



**REGULAR AGENDA**

**OF**

**SEPTEMBER 18, 2017**





**CITY OF NORTH AUGUSTA**

**AGENDA: PUBLIC HEARINGS**

September 18, 2017 – Municipal Center – 100 Georgia Avenue, 3rd Floor – 7:00 P.M.

The purpose of the Public Hearings are to receive public comments on the following proposed ordinances.

1. **STREETS AND DRAINS:** Ordinance No. 2017-12 – Abandoning a Platted, but Unopened, Unimproved Right-of-Way Located North of Five Notch Road and West of Georgia Avenue in the City of North Augusta
2. **STREETS AND DRAINS:** Ordinance No. 2017-13 – Abandoning a Platted, but Unimproved Right-of-Way Shown on a Plat of the Mealing Estate Dated December, 1941 in the City of North Augusta

**AGENDA: REGULAR CITY COUNCIL MEETING**

September 18, 2017 – Municipal Center – 100 Georgia Avenue, 3rd Floor – FOLLOWING PUBLIC HEARING

**CITIZEN COMMENTS:** Citizens may speak to Mayor and City Council on each item listed on this agenda. Mayor Pettit will call for your comments prior to City Council discussing the matter. When speaking to Council, please step up to the microphone, give your full name and address, and direct your remarks to Mayor Pettit.

**CITIZEN ASSISTANCE:** Individuals needing special assistance or sign interpreter to participate in the meeting, please notify the Administration Department 48 hours prior to the meeting.

1. **CALL TO ORDER:**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **APPROVAL OF MINUTES:** Regular and study session meeting minutes of August 21, 2017  
Special Called meeting minutes of September 5, 2017
5. **CITY COUNCIL:** Unveiling of Portrait of Mayor Lark W. Jones to be added to Hall of Mayors

**UNFINISHED BUSINESS**

6. **CITY CODE:** Ordinance No. 2017-09 – An Ordinance Amending Section 16-76 of the Code of Laws for the City of North Augusta, Third and Final Reading

**NEW BUSINESS**

7. **CITY CODE:** Ordinance No. 2017-11 – An Ordinance Amending Section 4.1 Consumption in Public of the Code of Laws for the City of North Augusta
  - A. Ordinance 2017-11, First Reading
  - B. Ordinance 2017-11, Second Reading
8. **COMMUNITY PROMOTION:** Constitution Week – September 17 – 23, 2017 – Proclamation
9. **STREETS AND DRAINS:** Ordinance No. 2017-12 – Abandoning a Platted, but Unopened, Unimproved Right-of-Way Located North of Five Notch Road and West of Georgia Avenue in the City of North Augusta
  - A. Receipt of Planning Commission Recommendation
  - B. Ordinance 2017-12, First Reading
  - C. Ordinance 2017-12, Second Reading
10. **STREETS AND DRAINS:** Ordinance No. 2017-13 – Abandoning a Platted, but Unimproved Right-of-Way Shown on a Plat of the Mealing Estate Dated December, 1941 in the City of North Augusta
  - A. Receipt of Planning Commission Recommendation
  - B. Ordinance 2017-13, First Reading
  - C. Ordinance 2017-13, Second Reading

11. **ANIMAL CONTROL:** Resolution No. 2017-39 – A Resolution Approving a Rescue Partner Agreement to make it possible for Animal Rescue's to Rescue Adoptable Stray Animals from the North Augusta Animal Control Facility
  
12. **PRESENTATIONS/COMMUNICATIONS/RECOGNITION OF VISITORS:**
  - A. Citizen Comments: At this time, citizens may speak to Mayor and City Council regarding matters not listed on the agenda.
  
  - B. Council Comments
  
13. **ADJOURNMENT:**

Interoffice Memorandum



TO: Mayor and City Council

FROM: B. Todd Glover, City Administrator

DATE: September 15, 2017

SUBJECT: Regular City Council Meeting of September 18, 2017

**PUBLIC HEARINGS**

1. **STREETS AND DRAINS: Ordinance No. 2017-12 – Abandoning a Platted, but Unopened, Unimproved Right-of-Way Located North of Five Notch Road and West of Georgia Avenue in the City of North Augusta**

The purpose of the Public Hearing is to receive public comments on a proposed ordinance that would abandon a platted, but unopened, unimproved right-of-way within the City.

The specific property is described as follows:

*A ±30 foot undeveloped road commencing at a point ±233.52 feet north of the intersection of Five Notch Road and Georgia Avenue, extending westward a distance of ±200 feet. Said property is identified as a ±30 foot undeveloped road on a plat of K. L. Wise, surveyor, dated August 20, 1970. Said strip of land is also shown on a plat prepared for Joseph Vignati by Carr and Associates dated December 30, 2016 and recorded in the Office of the RMC for Aiken County, South Carolina in Plat Book 60 at Page 6. Said undeveloped roadway has a width of ±30 feet for a majority of its length. However, the width is reduced in a tapering manner for the final ±46 feet.*

Please see **SS ATTACHMENT NO. 1** for a copy of the Public Hearing Notice published in the *The Star* newspaper on August 30, 2017.

2. **STREETS AND DRAINS: Ordinance No. 2017-13 – Abandoning a Platted, but Unimproved Right-of-Way Shown on a Plat of the Mealing Estate Dated December, 1941 in the City of North Augusta**

The purpose of the Public Hearing is to receive public comments on a proposed ordinance that would abandon a platted, but unopened, unimproved right-of-way within the City.

September 18, 2017

The specific property is described as follows:

*An unnamed strip of land between Lots 5 & 6 of Block A on a plat of the Mealing Estate by Walton Flythe, C.E., dated December, 1941, and recorded in the RMC Office for Aiken County, in Misc. Book 22 at Page 131. Said strip, while not named as such, appears to have been reserved as a possible extension of Atlantis Avenue shown on said plat. Said strip is ±60 feet in width and runs a total distance of ±375 feet. Said strip of land extends from Clay Avenue to W. Martintown Road.*

Please see **SS ATTACHMENT NO. 2** for a copy of the Public Hearing Notice published in the *The Star* newspaper on August 30, 2017.

### **REGULAR COUNCIL MEETING**

**ITEM 5.      CITY COUNCIL:    Unveiling of Portrait of Mayor Lark W. Jones to be added to Hall of Mayors**

Mayor Pettit would like to honor former Mayor Lark W. Jones with the unveiling of his portrait to the Hall of Mayors.

**ITEM 6.      CITY CODE:      Ordinance No. 2017-09 – An Ordinance Amending Section 16-76 of the Code of Laws for the City of North Augusta, Third and Final Reading**

An ordinance has been prepared for Council's consideration on third and final reading amending Section 16-76 of the Code of Laws for the City of North Augusta.

Please see the minutes of August 21, 2017 for a copy of the proposed ordinance.

**ITEM 7.      CITY CODE:      Ordinance No. 2017-11 – An Ordinance Amending Section 4.1 Consumption in Public of the Code of Laws for the City of North Augusta**

**A.      Ordinance 2017-11, First Reading**

An ordinance has been prepared for Council's consideration on first reading amending Section 4.1 Consumption in Public of the Code of Laws for the City of North Augusta.

Please see **ATTACHMENT NO. 7-A** for a copy of the proposed ordinance.

**B. Ordinance 2017-11, Second Reading**

Pending Council's passage of the ordinance on first reading, it is submitted for Council's consideration on second reading.

**ITEM 8. COMMUNITY PROMOTION: Constitution Week – September 17 – 23, 2017 – Proclamation**

In cooperation with the Martintown Road Chapter of the D.A.R. Mayor Petit wishes to proclaim the week of September 17 - 23, 2017, as Constitution Week in the City of North Augusta.

Please see **ATTACHMENT #8** for a copy of the proposed proclamation.

**ITEM 9. STREETS AND DRAINS: Ordinance No. 2017-12 – Abandoning a Platted, but Unopened, Unimproved Right-of-Way Located North of Five Notch Road and West of Georgia Avenue in the City of North Augusta**

**A. Receipt of Planning Commission Recommendation**

On August 17, 2017, voted unanimously to recommend the request to abandon a section of unimproved roadway located in the vicinity of Georgia Avenue and Five Notch Road, and recommended that the City Council adopt an ordinance approving the abandonment.

Please see **ATTACHMENT NO. 9-A** for a copy of the Planning Commission's recommendation.

**B. Ordinance 2017-12, First Reading**

An ordinance has been prepared for Council's consideration to abandon a platted, but unopened, unimproved right-of-way located North of Five Notch Road and West of Georgia Avenue in the City of North Augusta.

Please see **ATTACHMENT NO. 9-B** for a copy of the proposed ordinance.

**C. Ordinance 2017-12, Second Reading**

Pending Council's passage of the ordinance on first reading, it is submitted for Council's consideration on second reading.

**ITEM 10.     STREETS AND DRAINS:     **Ordinance No. 2017-13 – Abandoning a Platted, but Unimproved Right-of-Way Shown on a Plat of the Mealing Estate Dated December, 1941 in the City of North Augusta****

**A.     Receipt of Planning Commission Recommendation**

On August 17, 2017, voted unanimously to recommend the request to abandon a section of unimproved roadway located between W. Martintown Road and Clay Street, and recommend that the City Council adopt an ordinance approving the abandonment.

Please see **ATTACHMENT NO. 10-A** for a copy of the Planning Commission's recommendation.

**B.     Ordinance 2017-13, First Reading**

An ordinance has been prepared for Council's consideration to abandon a platted, but unimproved right-of-way shown on a plat of the Mealing Estate dated December, 1941 in the City of North Augusta.

Please see **ATTACHMENT NO. 10-B** for a copy of the proposed ordinance.

**B.     Ordinance 2017-13, Second Reading**

Pending Council's passage of the ordinance on first reading, it is submitted for Council's consideration on second reading.

**ITEM 11.     ANIMAL CONTROL:     **Resolution No. 2017-39 – A Resolution Approving a Rescue Partner Agreement to make it possible for Animal Rescue's to Rescue Adoptable Stray Animals from the North Augusta Animal Control Facility****

A resolution has been prepared for Council's consideration approving a Rescue Partner Agreement to make it possible for Animal Rescue's to rescue adoptable stray animals from the North Augusta Animal Control Facility.

Please see **ATTACHMENT NO. 11** for a copy of the proposed resolution and agreement.



**PUBLIC HEARING NOTICE  
CITY OF NORTH AUGUSTA, SOUTH CAROLINA**

The North Augusta City Council has scheduled a Public Hearing for Monday, September 18, 2017 at 7:00 pm. Such Public Hearing shall take place immediately preceding the regularly scheduled City Council Meeting. The purpose of the Public Hearing is to receive public comments on a proposed ordinance that would abandon a platted, but unopened, unimproved right-of-way within the City.

The specific property is described as follows:

A ±30 foot undeveloped road commencing at a point ±233.52 feet north of the intersection of Five Notch Road and Georgia Avenue, extending westward a distance of ±200 feet. Said property is identified as a ±30 foot undeveloped road on a plat of K. L. Wise, surveyor, dated August 20, 1970. Said strip of land is also shown on a plat prepared for Joseph Vignati by Carr and Associates dated December 30, 2016 and recorded in the Office of the RMC for Aiken County, South Carolina in Plat Book 60 at Page 6. Said undeveloped roadway has a width of ±30 feet for a majority of its length. However, the width is reduced in a tapering manner for the final ±46 feet.

A copy of the proposed ordinance may be seen at the office of the City Clerk during regular business hours, or on the City's website at [www.northaugusta.net](http://www.northaugusta.net). The Public Hearing will be held in the Council Chambers on the third floor of the Municipal Center, located at 100 Georgia Avenue, North Augusta, South Carolina.

Donna B. Young, City Clerk

# Princess Diana remembered 20 years after death

BY LARRY WOOD  
lwood@aikenstandard.com

When Princess Diana died from injuries sustained in a car crash in a Paris tunnel on Aug. 31, 1997, the Aiken Standard stopped the presses.

Kelly Lynn, who was an editor at the newspaper at the time, was working that Saturday night.

"I was working the weekend news desk the night Princess Diana died," Lynn said. "I had placed a story at the top of page one earlier that night about her car crash in Paris. We started the presses for the Sunday edition just before midnight. Not long after, we got word from the Associated Press that Diana had died at the hospital. I had to stop the presses, and we re-made the front page with a story about her death."

"I was in high school when Diana married Prince Charles. She was probably the most well-known woman in the world from that time on, always in the spotlight. People had watched her wedding on live television, and now they were watching her funeral the same way."

Princess Diana captured many Americans' imaginations as a 19-year-old engaged to the heir to the House of Windsor and the British crown, and through good and bad — the royal wedding, the

birth of Prince William and Prince Harry, her charity work and her divorce from Prince Charles — that fascination continued, even today, 20 years after her death.

Dr. Tom Wood, who is Scottish and an associate professor of political science at USC

Aiken, offered spectacle as one reason for Americans' interest in Diana and the British royal family.

"It's visually very compelling because something they're very good at is pomp and circumstance," Wood said. "In the American republic, of course, it's forbidden to have a formal aristocracy with titles, so I think part of the fascination with the royal family is that, well, there are kings and queens in palaces like a Disney fairy tale."

America's closest examples to the royals are political dynasties such as the Kennedys and the Bushes, Wood said.

"They are very glamorous, but presumably, they don't automatically continue," he said. "Whereas with the royal family, there is always this expectation that you're always going to have this new generation, and now the attention has shifted to Will and Kate."



This is a July 29, 1981 file photo of the carriage carrying the Prince and Princess of Wales on its way from St. Paul's Cathedral to Buckingham Palace after the royal wedding in London. Thirty-six years after Lady Diana Spencer married Prince Charles, The Associated Press has restored original footage from the wedding and is making it available to the public on YouTube.

Although Diana was a member of England's aristocratic Spencer family, she did not socialize within the inner circles of royalty, and being an "outsider" helped shape her character and added to her continued appeal and respect, Wood said. "She had to carve out a role for herself in what is sometimes called the 'Family Firm,'" Wood said. "The Windsors are a very competitive

business, and they're good survivors, and she had to put up with all of that from a very young age."

"Without any background preparation, she was plunged into this madstrom of media exposure and being a public figure, and, of course, the pressure took a toll on her personally and on her marriage."

Wood said, as Diana matured, she created "a very important and suc-

cessful role for herself," overseeing multiple charities and working with groups getting rid of land mines in post-conflict countries, for example.

"I think people really respected her for that," he said.

Wood added that Diana is still relevant and remembered fondly by people in Britain. Her legacy, he said, is her children, especially Prince William, who is second in line to the throne after his father, Charles.

"The royals are supposed to be constitutionally neutral, and Charles has alienated a lot of people," Wood said. "Charles is not very popular in Britain. Diana was always a lot more popular."

"William seems to have learned not to be his dad and take after his mum, which I think people like. So if the Windsors are going to continue the family business for another generation, I think William is well advised to take a leaf from his mum's experience."

For the United Kingdom, Americans' fascination with Diana and the royals is "a good thing," Wood said. "It encourages a lot of Americans to visit the UK and its great monuments, and you can visit quite a few of the royal palaces," he said. "That's all to the good for trans-Atlantic understanding."

## Royal wedding led to lifelong admiration

BY LARRY WOOD  
lwood@aikenstandard.com

On July 29, 1981, Mary Commons took the day off from work, and with 750 million other people around the world, watched on TV as Diana Spencer married her prince and became Diana, Princess of Wales.

"Who doesn't want to marry a prince?" asked Commons. "The pomp and circumstance of a royal wedding — it was like a fairy tale come to life. I was hooked."

Commons, who is the director of the Aiken Technical College Foundation, said she always had been fascinated by the British royal family, and although Diana came from a noble family with a royal ancestry, her shy demeanor and down-to-earth attitude made her especially appealing and

gave her the title the "People's Princess."

"I thought that she was so shy and quiet, and she seemed like such a normal, down-to-earth person, although she had an aristocratic side of the family," said Commons, who like many other young women at the time, even had her hair cut like Diana. "She was a kindergarten teacher and loved children and lived a pretty normal life."

As Diana matured and championed charities at home in England and around the world, Commons' admiration of the princess grew.

"She really took on such a strong role and used her name and her position to raise money for these charities," she said. "That was so admirable of her. I wanted to be just like her."

Diana also supported the International Campaign to Ban

Landmines, even walking among them to bring attention, and with no fear, she spontaneously hugged children with AIDS, Commons said.

"She was compassionate," she said. "I think the words that describe her are beautiful and brave and loving. She hugged and shook the hands of AIDS patients, and she wasn't afraid. She knew she wasn't going to get AIDS. She really broke that barrier, and then people started understanding it more. She knocked down all the walls surrounding that stigma."

Commons said Diana's legacy of compassion and caring lives on in her sons, Prince William and Prince Harry.

"I'm so thankful that she gave her children a moral compass because when I see what her children go out and do, it just reminds me of all the good

things that she did in her life," she said. "We should all remember that and be thankful for her."

Commons still has her collection of books about Diana and magazines with her picture on the cover, and one day, she would like to travel to England to visit important places in Diana's life.

"I want to see Kensington Palace, where she lived, and St. Paul's Cathedral, where she was married," she said. "I want to go to Althorp, her family's home, and see the island where she's buried and pay my respects. I admired her so much, and to this day, I still do and think about her."

"It's important to remember her because she had a love for all people, and even though she was a princess and could have been the future queen of



Mary Commons shows off some of her collection of Princess Diana memorabilia.

England, she acted like an everyday person you could relate to. She was so passionate about her causes and her children and

people who were less fortunate. That's what she should be remembered for — all the good that she did in her short life."

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A copy of the proposed ordinance may be seen at the office of the City Clerk during regular business hours, or on the City's website at [www.northaugusta.net](http://www.northaugusta.net). The Public Hearing will be held in the Council Chambers on the third floor of the Municipal Center, located at 100 Georgia Avenue, North Augusta, South Carolina.

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**PETER PAN**  
BROADWAY'S TIMELESS MUSICAL

Sept 1, 2, 7, 8, 9, 14, 15, 16 at 7:30 pm  
Sept 10 at 3:00 pm  
[www.aikencommunityplayhouse.com](http://www.aikencommunityplayhouse.com)

**Meybohm REALTORS®**

Aiken Community Playhouse

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AS12-1812713-1

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The North Augusta City Council has scheduled a Public Hearing for Monday, September 18, 2017 at 7:00 pm. Such Public Hearing shall take place immediately preceding the regularly scheduled City Council Meeting. The purpose of the Public Hearing is to receive public comments on a proposed ordinance that would abandon a platted, but unopened, unimproved right-of-way within the City.

The specific property is described as follows:

An unnamed strip of land between Lots 5 & 6 of Block A on a plat of the Mealing Estate by Walton Flythe, C.E., dated December, 1941, and recorded in the RMC Office for Aiken County, in Misc. Book 22 at Page 131. Said strip, while not named as such, appears to have been reserved as a possible extension of Atlantis Avenue shown on said plat. Said strip is ±60 feet in width and runs a total distance of ±375 feet. Said strip of land extends from Clay Avenue to W. Martintown Road.

A copy of the proposed ordinance may be seen at the office of the City Clerk during regular business hours, or on the City's website at [www.northaugusta.net](http://www.northaugusta.net). The Public Hearing will be held in the Council Chambers on the third floor of the Municipal Center, located at 100 Georgia Avenue, North Augusta, South Carolina.

Donna B. Young, City Clerk

AS12-1812713-1

# PETER PAN

BROADWAY'S TIMELESS MUSICAL

Sept 1, 2, 7, 8, 9, 14, 15, 16 at 7:30 pm  
Sept 10 at 3:00 pm  
[www.aikencommunityplayhouse.com](http://www.aikencommunityplayhouse.com)

Meybohm REALTORS®



AS12-1812713-1

ATTACHMENT 7-A

ORDINANCE NO. 2017-11  
AN ORDINANCE AMENDING SECTION 4-1 CONSUMPTION IN PUBLIC OF THE CODE OF  
ORDINANCES FOR THE CITY OF NORTH AUGUSTA

WHEREAS, Section 4-1 of the City Code relates to consumption, use, etc. of alcoholic beverages in public areas of the City; and,

WHEREAS, the Ordinance as previously written was prior to City sponsored festivals, as well as other activities within the City; and,

WHEREAS, the Mayor and City Council have made a determination that it is appropriate to update such Ordinance to address these new activities within the City while still protecting the interest of the public.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof, that:

1. Section 4-1 of the Municipal Code for the City of North Augusta is hereby deleted in its entirety and replaced with the following:

**Sec. 4-1. Possession and Consumption of Alcoholic Beverages in Public**

It shall be unlawful for any person, in a public place, within the corporate limits of the City, to publicly engage in the drinking of intoxicating liquors, beer, ale, porter, wine, or any other similar malt or fermented beverage. This restriction does not apply to any public place licensed for the sale and consumption of alcoholic beverages by the State of South Carolina.

The City Administrator may, at his/her discretion, grant a permit for the consumption of alcoholic beverages in public places, during special events and celebrations sponsored in whole, or in part, by the City. Such permit would be in written form and specify the times and areas, when and where alcoholic beverages may be possessed and consumed. In addition, the Administrator is authorized to provide such other restrictions, regulations or requirements deemed appropriate to protect the interest of the public when granting a permit.

All other Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, are hereby repealed.

This Ordinance shall become effective immediately upon its adoption on third and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS \_\_\_\_ DAY OF SEPTEMBER, 2017.

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

THIRD READING: \_\_\_\_\_

\_\_\_\_\_  
ROBERT A. PETTIT, MAYOR

ATTEST:

\_\_\_\_\_  
DONNA B. YOUNG, CITY CLERK



# City of North Augusta, South Carolina

## PROCLAMATION

***WHEREAS**, our Founding Fathers, including South Carolinians, Pierce Butler, Charles Pinckney, John Rutledge, and Charles Cotesworth Pinckney, risked their fortunes, and some even their lives, to secure the blessings of liberty for themselves and their posterity, did ordain and establish a Constitution for the United States of America; and*

***WHEREAS**, September 17, 2017, marks the two hundred and thirtieth anniversary of the drafting of the Constitution of the United States by the Constitutional Convention; and*

***WHEREAS**, the anniversary of the signing of the Constitution provides an historic opportunity for all Americans to learn about and recall the achievements of our Founders, and to reflect on the rights and privileges of citizenship as well as its attendant responsibilities; and*

***WHEREAS**, the independence guaranteed to the American people by the Constitution should be celebrated by appropriate ceremonies and activities during Constitution Week, September 17 through 23, 2017, as designated by proclamation of the President of the United States of America in accordance with Public Law 915.*

***NOW THEREFORE**, I, Robert A. Pettit, Mayor of the City of North Augusta, South Carolina, do hereby proclaim September 17 - 23, 2017, as*

### CONSTITUTION WEEK

*in the City of North Augusta, South Carolina, and urge all our citizens to reflect during that week on the many benefits of our Federal Constitution and the privileges and responsibilities of American citizenship.*

***IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of North Augusta, South Carolina, to be affixed this 18th day of September, 2017.*

---

Robert A. Pettit, Mayor  
City of North Augusta

# Department of Planning and Development

**Memorandum # 17-017**

City of North Augusta

**To:** B. Todd Glover, City Administrator

**From:** Charles B. Martin, Interim Director *CM*

**Subject:** **Right-of-Way Abandonment in the vicinity of Georgia Avenue and Five Notch Road**

**Date:** August 23, 2017

### Planning Commission Action and Recommendation

On August 17, 2017, the Planning Commission approved Application RWA 17-001, a request to abandon a section of unimproved roadway located in the vicinity of Georgia Avenue and Five Notch Road, and recommended that the City Council adopt an ordinance approving the abandonment. The Planning Commission vote was unanimous.

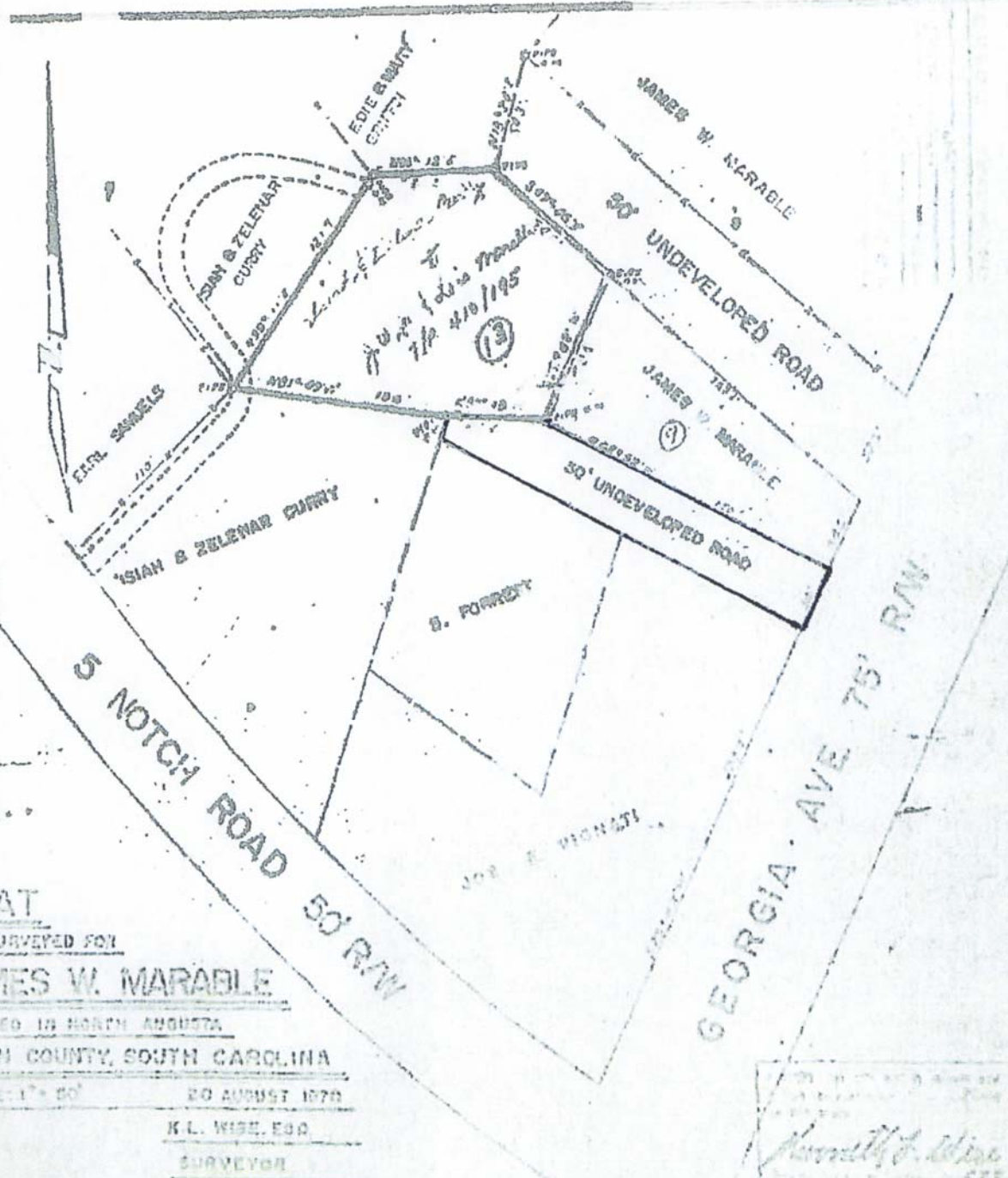
A draft ordinance approving the right-of-way abandonment is attached and an electronic copy has been forwarded to the City Clerk. A public hearing has been advertised and scheduled for September 18, 2017 prior to consideration by the Mayor and City Council.

### Background and Explanation

A request was received from Joe Vignati for the abandonment of an approximately 30 ft by 200 ft section of right-of-way described as follows:

A thirty foot undeveloped road commencing at a point,  $\pm 233.52$  ft north of the intersection of Five Notch Road and Georgia Avenue, extending westward a distance of  $\pm 200$  ft. Said property is identified as a thirty foot undeveloped road on a plat of K. L. Wise, surveyor, dated August 20, 1970. Said strip of land is also shown on a plat prepared for Joseph Vignati by Carr and Associates dated December 30, 2016 and recorded in the Office of the RMC for Aiken County, South Carolina in Plat Book 60 on Page 6. Said undeveloped roadway has a width of  $\pm 30$  ft for the majority of its length, however the width is reduced in a tapering manner for the final  $\pm 46$  ft.

The section of right-of-way, although plated, was never received by the City, and was never named or opened. The property does not have a tax parcel number, nor has anyone paid taxes on the property. The right-of-way serves no public purpose and could best be used by adjoining property owners. When officially abandoned, the property will be absorbed by the adjoining properties 50/50. The abandonment is not inconsistent with the Comprehensive Plan.



**PLAT**  
 LOT SURVEYED FOR  
**JAMES W. MARABLE**  
 LOCATED IN NORTH AUGUSTA  
 AIKEN COUNTY, SOUTH CAROLINA  
 SCALE: 1" = 50'      20 AUGUST 1970  
 K. L. WISE, E.S.S.  
 SURVEYOR  
 NORTH AUGUSTA, S.C.

*Kenneth L. Wise*  
 575  
 S.S. REG. 7571

RECORDED IN BOOK 110 PAGE 100  
 INDEXED IN BOOK 110 PAGE 100  
 7-20-70



I hereby state that to the best of my knowledge, information, and belief the survey shown herein was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina and meets or exceeds the requirements for a class "A" survey as specified therein, also there are no visible encroachments or projections other than shown.

Robert Lansing Carr  
S.C. Professional Land Surveyor # 25142

City of North Augusta  
P.O. Box 6400  
North Augusta, SC 29861  
**APPROVED FOR RECORDING**  
By: *[Signature]*  
Date: 6/12/17



TAX MAP #  
006-12-12-026

TAX MAP #  
006-12-12-027  
0.62 ACRES

3/4" OE IPF

1/2" PT IPF

1/2" PT IPF

1/2" PT IPF

NOTE:  
ALL REASONABLE EFFORTS HAVE BEEN MADE TO LOCATE EXISTING EASEMENTS, SETBACKS, REGULATIONS OR IMPROVEMENTS, CURRENTLY OF RECORD, ALTHOUGH THIS PROPERTY MAY ALSO BE SUBJECT TO EASEMENTS, SETBACKS OR REGULATIONS, NOT SHOWN ON THIS PLAT, BUT WHICH MAY OR NOT BE ON RECORDED IN THE CLERK OF SUPERIOR COURT'S OFFICE, OR R.M.C. OFFICE.

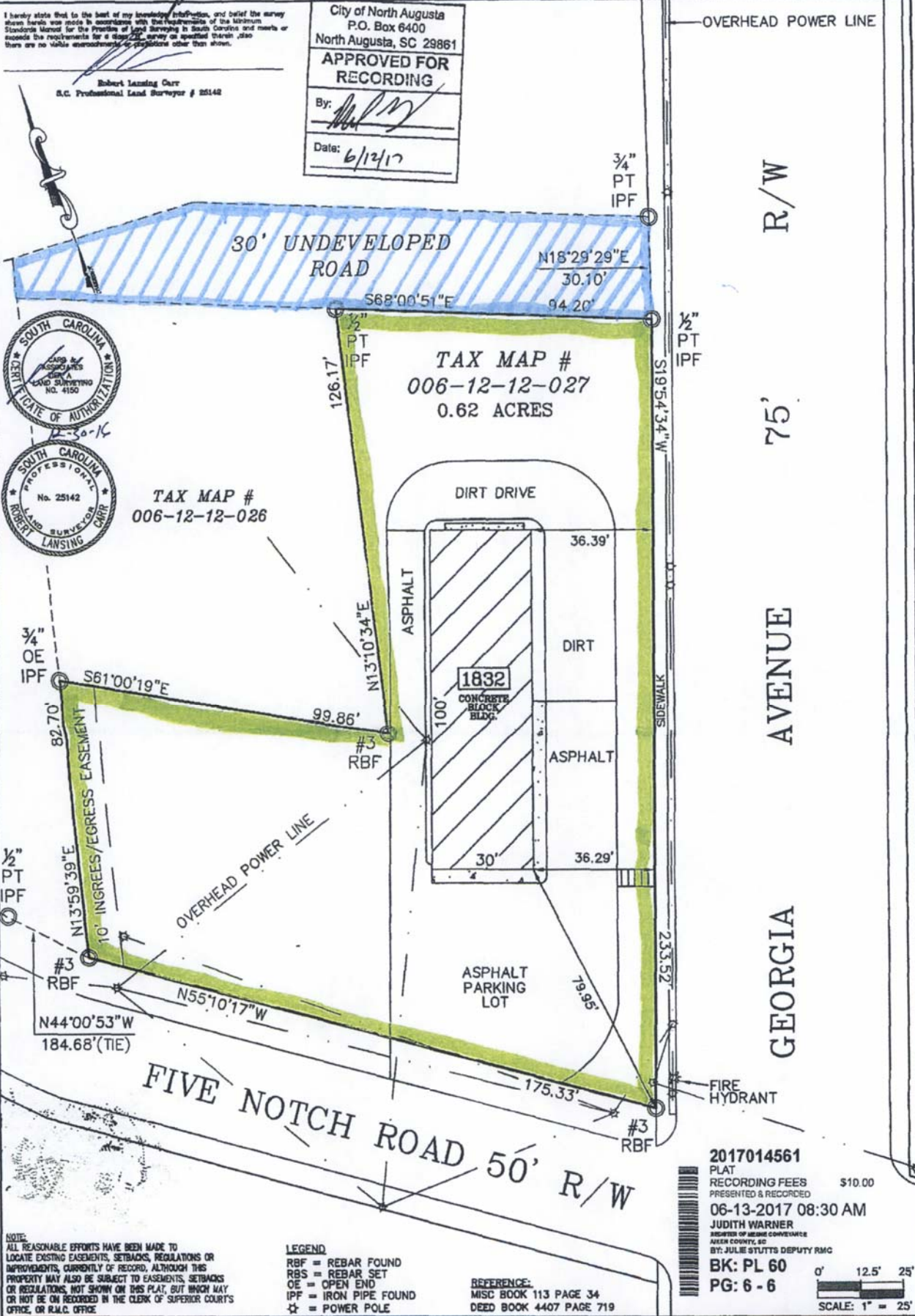
LEGEND  
RBF = REBAR FOUND  
RBS = REBAR SET  
OE = OPEN END  
IPF = IRON PIPE FOUND  
☆ = POWER POLE

REFERENCE:  
MISC BOOK 113 PAGE 34  
DEED BOOK 4407 PAGE 719

2017014561  
PLAT  
RECORDING FEES \$10.00  
PRESENTED & RECORDED  
06-13-2017 08:30 AM  
JUDITH WARNER  
REGISTER OF DEEDS CONVEYANCE  
AIKEN COUNTY, SC  
BY: JULIE STUTTS DEPUTY RMC  
BK: PL 60  
PG: 6-6  
SCALE: 1" = 25'

PLAT - PREPARED FOR -  
**JOSEPH VIGNATI**  
LOCATED AT: 1832 GEORGIA AVENUE, 0.62 ACRES, IN THE CITY OF NORTH AUGUSTA  
COUNTY OF: **AIKEN** STATE OF: **SOUTH CAROLINA**  
Scale: 1 inch = 25' Date: 30 DECEMBER 2016

JOB # 160065  
THIS PLAT OR SURVEY IS INTENDED FOR THE SOLE USE OF THE NAMES LISTED HEREON ANY OTHER USE IS STRICTLY PROHIBITED.  
- PREPARED BY -  
**CARR & ASSOCIATES**  
TIER "A" LAND SURVEYING & LAND PLANNING  
P.O. BOX 6796  
TEL. (803) 278-5770  
**ROBERT LANSING CARR**  
SOUTH CAROLINA LICENSE # 25142  
N. AUGUSTA, SC 29861  
Carrsurveying@aol.com



OVERHEAD POWER LINE  
3/4" PT IPF  
R/W  
75'  
1/2" PT IPF  
SIDEWALK  
233.52'  
FIRE HYDRANT  
#3 RBF

## ATTACHMENT 9-B

ORDINANCE NO. 2017-12  
ABANDONING A PLATTED, BUT UNOPENED, UNIMPROVED RIGHT-OF-WAY  
LOCATED NORTH OF FIVE NOTCH ROAD AND WEST OF GEORGIA AVENUE  
IN THE CITY OF NORTH AUGUSTA

WHEREAS, At its regularly scheduled meeting of August 17, 2017, the North Augusta Planning Commission considered the request of Joe Vignati for the City to abandon a section of a platted but unopened and unimproved road right-of-way adjoining his property; and

WHEREAS, the right-of-way requested to be abandoned is described as follows:

A ±30 foot undeveloped road commencing at a point ±233.52 feet north of the intersection of Five Notch Road and Georgia Avenue, extending westward a distance of ±200 feet. Said property is identified as a ±30 foot undeveloped road on a plat of K. L. Wise, surveyor, dated August 20, 1970. Said strip of land is also shown on a plat prepared for Joseph Vignati by Carr and Associates dated December 30, 2016 and recorded in the Office of the RMC for Aiken County, South Carolina in Plat Book 60 at Page 6. Said undeveloped roadway has a width of ±30 feet for a majority of its length. However, the width is reduced in a tapering manner for approximately the final ±46 feet; and

WHEREAS, The Planning Commission, after reviewing the request, determined that the subject right-of-way has never been opened, never named and never used as access to adjoining properties; that the right-of-way has never been maintained by the City; that the right-of-way did not have a tax parcel number nor was anyone paying taxes thereon; and that the road abandonment would not conflict with the City's Comprehensive Plan. Therefore, abandonment of the road right-of-way would be appropriate; and

WHEREAS, following their review, the Planning Commission unanimously recommended to the City Council that the subject right-of-way be abandoned; and

WHEREAS, City Council held a duly advertised public hearing on the requested abandonment on September 18, 2017 for the purpose of receiving public input on the requested abandonment; and

WHEREAS, following consideration of the recommendation from the Planning Commission and any input received at the public hearing, Mayor and Council have determined that it is appropriate that the City abandon any interest in the identified road right- of- way.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council in meeting duly assembled and by the authority thereof that the section of platted but unopened and unnamed road right-of-way described herein is hereby abandoned.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS \_\_\_\_ DAY  
OF \_\_\_\_\_, 2017.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

\_\_\_\_\_  
Robert A. Pettit, Mayor

Third Reading: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Donna B. Young, City Clerk

# Department of Planning and Development

**Memorandum # 17-018**

City of North Augusta

**To:** B. Todd Glover, City Administrator

**From:** Charles B. Martin, Interim Director *CBM*

**Subject:** **Right-of-Way Abandonment Extending from Clay Street to West Martintown Road**

**Date:** August 23, 2017

### **Planning Commission Action and Recommendation**

On August 17, 2017, the Planning Commission approved Application RWA 17-002, a request to abandon a section of unimproved roadway located between W. Martintown Road and Clay Street, and recommended that the City Council adopt an ordinance approving the abandonment. The Planning Commission vote was unanimous.

A draft ordinance approving the right-of-way abandonment is attached and an electronic copy has been forwarded to the City Clerk. A public hearing has been advertised and scheduled for September 18 prior to consideration by the Mayor and City Council.

### **Background and Explanation**

A request has been received from Lark W. Jones, on behalf of Carol Ann Bostick, Marsha Blandenburg, Patricia Kinard, and Dorothy P. Kitchens, for the abandonment of an approximately sixty (60) foot by three hundred seventy-five (375) foot section of right-of-way described as follows:

An unnamed strip of land between Lots 5 and 6 of Block A on a plat of the Mealing Estate by Walton Flyth, C. E., dated December 1941, and recorded in the RMC Office for Aiken County in Misc. Book 22 on Page 131. Said strip, while not named as such appears to have been reserved as a possible extension of Atlantis Avenue shown on said plat. Said strip is sixty (60) feet in width and runs a total distance of approximately three hundred seventy-five (375) feet. Said strip of land extends from Clay Avenue to Martintown Road.

The section of right-of-way, although plated, was never received by the City, and was never named or opened. The property has no tax parcel number, nor has anyone paid taxes on the property. The right-of-way serves no public purpose and could best be used by adjoining property owners. When officially abandoned, the property will be absorbed into the adjoining properties 50/50. The abandonment is not inconsistent with the Comprehensive Plan.



ATTACHMENT 10-B

ORDINANCE NO. 2017-13

ABANDONING A PLATTED, BUT UNOPENED, UNIMPROVED ROAD RIGHT-  
OF-WAY SHOWN ON A PLAT OF THE MEALING ESTATE DATED  
DECEMBER, 1941 IN THE CITY OF NORTH AUGUSTA

WHEREAS, at its regularly scheduled meeting of August 17, 2017, the North Augusta Planning Commission considered the request of property owners, Carol Ann Bostick, Marsha Blandenburg, Patricia Kinard, and Dorothy P. Kitchens, for the City to abandon a section of a platted but unopened and unimproved road right-of-way adjoining their properties; and

WHEREAS, the road right-of-way requested to be abandoned is described as follows:

An unnamed strip of land between Lots 5 & 6 of Block A on a plat of the Mealing Estate by Walton Flythe, C.E., dated December, 1941, and recorded in the RMC Office for Aiken County, in Misc. Book 22 at Page 131. Said strip, while not named as such, appears to have been reserved as a possible extension of Atlantis Avenue shown on said plat. Said strip is  $\pm 60$  feet in width and runs a total distance of  $\pm 375$  feet. Said strip of land extends from Clay Avenue to W. Martintown Road; and

WHEREAS, THE Planning Commission, after reviewing the request, determined that the subject right-of-way has never been opened, never named, and never used as regular access to adjoining properties; that the City has never maintained the subject right-of-way; that the right-of-way did not have a tax parcel number nor was anyone paying taxes thereon; and that the road abandonment would not conflict with the City's Comprehensive Plan. Therefore, abandonment of the road right-of-way would be appropriate; and

WHEREAS, upon completion of their review, the Planning Commission unanimously recommended to the City Council that the subject right-of-way be abandoned; and

WHEREAS, City Council held a duly advertised public hearing on the requested abandonment on September 18, 2017 for the purpose of receiving input from the public on the requested abandonment; and

WHEREAS, following consideration of the recommendation from the Planning Commission and any input received at the public hearing, Mayor and Council have determined that it is appropriate that the City abandon any interest in the identified road right-of-way.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and City Council in meeting duly assembled and by the authority thereof, that the section of platted but unopened and unnamed road right-of-way described herein is hereby abandoned.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS \_\_\_\_ DAY  
OF \_\_\_\_\_, 2017.

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_ ROBERT A. PETTIT, MAYOR

THIRD READING: \_\_\_\_\_ ATTEST:

\_\_\_\_\_  
DONNA B. YOUNG, CITY CLERK

ATTACHMENT 11

RESOLUTION NO. 2017-39

A RESOLUTION APPROVING A RESCUE PARTNER AGREEMENT TO MAKE IT POSSIBLE FOR ANIMAL RESCUE'S TO RESCUE ADOPTABLE STRAY ANIMALS FROM THE NORTH AUGUSTA ANIMAL CONTROL FACILITY

WHEREAS, the City operates animal control for the safety and protection of citizens from stray, diseased, and dangerous animals; and

WHEREAS, the City's animal control also provides a service to citizens by returning lost animals; and

WHEREAS, many stray and surrendered animals are not diseased nor dangerous and are adoptable animals; and

WHEREAS, there are many rescue groups in the CSRA with a mission to save adoptable animals from area animal shelters; and

WHEREAS, by partnering with said rescue groups the City could reduce the number of euthanizations and provide adoptable animals to families in the area seeking a pet; and

WHEREAS, the Rescue Partner agreement provides a mechanism by which area rescue groups would have access to adoptable animals from the North Augusta Animal Control Facility and find them forever homes;

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof approve the Rescue Partner Agreement and encourage reputable animal rescue's in the area to partner with the City to reduce animal euthanasia and provide quality pets to those seeking to adopt.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS 18 TH DAY OF SEPTEMBER, 2017.

---

Robert Pettit, Mayor

ATTEST:

---

Donna B. Young, City Clerk



# Become a Rescue Partner



## Rescue Partner

### Application Information and Instructions

North Augusta's Animal Control (NAAC) processes hundreds of lost and unwanted dogs and cats each year. Those arriving with serious medical conditions or displaying fractious or aggressive behavior may have a better chance at being adopted if released to a qualified rescue partner who can improve the animal's condition.. It is always preferred to release dogs and cats to an approved rescue group and help the rescue community promote the animals to a broader spectrum of potential adopters. Qualified rescue organizations having a current 501 (c) (3) status that have the ability and knowledge to participate as a rescue partner whose purpose and goal is to help rescue dogs and/or cats from the shelter, must first complete the attached application and return it to:

Animal Control  
Attn: Officer Mike Straus  
61 Claypit Road  
North Augusta, SC 29841

- All applicants must have a current 501(c)(3) organization
- All applicants shall provide a valid e-mail and mailing address listing all relevant contact names and phone numbers.
- Correspondence about rescue program updates, special events, and urgent bulletins are distributed via e-mail.

### Supporting Documentation

You must attach the following supporting documents when submitting your application:

- Non-profit registration 501(c)(3) and bylaws
- Name, address, phone number and email of the primary animal housing facility and/or foster home (if no facility) used on a regular basis by your organization
- Current list of your organization's officers with their addresses and phone numbers
- List of references which include organizations and/or shelter groups and principals who have rescued animals; veterinarians used by the organization for the care of rescued animals and any other references as may be applicable

## Rescue Partner Agreement Summary

NAAC endeavors to support rescue partners for the benefit of placing our companion animals into humane environments. NAAC recognizes the importance of rescue partners as well as protecting the interest of animals placed in our care and has established specific requirements:

1. A completed and approved rescue partner application must be on file prior to release of any animals to any rescue partner and/or its approved representatives.
2. NAAC must be notified immediately of any changes in the rescue partner organization, such as location changes, principle/officer changes, contact information (phone numbers, e-mail addresses), authorized representatives that may pull animals from the shelter on the behalf of any approved rescue partner.
3. All rescue partner applications will be renewed annually. If NAAC has amended the process or if the rescue partner has revised any information, a new application will be required.
4. NAAC will only release animals to rescue partner representatives that are listed on the application and been approved.
5. Communication shall be between authorized rescue contacts and designated NAAC staff.
6. An approved Rescue Partner in partnership with the City is expected to support the mission and efforts of NAAC. False, misleading, or controversial media, publications, and social media content directed towards NAAC is not acceptable.
7. Rescue Partner acknowledges that no director, operator, staff, and/or animal caregivers of Rescue Partner have been charged for, convicted of, found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, animal cruelty, neglect, or abandonment.
8. The Animal Control Officer or when designated, other staff, has the sole discretion to determine which animals may be released for rescue.
9. A maximum of 72 hours from initial contact shall be extended to the approved rescue partner to pick up animals from NAAC.
10. Applicable fees, if any, paid by rescue partner may vary. Taking into account the number of animals in custody at the time, staff may decrease or waive rescue fees.
11. If a rescue partner refers a potential adopter to NAAC regarding an animal available for adoption, the normal NAAC adoption procedures and fees will be followed.
12. Stray animals being held at NAAC during holding period are not available for this program, unless NAAC approval has been given to place the animal in a temporary foster environment during the stray hold period.
13. In the event an approved rescue partner accepts an intact animal due to medical condition or age, it is the rescue partner's responsibility to ensure the spay/neuter of the animal and provide written proof to NAAC. Rescue Partner shall comply with South Carolina law.
14. Rescue partner shall comply with Section 47-5-60 of South Carolina law regarding dog and cat rabies vaccination.
15. The disposition of all animals obtained from NAAC, as well as all current owner information must be maintained by the rescue. These records should be available for review should a question or problem with an adoption arise.

16. Rescue partner shall not knowingly adopt a released animal to an owner from whom the animal has been impounded.

17. NAAC cannot guarantee the health of the animal, or be responsible for any illness transmitted to other animals in the care of the rescue partner.

18. Rescue partner must agree to an inspection of all animal housing facilities by a representative of NAAC.

19. All rescue partners and their pre-approved representatives must reside in a "pets allowed" living situation and shall comply with local zoning ordinances regarding the number of animals permitted and facility requirements.

20. All rescue partners must comply with Chapter 5 of the City of North Augusta Code of Ordinances.

21. Failure to adhere to these procedures may result in written termination of this agreement.

22. NAAC reserves the right to deny any application.

I UNDERSTAND THAT NAAC DOES NOT RELEASE ANY ANIMALS DEEMED TO BE AGGRESSIVE

I have received and agree to abide by the summary of requirements listed above:

Note this section serves as a summary only. The Terms and Conditions portion of this application must also be signed and abided by to remain an approved Rescue Partner.

Organization's Name: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name and Title \_\_\_\_\_

## Rescue Partner Application

Organization Information			
Organization Name			
Facility Address	City	State	Zip
Primary Contact			
Home Phone	Mobile Phone		
Email			
Secondary Contact			
Home Phone	Mobile Phone		
Email			
Website			
Clinic/Veterinarian Information			
Clinic/Veterinarian Name			
Address	City	State	Zip
Phone	Mobile Phone		
Please indicate the healthcare your organization provides to rescued/fostered animal: (check all that apply)			
Veterinary exam	Treatment for skin conditions	Behavioral screening & training	Spaying & Neutering
Standard Vaccinations	Dental cleaning/treatments	Heartworm testing/preventative	Heartworm treatment
Special Diets	Feleuk/FIV testing	Parasite Control	Surgeries
Persons authorized to Pick-Up and Transport Animals on Behalf of the Organization			
(1) Name			
(2) Name			
(3) Name			
(4) Name			

## **Terms and Conditions**

### **1. Definitions**

- a. **City** - City of North Augusta, a political subdivision of the State of South Carolina through its governing body, the City of North Augusta City Council.
- b. **Rescue Partner** - A non-profit organization, which has been approved by NAAC according to established operational standards. New groups must be able to effectively demonstrate their ability.

### **2. Availability of Animals**

A Rescue Partner may acquire animals housed at the City's animal shelter. The Animal Control Officer or when designated, other staff has the sole discretion to determine which animals may be released for rescue. Animals rescued by the Rescue Partner shall become the sole property of Rescue Partner, subject to the terms and conditions set forth in this agreement. Rescue Partner shall maintain a current list of any individuals authorized to pull an animal on the behalf of the Rescue Partner and submit the information directly to Animal Control. Animal Control reserves the right to reject the approval of any individuals selected to come into the shelter to pull an animal. Representatives of Rescue Partner are expected to respect the operational protocols in place when entering the shelter facility to pull an animal.

### **3. Costs and Sterilization Requirements**

Rescue Partner, that obtains and places for adoption fully-vetted animals from the City's Animal Shelters, shall pay the City the amount required by Section 37.61 of the City of North Augusta Administrative Code, as may be amended from time to time, for each animal acquired from the City that is fully vaccinated, sterilized, and licensed at the time the animal is acquired. Rescue Partners having on-site clinics and full surgical facilities may accept unsterilized animals from the City, at no cost, provided the sterilization is completed prior to the adoptions and/or release of said animal. Rescue Partner shall comply with Section 47-3-480 if South Carolina law. For Rescue Partners who do not have surgical facilities, if an animal has not been sterilized upon release to Rescue Partner, Rescue Partner agrees to sterilize the animal within 30 calendar days, unless the animal is not medically subject to sterilization during that 30 day period, as determined by a licensed veterinarian. In such case, the animal must be sterilized as soon as sterilization is medically permissible. The animal shall be sterilized by a licensed veterinarian at Rescue Partner's expense, and at no cost to the City. In the event that a third party adopts an animal before It has been sterilized, Rescue Partner shall collect from that third party a refundable deposit to guarantee that the animal will be sterilized within 30 days of adoption, or as soon as the animal is medically subject to sterilization as determined by a licensed veterinarian. Rescue Partner further understands and agrees that (a) failure to timely sterilize the animal shall immediately entitle the City to recover possession and ownership of the animal without further process; (b) If any animal under the care of Rescue Partner is used for breeding, Rescue Partner shall be deemed to have breached this Agreement; and (c) proof of sterilization compliance for each animal must be acknowledged with a veterinarian's signature, shall include the animal history number, and be provided to the City.

### **4. Vaccination Requirements**

Rescue Partner shall comply with South Carolina Law Section 47-5-60, if an animal has not been vaccinated against rabies upon release, Rescue Partner agrees to vaccinate any animal 4 months of age and older and provide a rabies vaccination certificate, "Rabies Vaccination Certificate" of the National Association of State Public Health Veterinarians or an equivalent form approved by the City.

#### **5. Care, Facility Requirements and Right to Reclaim**

Rescue Partner shall provide the animals obtained from City with proper and sufficient food, fresh water, shelter, sufficient medical care and treatment, and companionship. Rescue Partner shall maintain a kennel, shelter, or other suitable facility for animals received from the City while the animals are in the process of rehabilitation or placement. Rescue Partner shall provide City with the location(s) of the animals, and City hereby reserves the right to inspect any and all facilities, including temporary foster placements where the animals are housed. Rescue Partner shall comply with all applicable provisions of the City of North Augusta Code and South Carolina Statutes relating to the care of animals, and shall maintain all applicable local zoning, occupational, and other licenses for keeping of animals. Upon City's finding that Rescue Partner failed to provide animals with proper and sufficient food, fresh water, and shelter, is otherwise neglecting or mistreating the animals, or is keeping animals in violation of local zoning regulations, City shall be entitled to immediately recover, without further process, possession and ownership of all animals obtained by Rescue Partner from City. City may, within its sole discretion, subsequently terminate this Agreement.

#### **6. Qualifications of Rescue**

Partner Rescue partner shall at all times maintain its status as a tax exempt organization pursuant to 26 U.S.C 501(c)(3), specific to being an animal rescue organization and having all appropriate licenses and registrations required by the South Carolina Department of Agriculture and Consumer Services, the South Carolina Department of State Division of Corporations, and any other federal, state, or local agencies. Rescue Partner shall be reasonably qualified to perform all responsibilities associated with the care of special needs, infirmed or at-risk animals removed from the shelter.

#### **7. Limitations**

Rescue Partner shall ensure that animals received from City are not disposed of to any medical school, college, university, person, association, corporation or individual for experimentation or vivisection purposes, or to any person, firm, corporation or individual providing, selling, or supplying animals to any medical school, college, university, person, association, corporation or individual for experimentation or vivisection purposes. Rescue Partner shall not release animals to a person or organization owning or having control of more animals than is authorized by local building and zoning codes. Rescue Partner shall not knowingly release any animal obtained from City to any rescue group or other organization or entity not in good standing with NAAC.

#### **8. Term**

Rescue Partner shall submit an application and terms and conditions on an annual basis and indicate any changes in location, foster caregivers, vets, staff, etc.

#### **9. No Convictions for Animal Cruelty**

Rescue Partner acknowledges that no director, operator, staff, and animal caregivers of Rescue Partner have been convicted of, found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, animal cruelty, neglect, or abandonment. Rescue Partner further acknowledges that no director, operator, staff, or animal caregivers that house the animal as a third party for the Rescue Partner have not been charged for, convicted of, found guilty of, or entered a plea of nolo contendere or guilty to, regardless of adjudication, animal cruelty, neglect, or abandonment.

#### **10. Social Media**

As a partner of NAAC, an approved Rescue Partner is expected to support the mission and efforts of the Animal Control. Unless approved to be a participant in a scheduled public event a Rescue Partner is not authorized to independently represent the Animal Control on social media sites, post or allow posted information that is determined to be false, misleading or controversial towards the Division.

#### **11. Independent Contractor**

Rescue Partner is an independent contractor under this agreement. Services provided by Rescue Partner pursuant to this Agreement shall be subject to the supervision of Rescue Partner. In providing such services, neither Rescue Partner nor its agents shall act as officers, employees, or agents of City. No partnership, joint venture, or other joint relationship is created hereby. City does not extend to Rescue Partner or Rescue Partner's agents any authority of any kind to bind City in any respect whatsoever.

#### **12. Amendments**

No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same of similar formality as this agreement and executed by the City and Rescue Partner.

#### **13. Jurisdiction, Venue, Waiver of Jury Trial**

This agreement shall be interpreted and construed in accordance with and governed by the laws of the State of South Carolina. All parties agree and accept that jurisdiction of any controversies or legal problems arising out of this agreement, and any action involving the enforcement or interpretation of any rights hereunder, shall be exclusive in the state courts of the Seventeenth Judicial Circuit in City of North Augusta, South Carolina, and venue for litigation arising out of this agreement shall be exclusively in such state courts, forsaking any jurisdiction which either party may claim by virtue of its residency or other jurisdictional device. BY ENTERING INTO THIS AGREEMENT, RESCUE PARTNER AND CITY HEREBY EXPRESSLY WAIVE ANY RIGHTS EITHER PARTY MAY HAVE TO A TRIAL BY JURY OF ANY CIVIL LITIGATION RELATED TO THIS AGREEMENT

#### **14. Compliance**

With Laws Rescue Partner shall comply with all applicable federal, state, and local laws, codes, ordinances, rules, and regulations in performing its duties, responsibilities, and obligations pursuant to this agreement.

#### **15. Severance**

In the event a portion of this agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue in effect.

#### **16. Release, Indemnity, and Waiver of Liability**

Rescue Partner agrees to release, waive, discharge, and covenants not to sue City of North Augusta, its officers, agents, and employees, from and for any and all liability of claims for damage or injury that may be sustained by the Rescue Partner directly or indirectly in connection with, or arising out of the rescue activities contained in this agreement whether caused in whole or in part by the negligence of City. Rescue Partner further agrees to release, indemnify and hold harmless the City, its officers, agents, and employees from any and all liability, losses, or damages, including attorney's fees and costs of defense, as a result of any claims, demands, suits, causes of action, or proceedings of any kind of nature, whether known or unknown, arising out of, relating to, or resulting from the adoption, care, ownership, maintenance, retention, temperament conduct or condition of the animal(s).

#### **17. Assignment and Performance**



Neither this agreement nor any right or interest herein shall be assigned, transferred, or encumbered without the written consent of the other party. Notwithstanding anything else in this Agreement to the contrary, City may terminate this agreement, effective immediately, if there is any assignment, or attempted assignment transfer, or encumbrance, by Rescue Partner of this agreement or any right or interest herein without City's written consent.

#### **18. Audit Right and Retention of Records**

City shall have the right to audit the books, records, and accounts of Rescue Partner that are related to this agreement. Rescue Partner shall keep such books, records, and accounts as may be necessary in order to record complete and correct entries related to this agreement. All books, records, and accounts of Rescue Partner shall be kept in a written form, or in a form capable of conversion into written form within a reasonable time, and upon request to do so, Rescue Partner shall make same available at no cost to City in written form. Rescue Partner shall preserve and make available, at reasonable times for examination and audit by City, all financial records, supporting documents, statistical records, and any other documents pertinent to this agreement for the required retention period of the South Carolina Public Records Act Chapter 119, South Carolina Statutes, as may be amended from time to time, if applicable, or if the South Carolina Public Records Act is not applicable, for a period of 3 years after termination of this agreement. If any audit has been initiated and audit findings have not been resolved at the end of the retention period or 3 years, whichever is longer, the books, records, and accounts shall be retained until resolution of the audit findings.

#### **19. Termination**

Either party may terminate this agreement with 30 days' notice. The Director of the Division has the discretion to suspend, or terminate the relationship with a Rescue Partner for any reason. A Rescue Partner that has been suspended will not be considered for reinstatement or permitted to obtain animals until the infraction resulting in the suspension is corrected to the satisfaction of the Division. An appeal of any suspension or termination may be made to the City Administrator upon written notice to the Administrator within 10 calendar days of the suspension/termination.

I certify that I have answered the above questions truthfully on behalf of the organization listed above. I authorize City of North Augusta to contact any person/entity listed in this application or its attachments for reference and verification purposes. I understand that approval of the application of an organization to serve as a rescue partner with North Augusta Animal Control is at the sole discretion of the City of North Augusta.

I have had an opportunity to review this agreement and knowingly and voluntarily agree to be bound by the terms and conditions.

I hereby represent and warrant that I am duly authorized to execute this agreement on behalf of the organization and do so with full legal authority.

\_\_\_\_\_  
Signature/Title

\_\_\_\_\_  
Date

#### **OFFICE USE ONLY**

Application Reviewer: \_\_\_\_\_

\_\_\_\_\_

NAAC Rescue Signature

Date

Application:

Approved

Declined











