

Aiken City Council MinutesREGULAR MEETING

March 25, 2019

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

Others Present: Stuart Bedenbaugh, Gary Smith, Kim Abney, Jessica Campbell, Tim Coakley Charles Barranco, Sara Ridout, Angela Hales, Kymberley Wheat, Joy Lester, Mike Przybylowicz, Gary Meadows, Tracy Lott, Colin Demarest, of the Aiken Standard, and about 60 citizens.

CALL TO ORDER

Mayor Osbon called the regular meeting of March 25, 2019, to order at 7:00 P.M. Mayor Osbon asked for a moment of silence to remember two people whom we lost last week. These people really contributed and made a big difference in our city. We lost Dick Smith, a former Councilmember, and Rosamond McDuffie 97, who spent many years contributing to make Aiken a better place. Mayor Osbon led in prayer. The pledge of allegiance to the flag was led by Chief Barranco.

GUIDELINES

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

ADDITIONS OR DELETIONS TO AGENDA

Mayor Osbon recognized Mayor Pro Tem Diggs for any additions or deletions to the agenda. Mayor Pro Tem Diggs stated she had one addition to the agenda. Under Presentations she would like to add a Proclamation Recognizing April as Pickle Ball Month. Under New Business it has been requested that Item 4 First Reading of an Ordinance to Rezone 104 Silver Bluff Road from Residential Single-Family (RS-15) to Limited Professional (LP) be removed from the agenda. She asked if Councilmembers had any other additions or deletions to the agenda. There being no other changes to the agenda, Councilwoman Diggs moved that the agenda be approved with the two changes requested. The motion was seconded by Councilman Dewar and unanimously approved.

MINUTES

The minutes of the Work Session and Regular Meeting of March 11, 2019, were considered for approval. Councilwoman Diggs moved, seconded by Councilman Woltz, that the minutes for the meetings of March 11, 2019, be approved as presented. The motion was unanimously approved.

PRESENTATIONCity of Inman  
Youth Council

Mayor Osbon stated he was honored to have Inman, South Carolina, Mayor Cornelius Huff and a group of young people present for a presentation. He noted that Mayor Huff had done a great job putting a Youth Council together in Inman. He said he thought this was a great way for the youth to connect with their Council, with their city, and really engage and make a difference. He said he was honored that the group wanted to come to Aiken this year.

Mayor Huff stated he was very glad to be in Aiken, South Carolina, with a group of young people. He said he had toured Aiken today, and felt Aiken has a lot to be proud of. He said it was good to bring a group of Inman's youth to see things well done. He pointed out that two of Inman's Councilmembers were present with the group. He pointed out that in 2014 when he was elected Mayor there was a breakdown between the youth and the city. He said if you don't involve the youth you won't have a future. He also pointed out there were two teachers from the Inman High School present with the group. Mayor Huff stated the youth were going to tell Council what they do for Inman

and what they do to partnership with Council to reach out to the youth. He said they had made some huge impacts for the City of Inman.

Various members of the Youth Council then talked to Council about what they do because they have a passion for their community and want to bring new things to the community. They work alongside the Mayor and take ideas from their high school to the City Council meetings every month. They reviewed the events they have sponsored, including a city-wide family movie night, a community garden, trips to other cities to talk about the Youth Council, Harvest Day Festival, and Light up Inman, a Christmas event lighting a Christmas tree, and a parade.

They reviewed the requirements for being on the Youth Council. It was noted that the Youth Council is made up of junior and senior high school students. Students have to make an application to be on the Youth Council. Some of the criteria are that the youth must represent Inman well, must list some ways to improve Inman, must actively participate in events sponsored by the Youth Council, attend monthly Council meetings, make good grades, and complete a minimum of 27 hours service during the school year.

Mayor Osbon stated Aiken was honored that the Inman Youth Council chose Aiken to visit and tell us about their program. He said it is something that Council would like to put together for Aiken to engage and communicate with our youth. He said it was not just about being leaders for the future, but they are demonstrating that they are leaders for today as well. He congratulated them on having their voice heard.

#### Pickle Ball Month Proclamation

Mayor Osbon stated the second presentation item is a proclamation declaring April as Pickle Ball Month.

Councilwoman Gregory read the proclamation.

Councilman Dewar moved, seconded by Councilwoman Diggs, that Council approve the proclamation proclaiming April as Pickle Ball month in Aiken. The motion was unanimously approved.

Councilwoman Gregory noted that pickle ball is an amazing sport, and is the fastest growing sport in the United States. She pointed out that she would encourage all to try pickle ball. She noted that every age level would benefit from pickle ball and would really enjoy it.

Mr. Chuck Buchannan, Aiken USAPA Ambassador, stated he wanted to thank the City for how they had partnered and helped promote and expand pickle ball. He noted that the people at the Parks and Recreation Department were such wonderful people to work with. He extended an invitation to everyone to find out what pickle ball is about on Saturday, April 6. They will be doing two demos at the Eustis Park Center. They have 40 slots filled. They will have young people and seniors. Young people from Helping Hands will participate. Mr. George Buggs has secured donations so that every child and senior who goes to the program will get a free paddle and ball so they can start getting a program started on that side of town. On Saturday, April 27, as part of USCA's First Senior Expo they asked that the group do a small round robin pickle ball tournament. He said these are opportunities for the community to see what pickle ball is about.

Mayor Osbon and Councilwoman Gregory presented the proclamation to the Pickle Ball group.

### BOARDS AND COMMISSIONS

#### Appointments

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

Mr. Bedenbaugh stated Council has 36 pending appointments to fill vacancies on different City boards, commissions, and committees. No nominations for appointments were made at the last Council meeting. However, a list of boards, commissions, and committees needing appointments by City Council was provided to

Council for information. Council may have some nominations for appointments to be placed on the agenda for the next meeting of Council.

Mayor Osbon asked if there were any appointments for consideration at the next meeting. No recommendations were presented for consideration at the next meeting.

ZONING – ORDINANCE 03252019

Jennifer Steller  
131 Silver Bluff Road  
TPN 106-12-06-004

Mayor Osbon stated this was the time advertised for second reading and public hearing of an ordinance to rezone property at 131 Silver Bluff Road from Limited Professional (LP) to Limited Business (LB).

Mayor Osbon read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF PROPERTY LOCATED AT 131 SILVER BLUFF ROAD FROM LIMITED PROFESSIONAL (LP) TO LIMITED BUSINESS (LB)

Councilman Girardeau moved, seconded by Councilwoman Gregory, that Council approve on second reading an ordinance to rezone property at 131 Silver Bluff Road from Limited Professional (LP) to Limited Business (LB).

Mr. Bedenbaugh stated applicant Jennifer Steller has requested rezoning the property at 131 Silver Bluff Road from Limited Professional (LP) to Limited Business (LB). Ms. Steller plans to operate a small eating establishment at the location. She plans to focus primarily on prepared take-home meals. She would have lunch options of soup, salads, and sandwiches with limited interior seating available.

The current zoning of the property of Limited Professional (LP) zoning does not allow eating establishments. The proposed Limited Business (LB) zoning allows some restricted retail sales such as eating establishments with or without seating. No drive-through eating establishments are allowed. However, furniture stores, grocery stores, and hardware, paint, glass, wallpaper, and carpet stores are also permitted uses by right. High intensity commercial uses are not permitted, with the majority of the allowable restricted uses only permitted through the Special Exception process. Also, there are specific standards that restrict building size, appearance, and hours of operation. Limited Business (LB) zone is a suitable low intensity commercial zoning district for corridors transitioning from fully residential to mixed use.

The Planning Commission at their February 12, 2019, meeting considered this request for rezoning and unanimously recommended to Council that the property be rezoned from Limited Professional (LP) to Limited Business (LB).

City Council approved this ordinance on first reading at the March 11, 2019, meeting. For City Council consideration is second reading and public hearing of an ordinance to rezone 131 Silver Bluff Road from Limited Professional (LP) to Limited Business (LB).

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion made by Councilman Girardeau, seconded by Councilwoman Gregory, that Council approve on second reading an ordinance to rezone property at 131 Silver Bluff Road from Limited Professional (LP) to Limited Business (LB). The motion was approved unanimously.

ANNEXATION – ORDINANCE 03252019A

William Busser  
102 Savannah Drive  
TPN 107-06-15-024  
Barbara H. Henkes  
Clair H. Henkes, Jr.  
2118 Huron Drive  
TPN 107-06-15-022  
Gem Lakes Subdivision

Mayor Osbon stated this was the time advertised for second reading and public hearing of an ordinance to annex 102 Savannah Drive and 2118 Huron Drive and zone them RS-15 Residential Single-Family.

Mayor Osbon read the title of the ordinance.

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

Councilwoman Price moved, seconded by Councilman Girardeau, that Council approve on second reading an ordinance to annex properties at 102 Savannah Drive and 2118 Huron Drive and zone them Residential Single-Family (RS-15).

Mr. Bedenbaugh stated after being approached by City staff regarding the merits of annexation to the City, the following have requested annexation and zoning of their property:

1. William Busser is requesting annexation of 102 Savannah Drive (TPN 107-06-15-024) and zoning as Residential Single-Family (RS-15). The property containing .64 acre is located in the Gem Lakes Subdivision.
2. Barbara H. and Clair H. Henkes, Jr. are requesting annexation of 2118 Huron Drive (TPN 107-06-15-022) and zoning as Residential Single-Family (RS-15). The property contains .62 acre and is located in the Gem Lakes Subdivision.

The Planning Commission at their meeting on February 12, 2019, considered these requests for annexation and unanimously recommended that the properties be annexed and zoned Residential Single-Family (RS-15).

City Council approved this ordinance on first reading at the March 11, 2019, Council meeting. For City Council consideration is second reading and public hearing of an ordinance to annex property at 102 Savannah Drive owned by William Busser and 2118 Huron Drive owned by Barbara and Clair Henkes, Jr. The recommended zoning is Residential Single-family (RS-15).

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion made by Councilwoman Price, seconded by Councilman Girardeau, that Council approve on second reading an ordinance to annex 102 Savannah Drive and 2118 Huron Drive and zone them RS-15 Residential Single-Family. The motion was approved unanimously.

BUDGET – ORDINANCE 03252019B

FY 2018-2019  
Replacement Vehicles  
Public Safety  
Engineering & Utilities

Mayor Osbon stated this was the time advertised for second reading and public hearing of an ordinance to amend the budget for replacement vehicles.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, AND ENDING JUNE 30, 2019.

Councilman Dewar moved, seconded by Councilwoman Diggs, that Council approve on second reading an ordinance to amend the budget for replacement vehicles.

Mr. Bedenbaugh stated we have two situations that involve purchases of vehicles that were not included in the current budget. This cost was not included in the annual budget for the fiscal year 2018-19, but funds are available for the replacements and a budget adjustment is necessary and has been prepared for Council consideration.

The first vehicle is a Public Safety vehicle that was damaged beyond repair, and was not our officer's fault. We have received insurance proceeds and had depreciation funds available for the replacement.

The necessary entry will:

Increase Insurance Proceeds Revenue (001-0000-366-10-40) \$15,600  
 Increase Depreciation Fund Transfer in (001-0000-391-30-30) \$14,000  
 Increase Vehicle Expense (001-2120-422-74-02) \$29,600

The second is an Engineering and Utilities vehicle that was ordered last fiscal year, but was not received until the current fiscal year, and was not included in the budget because it was anticipated to be received before June 30, 2018. Funds were available for the replacement of the Engineering and Utilities vehicle.

The necessary entry will:

Increase Depreciation Fund Transfer in (002-0000-391-30-30) \$46,100  
 Increase Vehicle Expense (002-3181-468-74-02) \$46,100

City Council approved this ordinance on first reading at the March 11, 2019, meeting. For Council consideration is second reading and public hearing of an ordinance to adjust the budget for the replacement of two vehicles.

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion made by Councilman Dewar, seconded by Councilwoman Diggs, that Council approve on second reading an ordinance to amend the budget for replacement vehicles. The motion was approved unanimously.

DEED – RESOLUTION 03252019C

Summerton Village  
Deed of Dedication  
Beazley Development, Inc.  
Sanitary Sewer  
Talatha Oaks  
Talatha Church Road  
TPN 123-20-01-001 PO

Mayor Osbon stated the next item was consideration of a resolution authorizing acceptance of a Deed of Dedication for sanitary sewer utilities in Summerton Village from Beazley Development, Inc.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DEED OF DEDICATION FOR UTILITIES IN SUMMERTON VILLAGE FROM BEAZLEY DEVELOPMENT, INC.

Councilman Dewar moved, seconded by Councilman Girardeau, that Council approve a resolution authorizing acceptance of a Deed of Dedication for sanitary sewer utilities in Summerton Village from Beazley Development, Inc.

Mr. Bedenbaugh stated Beazley Development Corporation has requested that the City take over the sanitary sewer utilities in Summerton Village, located off of Talatha Church Road. This property formerly described as Talatha Oaks, is located in the County and is provided sewer by the City as permitted by Council Ordinance in February 2016.

City staff has reviewed the proposed dedication and recommends acceptance of the sanitary system lines, easements and lift station.

At the March 11, 2019, meeting Council discussed this request and at that time continued the request for further discussion. For Council consideration is a resolution authorizing the acceptance of a deed of dedication for sanitary sewer utilities in Summerton Village from Beazley Development, Inc.

Mr. Bedenbaugh stated annexation was not a condition of the acceptance of the sanitary sewer system.

Mayor Osbon asked for comments from the audience and Council.

Mr. Joseph Gulino, Vice President of Development for Beazley Development Co., stated he was concerned about the request being continued at the last meeting. He said he wanted to know what Council wanted. He said if Council wanted annexation they would agree. He said it did not matter to them.

Mayor Osbon stated at the last meeting there were several Councilmembers who were not on Council in 2016 when the matter of providing sanitary sewer to the subdivision was approved. He said they had the same questions that the Council did in 2016. He said it was a matter of understanding the history of the request and how we got there.

Mr. Gulino stated he just wondered if there was anything he could do. He said he remembered 2016 and the matters involved. In response to a question, he said the request was for the City to accept the sanitary sewer lines, easements and lift station.

Councilwoman Gregory for clarification stated her understanding is that the city would be accepting the sewer system but not annexing the current or future development in the area.

Councilman Girardeau noted that the City did not require the owner/developer to sign an annexation agreement to annex the property when the property becomes contiguous to the city. He said his concern was why an annexation agreement was not required when they requested city sewer service. He said the result is not what he would prefer. He feels that some mistakes were made and that was discussed. He said the decision was made so we need to move on.

Councilwoman Price asked if the sewer system was built to requirements and plans and if it was functioning properly. Mr. Gulino stated the system was built to plans and inspected by the city. He provided a bond for the warranty on the sewer system. He said the system was built for future use. He said the city's line coming from Summerton Village was not built to carry the load. The developer built a parallel line down Whiskey Road to take care of the issue. Engineering plans were presented to the city and were approved.

In response to a question regarding inspection of the sewer system, Mr. Bedenbaugh stated the City Engineer John Poole and Engineering Technician Danny Breaker inspected the system and recommended the City accept a Deed of Dedication for the sewer system. Regarding the life expectancy of the sewer system, Mr. Przybylowicz stated the grinder pumps should be good for about 40 years. The lines installed should be good for about 60 to 100 years. He said the system is built to city specs and has been inspected and approved.

Mayor Osbon called for a vote on the motion by Councilman Dewar, seconded by Councilman Girardeau, that Council approve a resolution authorizing acceptance of a Deed of Dedication for sanitary sewer utilities in Summerton Village from Beazley Development, Inc. The motion was unanimously approved.

#### CITY CODE – ORDINANCE

##### Equine Committee

Mayor Osbon stated an ordinance had been prepared for first reading to amend the City Code to increase the number of appointments to the Equine Committee.

Mayor Osbon read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 2-142 OF THE AIKEN CITY CODE TO INCREASE THE SIZE OF THE EQUINE COMMITTEE.

Councilman Woltz moved, seconded by Councilman Girardeau, that Council approve on first reading an ordinance to amend the City Code to increase the number of appointments to the Equine Committee.

Mr. Bedenbaugh stated at the March 11, 2019, meeting Councilman Woltz discussed with Council his feeling that the number of appointees to the Equine Committee needed to be increased to 14 members to reflect the wide variety of equestrian disciplines and interests. With 14 members each Councilmember would appoint 2 members to the committee. He also noted that many members of the ad hoc Equine Committee would like to serve on the formal Equine Committee established by Council.

After discussion, Council asked that an ordinance be prepared to amend the City Code to increase the number of members of the Equine Committee from 7 members to 14 members with each Councilmember having 2 appointments to the committee. A listing of the members of the ad hoc Equine Committee was provided for Council's information.

For City Council consideration is first reading of an ordinance to amend the City Code to increase the number of members of the Equine Committee to 14 members with each Councilmember having 2 appointments to the committee.

Councilwoman Diggs asked if Councilman Woltz was going to provide a list of recommendations for new members to the Equine Committee which he mentioned at the last meeting. It was felt the recommendations would help in making appointments for those who may not know of anyone to appoint to the Equine Committee.

Councilman Dewar stated he felt Council needed a list of the nine equestrian disciplines. He pointed out that the person he had appointed is qualified in four of the disciplines. He said he felt Council should make an effort to ensure that all disciplines are represented. He said that is done on the Accommodations Tax Committee by designating each Councilmember to appoint someone to represent each area of the Accommodations community that generates the taxes. He felt that should be done with the Equine Committee to make sure all nine disciplines are represented. He also asked if Lucy Knowles would be able to serve on the Equine Committee. Mr. Bedenbaugh responded that Ms. Knowles could not serve on the Equine Committee and the DRB. She would have to select to serve either the Design Review Board or the Equine Committee. She was able to serve in the past as the Equine Committee was not a standing committee, but an ad hoc committee. Councilman Dewar asked if staff was going to designate disciplines for the Councilmembers to be sure all nine disciplines are represented. Mr. Bedenbaugh stated staff would be glad to work with Council individually with the names of folks who have subject expertise in these disciplines and are willing to serve. Councilman Dewar asked if those on the ad hoc committee would be eligible to serve on the standing committee. Mr. Bedenbaugh stated they would be eligible except Ms. Knowles because that would be dual office holder.

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion made by Councilman Woltz, seconded by Councilman Girardeau, that Council approve on first reading an ordinance to amend the City Code to increase the number of appointments to the Equine Committee to 14 members with each Councilmember appointing two members. The motion was approved unanimously.

ANNEXATION – ORDINANCE

Silver Bluff Road  
Treats of Aiken LLC  
Hamilton Drive  
TPN 106-16-02-028

Mayor Osbon stated an ordinance had been prepared for first reading to annex 1.01 acres on Silver Bluff Road and zone it General Business (GB).

Mayor Osbon read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN PROPERTY LOCATED ON SILVER BLUFF ROAD AND TO ZONE THE SAME GENERAL BUSINESS (GB).

Councilman Girardeau moved, seconded by Councilman Dewar, that Council approve on first reading an ordinance to annex 1.01 acres on Silver Bluff Road and zone it General Business (GB).

Mr. Bedenbaugh stated Treats of Aiken, LLC, applicant, is requesting annexation of a 1.01 acre vacant parcel on Silver Bluff Road. The applicant proposes to build a fast food restaurant with a drive thru on the vacant lot. The property is located on the east side of Silver Bluff Road at the intersection of Hamilton Drive.

The proposed General Business (GB) zoning is consistent with the surrounding commercial land uses and zoning and with the development pattern along this portion of Silver Bluff Road. Water and sewer is currently available to the property, which requires the property to submit an annexation request upon development. At this time staff has not received a site plan for the proposed development. Due to existing level of service (LOS) F along this segment of Silver Bluff Road, a traffic study for any development of the property will be required pursuant to the City's Traffic Management Ordinance.

The Planning Commission at their March 12, 2019, meeting considered this request for annexation and zoning as General Business (GB). They unanimously recommended to Council that the property be annexed and zoned GB.

For City Council consideration is first reading of an ordinance to annex and zone as General Business a 1.01 acre undeveloped property on Silver Bluff Road.

Mayor Osbon asked for comments from the audience and Council.

Councilman Dewar stated he had a concern considering the traffic at the location on Silver Bluff Road. He said he hoped consideration would be given to access of the facility from Hamilton Drive rather than Silver Bluff Road.

Mr. Bedenbaugh stated he felt consideration would be given to access from Hamilton Drive as well.

Mr. Jim Wilkerson with Wilkerson Architects, stated he is the architect of record for the Dairy Queen Treats of Aiken. He pointed out currently there is a curb cut off Hamilton on the back side of the property. That will be one of the main drives into the drive thru to swing around as well as the one that is off Silver Bluff Road. He said a traffic study is lined up, and they will get here as quickly as they can. He said a full Dairy Queen will be constructed on the property, and they will have a full menu. He said it will employ from 50 to 75 employees.

Mayor Osbon called for a vote on the motion made by Councilman Girardeau, seconded by Councilman Dewar, that Council approve on first reading an ordinance to annex 1.01 acres on Silver Bluff Road and zone it General Business (GB). The motion was approved unanimously.

ANNEXATION – ORDINANCE

James Horch  
Elizabeth Cronk-Horch  
914 Wildwood Road  
Kalmia Hills Subdivision  
Richland Avenue W  
TPN 104-17-23-012

Mayor Osbon stated an ordinance had been prepared for first reading to annex 914 Wildwood Road and zone it Residential Single-Family (RS-15).

Mayor Osbon read the title of the ordinance.

AN ORDINANCE TO ANNEX PROPERTY LOCATED AT 914 WILDWOOD ROAD AND TO ZONE THE SAME RESIDENTIAL SINGLE-FAMILY (RS-15).

Councilwoman Price moved, seconded by Councilwoman Diggs, that Council approve on first reading an ordinance to annex 914 Wildwood Road and zone it Residential Single-Family (RS-15).

Mr. Bedenbaugh stated applicants and owners, James Horch and Elizabeth Cronk-Horch, are requesting annexation of 914 Wildwood Road and zoning as Residential Single-Family (RS-15). The property is located in the Kalmia Hills Subdivision off of Richland Avenue W. The proposed Residential Single-Family (RS-15) zoning is consistent with the surrounding uses and zoning.

The Planning Commission at their meeting on March 12, 2019, considered this request for annexation and zoning and unanimously recommended that the property be annexed and zoned Residential Single-Family (RS-15).

For City Council consideration is first reading of an ordinance to annex 914 Wildwood Road and zone it Residential Single-family (RS-15).

Mayor Osbon asked for comments from the audience and Council.

Mayor Osbon called for a vote on the motion made by Councilwoman Price, seconded by Councilwoman Diggs, that Council approve on first reading an ordinance to annex 914 Wildwood Road and zone it Residential Single-Family (RS-15). The motion was approved unanimously.

ZONING – ORDINANCE

Kevin Bumpus  
Lisa Bumpus Lyell  
104 Silver Bluff Road  
TPN 106-08-07-004

Mayor Osbon stated an ordinance prepared for first reading to rezone 104 Silver Bluff Road from Residential Single-Family (RS-15) to Limited Professional (LP) had been removed from the agenda at the request of the owners.

ZONING – ORDINANCE

Richland Avenue E  
Atul Patel  
Tulsiraj, Inc.  
Beaufort Street  
Barnwell Avenue  
Gaston Road  
TPN 121-11-02-004

Mayor Osbon stated an ordinance had been prepared for first reading to rezone four acres on Richland Avenue E from Industrial (I) to General Business (GB).

Mayor Osbon read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY LOCATED ON RICHLAND AVENUE, EAST FROM INDUSTRIAL (I) TO GENERAL BUSINESS (GB).

Councilwoman Diggs moved, seconded by Councilman Girardeau, that Council approve on first reading an ordinance to rezone four acres on Richland Avenue E from Industrial (I) to General Business (GB).

Mr. Bedenbaugh stated owner and applicant, Atul Patel, of Tulsiraj, Inc. has requested rezoning of a four acre vacant parcel on Richland Avenue E from Industrial (I) to General Business (GB). The parcel is bounded by Richland Avenue, Beaufort Street, Barnwell Avenue, and Gaston Road. The applicant proposes to build a convenience store and a liquor store on about half of the property. The remaining property will be for future commercial development. The parcel is within the Old Aiken Overlay, which will

require approval of all elements visible from the street right of way pursuant to the Certificate of Appropriateness process.

The Comprehensive Plan identifies this area as primarily commercial in nature. The adjacent land uses are retail and service-oriented so a General Business (GB) zoning would be consistent with the surrounding uses. The current Industrial (I) zone does not allow most retail or service establishments so the existing zoning would not allow the proposed convenience and liquor store. Some of the current land uses, such as the veterinarian clinic and the bank are considered non-conforming and are not consistent with the current Industrial (I) zoning.

The Planning Commission at their March 12, 2019, meeting considered this request for rezoning and unanimously recommended to Council that the property be rezoned from Industrial (I) to General Business (GB).

For City Council consideration is first reading of an ordinance to rezone a four acre vacant parcel bounded by Richland Avenue, Beaufort Street, Barnwell Avenue, and Gaston Road from Industrial (I) to General Business (GB).

Mayor Osbon asked for comments from the audience and Council.

Mr. Atul Patel, 118 Sierra Drive, stated he is the owner of the property to be rezoned. He said he owns the business across the street on the corner of Beaufort Street and Barnwell Avenue. He said there are limitations on that property regarding space and that is the reason he wants to move their business on the other side of the road to the property being requested to be rezoned.

Mayor Osbon called for a vote on the motion made by Councilwoman Diggs, seconded by Councilman Girardeau, that Council approve on first reading an ordinance to rezone four acres on Richland Avenue E from Industrial (I) to General Business (GB). The motion was approved unanimously.

RESURFACING CITY STREETS

CPST III

Paving

City Streets

Satterfield Construction

Mayor Osbon stated staff had made a request for Council approval for acceptance of bid and to spend funds from CPST III for resurfacing of City streets.

Mr. Bedenbaugh stated as part of our Capital Projects Sales Tax (CPST III) project, we conducted a bid opening to resurface streets around the City. We plan to repave sections of 8 roads totaling about 2.02 miles during the paving season later this year. Satterfield Construction Company, of Greenwood, SC, was the lowest responsible bidder for this project at a cost of approximately \$517,562, including a 15% contingency. Also included in the bid was an add alternate for the contractor to install bike lane markings on Hampton Avenue from York Street to Camellia Street. The work will be charged to account 017-3130-433.75-08 3STRS. The streets to be resurfaced are:

<u>Street Name</u>	<u>From</u>	<u>To</u>	<u>Length (Ft.)</u>
Wren Place		End	338
Corporate Parkway	Whiskey Road	South Centennial	2067
Stewart Drive	Stone Drive	Jehossee	1015
Wheeler Drive SW	Gyles Road SW	Williams	2448
Woodbine Road	Bridal Wood	Varden Dr.	3260
Greystone Ct.		End	280
Cardinal Circle	Cardinal Dr SW	Cardinal Dr SW	1143
Cardinal Place		End	133

Staff has reviewed the bids and recommends awarding the project to Satterfield Construction, of Greenwood, SC, for \$517,562.

For City Council consideration is approval of a bid award for street paving using CPST III funds.

Councilwoman Diggs moved, seconded by Councilman Dewar, that Council approve the request for acceptance of the low bid of Satterfield Construction Company for paving a portion of 8 city streets with the funding coming from CPST III funds.

Mayor Osbon asked for comments from the audience and Council.

There was a question as to whether the streets were city maintained streets. Mr. Bedenbaugh responded that the streets listed are city maintained streets, not state roads.

Mayor Osbon called for a vote on the motion by Councilwoman Diggs, seconded by Councilman Dewar, that Council approve the request for acceptance of the low bid of Satterfield Construction Company for paving a portion of 8 city streets with the funding coming from CPST III funds. The motion was unanimously approved.

#### CONTRACT

Alternative Construction and Environmental Solutions, Inc.

ACES

Asbestos Abatement

Demo 200 Program

Mayor Osbon stated the next item was approval of a contract for asbestos abatement in 8 houses in the Demo 200 Program.

Mr. Bedenbaugh stated the City has been working with Alternative Construction and Environmental Solutions, Inc. (ACES) to abate the asbestos containing materials in the houses scheduled for demolition under the Demo 200 Program. ACES helped obtain bids from three companies that would abate the houses prior to demolition. He said one of the goals of Council was that we address abandoned homes.

The contract includes project management by ACES to perform daily air monitoring and ensure all material is properly removed and disposed in accordance with state and federal regulations. The contract for the first eight houses is \$36,680 using Morris Insulation and Environmental of Augusta, Ga. The houses are at: 346 Greenville Street NW, 333 Chesterfield Street N, 228 Union Street NE, 432 Florence Street NW, 456 Columbia Avenue NW, 438 Columbia Avenue NW, 134 Sumter Street NE, and 799 Sommers Avenue NE.

For Council consideration is approval of the contract with ACES for \$36,680 to remove asbestos containing materials, air monitoring and final clearance of eight properties listed in the contract.

Councilman Girardeau moved, seconded by Councilwoman Diggs, that Council approve a contract with ACES for asbestos abatement in eight houses under the Demo 200 Program.

Mayor Osbon asked for comments from the audience and Council.

Councilwoman Diggs asked how soon they would begin work. Mr. Bedenbaugh stated if approved by Council we will get the agreement executed, and we would expect work to begin very soon.

Councilman Woltz noted the cost did not include the demo cost for the houses, and he asked for an estimate to demolish the buildings including the abatement. Mr. Bedenbaugh stated the cost did not include demolition. He said he would estimate the cost to be about \$100,000 to \$110,000 to abate and demolish the 8 buildings, including \$36,000 for the air monitoring and the removal of the material, and up to \$10,000 per house for demolition. It was noted these are abandoned homes, and the city would pay for the abatement and demolition, but the owner who is participating in the Demo 200 Program would still own the land. Mr. Bedenbaugh stated money had been budgeted for the abatement and demolition of these homes. He stated the cost for demolition is higher because at the time we were copying the Rock Hill and Greenville model ordinances

where we thought we would not have to abate the asbestos, but DHEC has told us that we have to abate the asbestos. Mr. Bedenbaugh stated this was our first group of homes for demolition. This will leave about 12 homes still in the Demo 200 Program. It was noted that 13 homes are to be demolished with 8 of the 13 having to have asbestos abated.

Council then discussed the Demo 200 Program. Councilwoman Gregory pointed out the city would be tearing down a house, cleaning the lot and the landowner would still have a piece of property at the city's expense. There was a question as to whether there were any stipulations as to what they can do with the property once the building is demolished.

Mr. Bedenbaugh stated the program was set up about 2000 to address blight and abandoned homes in the city. By encouraging property owners to participate in the program, it does remove blighted houses. He noted that Council had made it clear that a goal was to remove dilapidated housing, so staff was trying to get the program moving and improve the livability in the neighborhoods.

Councilman Dewar stated he felt we should put a lien on the property for whatever the cost is for demolishing the buildings.

Councilman Woltz stated he felt the program was a great program and that it needs to happen; however, when it was initiated the cost was not so high. He wondered if the owner had to be owner of record for a certain period of time or if he could go buy a blighted house for \$2,000 and have the city tear it down and he would have a \$10,000 vacant lot.

Mr. Gary Smith, City Attorney, pointed out that the purpose of the program was an incentive to get homeowners of blighted houses to let the city tear them down. Before the Demo 200 Program came about, the City would notify the property and the property owner had to demolish the house themselves, but they did not want to do it. The purpose of the program was to get rid of the blighted properties.

Councilman Girardeau stated the Demo 200 Program is a good program. He noted that the City had signed agreements with the property owners, and he felt the City could not go back on this at this point. However, going forward he felt we probably need to look at the program and come up with the fairest way to go about doing it.

Mr. Judah Londo, 123 Jasper Street, stated he was on the Historic Aiken Foundation Board as an Intern this summer through the University of South Carolina Aiken. He stated that he and Robert Stack, Vice President of the Historic Aiken Foundation had been looking at the Demo 200 Program as his Capstone Internship with USCAiken. He said they had run into a lot of roadblocks as far as talking with city officials regarding the program. He thought a lot of the concerns brought up by Councilwoman Gregory were echoed by a lot of the city employees that they talked with. He pointed out that people in the Building Code enforcement office were just disappointed by demolishing a home, and handing over the title to the property that the person has already neglected. They are then responsible for a piece of property that they have neglected for countless years, and there is little to no enforcement as far as maintaining the vacant lot. You get rid of one problem and create another by demolishing the house. He pointed out that Council had just passed an amendment to Section 10-4 to the Nuisance Property Violation, and he would really like to see 10-4 go through the paces with these properties. He said they had heard good things from the Building Code Department as far as there being a lot of response from people that they have not been getting letters from as far as delinquent owners, heir properties that have not gone through probate or have not dealt with these properties. He said he understands the City has a legal obligation to fulfill the demolition of the properties that have already signed an application. He said no one is asking the city to break the law. However, as far as future condemnation of the properties and demolishing them, the city is running into the problem of each of the properties costing the city \$30,000 to demolish and then they are worth \$4,000. He said that is not a winning battle for anyone to fight. He said he was presenting their concerns to ACON tomorrow and hopes to get their support. He said hopefully we can end this detrimental program and bring some new revitalization to the northside of Aiken.

Councilwoman Price noted that Mr. Londo had gotten this far with his discussions in dealing with poverty, inherited property, and people who have no means of paying for the property. You are also dealing with other individuals in the same block and the same

neighborhood that will maintain their property. She said the property behind the dilapidated houses will be devalued based on the existing house that is dilapidated. She said all those circumstances exist and yet you have someone who inherited something, and they cannot maintain it. She asked if he was saying to let the dilapidated house remain there until it falls down and devalues properties in existing neighborhoods.

Mr. Londo stated that was not the case. He said as part of the amended 10-4 Building Code Enforcement, there are non-voluntary demolition options for homes that are condemnable. By that he means you can talk to the Property Code Enforcement people, but for houses that are beyond 50% of their value to restore to livability houses, there are options for those people. If you can't afford to demolish your house, something else needs to be done about it. You need to either put it on the market or donate it to a nonprofit organization that could use the property. He said he had spoken to Habitat for Humanity because he would like to see Habitat use their energy to take these houses that are perfectly livable and use their money to rehab these houses instead of demolishing them. He noted that most of the people who had been served notices for tall grass are habitual people that have been served notices for tall grass before.

Councilwoman Price stated she had seen the Habitat presentation, and she liked many parts of the presentation.

Mr. Londo stated that was not the only option. He said they are looking into a broader scope of things. He pointed out there are a couple of smaller municipalities that have organized a Vacant Property Registration program.

Councilwoman Price stated education is required. She pointed out that when someone passes and leaves property to someone and they are poor and don't have the resources to improve the property, there needs to be education to the community as to why these things will be done.

Mayor Osbon stated he felt there will be a lot of issues moving forward that we will have to do. He said there are questions before Council tonight. He said he has a lot of the same questions Councilwoman Gregory has in regard to the Demo 200 Program. He felt moving forward Council will have a work session so they can discuss some of the issues and look forward to working with the Historic Aiken Foundation on the matters.

Councilwoman Gregory noted that Mr. Londo had been tasked to investigate, research, and find options. She noted that Council would love to hear what he finds. She felt that options for low income people where they can create a livable environment from something that is broken and dilapidated is the direction we should go in. She encouraged Mr. Londo to work hard, find the options and bring them to Council. Mr. Londo stated they were working hard on that. He noted they would be meeting with ACON on Tuesday night.

Mr. Bedenbaugh asked if it was the sense of Council that staff temporarily not accept applications in the Demo 200 Program. It was the sense of Council to not accept any more applications for the Demo 200 Program now, but they wanted staff to go forward with the present applications in the program. Council wanted to review the program before accepting more applications.

Councilman Woltz asked how much money would be left after demolishing the houses in this group. Mr. Bedenbaugh stated there would be approximately \$160,000 to \$170,000. Councilman Woltz stated he felt the program is a great program, but he personally wished Council would table this until Council looks at the program further and spends this kind of money. He felt there needs to be control over the program. He pointed out there are five houses that could be demolished without asbestos abatement.

Councilwoman Gregory stated that for clarification, the applications that have been brought in and promised need to be fulfilled. But for the present staff should not accept any more applications for the Demo 200 Program. Council will have a work session to discuss the different options and the current program.

Councilwoman Diggs asked for an update on some of the responses to the letters that have been sent out for the nuisance ordinance.

Mr. Sam Erb, 1556 Dibble Road, stated he had been to Fort Mill with Habitat and looked at their program for redoing houses. He said he liked it. It is a great program, and he hoped Aiken's Habitat does it. He said Habitats have to do that now because they can only build five houses in a year. He said they are looking to expand the program by renovating homes. He said his question is if they go into a home with asbestos, will they go further. He said he did not feel they will. He felt that is a problem. He pointed out if an owner cannot afford to renovate, they cannot afford abatement. Mayor Osbon stated when Council has their work session he wanted to make sure ACON is represented and involved.

Mayor Osbon called for a vote on the motion by Councilman Girardeau, seconded by Councilwoman Diggs, that Council approve a contract with ACES for asbestos abatement in eight houses of the thirteen under the Demo 200 Program in this group. The motion was unanimously approved.

City Council approved this insert to the minutes of March 25, 2019, at their April 15, 2019, meeting. This was to clarify some of the statements Mr. Londo attributed to staff when he met with them.

"Teddy Umsted and Karl Odenthal met with Mr. Robert Stack and Mr. Judah Londo for three hours over a two week period prior to the March 25, 2019, Council meeting.

1. Although demolishing a structure is always our last resort, it is the view of the Property Code Inspectors the "Demo 200" Program is a good option for some property owners. We are not opposed to revising this ordinance (10-3), but feel it should not be eliminated. Structures may be demolished under sections 10-3 or 10-4. Both provide inspectors with useful options for property code enforcement.
2. The vacant lot which remains after demolition, whether voluntary or involuntary, is effectively managed through sections 10-4 or 10-11. In those instances where lots become overgrown and the owner is not responsive to notice to maintain, our contractor will mow and clean the lot. This expense is recouped either by direct invoice or if unpaid collected with the tax bill. This process does not create additional problems for code enforcement.
3. The average cost of asbestos testing, abatement, demolition and removal for a structure is between \$12,000 - \$15,000. In the rare instance of a burned structure, it cannot be tested, and the entire structure has to be treated as if it were asbestos. That cost averages \$20,000."

### BANNERS

#### Memorial Day Parade Committee

#### Downtown

#### Banners

Mayor Osbon stated Council had received a request from the Memorial Day Parade Committee for permission to hang banners downtown.

Councilwoman Diggs moved, seconded by Councilman Dewar, that Council approve the request for banners in the downtown promoting the Memorial Day Parade

Mr. Bedenbaugh stated the Memorial Day Parade Committee is requesting permission to place six banners in the downtown area promoting the Memorial Day Parade. The event is to be held on Saturday, May 25, 2019, at 11 a.m. The parade will follow the usual route along Park Avenue and Laurens Street.

Their request is to place six banners on the arms of the traffic light poles. They are requesting the banners to be placed in the usual locations downtown. The request is to place the banners on the traffic poles from Monday, May 13, 2019 - Saturday, May 25, 2019.

For City Council consideration is permission to place six banners in the downtown area promoting the Memorial Day Parade on Saturday, May 25, 2019, at 11 a.m.

March 25, 2019

Mayor Osbon asked for comments from the audience and Council.

Councilman Dewar noted that Linda Caldwell, 7201 Castlesteads Drive, is present. She has been past Chair of the Military Officers Association and served in Vietnam.

Ms. Caldwell stated she and Ms. Catherine Bedenbaugh were present representing the Memorial Day Parade Committee. She said plans are well underway, and they were excited about the parade. She noted that the parade had changed from under the Aiken Jaycees to under the umbrella of the Aiken County Veterans Council. She said the Marine Corps League did it for many years, but declined to continue that several years ago due the age of the members of the League. She pointed out thanks to Councilwoman Diggs and several other volunteers, the parade did continue.

Mayor Osbon called for a vote on the motion by Councilwoman Diggs, seconded by Councilman Dewar, that Council approve the request for banners in the downtown from May 13, 2019 –May 25, 2019, announcing the Memorial Day Parade on May 25, 2019. The motion was unanimously approved.

#### ISSUES AND UPDATES

J. Carrol Busbee Public Safety Headquarters  
834 Beaufort Street NW

Mr. Bedenbaugh reminded everyone that Sunday, March 31, at 2 p.m. is the ribbon cutting for the new Public Safety Headquarters on Beaufort Street.

The next regular Council meeting will be on April 15, 2019, not April 8, 2019. The following regular Council meeting will be on April 22, 2019.

April 24, 2019, at 4 p.m. is the ribbon cutting for the Senior and Youth Center on Edgefield Avenue.

#### ADJOURNMENT

There being no further business, Councilwoman Price moved that the meeting adjourn. The motion was seconded by Councilwoman Gregory and unanimously approved. The meeting adjourned at 8:21 P.M.

  
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Sara B. Ridout  
City Clerk