

North Augusta



South Carolina's Riverfront

MINUTES OF MARCH 4, 2019

Robert A. Pettit, Mayor

James M. Adams, Jr., Councilmember

J. Robert Brooks, Councilmember

Pat C. Carpenter, Councilmember

Fletcher L. Dickert, Councilmember

Kenneth J. McDowell, Councilmember

David W. McGhee, Councilmember

ORDER OF BUSINESS

REGULAR MEETING

The regular meeting of March 4, 2019, having been duly publicized, was called to order by Mayor Pettit at 7:00 p.m. and adjourned at 7:43 p.m. Per Section 30-4-80(e) notice of the meeting by email was sent out to the current maintained "Agenda Mailout" list consisting of news media outlets and individuals or companies requesting notification. Notice of the meeting was also posted on the outside doors of the Municipal Center, the main bulletin board of the Municipal Center located on the first floor, and the City of North Augusta website.

Mayor Pettit rendered the invocation and led in the Pledge of Allegiance.

Members present were Mayor Pettit and Councilmembers Adams, Brooks, Carpenter, Dickert, McDowell, and McGhee.

Also in attendance were B. Todd Glover, City Administrator; Kelly F. Zier, City Attorney; Cammie T. Hayes, Director of Finance; Richard L. Meyer, Director of Parks, Recreation, & Tourism; John C. Thomas, Director of Public Safety; Thomas C. Zeaser, Director of Engineering

and Public Works; James E. Sutton, Director of Public Services; Lillian E. (Libby) Hodges, Director of Planning and Development; J. D. McCauley, Manager of Human Resources; and Sharon Lamar, City Clerk.

The minutes of the regular meeting and study session of February 18, 2019 were approved by general consent.

ITEM 5: ANNEXATION: Ordinance No. 2019-01 to Change the Corporate Limits of the City of North Augusta by Annexing .63 +/- Acres of Property Located at 1015 Reams Road and Owned by Kenneth A. Newsome, Third and Final Reading

On motion by Councilmember Carpenter, second by Councilmember Brooks, Council considered an ordinance on third and final reading to change the corporate limits of the City of North Augusta by annexing .63 +/- acres of property located at 1015 Reams Road and owned by Kenneth A. Newsome.

Mayor Pettit shared that he had contacted Mr. Newsome about having access to the property in question. Mr. Newsome provided the copy of the plat that was from 1977 which shows the property fronting the 50' county road. It is the closing attorney's opinion that Mr. Newsome has access to the property.

Councilmember Carpenter asked if the neighbors' questions at the last Council meeting had been addressed.

Public comments were made by Ken Newsome, 455 Railroad Avenue, North Augusta, South Carolina. He commented that he had spoken with the property's neighbors concerning the access and feels welcome to the community.

The ordinance passed on third and final reading with unanimous vote of Council.

The ordinance text is as follows: *Please note that all complete exhibits and attachments are available in the Office of the City Clerk.*

ORDINANCE NO. 2019-01
TO CHANGE THE CORPORATE LIMITS
OF THE CITY OF NORTH AUGUSTA
BY ANNEXING
± 0.63 ACRES OF PROPERTY LOCATED
AT 1015 REAMS ROAD
AND OWNED BY KENNETH A. NEWSOME

WHEREAS, Section 5-3-150(3) of the Code of Laws of the State of South Carolina provides that: "Notwithstanding the provisions of subsections (1) and (2) of this section, any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area

requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete"; and

WHEREAS, the Mayor and City Council of the City of North Augusta, by adoption of Resolution No. 2019-07 dated February 18, 2019, accepted a Petition for Annexation and wish to annex the below described properties; and

WHEREAS, the zoning classification recommended for the properties proposed for annexation has been reviewed for consistency with the Future Land Use Classification of the properties as specified in the Land Use Element of the North Augusta 2017 Comprehensive Plan;

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:

- I. The following described property shall be annexed into the City of North Augusta:

All that piece, parcel, or lot of land with the improvements thereon, situate, lying and being just outside the City of North Augusta, Aiken County, South Carolina, containing 0.63 acres as shown on a plat prepared by Joe L. Grant, RLS, dated February 23, 1977 and recorded in the Aiken County RMC Office in Misc. Book 230, page 56. For a more specific description, reference should be made to the aforesaid plat which is made a part and parcel hereof.

Being the identical premises conveyed to Kenneth A. Newsome by deed recorded in Aiken County RMC Office in Deed Book 4759, pages 988-1003.

Tax Parcel Number 002-08-03-011

The property to be annexed is also shown on a map identified as "Exhibit A" titled "Map of Property Sought to be Annexed to the City of North Augusta" dated February 6, 2019 and prepared by the City of North Augusta.

- II. The zoning classification shall be R-14, Large Lot Residential, as shown on a map identified as "Exhibit B" titled "R-14 Zoning of Property Sought to be Annexed to the City of North Augusta" dated February 6, 2019, and prepared by the City of North Augusta.
- III. All ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- IV. 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 MARCH, 2019.

First Reading: _____

Second Reading: _____

Robert A. Pettit, Mayor

Third Reading: _____

ATTEST:

Sharon Lamar, City Clerk

ITEM 6. ELECTION: 2019 Municipal General Election – Certification of Official Results, Municipal Election Commission, Council Acceptance

With a motion by Councilmember McDowell, second by Councilmember McGhee, Council unanimously accepted the Municipal Election Commission's Certification of Official Results for the upcoming 2019 Municipal General Election. Councilmember Brooks recused himself stating that he is a candidate in the election. A copy of his Recusal Form is attached to these minutes.

Please see ATTACHMENT NO. 6 for a copy of the letter from the Municipal Election Commission.

ITEM 7. ECONOMIC DEVELOPMENT: Resolution No. 2019-08 - A Resolution to Authorize Expenditure of Funds for Preparation of Response Comments on the Draft Integrated Post Authorization Analysis Report (PAAR) and Supplemental Environmental Assessment (SEA), Fish Passage at New Savannah Bluff Lock And Dam (NSBLD), and Draft Finding of No Significant Impact (FONSI) to Evaluate Proposed Changes to the Fish Passage Feature of the Savannah Harbor Expansion Project (SHEP) Issued by the Savannah District of the U.S. Army Corps of Engineers.

On motion to approve by Councilmember Dickert, second by Councilmember McGhee, Council unanimously approved a resolution to authorize expenditure of funds for preparation of response comments on the draft integrated Post Authorization Analysis Report (PAAR) and Supplemental Environmental Assessment (SEA), Fish Passage Feature at New Savannah Bluff Lock and Dam (NSBLD), and draft Finding of No Significant Impact (FONSI) to evaluate proposed changes to the fish passage feature of the Savannah Harbor Expansion Project (SHEP) issued by the Savannah District of the U.S. Army Corps of Engineers.

Mayor Pettit explained that the U.S. Army Corps of Engineers has issued a large group of documents justifying its selection of Option 2-6d for public comment.

The City's comments need to be technically correct and expansive. Augusta-Richmond County Commission is considering entering into a contract with Cranston Engineering and the McLaughlin Whitewater Design Group to provide comments to the Corps Documents. It is the mayor's opinion that providing a set of comprehensive comments from the two governments would have more of an impact.

The City Administrator and the mayor are committed to protect our riverfront. They have had frequent conversations with our legislative delegation, Senators and Representatives, local elected officials and advocacy groups on this issue.

Public comments were made by H. Perry Holcomb, 1891 Green Forest Drive, North Augusta, South Carolina. He commented on the format of the Corps' March 6, 2019 meeting.

Councilmember Brooks suggested that the City website be updated with information for citizens to submit comments to the Corps.

The resolution text is as follows: *Please note that all complete exhibits and attachments are available in the Office of the City Clerk.*

RESOLUTION 2019-08

A RESOLUTION TO AUTHORIZE EXPENDITURE OF FUNDS FOR PREPARATION OF RESPONSE COMMENTS ON THE DRAFT INTEGRATED POST AUTHORIZATION ANALYSIS REPORT (PAAR) AND SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT (SEA), FISH PASSAGE AT NEW SAVANNAH BLUFF LOCK AND DAM (NSBLD), AND DRAFT FINDING OF NO SIGNIFICANT IMPACT (FONSI) TO EVALUATE PROPOSED CHANGES TO THE FISH PASSAGE FEATURE OF THE SAVANNAH HARBOR EXPANSION PROJECT (SHEP) ISSUED BY THE SAVANNAH DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS.

WHEREAS, the City of North Augusta has branded itself as "South Carolina's Riverfront", and

WHEREAS, the New Savannah Bluff Lock and Dam (NSBLD) for more than 80 years has maintained the pool created by the said NSBLD in the Savannah River at a target elevation of 114.5 feet, and

WHEREAS, the City of North Augusta via Resolution 2019-01 is on record as supporting Option 1-1, Retain the Dam with GA Fish Passage, and authorizing the Mayor and City Administrator to take measures to ensure the present pool is maintained, and

WHEREAS, Option 2-6d, Lowered Fixed Crest Weir with Dry Floodplain Bench, recommended by the U.S. Army Corps of Engineers (USACE) calls for replacement of the NSBL&D with a rock weir whose height will substantially lower the pool elevation along the City of North Augusta's shoreline, and

WHEREAS, the USACE has issued a number of documents related to its decision to replace the NSBL&D with the rock weir to the public for comment, and

WHEREAS, the preparation of the City of North Augusta comments will require substantial effort requiring knowledge of hydraulics, hydrology, cost estimating, engineering, environmental sciences, recreation, mapping, and real estate, and

WHEREAS, the comments delivered to the USACE by the City of North Augusta, as well as, the comments submitted by surrounding municipalities and their citizens, local industries, and environmental groups must be well-reasoned and technically correct and reflective of the broad impacts which will be caused by selection of Option 2-6d as the mitigation action to be implemented, and

WHEREAS, the City's staff has neither the breadth of experience nor expertise to prepare the comprehensive comments nor time anticipated to be necessary to develop the comments, and

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of North Augusta, in meeting duly assembled and by the authority thereof, authorize the following:

1. The City Administrator is authorized to expend from the General Fund Administration Contingency Account not more than \$15,000 for the preparation of comments on the Draft Integrated Post Authorization Analysis Report (PAAR) and Supplemental Environmental Assessment (SEA), Fish Passage at New Savannah Bluff Lock and Dam (NSBLD), and Draft Finding of No Significant Impact (FONSI) to evaluate proposed changes to the Fish Passage feature of the Savannah Harbor Expansion Project (SHEP) issued by the Savannah District of the U.S. Army Corps of Engineers.
2. Should the City Administrator deem it appropriate, to enter into an agreement with Augusta-Richmond County to have comments for joint submission prepared by contractors possessing the specific technical knowledge and experience in the disciplines cited above.

DONE, RATIFIED, AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS THE 4TH DAY OF MARCH, 2019

SIGNED BY:

ROBERT A. PETTIT, MAYOR

ATTESTED BY:

SHARON LAMAR, CITY CLERK

ITEM 8. ECONOMIC DEVELOPMENT: Resolution No. 2019-09 – A Resolution to Authorize the City of North Augusta to Finalize the Contract with Odell Associated, Inc. with a Settlement Agreement Related to the Contract of March 4, 2014.

Councilmember Dickert made a motion that was seconded by Councilmember McDowell to approve the resolution to authorize the City of North Augusta to finalize the contract with Odell Associates, Inc. with a settlement agreement related to the contract of March 4, 2014. Council voted to approve with no dissentions.

City Administrator, B. Todd Glover, added that the settlement agreement included a \$75,000 credit to the City and would close the design contract.

The resolution text is as follows: *Please note that all complete exhibits and attachments are available in the Office of the City Clerk.*

RESOLUTION NO. 2019-09
AUTHORIZING THE CITY OF NORTH AUGUSTA TO FINALIZE THE CONTRACT WITH
ODELL ASSOCIATES, INC. WITH A SETTLEMENT AGREEMENT RELATED TO
THE CONTRACT OF MARCH 4, 2014.

WHEREAS, the City entered into a contract with Odell Associates, Inc., dated March 4, 2014, whereby Odell agreed to provide professional services to the City related to the design of a minor-league baseball stadium; and

WHEREAS, a disagreement arose between the parties regarding final completion of services to the City as a part of Odell's responsibility for Design Services; and

WHEREAS, the parties have negotiated this matter and have reached an agreement that is satisfactory to both parties with a net credit to the City; and

WHEREAS, Mayor and City Council are authorized to review and execute this Settlement Agreement with input from the appropriate Representatives of the City and that this Settlement Agreement is reasonable, avoids the expense and inconvenience of Arbitration / Mediation and is in the best interest of the City.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof, that the City Administrator is authorized as follows:

1. To review and execute the Settlement Agreement; and

2. To execute such other documentation necessary to carry out the settlement as agreed.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS 4TH DAY OF MARCH, 2019.

SIGNED BY:

ROBERT A. PETTIT, MAYOR

ATTESTED BY:

SHARON LAMAR, CITY CLERK

ITEM 9. CITIZENS COMMENTS/RECOGNITION OF VISITORS:

- A. Citizen Comments: Please see the attached Speaker Forms completed for the March 4, 2019 Council meeting.

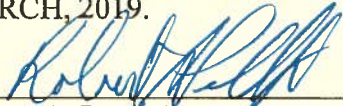
Steven "Tyler" Gallos
Ken Powell
Barbara Barnett
Dave Leverett
Jimmie Crawford
H. Perry Holcomb

- B. Council Comments:

Councilmember Dickert thanked the City Administrator for his efforts to improve the City's Animal Services. He shared his support of the free initiatives that were described in the previous study session and challenged the Council to continue to work on this endeavor. Councilmember Dickert also responded to citizen comments by expressing his opinion that Public Safety Station 1 should be built on the Flythe property at the intersection of Georgia Avenue and Observatory Avenue.


There being no further business, Council adjourned at 7:43 p.m.

APPROVED THIS 18 DAY OF
MARCH, 2019.



Robert A. Pettit, Mayor

Respectfully submitted,


Sharon Lamar
City Clerk

ATTACHMENT NO. 6



Municipal Election Commission

P. O. Box 6400
North Augusta, SC 29861-6400

March 1, 2019

The Honorable Robert A. Pettit, Mayor
City of North Augusta
P.O. Box 6400
North Augusta, South Carolina 29861

Dear Mayor Pettit:

The following candidates, Republican by primary and Constitution by convention, have been certified by the Municipal Election Commission for three seats on City Council in the forthcoming General Election on April 30, 2019.

Republican: **Bob Brooks**
 Eric Presnell
 Kevin Toole

Constitution: **Stetson Corbitt**
 Elizabeth Jones
 Dave Leverett

No other candidates have qualified by nomination or petition.

Sincerely,

John M. Youngner, Jr.

Chairman

Verlon McDowell

Ben G. Watson

ADMINISTRATION DEPT.

MAR - 1 2019

CITY OF NORTH AUGUSTA

RECUSAL STATEMENT

Member Name: Bob Brooks

Meeting Date: March 4, 2019

Agenda Item: 6 Section _____ Number: _____

Topic: 2019 Municipal General Election - Certification of Official Results, Municipal Election

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: Candidate in up coming April Election 2019

Date: 3/4/2019 Bob Brooks
Member

Approved by Parliamentarian: [Signature]

#1

SPEAKER FORM

NAME: Kenneth Newsome

ADDRESS: _____

TELEPHONE: _____

PLEASE PROVIDE A ONE SENTENCE SUMMARY OF YOUR COMMENT TO COUNCIL.

(For example: I support the resolution because ...)

THIS FORM WILL BE ATTACHED TO THE MINUTES OF THE CITY COUNCIL MEETING.

COUNCIL MEETING DATE: 3-4-19 (still)

AGENDA ITEM/TOPIC: Annexation of 1015 Reams Rd. - Item #5

SUMMARY (Mr. Newsome responded to Councilmember Carpenter. He confirmed that he was able to speak with other Reams Rd. residents to share that there is county road access to the property that he is requesting annexation. He feels "welcome to the neighborhood.")

#2

SPEAKER FORM

NAME: HP Holcomb

ADDRESS: 1891 Green Forest Dr
NK, SC 29841

TELEPHONE: _____

PLEASE PROVIDE A ONE SENTENCE SUMMARY OF YOUR COMMENT TO COUNCIL.

(For example: I support the resolution because ...)

THIS FORM WILL BE ATTACHED TO THE MINUTES OF THE CITY COUNCIL MEETING.

AGENDA ITEM/TOPIC: 3/4 Corps Meeting

SUMMARY: Explain it's function
as a workshop.

#3

SPEAKER FORM

NAME: Steven "Tyler" Gilley
 ADDRESS: 71 Center St.
114 North Augusta, SC 29841
 TELEPHONE: 803-426-3121

PLEASE PROVIDE A ONE SENTENCE SUMMARY OF YOUR COMMENT TO COUNCIL.

(For example: I support the resolution because ...)

THIS FORM WILL BE ATTACHED TO THE MINUTES OF THE CITY COUNCIL MEETING.

COUNCIL MEETING DATE: March 4th
 AGENDA ITEM/TOPIC: Public Comment
 SUMMARY Comment on Aiken transfer Agreement for
Animal Control

#4

SPEAKER FORM

NAME: Ken Powell
 ADDRESS: 320 Clay St.
N. Augusta, SC, 29841
 TELEPHONE: (803) 279-6943

PLEASE PROVIDE A ONE SENTENCE SUMMARY OF YOUR COMMENT TO COUNCIL.

(For example: I support the resolution because ...)

THIS FORM WILL BE ATTACHED TO THE MINUTES OF THE CITY COUNCIL MEETING.

COUNCIL MEETING DATE: 3/4/2019
 AGENDA ITEM/TOPIC: Citizen Comments
 SUMMARY Concerns for locating fire station
@ corner of observatory / Georgia Ave.
See attached letter dated March 4, 2019.

March 4, 2019

CITY COUNCIL COMMENTS CONCERNING FIRE STATION 1

FACTS

1/19/19
3/14/2019

On May, 18, 2018, the NA Planning Commission voted 7-0 not to locate a Fire Station at the corner of Observatory and Georgia Avenues. I know their report has subsequently been forward to City Council. ³⁾ The chairman of the Planning Commission who presided over the 7-0 vote was not re-installed.

reasoning
Proceeding
w/ 3 Bays.

Tonight in the Study Session, it was recommended to proceed with discussions about constructing the Fire Station at this location. It is my understanding that Council is now entertaining constructing a two bay Station versus the originally planned 3 bay Station. If I understand it correctly, reducing from a 3 bay to a 2 bay Station is being recommended to better comply with the Neighborhood Preservation Overlay requirements.

Why not
d the crosswalk
being
proceeding
w/ reasoning

I would like to know if a crosswalk has been made relative to the Neighborhood Preservation Overlay requirements and also the NA Development Code and what if any requirements cannot be met. I know waivers are sometimes necessary in order to comply with the regulations, however, I think we would all agree that it is not a good practice to start a project of this significance without thoroughly understanding if non-compliances with the Neighborhood Preservation Overlay and Development Code exists.

I also think we would agree that waivers should not be used simply because our city's own requirements are in conflict with the city's desires. I am asking you to please consider another location of the proposed Fire Station.

Thank you. I look forward to your written response.

Ken Powell

#5

SPEAKER FORM

NAME: Barbara Barnett
ADDRESS: 815 Riverview Dr.
N. Augusta, SC 29841
TELEPHONE: 706-836-6890

PLEASE PROVIDE A ONE SENTENCE SUMMARY OF YOUR COMMENT TO COUNCIL.

(For example: I support the resolution because ...)

THIS FORM WILL BE ATTACHED TO THE MINUTES OF THE CITY COUNCIL MEETING.

COUNCIL MEETING DATE: 3-4-19
AGENDA ITEM/TOPIC: Animal transfer agreement
SUMMARY Please consider sending all animals to Aiken

Edgefield County

CHL

STATE OF SOUTH CAROLINA)
)
OF AIKEN)

AGREEMENT BETWEEN AIKEN COUNTY
AND EDGEFIELD COUNTY

This contract entered into this 11th day of July, 2006 by and between Edgefield County, a body politic and corporate and a political subdivision of the State of South Carolina, and Aiken County, South Carolina, a body politic and corporate and a political subdivision of the State of South Carolina. It is hereby contracted and agreed between the parties as follows:

Section 1. In consideration of Edgefield County's adoption of an Ordinance establishing a County Animal Control Program and agreement to pay applicable charges and fees as specified by Exhibit A to this agreement, Aiken County agrees to provide animal control service support as specified at Exhibit A at its Animal Shelter, located at 411 Wire Road, Aiken, South Carolina.

Section 2. Edgefield County has adopted an Ordinance legally establishing the provision of animal control services within its boundaries and authorizing Aiken County to provide animal control shelter services as specified by this Agreement. This agreement will be terminated in the event Edgefield County should ever repeal its Animal Control Ordinance.

Section 3. Edgefield County agrees to pay for services rendered by Aiken County in support of this Agreement according to the fees and charges specified in Exhibit A and as documented by itemized invoices providing monthly listing services rendered and applicable charges and fees.

Section 4. Edgefield County shall indemnify Aiken County, and its agents and employees, from and against all claims, damages, losses, and expenses, including reasonable attorney's fees and shall hold Aiken County harmless against any claim for damages, compensation or otherwise, arising out of Aiken County's performance of its obligations under this contract, including any and all directives and orders in writing provided to employees of the Aiken County Department of Public Works and Engineering by authorized representatives of Edgefield County.

Section 5. Both parties recognize that this agreement is for special services and cannot be transferred, assigned or sublet by either party without written consent of the other.

Section 6. This agreement shall be for a period of thirty - six (36) months (commencing on July 1, 2005 and expiring on June 30, 2008), (Renewable upon approval by authorizing Resolution by both parties)

Section 7. If any provision of this agreement is held to be invalid by a court of competent jurisdiction, that provision shall be deemed to be severed and deleted, and neither that provision, nor its severance and deletion, shall affect the validity of the remaining provisions.

Section 8. This agreement may be terminated by either party upon sixty (60) days written notification to the other party and settlement of any outstanding debts.

Section 9. Both parties acknowledge that, from time to time, Aiken County may undertake expansions of its Animal Shelter at 411 Wire Road and/or the construction of new facilities necessary to accommodate the combined animal control programs of Aiken and Edgefield Counties. In the event that such construction becomes necessary, this agreement may be amended to reflect the portion of additional capital costs necessitated by the provision of services to Edgefield County.

Section 10. Both parties acknowledge that, from time to time, the operational costs of Aiken County's animal control services may increase due to general inflation, expanded services, state mandates, and for other legitimate reasons. Accordingly, the schedule of charges in this agreement may be amended to reflect the true impact of providing animal control services to Edgefield County.

WITNESSES:

Barbara P. Stark
Lynn Strain

EDGEFIELD COUNTY, SOUTH CAROLINA

By: Charles M. Krueger
Chairman, County Council

ATTEST:

Wayne Adams
(SEAL)

WITNESSES:

Barbara A. Smith
Sharon J. Pearson

AIKEN COUNTY, SOUTH CAROLINA

By: Terri J. Goss
Chairman, County Council

ATTEST:

Robert N. Bell
(SEAL)

APPROVED AS TO FORM
Robert N. Bell
ROBERT N. BELL, A.C.
AIKEN COUNTY ATTORNEY
8/29/01

**EXHIBIT A
AMENDED CHARGES FOR EDGEFIELD COUNTY**

ANIMAL SERVICE FEES

	<u>Charge</u>	<u>Edgefield</u>	<u>Aiken</u>
Owner Animal Pickup	\$ 25.00	\$ 20.00	\$ 5.00
Owner Animal Boarding Fee Paid direct to Aiken County			\$ 10.00
Boarding fee (per day of board)			\$ 10.00
Head removal			\$ 75.00 ea
Euthanasia (per animal) and Disposal Fee			\$ 16.00
Medical for Vet Services for Owner Animal			\$ 60.00 per hour
Vet Daily Inspection			\$ 1.10 per day/animal
Quarantine Fee (in lieu of boarding)			\$ 12.00 per day
Disposal Fee Per Animal for D.O.A.			\$ 10.00 ea

Edgefield County Officer will specify how many days the animal is to be held or placed for adoption or euthanasia.

Owner animals and strays will be held five (5) days.

Aiken County will not be held responsible for any lawsuit.

Aiken County will only receive animals: Monday - Friday 8:00am - 5:00pm
 Saturday 10:00am - 1:00pm

Closed all holidays. Any after hours charges will be \$30.00 per hour for Aiken County Officer.

Boarding charges will be assessed for each day held. All charges for animals picked up by owner will be paid direct to Aiken County. Owner animals will be held 5 days and all charges will be billed to Edgefield County. Unless picked up by owner at the shelter

Adoption:

Animals eligible for Aiken County's animal adoption program, as determined by Aiken County, will be turned over to Aiken County for adoption in accordance with Aiken County's procedures. A five (5) day board charge will be assessed to Edgefield County. The adoption fee only covers cost of neutering or spaying. No charge to Edgefield County after five(5) day hold.

Sponsor(s) : Development Committee
Committee Referral : Development Committee
Committee Consideration Date : August 13, 2002
Committee Recommendation : Approval
Effective Date : August 21, 2002

*Done
Add copy*

RESOLUTION NO. 02-08-169

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

(To Authorize the Council Chairman to Execute a Renewal Contract with Edgefield County for the Sheltering of Animals at the Aiken County Animal Shelter and the Provision of Certain Services.)

WHEREAS:

1. Aiken County and Edgefield County entered into an Agreement on May 14, 1999 whereby Aiken County provides animal sheltering and related services to Edgefield County; and
2. Edgefield County has requested renewal of the Agreement; and
3. Aiken County desires to renew the Agreement with Edgefield County.

NOW THEREFORE BE IT RESOLVED BY THE AIKEN COUNTY COUNCIL THAT:

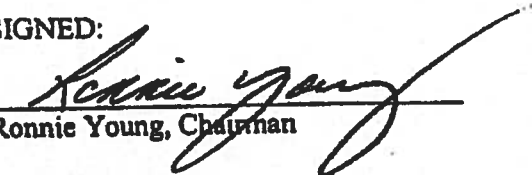
1. The Council Chairman is authorized to execute a renewal contract with Edgefield County for the sheltering of animals at the Aiken County Animal Shelter and the provision of certain services. The contract shall expire on June 30, 2003.
2. Execution of this contract is contingent upon review and approval by the County Attorney as to form and content.

Adopted at the regular meeting of Aiken County Council on August 20, 2002.

ATTEST:


Tamara Sullivan, Council Clerk

SIGNED:


Ronnie Young, Chairman

IMPACT STATEMENT: Fees for this service will be paid by Edgefield County.

COUNCIL VOTE: Unanimous

#6

SPEAKER FORM

NAME: DAVE LEVERETT
ADDRESS: 121 BUTLER AVE
TELEPHONE: 803 279 7896

PLEASE PROVIDE A ONE SENTENCE SUMMARY OF YOUR COMMENT TO COUNCIL.

(For example; I support the resolution because ...)

THIS FORM WILL BE ATTACHED TO THE MINUTES OF THE CITY COUNCIL MEETING.

COUNCIL MEETING DATE: 3/4/19
AGENDA ITEM/TOPIC: STUDY SESSION FIRE STATION / PSHQ DISCUSSION
SUMMARY NA HAS ONLY ONE BIRTHPLACE

#7

SPEAKER FORM

NAME: JIMMIE CRAWFORD
ADDRESS: 1132 TERRACE PLACE
N. AUGUSTA SC
TELEPHONE: 803 514-0013

PLEASE PROVIDE A ONE SENTENCE SUMMARY OF YOUR COMMENT TO COUNCIL.

(For example; I support the resolution because ...)

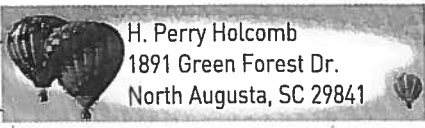
THIS FORM WILL BE ATTACHED TO THE MINUTES OF THE CITY COUNCIL MEETING.

COUNCIL MEETING DATE: 3/4/19
AGENDA ITEM/TOPIC: Public Safety
SUMMARY _____

#8

SPEAKER FORM

NAME: _____

ADDRESS: _____

 H. Perry Holcomb
 1891 Green Forest Dr.
 North Augusta, SC 29841

TELEPHONE: _____

PLEASE PROVIDE A ONE SENTENCE SUMMARY OF YOUR COMMENT TO COUNCIL.

(For example: I support the resolution because ...)

THIS FORM WILL BE ATTACHED TO THE MINUTES OF THE CITY COUNCIL MEETING.

COUNCIL MEETING DATE: **Feb. 4, 2019** _____

AGENDA ITEM/TOPIC: **Cessation of Providing Public Information To Citizens** _____

SUMMARY _____
 For all City Council meetings since 01/07/2019, no "agenda complete" or "regular agenda." has been provided the public prior to the meetings in order for the public to be informed about the business of the citizens to be conducted. The citizens in no manner can come prepared to meetings of Council to give proper discussion and ask pertinent questions before Council acts on the citizens' business. This is a violation of the tenets of the SC FOIA. _____

PORTIONS OF LETTER SENT TO CITY ADMINISTRATOR TODD GLOVER BY ME ON
FEBRUARY 2, 2019 CONCERNING HIS EMAIL TO ME OF FEBRUARY 1, 2019

Mr. Glover,

By the laws of this state, you, as city administrator, cannot set or change "practice" or policy when it comes to providing necessary information to any member or members of the public, including the citizens of North Augusta.

SC Code Sec-5-9-40: "The mayor and council may employ an administrator to assist the mayor in his office."

The mayor is only one of the seven members of city council. They, as a group, have "all powers."

Sec. 5-7-160: "All powers of the municipality are vested in the council, except as otherwise provided by law, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the municipality by law." That includes the SC FOIA.

You, nor the mayor, had the legal authority to send me that email, especially when considering what its second paragraph states. It is city council's lawful job to change any "practice" or policy, which the city already has in force, such as the publication of the "agenda complete." It is neither your right nor the right of the mayor to suspend or change any current "practice" or policy of this city.

Therefore, I submit...you and the mayor have violated the laws of the State in this obvious attempt to use powers neither of you have to change "practice" or policy, already in place, especially doing so abruptly and without any input from city council, who has "all powers."

I also submit that because of your sudden action via your email to me of yesterday, you, as city administrator, are usurping the powers granted to city council by State law.

The city granted its citizens that opportunity, up until yesterday, to have that preliminary and "complete" information via the posting of the "agenda complete" (aka "Regular Agenda" by its cover sheet) prior to the meeting of council. However you, the appointed city administrator, suddenly changed that "practice" or policy by yourself when you had no legal right to do so. That action can only be done by city council.

Submitted in the best interest of all citizens of North Augusta, especially for them to be governed lawfully and justly,

Perry

Subject: Re: From P. Holcomb - Reply To Your eMail of 2/1/19

From: Perry Holcomb (hpholcomb@yahoo.com)

To: TGlover@northaugusta.net;

Cc: rpettit@northaugusta.net; kzier@zierlawfirm.com; slamar@northaugusta.net; kadmcdowell@comcast.net; fletcher@allenbatchelor.com; orangepaw73@yahoo.com; pcarpenter06@yahoo.com; 4mcghee@comcast.net; jmadams201@msn.com; richard@cfsarchitects.com; daveandjanlev@gmail.com; kenpowell320@comcast.net; fred00701@msn.com; lhodges@aikenstandard.com; bill@hixonco.com;

Bcc: dione@carroll-law-offices.com; wsummers@bellsouth.net;

Date: Saturday, February 2, 2019 3:15 PM

Mr. Glover,

I have waited to reply to your email to me of yesterday (2/1/19) until sufficient legal advice was available to answer it.

By the laws of this state, you, as city administrator, cannot set or change "practice" or policy when it comes to providing necessary information to any member or members of the public, including the citizens of North Augusta.

SC Code Sec-5-9-40: "The mayor and council may employ an administrator to assist the mayor in his office."

Your sole duty, as an appointed official, is to assist the mayor in the administration of city affairs. By law, you do not assist city council. You are only an administrative assistant to the mayor. Therefore, you, alone, cannot set or change any city "practice" or policy currently in place, primarily because the SC Legislature did not see fit to give such powers to appointed municipal officials.

The mayor is only one of the seven members of city council. They, as a group, have "all powers." You were copied on my email of yesterday (Fri., 2/1/19) sent to others. It contained the following:

Sec. 5-7-160: "All powers of the municipality are vested in the council, except as otherwise provided by law, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the municipality by law." That includes the SC FOIA.

You are not the only one culpable in this matter of not releasing sufficient and proper information about forthcoming business of the citizens to be addressed at the 2/4/19 meeting of city council. The mayor has apparently avoided performing one of his duties set by law.

SC Code Sec. 5-9-30(4) under "Duties of Mayor:" "to act to insure that all laws, provisions of Chapters 1 through 17 and ordinances of the council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed;" Ensuring the enforcement of those laws, SC FOIA included, is one very important administrative obligation imposed on the mayor by the SC Legislature.

Note the words, "to act to insure that all laws...subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed." Those include the foregoing cites and SC FOIA. The mayor has provided nothing in writing. Only you have.

So, the mayor, as an elected official, and you, as an appointed one, are violating the rights of the citizens by not providing the information necessary for those attending next Monday's council meeting to be prepared to speak on any matter of the citizens' business as it is being conducted by council.

You, nor the mayor, had the legal authority to send me that email, especially when considering what its second paragraph states. It is city council's lawful job to change any "practice" or policy, which the city already has in force, such as the publication of the "agenda complete." It is neither your right nor the right of the mayor to suspend or change any current "practice" or policy of this city.

Therefore, I submit to all recipients of this email, that you and the mayor have violated the laws of the State in this obvious attempt to use powers neither of you have to change "practice" or policy, already in place, especially doing so abruptly and without any input from city council, who has "all powers."

I also submit that because of your sudden action via your email to me of yesterday, you, as city administrator, are usurping the powers granted to city council by State law.

The city granted its citizens that opportunity, up until yesterday, to have that preliminary and "complete" information via the posting of the "agenda complete" (aka "Regular Agenda" by its cover sheet) prior to the meeting of council. However you, the appointed city administrator, suddenly changed that "practice" or policy by yourself when you had no legal right to do so. That action can only be done by city council.

I further submit that because of your impetuous action not to publish the "agenda complete" for the 2/4/19 council meeting, that meeting now is in violation of SC FOIA because the citizens do not have any idea, other than the titles, of the actions to be taken by council next Monday evening when the business of the citizens will be conducted.

That meeting should be postponed until city council can address the content of your email to me of yesterday. Otherwise, who knows what could result from your singular, hasty, improper, and wrongful action to suddenly suspend the posting of the "agenda complete" on the city's "Document Central" for the 2/4/19 meeting of city council.

Submitted in the best interest of all citizens of North Augusta, especially for them to be governed lawfully and justly,

Perry

From: "Glover, Todd" <TGlover@northaugusta.net>
To: "'hpholcomb@yahoo.com'" <hpholcomb@yahoo.com>
Cc: "Lamar, Sharon" <SLamar@northaugusta.net>; "Pettit, Robert" <RPettit@northaugusta.net>; Kelly Zier <Kzier@zierlawfirm.com>
Sent: Friday, February 1, 2019 3:11 PM
Subject: RE: From P. Holcomb

Mr. Holcomb,

I have been forwarded your inquiry to Mrs. Lamar regarding the publishing of the agenda packet. I would point out that our publishing of the agenda packet is a practice, not a policy.

As you are aware, you are challenging us in court as to what constitutes an agenda and until such is settled, we are only publishing what is required by law.

As Mrs. Lamar is new to her position, we are also taking the opportunity to re-examine how we put together the agenda packet for our future meetings.

Regards,

Todd



B. Todd Glover, MPA, ICMA-CM
City Administrator
P.O. Box 6400
100 Georgia Avenue
North Augusta, SC 29861-6400

tglover@northaugusta.net

803-441-4202 - Office
803-441-4203 - Fax

From: Perry Holcomb [mailto:]
Sent: Friday, February 01, 2019 2:41 PM

Subject: RE: From P. Holcomb

From: Glover, Todd (TGlover@northaugusta.net)

To: hpholcomb@yahoo.com;

Cc: SLamar@northaugusta.net; RPettit@northaugusta.net; Kzier@zierlawfirm.com;

Date: Friday, February 1, 2019 3:11 PM

Mr. Holcomb,

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Regards,

Todd



B. Todd Glover, MPA, ICMA-CM

City Administrator

P.O. Box 6400

100 Georgia Avenue

North Augusta, SC 29861-6400

tglover@northaugusta.net

803-441-4202 - Office

803-441-4203 - Fax

From: Perry Holcomb [mailto:]
Sent: Friday, February 01, 2019 2:41 PM
To: Lamar, Sharon <SLamar@northaugusta.net>
Subject: Quick Question

Hey Sharon,

Is an "agenda complete" planned for publishing on Doc Cen as has been city policy? The "agenda complete" contains the wording and other supporting material of the items to be addressed in the 02/04/19 meeting.

That is necessary information for the public to know in advance so any member can be prepared beforehand to address council on such.

Thanks,

Perry

The information contained in this transmission may contain privileged and confidential information protected by federal and state privacy laws. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Email transmissions to and from this address are the property of the City of North Augusta, SC and subject to public release pursuant to the South Carolina Freedom of Information Act.

Attachments

- image002.jpg (3.65KB)