

North Augusta



South Carolina's Riverfront

MINUTES OF MARCH 7, 2022

Briton S. Williams, Mayor

*J. Robert Brooks, Councilmember
Pat C. Carpenter, Councilmember
Jenafer F. McCauley, Councilmember
David W. McGhee, Councilmember
Eric H. Presnell, Councilmember
Kevin W. Toole, Councilmember*

ORDER OF BUSINESS

Public Power Hour was streamed for public viewing online at: "City of North Augusta – Public Information" on www.Facebook.com and "City of North Augusta Public Information" on www.YouTube.com.

PUBLIC POWER HOUR

The March 7, 2022 Public Power Hour began at 5:30 p.m. Members present were Mayor Williams, Councilmembers Brooks, Carpenter, McCauley, McGhee, Presnell, and Toole. Also in attendance were Ricky Jones, Manager of Information Technology and Sharon Lamar, City Clerk.

- Kathryn Martin, president of the North Augusta Cultural Arts Council, spoke to Council regarding the 2022 community events. Rachel Griffin, board member, shared the newly announced Britney and Kevin Kisner Foundation dance scholarship awarded in North Augusta.
- Janis Krauss spoke to Council regarding the bluebird boxes on the Greenway and at the Brick Pond Park. She also spoke about her concerns of bicyclists safely crossing Buena Vista Avenue

REGULAR MEETING

The regular meeting of the City Council of the City of North Augusta of March 7, 2022 having been duly publicized was called to order by Mayor Williams at 6:00 p.m. and also streamed online for public viewing at "City of North Augusta – Public Information" on www.Facebook.com and on the City YouTube page: "City of North Augusta Public Information" then adjourned at 6:25 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 Williams rendered the invocation and the Pledge of Allegiance.

Members present were Mayor Williams, Councilmembers Brooks, Carpenter, McCauley, McGhee, Presnell, and Toole.

Also in attendance were James S. Clifford, City Administrator; Rachele Moody, Assistant City Administrator; Kelly F. Zier, City Attorney; John C. Thomas, Director of Public Safety; Ricky L. Jones, Manager of Information Technology, J.D. McCauley, Manager of Human Resources; and Sharon Lamar, City Clerk.

The minutes of the regular City Council meeting of February 7, 2022 and the Study Session of February 28, 2022 were approved by general consent.

ITEM 5. ZONING: Ordinance No. 2022-02 – To Amend the Zoning Map of the City of North Augusta, South Carolina by Rezoning ±8.34 Acres of Land Owned by SC North Augusta Buena Vista, LLC, Aiken County Tax Parcel #007-12-12-009, #007-12-12-007, #007-12-12-006, #007-12-12-005 from GC, General Commercial to PD, Planned Development; Ordinance - Second Reading

On the motion of Councilmember Presnell, second of Councilmember Brooks, Council agreed to consider an ordinance on second reading to amend the zoning map of the City of North Augusta by rezoning ±8.34 acres of land owned by SC North Augusta Buena Vista, LLC, Aiken County Tax Parcel #007-12-12-009, #007-12-12-007, #007-12-12-006, #007-12-12-005 from GC, General Commercial to PD, Planned Development. There were no comments from citizens.

Council approved the second reading of the ordinance with a unanimous 7-0 vote.

Please see a copy of the proposed ordinance below:

ORDINANCE NO. 2022-02
TO AMEND THE ZONING MAP OF THE CITY OF NORTH AUGUSTA,
SOUTH CAROLINA BY REZONING ± 8.34 ACRES OF LAND

OWNED BY SC NORTH AUGUSTA BUENA VISTA, LLC, AIKEN COUNTY TAX PARCEL
#007-12-12-009, #007-12-12-007, #007-12-12-006,
AND #007-12-12-005 FROM GC, GENERAL COMMERCIAL TO PD, PLANNED DEVELOPMENT

WHEREAS, on December 17, 2007, by Ordinance 2007-22, the North Augusta City Council adopted the North Augusta Development Code and a citywide Zoning Map which is consistent with the City's North Augusta 2017 Comprehensive Plan; and

WHEREAS, pursuant to Section 5.3, North Augusta Development Code, the North Augusta Planning Commission may recommend amendments to the Zoning Map, provided such amendments are consistent with the City's North Augusta 2017 Comprehensive Plan; and

WHEREAS, the North Augusta Planning Commission, following a January 19, 2022 public hearing, reviewed and considered a request by SC North Augusta Buena Vista, LLC to amend the Official Zoning Map of North Augusta from GC, (General Commercial) to PD (Planned Development) for tax parcel #007-12-12-009, #007-12-12-007, #007-12-12-006, and #007-12-12-005 and unanimously recommends the request. The staff report and results of this hearing have been provided to City Council.

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. A parcel consisting of ± 8.34 acres owned by SC North Augusta Buena Vista LLC, is hereby rezoned from GC, (General Commercial) to PD (Planned Development). Said property is Aiken County for tax map parcel #007-12-12-009, #007-12-12-007, #007-12-12-006, and #007-12-12-005 and specifically identified as Exhibit "A" attached hereto.
- II The Official Zoning Map for the City of North Augusta is hereby amended to reflect this rezoning.
- 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 second 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 _____, 2022.

ITEM 6. PLANNING AND DEVELOPMENT: Ordinance No. 2022-03 – To Approve the General Development Plan for the 51.83± Acre Bluegrass Place Planned Development on East Martintown Road and East Buena Vista; Ordinance – Second Reading

On the motion of Councilmember Presnell, second of Councilmember Carpenter, Council agreed to consider an amended ordinance on second reading to approve the General Development Plan for the Bluegrass Place Planned Development on east Martintown Road and East Buena Vista.

There were citizen comments from:

- Justin Pilcher

Councilmember McGhee stated he does not support the removal of the interconnectivity of this development with the adjoining neighborhood. Councilmember Presnell agreed with McGhee adding he is concerned the new residence will not have safe and easy access to North Augusta Elementary School.

Councilmember Carpenter asked Robert Wright, the developer's representative, the rental rates for the planned apartment community. Mr. Wright stated that question is premature and cannot be answered at this time.

Council adopted the ordinance on second reading with a vote of 5-2. Mayor Williams and Councilmembers Brooks, Carpenter, McCauley and Toole voted to adopt the amended ordinance. Councilmembers McGhee and Presnell voted against the amended ordinance.

Please see a copy of the proposed **AMENDED** ordinance below with the changes underlined:

ORDINANCE NO. 2022-03
TO APPROVE THE GENERAL DEVELOPMENT PLAN
FOR THE 51.85± ACRE BLUEGRASS PLACE PLANNED DEVELOPMENT
ON EAST MARTINTOWN ROAD AND EAST BUENA VISTA

WHEREAS, within the guidelines of the North Augusta Zoning and Development Standards Ordinance, a General Development Plan for property within a designated Planned Development zone (PD) requires Planning Commission review and subsequent recommendation to City Council for review and approval; and

WHEREAS, an application has been received from SC North Augusta Buena Vista, LLC requesting approval for a General Development Plan for a tract of land zoned Planned Development (PD) containing 51.85± acres located on the east side of on East Martintown Road and East Buena Vista; and

WHEREAS, the developer, SC North Augusta Buena Vista, LLC of Columbia, South Carolina, proposes a mixed use development on five parcels: tax parcel numbers 007-016-13-001, 007-12-12-009, 007-12-12-007, 007-12-12-006, and 007-12-12-005; and

WHEREAS, the North Augusta Planning Commission, at its December 16, 2021 regular meeting, reviewed the subject application and voted to recommend that City Council approve the General Development Plan for the 51.85± acre Bluegrass Place Planned Development.

WHEREAS, City Council held first reading on February 7, 2022 and a motion was made to delete from the plan the connection road to Golden Street with such motion being approved by Council.

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 General Development Plan for the 51.85± acre Bluegrass Place Planned Development is hereby approved as outlined below and as shown on the attached plat and identified as "General Development Plan" as prepared by Cranston Engineering, dated October 15, 2021 without the connectivity to Goldman Street and The General Development Plan Narrative for Bluegrass Place as prepared by Cranston Engineering, dated November 16, 2021
 - A. Scope of Development: The scope of development described in the General Development Plan for the Bluegrass Place Planned Development and described herein shall be the maximum level of development allowed. The land uses permitted in the Bluegrass Place Planned Development shall be limited to those described in this ordinance.
 1. Minor Modifications: Minor modifications to the development plan and program for valid land use planning and reasonable development reasons, i.e. mix of uses, number and location of buildings, development schedule, setbacks, parking, and landscaping, etc., may be approved by the Planning Commission at the time of subdivision approval for any portion of a phase or site plan approval for an individual parcel.
 2. Flex Density and Intensity: Up to ten (10%) percent of the total residential density or commercial square footage allocated to a parcel may be deducted from the total permitted for that parcel and redistributed to one or more other parcels designated for the same use provided the total density or intensity of a recipient parcel is not increased by more than ten (10%) percent.

B. Development Program:

<u>Parcel</u>	<u>Permitted Uses</u>	<u>Area in Acres</u>	<u>Maximum Density (units per gross acre) or Intensity (gross building area in sq. ft. per acre)</u>
A	Multi-Family Apartments	11.1	36 units/acre
B	Senior Living	6.1	14.8 units/acre
C	Professional	3.0	5,000 sf building/ acre
D	Commercial	4.1	5,000 sf building/ acre
E	Single-Family Detached	12.1	5 units/acre
F	Single-Family Attached	6.0	16.7 units/acre
G	Commercial	1.1	5,000 sf building/ acre
H	Greenspace	4.2	NA

C. Parking Requirements: The minimum parking ratio will be determined by the standards set forth in the North Augusta North Augusta Development Code for the applicable use.

D. Development Standards: Development standards applicable to individual commercial and professional tract sites C, D, and G shall be those used for the General Commercial District and , except as provided for in this section and in other sections of this ordinance:

1. All setback lines shall be measured from the property line.
2. The side setbacks on the parcels in Tract C, D, and G will have 20-foot front setbacks, 0 or 5-foot side setbacks, and a 15-foot rear setbacks.
3. Setbacks along E. Martintown Road and E. Buena Vista Avenue will be consistent with existing structures through those corridors.

Development standards applicable to residential areas shall be as provided in the NADC for Detached Single-Family as R-7, Attached Single-Family, Multi-Family, and Senior Living as R-5, as described in the NADC and applied to parcels at the time of concept plan approval.

E. Plan Approval Process: Subsequent to the adoption of this ordinance the following plan approval steps shall be required in the order listed prior to the issuance of development permits.

1. Master Utility Plan – Master plans for water distribution; sewage collection; and stormwater quality, detention and drainage shall be

developed and approved prior to or coincidental with the initial phase concept plan. The level of detail provided in the master utility plans shall be determined by the Project Engineer and City Engineer.

2. Master Circulation Plan – A master circulation plan that incorporates the conclusions of the Ramey Kemp Associates (RKA) Traffic Engineering study shall be developed and approved prior to or coincidental with the initial phase concept plan.
3. Wetlands Delineation and Mitigation – A wetlands delineation, permit and any mitigation plans approved by SCDHEC and the US Army Corps of Engineers shall be submitted prior to or coincidental with a Concept Plan for any phase that contains jurisdictional wetlands.
4. Phase Concept Plan – A concept plan for each tract identified in the General Development Plan shall be prepared for Planning Commission review and approval prior to or coincidental with the first preliminary plat application for each phase. The phase concept plan shall include an overall circulation system design, utility systems designs, anticipated mix and intensity or density of uses, proposed or draft master covenants and restrictions for the tract, and buffer delineation. The tract concept plan must indicate how the development of the phase will interrelate with the other phases in the development.
5. Preliminary Plat – Preliminary plats for sections or sub-phases of each phase will be processed and reviewed in accordance with the applicable provisions of the North Augusta Development Code, this ordinance and the General Development Plan Narrative for Bluegrass Place.
6. Final Plat – Final plats for sections or phases of each tract will be processed and reviewed in accordance with the applicable provisions of the North Augusta Development Code and the approved preliminary plat.
7. Site Plan – Site plans for individual parcels approved in a final plat for any portion of a tract will be processed and reviewed in accordance with the applicable provisions of the North Augusta Development Code, the general development plan ordinance and the General Development Plan Narrative for Bluegrass Place.

- F. Utilities: Water and sewer tap fees for each parcel shall be determined in accordance with the City Code provisions related to utility extensions.
- G. Land Dedication: Land dedicated to the City in conjunction with the development will include road rights-of-way, utility easements and drainage ways in accordance with the applicable provisions of the North Augusta Development Code.
- H. Vehicular Access and Circulation: SC North Augusta Buena Vista, LLC shall implement the mitigation recommendations contained in the RKA traffic study in conjunction with each development phase when the trips generated by the phase (or the sum of trips generated by all approved phases) create the impacts requiring mitigation.
1. The development on any parcel may proceed until the total trip generation reaches the threshold identified by RKA that warrants the required off site improvement. Off-site traffic improvements including modifications to the medians in East Martintown Road and East Buena Vista shall be the responsibility of the developer. Upon initiation of construction of an off-site improvement additional development on any tract may resume to the extent the initiated off-site improvements mitigate the traffic impacts of the additional development.
 2. The number and location of exterior access points, full turning intersections, right-in/right-out access points or other limited movement access points, and internal access points to individual parcels from the internal road network to be dedicated to the city shall be reviewed by the city engineer. Exterior access points shall be developed generally as shown with Access 1 and Access 2 shown on RKA traffic analysis having one ingress lane and two egress lanes. Preliminary interior locations of the road network are shown on the general development plan. Necessary modifications to the location of access points to individual tracts shall be made at the time of concept plan consideration for each tract.
 3. Vehicular cross-access shall be provided between all commercial parcels where possible and not prohibited by grade or other topography issues.
- I. Pedestrian Circulation: Pedestrian connections between the various residential and commercial sections of the development shall be provided.
1. Any and all new sidewalks necessary along the East Martintown Road and East Buena Vista Avenue rights-of-way must be six (6)

feet in width and shall be installed no closer than six (6) feet from the back of the finished curb.

2. Five (5) foot sidewalks shall be provided in the commercial areas on both sides of the street. Five (5) foot sidewalks shall be provided on at least one side of the street in residential areas.
 3. Pedestrian walkways consisting of five (5) foot sidewalks shall be provided between all adjacent commercial parcels. Where grade differences require, stairs or steps shall be installed.
 4. Pedestrian crossings of all roads, driveways, and internal circulation ways, both public and private, shall be treated with a differentiating pavement treatment.
- J. Buffers and Landscaping: Landscaped buffers, site landscaping and parking lot landscaping, and street trees shall be provided in the development as required for the applicable use by the North Augusta Development Code. Title to the required buffers shall be retained by a property owners association or deed-restricted to prevent a change of use.

Individual buffer specific landscape plans shall be developed and submitted with the applicable parcel site plan that show the locations of any retaining walls and new slopes within the buffer and details how the buffer and retaining wall will be treated. Such landscape plans shall include any necessary or proposed fencing as well as landscape material.

1. Fencing provided within the buffers located on or near the property lines between the commercial and residential uses may be permitted. The Planning Commission shall approve the height and style of the fence at the site plan stage. The fence shall be no less than five (5) feet in height. Alternatively, a solid fence made of wood, vinyl, metal, or masonry may be constructed.
2. Commercial parking lot landscaping shall be designed to maximize the pervious surface area within the parking area.
3. Each commercial structure developed shall be provided with foundation/perimeter landscaping between the structure and access drives and sidewalks (excluding loading areas). Landscaping material installed along walls with no fenestration shall be selected and maintained to screen large expanses of blank wall

- K. Applicable Standards for Review: The information contained in the General Development Plan shall supplement the provisions of this ordinance and shall be used in the review of subdivision and site plans for projects within Bluegrass Place. In the event of a conflict between the provisions of this ordinance and the content of the General Development Plan, the provisions of this ordinance shall prevail. General design criteria and development standards (parking, landscaping, etc.) applicable to each phase of the development and not otherwise prescribed in the General Development Plan or this ordinance shall be as provided for in the North Augusta Development Code as it may be amended.
- L. Additional Provisions: Additional conditions applicable to the development are:
1. Design guidelines for the homes to be constructed in Tract A will be included in the covenants and included with the preliminary plat submission.
 2. Multi-Family and Single-Family Attached homes are required to comply with the design guideline in the North Augusta Development Code. Design guidelines for the homes to be constructed in Tract A will be included in the covenants and included with the preliminary plat submission.
 3. Proposed or anticipated covenants and deed restrictions on the parcels to be sold and the management of common areas shall be provided in conjunction with the concept plan and plat submission for each phase.
 5. Exterior lighting details shall be included with each commercial site plan application, including a description of the lighting levels during business versus non-business hours and shall comply with the North Augusta Development Code.
 6. Outdoor display and sale of merchandise must be approved by the Planning Commission at site plan approval or is otherwise prohibited.
 7. Overnight or extended parking of tractors, trailers, or railroad/truck shipping containers shall be confined to designated areas behind buildings. No tractor, trailer, container, or recreational vehicle parking shall be permitted on or in any parking area, circulation corridor or outdoor sales and display area.
 8. Excessive noise associated with any use in the development including loading, unloading, trash compaction, building maintenance, parking

lot or landscaping maintenance or any other activity shall be prohibited between the hours of 11:00 p.m. and 6:00 a.m.

9. Architectural plans of all elevations of proposed commercial buildings shall be submitted with a site plan application.

Permitted Materials – The following building exterior wall materials are permitted:

- a. Brick
- b. Split-face concrete block
- c. Parged block
- d. Glass block
- e. Decorative concrete masonry units (CMUs) (i.e. textured, glazed and other special treatments or materials)
- f. Stone
- g. Terra cotta
- h. Fiber cementitious board siding materials
- i. Traditional (real) stucco or plaster
- j. Carrera glass
- k. Windows, window glazing and architectural glass panels
- l. Architectural metal panels, laminated or otherwise
- m. Exterior finish wood materials as approved by the Department.

Permitted Materials With Limitations – The following building exterior wall materials are permitted with limitation;

- a. Ceramic tile as an accent on up to ten percent (10%) of the wall area
- b. Drainage-backed synthetic stucco (Drainage-Backed Exterior Insulation Finishing System [Drainage-Backed EIFS]) may be applied to any wall surface four feet or more above adjacent grade.

10. Waivers may be approved for loading, maintenance, screened storage and other areas shielded from public view.

11. Stormwater detention areas shall be fenced for safety and landscaped to shield the fencing, rip rap, and drainage structures. Black vinyl clad chain link fence shall be installed below the upper edge of each detention area in a manner as to be obscured by the landscaping on top of the detention area.

12. Signs: Signs shall conform to the provisions of the North Augusta Development Code unless specified otherwise herein.

1. Wall signage size shall be permitted as provided for in the North Augusta Development Code. The sign panels shall be darker in color than the lettering and graphics.

2. One freestanding monument sign may be permitted for each commercial or professional parcel adjacent to an interior street. Monument signs shall not exceed 60 square feet in area or 10 feet in height and may advertise only the business or businesses located on the parcel. The sign panels shall be darker in color than the lettering and graphics.
3. One freestanding "Bluegrass Place" identification sign may be located at both the main East Martintown Road entrance and the East Buena Vista Avenue entrance. Each monument sign shall not exceed 120 square feet in area or 20 feet in height. The sign panels shall be darker in color than the lettering and graphics and may include commercial and professional uses, apartment and living facilities, and other subdivision identifications that are contained within the Bluegrass Place development.
4. The developer shall provide a maintenance guarantee supported by a letter of credit or monetary deposit as required by the North Augusta Development Code.

- II. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- III. This Ordinance shall become effective immediately upon its adoption on second reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2022.

ITEM 7. ECONOMIC DEVELOPMENT: Ordinance No. 2022-04 – To Authorize the City to Enter into a First Amendment to the Master Development Agreement of March 15, 2017 for the North Augusta Riverside Village; Ordinance – Second Reading

On the motion of Councilmember Presnell, second of Councilmember Toole, Council agreed to consider an ordinance on second reading to authorize the City to enter into a first amendment to the Master Development Agreement of March 15, 2017 for the North Augusta Riverside Village. City Administrator, Jim Clifford, explained the current Master Development Agreement will expire March 15, 2022. With the advisement of both internal and external legal counsel, this ordinance would extend the Master Development Agreement to the developer by one year. There were no comments from citizens. Council approved the first reading of the ordinance with a unanimous 7-0 vote.

Please see a copy of the proposed ordinance and Exhibit A below:

ORDINANCE NO. 2022-04
TO AUTHORIZE THE CITY TO ENTER INTO A FIRST AMENDMENT TO THE MASTER
DEVELOPMENT AGREEMENT OF MARCH 15, 2017 FOR NORTH AUGUSTA
RIVERSIDE VILLAGE

WHEREAS, the City entered into a Master Development Agreement for the development of Riverside Village in March of 2017 that was for a period of five (5) years with such initial agreement scheduled to terminate on March 15, 2022; and,

WHEREAS, many of the required improvements have been completed but there remain some portions of the development that have not been completed as of the present; and,

WHEREAS, the South Carolina Local Government Development Agreement Act, the Act under which the original Agreement was entered into, provides for the ability of the parties by mutual agreement to extend the termination date; and,

WHEREAS, Mayor and City Council have determined that it would be in the interest of the City to extend the term of the Agreement for a period of one (1) year;

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 City agrees to the extension of the termination date of the original agreement for one (1) additional year which would result in the termination date becoming March 15, 2023.
- II. The First Amendment to the Master Development Agreement which is attached hereto, marked Exhibit (A) is specifically approved by Mayor, and Council.
- III. The Mayor and/or the City Administrator are specifically authorized to execute such documents as required to carry out this First Amendment and extension of the original term.
- IV. This Ordinance shall become effective immediately upon its adoption on second 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, 2022.

FIRST AMENDMENT TO MASTER DEVELOPMENT AGREEMENT

by and among

**CITY OF NORTH AUGUSTA, SOUTH CAROLINA,
ACKERMAN GREENSTONE NORTH AUGUSTA, LLC,
GRAYBUL IRONWOOD, LLC,
[EACH OWNER OF PARCELS OR SUBPARCELS],**

and

GREENSTONE HAMMOND'S FERRY, LLC

March 15, 2022

**FIRST AMENDMENT TO
MASTER DEVELOPMENT AGREEMENT**

This First Amendment to Master Development Agreement (this "*Amendment*") is made and entered into as of March 14, 2022 by and among the **CITY OF NORTH AUGUSTA, SOUTH CAROLINA** (the "*City*"), **ACKERMAN GREENSTONE NORTH AUGUSTA, LLC**, a limited liability company organized under the laws of the State of Georgia ("*Hotel Developer*"), **GRAYBUL IRONWOOD, LLC**, a limited liability company organized under the laws of the State of Delaware ("*Apartment Owner*"), [Add other Owners and/or Developers of Parcels or Subparcels of Riverside Village Property], and **GREENSTONE HAMMOND'S FERRY, LLC**, a limited liability company organized under the laws of the State of South Carolina ("*Greenstone*").

RECITALS

This Amendment provides for the extension of the term of that certain Master Development Agreement by and among the City, GreenJackets Baseball LLC, the Hotel Developer and Greenstone, dated March 15, 2017 (the "**Agreement**"). Defined terms used herein and not otherwise defined shall have the meanings ascribed to them in the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City, the Hotel Developer, the Apartment Owner, [Other Owners], and Greenstone agree as follows:

ARTICLE I
AMENDMENT TO THE AGREEMENT; EXTENSION OF TERM

The Term of the Agreement is hereby extended by one year and, as a result, the Agreement shall terminate on March 15, 2023, unless extended by mutual agreement as provided for in Section 2.01 of the Agreement and Section 6-31-60(A)(2) of the Act.

ARTICLE II
MISCELLANEOUS

A. Governing Law. This Amendment shall be governed in accordance with the laws of the State of South Carolina.

B. Authorization; Entire Agreement. This Amendment is entered into in accordance with Section 2.01 of the Agreement and Section 6-31-60(A)(2) of the Act, and this Amendment and the Agreement, as amended, together constitute the complete and exclusive written expression of the intent of the Parties with respect to the subject matter hereof and thereof which will supersede all previous verbal and written communications, representations, agreements, promises or statements. Except as amended hereby, the terms and provisions of the Agreement shall remain in full force and effect.

C. Authority. Each of the Owners and the City represents that it has the authority to be bound by the terms of this Amendment. Once executed by all parties, this Amendment will, together with the Agreement, constitute a valid and binding agreement, enforceable in accordance with its terms.

D. Mutual Dependency and Severability. All rights and duties contained in this Amendment are mutually dependent on each other and one cannot exist independent of another, provided that if any one or more of the provisions contained in this Amendment shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Amendment shall be construed as if such invalid, illegal or unenforceable provision was not contained herein.

E. Notices and Addresses. Any notices given under this Amendment shall be given in accordance with the terms and provisions of giving notice under the Agreement.

F. Amendment, Modification, or Alteration. No amendment, modification or alteration of the terms of this Amendment shall be binding unless in writing, dated subsequent to the date hereof and duly executed by the parties hereto.

G. Counterparts; Facsimile. This Amendment may be executed in any number of counterparts and/or exchanged via facsimile or electronic distribution, each of which shall be deemed an original, but all such counterparts and/or facsimile or electronic counterparts or originals together shall constitute but one and the same instrument.

H. Binding Effect/Benefit. This Amendment shall be binding upon and shall inure to the benefit of the parties hereto and their respective affiliates, successors and assigns.

I. Parties to Amendment; Approval by Ordinance. Section 18.04 of the Agreement provides that the "...Agreement may be modified or amended only by the written agreement of the City and the Owners; such written agreement, if not statutorily required to be by ordinance, may be by resolution or ordinance at the City's sole discretion." The parties to this Amendment include the City and the Owners, as currently constituted, and the City has decided, in its sole discretion, to approve this Amendment by ordinance.

[SIGNATURES ON FOLLOWING PAGES]

ITEM 8. EASEMENT: Ordinance No. 2022-05 – To Abandon a Portion of a Water Line Easement Located in Rushing Waters, Phase 2 Subdivision; Ordinance – First Reading

On the motion of Councilmember McCauley, second of Councilmember Brooks, Council agreed to consider an ordinance on first reading to abandon a portion of a water line easement located in Rushing Waters, Phase 2 Subdivision. There were no comments from citizens. Council approved the first reading of the ordinance with a unanimous 7-0 vote.

Please see a copy of the proposed ordinance below:

ORDINANCE NO. 2022-05
TO ABANDON A PORTION OF A WATER LINE EASEMENT
LOCATED IN RUSHING WATERS, PHASE 4 SUBDIVISION

WHEREAS, the City of North Augusta has an unused utility easement in Rushing Waters Phase 2 as shown on plat prepared January 10, 2022 by Southern Partners, Inc. for Rushing Waters, LLC, Exhibit A; and

WHEREAS, the City has received a request by Rushing Waters, LLC to abandon the unused water line easement as shown on the referenced plat to facilitate the development of Rushing Waters Phase 2; and

WHEREAS, the City Engineer has reviewed the request and determined that the easement requested to be abandoned is not necessary as there is adequate adjacent public right-of-way for the operation and maintenance of the city utilities; and

WHEREAS, City Council has determined that this drainage and utility easement is not required for the public's use or convenience and the public interest would best be served by abandoning said section of the drainage easement.

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

- I. The utility easement as shown on the plat prepared January 10, 2022 by Southern Partners, Inc. for Rushing Waters, LLC, as shown as Exhibit A, is hereby abandoned.
- II. All ordinances or parts of ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.
- III. This ordinance shall become effective immediately upon its adoption on second 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 _____ 2022.

ITEM 9. STORMWATER: Resolution No. 2022-11 – Authorizing the City to Enter into a Contract with SC North Augusta Buena Vista, LLC Related to the Construction of a Storm Water and Drainage Improvement Project Extending across the Area from Martintown Road to Buena Vista Avenue on a Parcel of Property Containing 50.86 Acres Currently under Contract to SC North Augusta Buena Vista, LLC

On the motion of Councilmember Presnell, second of Councilmember Carpenter, Council agreed to consider a resolution authorizing the City to enter into a contract with SC North Augusta Buena Vista, LLC related to the construction of a storm water and drainage improvement project extending across the area from Martintown Road to Buena Vista Avenue on a parcel of property containing 50.86 acres. Kelly Zier, City Attorney, shared the funding for the project was approved by voters in the referendum to approve CPST IV. The City will approve all design aspects. The \$600,000.00 payment will be rendered at the completing of the project. There were no comments from citizens. Council approved the resolution with a unanimous 7-0 vote.

Please see a copy of the proposed resolution below:

RESOLUTION NUMBER 2022-11

AUTHORIZING THE CITY TO ENTER INTO A CONTRACT WITH
SC NORTH AUGUSTA BUENA VISTA, LLC RELATED TO THE CONSTRUCTION OF A
STORM WATER AND DRAINAGE IMPROVEMENT PROJECT EXTENDING ACROSS THE
AREA FROM MARTINTOWN ROAD TO BUENA VISTA AVENUE ON A PARCEL OF
PROPERTY CONTAINING 50.86 ACRES CURRENTLY UNDER CONTRACT TO SC NORTH
AUGUSTA BUENA VISTA, LLC

WHEREAS, SC North Augusta Buena Vista, LLC has approached the City concerning the construction of a storm water and drainage improvement project on property that the developer currently has under contract; and,

WHEREAS, the storm water improvements as identified in the proposed contract are necessary for the development of the property; and,

WHEREAS, the City identified this storm water and drainage improvement project in 2018 related to a Capital Project Sales Tax Program; and,

WHEREAS, a Referendum approved this project for the Sales Tax Program; and,

WHEREAS, sufficient funds have not been available, to date, for the construction of this project; and,

WHEREAS, the developer has agreed to advance costs related to the project and construct same based upon plans to be approved by the City; and,

WHEREAS, when the project was considered for the 2018 Referendum, the estimate for the cost of the project at that time was \$600,000.00; and,

WHEREAS, the developer has agreed to be responsible for all costs and expense related to the improvements above \$600,000.00; and,

WHEREAS, City Council is of the belief that it is in the City's best interest to enter into this contract.

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:

1. That the City Administrator is authorized to execute the agreement attached hereto, marked as Exhibit "A" causing the City to enter into an agreement with SC North Augusta Buena Vista, LLC for the construction of a storm water drainage project as identified in such agreement.

2. That the City Administrator is further authorized to execute all additional documents necessary to carry out this agreement.
3. At such time as the project is completed and payment is required, such payment is to be paid from Capital Project Sales Tax Funds, if available or from such other funds as designated by City Council at that time.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF MARCH, 2022.

ITEM 10. FINANCE: Resolution No. 2022-12 – A Resolution to Obligate \$11,871,089.22 in Coronavirus State and Local Fiscal Recovery Funds

On the motion of Councilmember Toole, second of Councilmember McGhee, Council agreed to consider a resolution to obligate \$11,871,089.22 in Coronavirus State and Local Fiscal Recovery Funds. There were no comments from citizens. Council adopted the resolution with a unanimous vote of 7-0.

Please see a copy of the proposed resolution below:

RESOLUTION NO. 2022-12
A RESOLUTION TO OBLIGATE \$11,871,089.22 IN CORONAVIRUS
STATE AND LOCAL FISCAL RECOVERY FUNDS

WHEREAS, on July 19, 2021, City Council adopted Resolution 2021-30 authorizing receipt of the Coronavirus State and Local Fiscal Recovery Fund (SLFRF) allocation totaling \$11,871,089.22 from the State of South Carolina as appropriated by the American Rescue Plan Act of 2021; and

WHEREAS, the City received the first tranche of funding totaling \$5,935,544.61 in November 2021 with the second tranche expected in the fall of 2022; and

WHEREAS, the U.S. Department of Treasury issued an Interim Final Rule in May 2021 outlining anticipated SLFRF eligible uses and then issued its Final Rule which confirmed eligible uses in January 2022; and

WHEREAS, the Final Rule allows a municipality to elect a fixed amount of revenue loss, referred to as the standard allowance, of \$10,000,000 of its SLFRF allocation that can then be used to fund general government services; and

WHEREAS, eligible uses of SLFRF in addition to providing government services to the extent of revenue loss as defined by the Final Rule include: 1) support public health response and address negative economic impacts, 2) invest in water, sewer and broadband infrastructure 3) provide premium pay for essential workers; and

WHEREAS, all SLFRF funds received by the City must be obligated to an eligible use by December 31, 2024 and spent by December 31, 2026.

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

1. The City will follow the U.S. Department of Treasury's Final Rule for expenditure of SLFRF.
2. The City elects to use the standard allowance of \$10,000,000 for revenue loss and obligate to fund general government services.
3. \$1,871,089.22 of SLFRF funds shall be obligated towards investment in water and sewer infrastructure.
4. Expenditure of SLFRF funds shall be approved by City Council via resolution.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF MARCH, 2022.

ITEM 11. FINANCE: Resolution No. 2022-13 – A Resolution Authorizing Expenditure of Coronavirus of Coronavirus State and Local Fiscal Recovery Funds – Expense Request 1

On the motion of Councilmember Brooks, second of Councilmember Presnell, Council agreed to consider a resolution authorizing expenditure request number one of coronavirus state and local fiscal recovery funds. There were no citizen comments. The resolution was approved with a 7-0 unanimous vote of Council.

Please see a copy of the proposed resolution below:

RESOLUTION NO. 2022-13
A RESOLUTION AUTHORIZING EXPENDITURE OF CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS – EXPENDITURE REQUEST 1

WHEREAS, on July 19, 2021, City Council adopted Resolution 2021-30 authorizing receipt of the Coronavirus State and Local Fiscal Recovery Fund (SLFRF) allocation totaling \$11,871,089.22 from the State of South Carolina as appropriated by the American Rescue Plan Act of 2021; and

WHEREAS, the City received the first tranche of funding totaling \$5,935,544.61 in November 2021 with the second tranche expected in the fall of 2022; and

WHEREAS, City Council adopted Resolution 2022-12, obligated SLFRF funds for use between revenue loss replacement and investment in water and sewer infrastructure; and

WHEREAS, expenditure of SLFRF funds are required to be approved by City Council via resolution; and

WHEREAS, two projects have been identified and recommended for expenditure totaling \$3,965,004.22 as outlined in Appendix A; and

WHEREAS, with this expenditure, \$1,970,540.39 remain of the funds received and immediately available to the City and there remains a SLFRF balance of \$7,906,085.00 of total SLFRF funds for future expenditures.

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

1. Expenditures totaling \$3,965,004.22 are approved for projects and purposes listed in Appendix A.
2. The City will follow its adopted procurement ordinance as it relates to expenditure of SLFRF funds.
3. The City Administrator is authorized to execute such documents as necessary to enter into agreements and implement the projects as outlined in Appendix A.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS ____ DAY OF MARCH, 2022.

ITEM 12. CITY PROPERTY: Resolution No. 2022-14 – Accepting a Deed of Dedication for an Off-Site Sanitary Sewer Line from Havenwood Camelia, LP, along with a Maintenance Guarantee and Cash Deposit

On the motion of Councilmember Toole, second of Councilmember McGhee, Council agreed to consider a resolution accepting a Deed of Dedication for an Off-Site Sanitary Sewer Line from Havenwood Camelia, LP, along with a Maintenance Guarantee and Cash Deposit. There were no comments from citizens. The resolution was approved by a unanimous 7-0 vote of Council

Please see a copy of the proposed resolution below:

RESOLUTION NO. 2022-14
ACCEPTING A DEED OF DEDICATION FOR AN OFF-SITE SANITARY SEWER LINE FROM HAVENWOOD CAMELIA, LP, ALONG WITH A MAINTENANCE GUARANTEE AND CASH DEPOSIT

WHEREAS, Havenwood Camelia, LP constructed a 44 unit senior apartment development at 1541 Knox Avenue, according to the requirements of the North Augusta Development Code and the City, and including an off-site sewer line; and

WHEREAS, pursuant to §5.6.5 of the North Augusta Development Code, the Director of Planning and Development and the City Engineer approved the site plan for Havenwood Camelia on July 6, 2020; and

WHEREAS, it is the policy of the City that, upon completion of the improvements associated with an approved site plan, the City may, following inspection by the City's Engineering Department, accept a deed of dedication for utility extensions for the purpose of ownership and maintenance when said deed is accompanied by a maintenance guarantee; and

WHEREAS, a maintenance guarantee and cash deposit accompany the deed, the City Engineer has made final inspection of the subject improvements, and these improvements meet City standards.

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, do hereby accept a deed of dedication for:

Fee simple title to all off-site sanitary sewer lines and apparatus located within the public right-of-way of Knox Avenue and Walker Avenue, as shown on a Sanitary Sewer As-Built Survey for Havenwood Camelia, LP prepared by Tripp Land Surveying, Inc., dated January 24, 2022.

BE IT FURTHER RESOLVED that a Maintenance Guarantee and Cash Deposit in the amount of \$1,200.00 are hereby accepted.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF _____, 2022.

ITEM 13. ADMINISTRATIVE REPORTS

None

ITEM 14. PRESENTATIONS/COMMUNICATIONS/RECOGNITION OF VISITORS:

A. Citizen Comments:

None

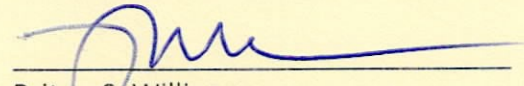
B. Council Comments:

- Councilmember Presnell congratulated the North Augusta High School Lady Jackets Basketball team on their great season. They played for the state title this past weekend for the fifth year in a row. Unfortunately, the team lost by four points in overtime.
- Councilmember Carpenter congratulated the Paul Knox Middle School Boys' and Girls' Basketball teams for both winning their championships for the second year in a row.
- Mayor Williams announced Don Smith was named the North Augusta Chamber of Commerce Citizen of the Year at last week's annual meeting and banquet.

ITEM 15. ADJOURNMENT

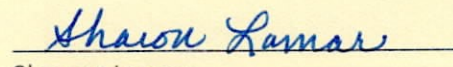
The regular City Council meeting adjourned at 6.25 p.m.

APPROVED THIS 21st DAY OF
March 2022.



Briton S. Williams
Mayor

Respectfully submitted,



Sharon Lamar
City Clerk