

Mayor Osbon stated that in the work session Councilman Homoki made a statement that he felt we should not cut the bathroom fixtures down to two per bathroom, but should leave three fixtures for each bathroom for the cost involved. It was felt for the price that we would be better off with the three fixtures in each bathroom.

Mr. Smith stated if Council wants to have three fixtures per bathroom rather than two fixtures, Council could move to approve the bid from AOS for the bathroom project with the items deleted from the bid as recommended by staff on the handout presented to Council for a bid of \$161,327 but add the amount of \$3,300 back to the bid for providing three fixtures versus two fixtures for each bathroom for a bid amount of \$164,627.

Councilmembers Price and Diggs stated they wanted to amend their motion to include three bathroom fixtures per bathroom rather than two fixtures per bathroom for a bid price of \$164,627 for bathrooms at Perry Park with the funds coming from CPST II funds line item Landfill Northside [016-5150-455.71-02 PRNR]. The motion was approved by a majority vote with Councilman Merry opposing the motion. Councilman Merry stated he voted against the motion, but he wanted to reiterate that he fully supports the construction of bathrooms at Perry Park, but the cost for the project is too much.

Councilwoman Price thanked those who voted in favor of the bathroom project at Perry Park. She said they did a great service to a lot of people that know the need for the facilities.

#### RESOLUTION 07112016C

Deed of Dedication  
Longleaf Senior Village  
York Street NE  
Bushwillow Circle  
GCRW of Aiken, LLC  
Northgate Investments of Aiken, LLC

Mayor Osbon stated a resolution had been prepared to accept a deed of dedication for Bushwillow Circle in Longleaf Senior Village off York Street.

Mayor Osbon read the title of the resolution.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DEED OF DEDICATION FOR A ROAD FROM GCRW OF AIKEN, LLC, LONGLEAF SENIOR VILLAGE, LP, AND NORTHGATE INVESTMENTS OF AIKEN, LLC.

Councilwoman Diggs moved, seconded by Councilman Ebner, that Council approve the resolution to accept a deed of dedication for Bushwillow Circle located in Longleaf Senior Village off York Street.

Mr. Klimm stated GCRW of Aiken, LLC and Northgate Investments of Aiken, LLC owners and developers of Longleaf Senior Village located off York Street are requesting the City to accept Bushwillow Circle in this development.

Engineering and Utilities Department Director George Grinton has reviewed this request and inspected this road. The testing required for this road was not done at the time of construction so the Engineering staff required core sample testing of the road. The test results and the road were reviewed by Rick Toole of WR Toole Engineers, Inc. who recommended acceptance of the road after an additional 1" asphalt surface was added to the road. Mr. Grinton is now recommending acceptance of Bushwillow Circle.

For City Council consideration is a resolution to accept a deed of dedication for Bushwillow Circle located in Longleaf Senior Village off York Street.

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion by Councilwoman Diggs, seconded by Councilman Ebner, that Council approve the resolution to accept a deed of dedication for Bushwillow Circle located in Longleaf Senior Village off York Street. The motion was unanimously approved.

#### ORDINANCE

Development Agreement  
Henbell Walton Way Investments, LLC  
2270 Whiskey Road

Mayor Osbon stated an ordinance had been prepared for first reading authorizing the City of Aiken to enter into a Development Agreement with Henbell Walton Way Investments, LLC for the development of property located at 2270 Whiskey Road.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO ENTER INTO A  
DEVELOPMENT AGREEMENT WITH HENBELL WALTON WAY  
INVESTMENTS, LLC FOR THE DEVELOPMENT OF PROPERTY LOCATED AT  
2270 WHISKEY ROAD.

Councilman Merry moved, seconded by Councilwoman Diggs, that Council approve on first reading an ordinance authorizing the City of Aiken to enter into a development agreement with Henbell Walton Way Investments, LLC for the development of property located at 2270 Whiskey Road.

Mr. Klimm stated in September, 2015, City Council gave us permission to have Hass and Hilderbrand study the feasibility of extending sanitary sewer and storm sewer infrastructure from the property boundary formerly occupied by TD Bank to the south and to Krispy Kreme and Harbor Freight Tools to the north. The analysis was completed in December, 2015 and shared with Henbell Walton Way Investments LLC as part of their development of the Krispy Kreme and Harbor Freight property. As part of these improvements, they will extend storm sewer and sanitary sewer to the northern edge of their parcel. As potential development occurs on property at the intersection of Beatty Lane and Whiskey Road, connections for this infrastructure will be available.

A development agreement has been prepared for the City to pay up to \$20,500 for sanitary sewer and \$18,000 for storm sewer to Henbell Walton Way Investments LLC as part of their improvements to this property. Engineering and Utilities staff have reviewed the costs for this project and recommend this work. The development agreement has been reviewed by staff and the City Attorney. This cost will be reimbursed to us when property at Beatty Lane and Whiskey Road is developed. Money from the Economic Reinvestment Fund will be used to pay for this expenditure [027-1801-418.90-87 Enterprise Capital Reserve Account].

For City Council consideration is first reading and public hearing of an ordinance authorizing the City of Aiken to enter into a development agreement with Henbell Walton Way Investments, LLC for the development of property located at 2270 Whiskey Road.

Mayor Osbon asked for comments from the audience and Council.

Councilwoman Price stated she wanted to verify that the cost for the storm sewer and the sanitary sewer lines will not be more than \$38,500 for the work.

Mr. Bedenbaugh responded that was the estimate that the contractor for Henbell which is doing the work at the property gave us. He said city staff actually negotiated the cost down and feel the cost of \$38,500 is a good estimate for the infrastructure based on the developer and the contractor that the developer is using.

Councilman Ebner pointed out that if we will recall the developer of the Ladd Britt property is paying \$20,000 for the sewer connection and \$20,000 for storm sewer. The intent is that the developer of the other property in the area would pay the city back for the cost of this work. He said this would be right at the property line of other property in the area. He said the intent is for the city to get our money back at some time in the future when other property in the area is developed.

Councilman Merry stated we are assuming that the developer of the property just north of 2270 Whiskey Road will pay us back when that property is developed.

Mr. Bedenbaugh stated this work is part of the development of the property along Whiskey from Beatty Lane to Oak Grove. Councilman Merry asked if the developer of the Krispy Kreme property also owns the adjacent parcel. Mr. Bedenbaugh responded they did not at this time, but at some point whenever the property is developed they will have immediate access to storm sewer and sanitary sewer. While the old Ladd Britt property is being developed that was part of the analysis we did. Councilman Merry wondered if the property owner had been notified that a future buyer would have to pay that money. Mr. Bedenbaugh stated he was not aware of a developer at this point. He said this has been in the public record since September when we were doing the feasibility study. Councilman Merry wondered if someone should be notified that \$38,500 will be added to their development cost of adjacent property.

Councilman Ebner pointed out that the adjacent property will be contiguous to the city and if it is developed will it be required to annex to the city.

Mr. Smith responded that when Council annexes a new property the city has a right to enter into an agreement with the purchaser of the property to annex to the city. When that is done the city has the right to enter into an agreement with the property owner. The agreement can require whatever Council wants to require. If they want city water and sewer service, the city can say that it will cost X amount for the service as we have that amount invested in the lines.

Councilman Merry stated he understood that and the city has done an arrangement like that before with the Walgreen development. He said his question was there are requirements for public notice on matters and Council is having first reading on this topic. He said it does not appear that anyone is present to represent the adjacent property owner. He wondered if the property owner had been notified about what we are doing.

Mr. Smith noted that the property is not getting city water and sewer now. Mr. Bedenbaugh stated there is no obligation to tap onto the sanitary sewer and storm sewer lines at this time. The requirement is only if the property is developed in the future. He said this is part of the overall Economic Re-Investment money for the development of that area.

Mr. Smith pointed out that the persons entering into the agreement would want to receive city services, and they would want to pay for them.

Councilman Merry stated he felt that a future developer would want city services, but what he was saying is that presently if you owned a piece of property and suddenly there was a premium placed on your property for getting city services that might not be on other property on the same road that may possibly affect your ability to sell your property. He felt it would be in the interest of the property owner that we notify them what we are doing.

Mr. Smith stated he did not feel the development fees had stopped anyone from buying the properties where they had to pay the development fees in the past.

Councilman Merry pointed out there was a lot of conversation about the apartment complex on Owens Street and one of the big parts was the impact fees and how much water they would be using at the apartments. He said all he was saying is that the property owners should be notified.

Mayor Osbon asked if the property owners could be notified before second reading of the ordinance. Councilman Ebner pointed out that if we are going to start that policy then the Tire Company and the people on the other side of Ginger Lane also should be included because if they start to develop the property you have the same problem with them.

Councilman Merry felt that if we are putting a ransom for service on a property where we have not charged it to other properties, then at least we should tell them we are doing it.

Mr. Smith stated he does not disagree that is one way of looking at it, but as the property is presently there is no access to water and sewer and the city will be offering the ability for the property to be developed commercially and that is a very valuable offer for the person who owns the property. He said the city would not be requiring them to tap onto the city sewer and water if they choose not to. Presently they don't have city services.

Councilman Merry stated all he was saying is give the property owners the information so they can come in and state their case or make their argument if they choose to or not. He pointed out that the city has made water and sewer available to countless property owners in the past without having made these kind of charges.

Mr. Smith stated if Council wants to do that they can. He said he was concerned about notice provisions and how we go about doing that when we don't know who the property owners are. He was concerned about holding up second reading.

Councilman Merry stated he was not talking about holding up second reading on the ordinance. He said he had registered his concerns, and Council could proceed with approval of first reading on the ordinance. He felt the matter is a convenient solution for the city to spend money and keep saying we will get it back when property is developed.

Mr. Smith pointed out that the city will be greatly enhancing the value of the property. He felt that had to be recognized. Without water and sewer the property cannot be commercially developed.

Councilman Ebner asked how we would proceed as this becomes widespread as we have the Tire Company and other people that we have invested in. He said if someone comes in and rebuilds on the Tire property maybe they could stay independent of the city, but he felt they would probably want to be on the city's water and sewer system. He said the developers who bought the Ladd Britt property and the TD Bank property had no problem with it. He said they probably could have refused it.

Councilman Merry stated he was not saying they will have a problem with it, but he was just asking if the property owners know about it. He pointed out that in the case of the apartment complex on Owens Street there was about \$200,000 of impact fees for the development. He said that is a big deal and affects the property value. He said having water and sewer affects the property value but also \$200,000 for impact fees affects the property value. He said in this case the amount is \$38,500 so it is probably a non-issue. He said he was just saying that Council is doing things that affect somebody's ability to

sell or develop their property. He felt it seems right to include them in the conversation. He said he had made his concerns known, and he was ready to move on.

Mayor Osbon called for a vote on the motion by Councilman Merry, seconded by Councilwoman Diggs, that Council approve on first reading an ordinance authorizing the City of Aiken to enter into a development agreement with Henbell Walton Way Investments, LLC for the development of property located at 2270 Whiskey Road. The motion was unanimously approved.

RESOLUTION

Hopeland Farms  
Law Suite  
Settlement

Mayor Osbon stated a resolution had been prepared for Council’s consideration to approve a settlement proposal for Hopeland Farms.

Mayor Osbon read the title of the resolution.

A RESOLUTION AUTHORIZING THE CITY OF AIKEN TO ENTER INTO AN AGREEMENT TO SETTLE A LAWSUIT.

Councilwoman Diggs moved, seconded by Councilman Dewar, that Council approve the resolution authorizing approval of the Settlement Agreement for the Hopeland Farms lawsuit.

Mr. Klimm stated as City Council knows we have been working with our insurance carrier on a proposed settlement for storm water runoff issues in Hopeland Farms Subdivision for some time. The proposed settlement is presented for Council's review and approval.

For Council consideration is a resolution authorizing approval of the Settlement Agreement for the Hopeland Farms lawsuit. He said the City of Aiken had been represented by Attorney Daniel Plyler who is present to answer any questions Council may have.

Mayor Osbon asked if there were any comments or questions.

Councilman Dewar stated he assumed the City Attorney was recommending approval. Mr. Smith responded that he was recommending approval.

Mayor Osbon called for a vote on the motion by Councilwoman Diggs, seconded by Councilman Dewar, that Council approve the resolution authorizing approval of the Settlement Agreement for the Hopeland Farms lawsuit. The motion was unanimously approved.

INFORMATION

Public Safety Officers

Councilwoman Diggs pointed out that six officers will graduate from the South Carolina Criminal Justice Academy on Friday, July 15, 2016. She said she was very impressed with the article that recognized Public Safety Officer Celeina Dobbs who found a mother and three children who had been staying at the Salvation Army Lodge and now had no place to go. Sgt. Dobbs took money out of her pocket and put them up in a hotel for three days to get them out of the weather. She noted that Sgt. Dobbs was recognized by the American Legion Post 71 of North Augusta.

Councilwoman Diggs noted that Unity Day is coming up on July 23, 2016 from 10 a.m. to 2 p.m. at Perry Park. She pointed out that is a festival for everybody in Aiken to come together.

Councilwoman Diggs pointed out that attendance had been good for the Hopelands Gardens concerts. She noted that she attended the concert on July 4 which was moved to the Weeks Center because of the heat.

Councilwoman Diggs pointed out that Councilman Dewar had been commended. She said Mr. Billy Chastain of the Charlie Norwood VA Medical Center emailed to express his gratitude for the service provided by Councilman Dick Dewar and Supervisor Blair Hodges. His concern was standing water and mosquitoes. Mr. Chastain received a response within a few days from Blair Hodges who contacted Mr. Chastain and responded to the concern.

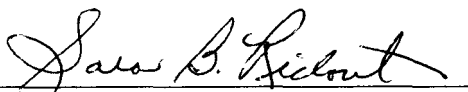
Councilman Merry pointed out that Councilman Dewar had administered the oath of office to his son as a Colonel in the United States Marine Corps.

Councilman Merry stated he wanted to recognize Coastal Carolina University who won the 2016 Baseball National Championship. He also asked that everyone remember in their prayers the bailiffs who were killed today in the court room in Michigan. He pointed out that one of the bailiffs was a relative of Cindy Kelley who works in his office.

Mayor Osbon asked Jaden and TJ to help him close the meeting.

#### ADJOURNMENT

There being no further business, Councilwoman Price moved that the meeting adjourn. The motion was seconded by Councilman Merry and unanimously approved. The meeting adjourned at 8:22 P.M.

  
Sara B. Ridout  
City Clerk