



DISCUSSION ITEMS FOR JUNE 5, 2023 CITY COUNCIL MEETING

The documentation provided herewith consists of advance draft materials for review by Mayor and City Council. Such documents may be revised prior to the actual Council meeting before any formal consideration of same by Mayor and City Council. Said documents may also be revised by way of a proper amendment made at the Council meeting. These documents are informational only and not intended to represent the final decision of the Council.



Interoffice Memorandum

TO: Mayor and City Council

FROM: Jim Clifford, City Administrator

DATE: June 2, 2023

SUBJECT: Regular City Council Meeting of June 5, 2023

REGULAR COUNCIL MEETING

ITEM 5. PROCLAMATIONS:

- a. **National Garden Week, June 4 – 10, 2023**
- b. **Scoliosis Early Detection Awareness Month June, 2023**
- c. **North Augusta High School Boys Golf Team 2023 Class 4A State Championship**

Mayor Williams will recognize the above proclamations.

Please see ATTACHMENT #'s 5a ,5b, and 5c for a copy of the proclamations

ITEM 6. PERSONNEL: Captain William Luckey, Retirement – Recognition of Service to the City of North Augusta

Mayor Williams will recognize the retirement of Captain William Luckey and his service to the City.

NEW BUSINESS

ITEM 7. PLANNING AND DEVELOPMENT: Ordinance No. 2023-11 Amending Article 13, Signs, of the North Augusta Development Code, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances– First Reading

An ordinance has been prepared for Council's consideration to approve the Amending Article 13, Signs, of the North Augusta Development Code, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances.

Please see ATTACHMENT #7 for a copy of the proposed ordinance.

ITEM 8. PLANNING AND DEVELOPMENT: Ordinance No. 2023-12 to Approve the General Development Plan for the 177.5+ Acre the Hive Planned Development on the East Side of West Martintown Road between Knobcone Avenue and Interstate 20– First Reading

An ordinance has been prepared for Council’s consideration to approve the General Development Plan for the 177.5+ Acre the Hive Planned Development on the East Side of West Martintown Road between Knobcone Avenue and Interstate 20.

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

ITEM 9. PUBLIC SAFETY: Ordinance No. 2023-13 Ordinance Establishing a Procedure for the Provision of Wrecker Service by Commercial Wrecker and Towing Businesses within the City Limits – First Reading

An ordinance has been prepared for Council’s consideration to approve Establishing a Procedure for the Provision of Wrecker Service by Commercial Wrecker and Towing Businesses within the City Limits.

Please see ATTACHMENT #9 for a copy of the proposed ordinance.

ITEM 10. PUBLIC SERVICES: Resolution No. 2023-20 Authorizing the City of North Augusta to Enter into a Contract with Davis & Floyd

An ordinance has been prepared for Council’s consideration to approve Authorizing the City of North Augusta to Enter into a Contract with Davis & Floyd.

Please see ATTACHMENT #10 for a copy of the proposed resolution.



PROCLAMATION

WHEREAS, Gardeners have a passion for nurturing the beauty and resources of the earth through the planting of seeds, the care of all plants and the riches of their efforts; and

WHEREAS, Gardeners work to preserve our country's traditional spirit of independence and initiative through innovation and hard work; and

WHEREAS, Gardeners advocate the importance of all creatures sharing our world and their roles in a balanced and productive ecology; and

WHEREAS, Gardening serves as a challenging and productive activity for all citizens, those just learning as well as those having years of experience; and

WHEREAS, Gardening promotes a healthy lifestyle that lasts a lifetime, helps reduce stress from other areas of our life, and teaches that rewards come from diligent efforts; and

WHEREAS, the North Augusta Council of Garden Clubs enriches our city by maintaining Billie's Butterfly Garden, providing a scholarship for a North Augusta High School senior, and sponsoring campers for Camp Wildwood.

NOW THEREFORE, I, Briton S. Williams, Mayor of the City of North Augusta, South Carolina, do hereby proclaim the week of June 4-10, 2023 as

National Garden Week

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 5th day of June 2023.

*Briton S. Williams, Mayor
City of North Augusta*



PROCLAMATION

WHEREAS, scoliosis, the abnormal curvature of the spine, is a condition which affect an estimated 6 to 9 million people in the United States; and

WHEREAS, primary onset of scoliosis is between ages 10 to 15 with females being five times more likely to require treatment, and scoliosis can cause pain, reduced respiratory function, and limited mobility in otherwise-healthy children., and approximately 1 in 6 children diagnosed with this disease will eventually require active medical treatment and;

WHEREAS, screening programs allow for early detection and for treatment opportunities which may alleviate the worst effects of the condition which has no known cause or cure; and

WHEREAS, raising public awareness of scoliosis is vital, helping children, parents, and health care providers understand, diagnose, and treat this disease and reduce the pain and suffering of those it affects.

NOW THEREFORE, I, Briton S. Williams, Mayor of the City of North Augusta, South Carolina, do hereby claim June, 2023 as

SCOLIOSIS EARLY DETECTION AWARENESS MONTH

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 5th day of June, 2023.

*Briton S. Williams, Mayor
City of North Augusta*



PROCLAMATION

HONORING NORTH AUGUSTA HIGH SCHOOL'S 2023 SOUTH CAROLINA CLASS 4A BOYS GOLF TEAM STATE CHAMPIONS

WHEREAS, the North Augusta High School Boys Golf team went undefeated in match play and won the Red Raider Invitational, the Swamp Fox Invitational, the Region 5-AAAA Championship, the AAAA Upper State Championship, and the AAAA State Championship, while setting the AAAA State Record for the lowest 36 hole score; and,

WHEREAS, this talented group of young men includes three 5-AAAA All-Region players: Jackson Beggs, Matthew Baxley, and Davis Neal; All-State players: Davis Neal, Matthew Baxley, and Luke Johnson; and the individual state champion: Davis Neal; and,

WHEREAS, members of the North Augusta golf team were:

<u>Middle Schooler</u>	<u>Freshman</u>	<u>Sophomores</u>	<u>Juniors</u>	<u>Seniors</u>
Luke Johnson	Mayson McNeill	Andrew Baxley Liam Gregory Stone Harley	Jackson Beggs Jaxson Griffin	Davis Neal Matthew Baxley Colyn Moore Colson Brown Kenny Middlebrooks Brad Gibbs

WHEREAS, the team was led by Head Coach Travis Spears and Assistant Coach Kyle Smith; and,

WHEREAS, these young men not only brought home the 2023 Class AAAA State Boys Golf Championship for their school, and served as ambassadors for the City of North Augusta as they played throughout their season; and,

WHEREAS, the North Augusta High School Boys Golf program has finished State Runner up in 2021, 2022, and has won the Region and State Qualifying Tournament in 2022 and 2023.

NOW, THEREFORE, I, Briton S. Williams, Mayor of the City of North Augusta, do hereby respectfully request that the citizens of North Augusta join me in celebrating and honoring North Augusta High School Boys Golf Team as the 2023 South Carolina Class 4A State Champions.

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 fifth day of June, 2023.

Briton S. Williams, Mayor
City of North Augusta

ORDINANCE NO. 2023-11
AMENDING ARTICLE 13, SIGNS, OF THE NORTH AUGUSTA DEVELOPMENT CODE,
CHAPTER 18 OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA CODE OF
ORDINANCES

WHEREAS, on December 17, 2007, by Ordinance 2007-22, the North Augusta City Council adopted the North Augusta Development Code which is consistent with the City's Comprehensive Plan and which incorporates all City zoning and land development regulations; and

WHEREAS, pursuant to Section 5.3.3.2 Text Amendments in Article 5, Approval Procedures, of the North Augusta Development Code, any person, property owner, board, commission, department or the City Council may apply for a change in zoning ordinance text; and

WHEREAS, the North Augusta Planning Commission, following an April 19, 2023, public hearing, reviewed and considered a request by the Planning Department to amend Article 13, Section 13.9 entitled "Prohibited Signs" of the North Augusta Development Code to prohibit signs that are not on the parcel the sign advertises. The Planning Commission report has been provided to City Council for consideration.

WHEREAS, The Mayor and City Council have reviewed the request as well as the report from the Planning Commission and has determined that the change to the text of the Development Code is appropriate.

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 North Augusta Development Code, Chapter 13 of The City of North Augusta, South Carolina Code of Ordinances, Providing for New Zoning and Land Development Regulations for the City of North Augusta, South Carolina, is hereby amended and shall read as described in the following section. The section of the Code affected by the proposed amendment is identified by the section number.
 - A. Article 13.9 Prohibited Signs be amended to add:
 13. Off-site signs
 - B. Appendix A of the North Augusta Development Code shall be amended to include the following definition:

Off Site Sign: A sign which identifies or directs attention to a business, profession, commodity, service, event or other activity not being conducted, sold, or offered on the property on which the sign is located.

- C. Any other needed formatting will be edited to reflect new page numbers, titles or item numbering associated with the text changes outlined herein.
- II. All other 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 JUNE, 2023.

First Reading _____

Britton Williams, Mayor

Second Reading _____

ATTEST:

Jamie Paul, City Clerk

Department of Planning and Development



Project Staff Report

RZT23-001 Article 13: Signs, Text Amendment

Prepared by: Tommy Paradise

Meeting Date: April 19, 2023

SECTION 1: PROJECT SUMMARY

Project Name	Article 13, Prohibited Sign
Applicant	City of North Augusta
Proposed Text Amendment	A request from the City of North Augusta to amend Article 13: Signs of North Augusta Development Code to prohibit off-site signs

SECTION 2: GENERAL DESCRIPTION

City Planning has requested that the Planning Commission review proposed changes to Article 13: Signs in the City of North Augusta Development Code to prohibit off sight signs

SECTION 3: PLANNING COMMISSION CONSIDERATION

The Planning Commission is being asked to review the request for a text amendment based on the following provisions of the North Augusta Development Code:

5.1.4.6 Legislative and Advisory Hearings – The purpose of a legislative public hearing is to provide the public an opportunity to be heard consistent with the adoption procedures provided by statute. Unlike quasi-judicial hearings, a legislative proceeding does not require due process protections such as the right of the parties to offer evidence, cross-examination, sworn testimony; or written findings of fact. Like quasi-judicial hearings, legislative hearings are public hearings preceded by notice to interested parties. Public hearings are required for legislative review hearings such as amendments to a comprehensive plan, amendments to this Chapter including the zoning provisions of this Chapter and the Official Zoning Map, and applications for a Planned Development. The order of the proceedings for a legislative hearing shall be as set forth in §5.1.4.5.b. Testimony may be presented by any member of the public, but need not be submitted under oath or affirmation. The Planning Commission and Board of Zoning Appeals may establish a time limit for testimony.

5.3.2 Applicability

This section applies to any application for an amendment to the text of this Chapter or for an amendment to the Official Zoning Map. An amendment to the Official Zoning Map which reclassifies property from one zoning district to another is known as a “rezoning.” A change to the text of this Chapter is referred to as a “text amendment”.

5.3.3 Initiation

This Chapter, including the Official Zoning Map and any supporting map(s), may be amended from time to time by the City Council, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation. Any communication purporting to be an application for a change shall be regarded as mere notice to seek relief until it is made in the form required. Upon receipt of any communication, the interested parties shall be supplied with the proper application form(s) by the Director.

(5.3.3.1 Rezoning, does not apply, removed for brevity)

5.3.3.2 Text Amendment – Any person, property owner, board, commission, department or the City Council may apply for a change in zoning ordinance text. A proceeding for approval of a text amendment may be initiated by filing an application with the Department. The application shall be signed by the applicant and shall include the language of the proposed amendment to the text of this Chapter and the justification for the proposed change. Before any application is accepted by the Department, it is recommended that the applicant meet with a representative of the Department. The purpose of the pre-application meeting is to discuss the procedures and requirements for a text amendment request. During the conference, the Department will identify the submittal requirements.

5.3.5 Decision

5.3.5.1 The Director shall transmit the application to the Planning Commission for consideration at the next regularly scheduled monthly meeting following receipt of a complete application, provided that the complete application is submitted at least thirty (30) calendar days prior to said meeting. Notice of the public hearing shall be provided as set forth in §5.1.3. The Planning Commission shall approve or deny the zoning amendment in accordance with the procedures for a legislative hearing as set forth in §5.1.4.6.

5.3.5.2 At least ten (10) days’ notice and opportunity to comment must be given to the public if the applicant is allowed to present oral or written comments pursuant to S.C. Code §6-29-760.

5.3.5.3 The Planning Commission shall submit its recommendation to the City Council within thirty (30) calendar days, or other period required by law, after the initial hearing date (see S.C. Code §6-29-760(A)). A majority vote is required for the Planning Commission to approve, approve with conditions, if applicable, or deny a rezoning or text amendment application. A recommendation of approval with conditions of a rezoning may be submitted only if a conditional use permit is requested pursuant to §5.5.

5.3.5.4 The City Council shall consider the recommendation of the Planning Commission on each proposed rezoning and text amendment within thirty (30) days of receipt of the Planning Commission report. The City Council is not bound by the recommendation in making a final decision and may call for additional information and/or public hearing(s).

5.3.5.5 No challenge to the adequacy of notice or challenge to the validity of a rezoning or text amendment, whether enacted before or after the effective date of this section, may be made sixty (60) days after the decision of the City Council if there has been substantial compliance with the notice requirements of this section, with established procedures of the City Council and the Planning Commission and with S.C. Code §6-29.

5.3.6 Approval Criteria

Whenever the public necessity, safety or general welfare justifies such action, the Planning Commission may recommend amendments to the text of this Chapter or changes to zoning district boundaries. The Planning Commission shall consider all of the factors specified in this section, at a minimum, in reviewing an application for a rezoning. **The Planning Commission shall consider the factors specified in §5.3.3.2 in reviewing an application for a text amendment.**

The Planning Commission is being asked to review the proposed text changes and provide a recommendation of approval or denial, which will be forwarded to the City Council. Section 5.3.3.2 does not require additional standards for analysis to address in this staff report.

SECTION 4: PUBLIC NOTICE

A public notice of the text amendment request and scheduled date of the Planning Commission public hearing was published in the *North Augusta Star* and on the City's website www.northaugustasc.gov on April 5, 2023.

SECTION 5: HISTORY

The North Augusta Development Code was adopted by City Council on December 17, 2007, effective January 1, 2008. In response to issues with interpretation, court rulings, unclear text, and discussions with the Planning Commission, the Planning and Development Department completed a review of the sign regulations in North Augusta.

In 2019, several revisions to the code were presented by Staff to simplify, clarify, allow for new types of signage, and allow for more diverse signage types in Downtown. These revisions were reviewed by a subcommittee consisting of volunteers from the Planning Commission with a special interest in the topic. A "Sign Revision Preview" meeting was held on May 7, 2019, to review the changes and discuss these changes with the public. The Planning Commission recommended the text amendment for approval by the City Council at their regular meeting held June 20, 2019.

City Council adopted Ordinance No. 2019-18 amending the North Augusta Development Code, Article 13: signs of the City of North Augusta, South Carolina Code of Ordinances on December 2, 2019.

SECTION 6: SUMMARY OF CHANGES AND PROPOSED AMENDMENTS

City Planning has requested a text amendment to Article 13, to prohibit off-site signage, which is currently allowed.

Applicant Request:

13.9 Prohibited Signs be amended to add:

13. Off-site signage

Staff Recommends:

13.9 Prohibited Signs be amended to add:

13. Off-site signage

SECTION 7: ATTACHMENTS

1. Public Notice
2. Current Development Code Article 13, applicable pages
3. Draft Revised Development Code Article 13, applicable pages

City of
North Augusta, South Carolina
Planning Commission

Public Hearing Notice

The North Augusta Planning Commission will hold its regular monthly meeting at 7:00 PM on Wednesday, April 19, 2023, in the Council Chambers located on the 3rd floor of the North Augusta Municipal Center, 100 Georgia Avenue, to receive public input on the following applications:

RZT23-001 Off-Site Signage Text Amendment—A request by the City of North Augusta to amend Article 13, Signs of the North Augusta Development Code to prohibit off-site signage.

PD23-001 The Hive Planned Development Major Modification – A request by McKnight Properties, Inc., Panther Residential Management, LLC, and Stanley Martin Homes, LLC for a major modification to the Planned Development formerly known as Hamrick Farms. The request affects ±174.5 acres zoned PD, Planned Development, TPNs 001-20-01-004, 005-14-04-010, 005-17-01-012, and 001-20-01-007, roughly bound by I-20, W. Martintown Rd. and Knobcone Ave.

Documents related to the application will be available for public inspection after April 12, 2023 in the office of the Department of Planning and Development on the 2nd floor of the Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina and online at www.northaugustasc.gov. All members of the public interested in expressing a view on this case are encouraged to attend or provide written comments to planning@northaugustasc.gov.

CITIZEN ASSISTANCE:

Individuals needing special assistance or a sign interpreter to participate in the meeting are asked to please notify the Department of Planning and Development at 803-441-4221 at least 48 hours prior to the meeting.

Due to COVID-19, please visit www.northaugusta.net for any updates to meeting format, location or procedures prior to the meeting.

13.8.5 Signage for Special Zoned Districts

- a. For districts listed in Article 3 as “Special Districts” and not otherwise regulated under other sections of this article, the total allowed square footage may be coordinated between uses with a Master Signage plan. The total square footage allowed shall not exceed the total square footage allowed for any use.
- b. “Use Patterns” as regulated in Article 2 should be calculated based on the use of the property and the most closely related zoning district restrictions as determined by the Director of Planning and Development.
- c. Public District signage shall be determined by the City Council.

13.9 PROHIBITED SIGNS

1. Flashing Signs: Any sign which displays intermittent or flashing illumination which changes more than once in any thirty (30) second period is prohibited.
2. Portable Signs: Any portable sign, except when used as a temporary sign as permitted in these regulations, is prohibited.
3. Signs Attached to Fences, Poles, Trees: Any sign or advertising device attached to or painted on a fence, power or telephone pole, tree, stone or any other natural object is prohibited.
4. Roof Signs.
5. Fluttering Signs: Any fluttering ribbon and any banner or similar device is prohibited.
6. Illuminated Tubing: Any illuminated tubing outlining property lines, open sales areas or parking areas is prohibited. Illuminated tubing that is attached and integral to an original architectural detail of a building is permitted.
7. Inflatable Signs or Decoration: Any inflatable sign or sign affixed to a tethered balloon, where such sign is visible from the property line, is prohibited.
8. Reflective Paint and Lighting: Any sign with “day-glow” or highly reflecting coloring, paint or lighting or any sign that conflicts or may conflict with traffic flow or the visibility of vehicle drivers or pedestrians is prohibited.
9. Strobe Lights: Any strobe light or very bright light, moveable or non-moveable that is visible from any adjacent property or right-of-way for the purpose of attracting attention to a location is not permitted.
10. Billboards.
11. Multi-faced Signs.
12. Any sign within the right-of-way except as expressly allowed herein.

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11. Multi-faced Signs.
12. Any sign within the right-of-way except as expressly allowed herein.
13. Any off-site sign

ORDINANCE NO. 2023-12
TO APPROVE THE GENERAL DEVELOPMENT PLAN
FOR THE 177.5+ ACRE THE HIVE PLANNED DEVELOPMENT ON THE EAST SIDE OF
WEST MARTINTOWN ROAD BETWEEN KNOBCONE AVENUE AND INTERSTATE 20

WHEREAS, within the guidelines of the North Augusta Development Code, 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, the North Augusta Planning Commission, at its March 16, 2006, regular meeting, reviewed the subject application and voted to recommend that City Council approve the General Development Plan for the 177.5± acre Planned Development previously known as “Hamrick Farms”; and,

WHEREAS, Ordinance 2006-03 was approved by the City Council on April 17, 2006, application was approved as “Hamrick Farms” a mixed-use development on nine tracts in up to nine phases; and,

WHEREAS, the North Augusta Planning Commission, approved a resolution for application PDM21-003 to amend the general development plan on December 16, 2021; and,

WHEREAS, an application has been received from Stanley Martin Home, LLC requesting approval for a General Development Plan for a tract of land zoned Planned Development (PD) containing 177.5± acres located on the east side of Martintown Road between Knobcone Avenue and Interstate 20; and,

WHEREAS, the developer, Stanley Martin Homes, LLC of Columbia, South Carolina, proposes a mixed use development on seven tracts in up to nine phases; and

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 174.5 acre The Hive Planned Development is hereby approved as outlined below and as shown on the attached plat and identified as "Exhibits A1 and A2" as prepared by Cranston LLC dated March 9, 2023. The General Development Plan Narrative for The Hive as prepared by Cranston LLC, dated March 10, 2023 attached hereto as "Exhibit B", represents the intent of Stanley Martin Homes, LLC and addresses the requirements of the Ordinance for a Planned Development.

1. Scope of Development: The scope of development described in the General Development Plan for The Hive Planned Development and described herein shall be the maximum level of development allowed. The land uses permitted in The Hive Planned Development shall be limited to those described in this ordinance. 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 five (5%) 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:

Parcel	Permitted Uses	Area in Acres	Maximum Density
			(units per gross acre) or Intensity (gross building area in sq. ft. 1:2per acre}
A	Quadplex / Townhome Residential	16.2	5.7 dua
B	Single-Family Detached	16.1	2.5 dua
C	Single-Family Residential	43.9	3.0 dua
D	Single-Family Residential	14.0	2.6 dua
E	Multi-Family Residential	24.0	16.0 dua
F	Retail, Restaurant, Office, Financial Commercial	27.1	10,000 sf/acre
G	Greenspace	33.2	NA

- C. **Parking Requirements:** The minimum parking ratio for commercial uses shall be 3.0 spaces per 1,000 gross square feet of building for all uses except restaurants which require 6.0 spaces per 1,000 gross square feet. The maximum parking ratio permitted for all uses except restaurants shall be 4.0 spaces per 1,000 gross square feet. Any commercial parking provided in excess of the maximum ratios shall be on a pervious surface approved by the Planning Commission at the site plan stage. Loose gravel and compacted crusher run will not be approved. Appropriate sod over a stabilized surface may be approved. Shared parking calculations within and between commercial parcels will be considered and are encouraged. The minimum parking requirement for residential uses shall be as provided in the North Augusta Development Code.
- D. **Development Standards:** Development standards applicable to individual commercial parcel site plans shall be as specified in the C-3, General Commercial, District, 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, buffer line or parcel line, whichever provides for the greater setback.
 2. The side setbacks on the parcels in Tract F, may be zero on lot lines interior to the project where the structures on two or more parcels are constructed immediately adjacent to each other (with a common wall).
 3. The impervious surface area for any one parcel shall not exceed 80%. The overall impervious surface area for the overall project is limited to 60%.
 4. The maximum height shall be 75 feet.

Development standards applicable to residential areas shall be as provided in the ZDSO for R-2, Medium Lot Single-Family Residential, R-3, Small Lot Single-Family Residential, and R-4, Multi-Family Residential Districts as described in the ZDSO 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 SRS Traffic Engineering study shall be developed and approved prior to or coincidental with the initial phase concept plan. The Master Circulation Plan shall include and address the possible timing of potential connections across the McKnight/Hull commercial property to Martintown Road. The Master Circulation Plan shall include a master pedestrian circulation plan that shows the general alignment of Greenway extensions and connections through the property and to the property lines and shall show the locations of sidewalks.
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 Zoning and Development Standards Ordinance, this ordinance and the General Development Plan Narrative for Hamrick Farms.
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 Zoning and Development Standards Ordinance 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 Zoning and Development Standards Ordinance, the general development plan ordinance and the General Development Plan Narrative for Hamrick Farms.

- 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 Zoning and Development Standards Ordinance. The City will consider accepting the designated open space that the applicant is willing to dedicate in addition to the required dedications.
- H. Vehicular Access and Circulation: Stanley Martin shall implement the mitigation recommendations contained in the SRS Engineering 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 SRS Engineering that warrants the required off site improvement. 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. Access across the McKie parcel to Knobcone Avenue has not been secured at this time. If the applicant obtains the access right of way in the future, it shall be considered approved as part of General Development Plan (Alternative A). The balance of the McKie property is not a part of this General Development Plan at this time. However, it may be added to the General Development Plan and incorporated into Phase F if acquired by the developer. The Planning Commission may approve the inclusion of the McKie property into the General Development Plan and the uses allowed on the land added.
 3. 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's traffic engineer, SRS Engineering. Exterior access points shall be developed generally as shown on either Alternate A or B. 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. Shared access points shall be provided wherever possible and practicable.

4. Off-site traffic improvements including the modifications to the alternative primary access intersections on Knobcone Avenue, potential access intersections on Martintown Road, modifications to the medians in Martintown Road, installation of deceleration lanes and others shall be the responsibility of the developer. Implementation of required off site traffic improvements shall precede or coincide with the construction of the phase or parcel generating the need for the off-site improvement
 5. Signal and intersection improvements at Knobcone Avenue and Martintown Road and on Martintown Road at either the eastbound off ramp of Exit 1 or the existing access drive to the Hull Storey parcel will be the responsibility of the developer to meet the traffic requirements identified by SRS Engineering and required by SCDOT. (The signal on Martintown Road at the access drive to the Hull Storey parcel will be shared with the developer of the Hull Storey property.) Signals at both locations including poles and mastarms shall be in the style consistent with city policy.
 6. Vehicular cross-access shall be provided between all commercial parcels, where possible and permitted by differences in grade.
- 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 Martintown Road and Knobcone 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 relocated 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 shall be provided in the development as described herein. Landscaping and buffer requirements and standards applicable to each Phase and parcel in the development and not otherwise prescribed in this ordinance shall be as provided for in the Zoning and Development Standards Ordinance. All buffers shall be landscaped with existing natural vegetation or new plant material or both to create a visually impenetrable screen. Title to the required buffers shall be retained by a property owners association or deed-restricted to prevent a change of use. Minimum buffer requirements between tracts and uses are:
1. One (1) street tree shall be provided per forty (40) feet of street frontage on both sides of the street within the right-of-way. The species will be determined at the Preliminary Plat stage.
 2. The twenty-five (25) foot landscaped buffer required in the Highway Corridor Overlay District, the Martintown Road frontage, shall be measured from the property line in the final build-out scenario. Where deceleration lanes or other road improvements are required that may modify the existing property line, the buffer shall be measured from the new property line. Additional vegetation in accordance with an approved landscape plan pursuant to the Highway Corridor Overlay District requirements shall be installed. The required sidewalk may meander through the length of the buffer strip between newly installed trees and landscaping. The buffer shall be planted with an appropriate species of street tree with a minimum caliper of two (2) inches on no more than forty (40) foot centers.
 3. 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.
 4. 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. If a vinyl coated black chain link fence is proposed, a climbing vine or jasmine will be required to be planted at the base of the fence to provide a vegetated screen. Alternatively, a solid fence made of wood, vinyl, metal, or masonry may be constructed.

5. Commercial parking lot landscaping shall be designed to maximize the pervious surface area within the parking area and provide no less than one tree for every ten spaces.
 6. 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 Hamrick Farms. 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 Zoning and Development Standards Ordinance as it may be amended.
- L. Additional Provisions: Addition 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. Vinyl siding will not be used as an exterior wall material for homes constructed in Tract A.
 3. Proposed or anticipated covenants and deed restrictions on the parcels to be sold, property management arrangements for leased areas and the management of common areas shall be described in accordance with the approved conditions on the General Development Plan and provided in conjunction with the concept plan and plat submission for each phase.
 4. Commercial area and parking lot lighting shall be kept to as low a height as possible and screened or "cut-off" from adjacent residential areas or public streets to avoid illumination of and glare onto residential property or public streets. Exterior lighting details shall be included with each site plan application, including a description of the lighting levels during business versus non- business hours.

5. Outdoor display and sale of merchandise is prohibited on any commercial parcel within the development. However, outdoor merchandise display and sales areas associated with retail or any other use may be approved by the Planning Commission as part of a site plan.
6. 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.
7. 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.
8. The architectural design of commercial structures shall be improved to provide finish masonry walls and traditional masonry detailing on all elevations unless waived by the Planning at the site plan stage. Waivers may be approved for loading, maintenance, screened storage and other areas shielded from public view.
9. 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.
10. Signage size shall be permitted as provided for in the ZDSO. The sign panels shall be darker in color than the lettering and graphics.
11. The developer shall provide a maintenance guarantee supported by a letter of credit for the site landscaping on a commercial parcel after the landscaping is complete but prior to the issuance of a certificate of occupancy. Such maintenance guarantee and letter of credit shall be valid for a period of not less than one year from the date of the final certificate of occupancy and shall equal 20% of the cost of the installed landscaping as determined by the city.

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

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

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF
JUNE, 2023.

First Reading _____

Briton S. Williams, Mayor

Second Reading _____

ATTEST:

Jamie Paul, City Clerk



PROJECT INFORMATION

OWNERS:
STANLEY MARTIN HOMES, LLC
17170 FLAZA AMERICA DRIVE #1100
RESTON, VIRGINIA 20190
TMP# 001 20 01 004; 005 14 04 010; 005 17 01 012*

*PANTHER RESIDENTIAL MANAGEMENT, LLC IS DEVELOPER OF TRACT 005 17 01 012, ALTHOUGH STANLEY MARTIN HOMES, LLC CURRENTLY OWNS THIS TRACT

MARTINTOWN COMMONS M&E, LLC
635 A FRONTAGE ROAD
MARTINTOWN, VA 22041
TMP# 001 20 01 007

LEGEND

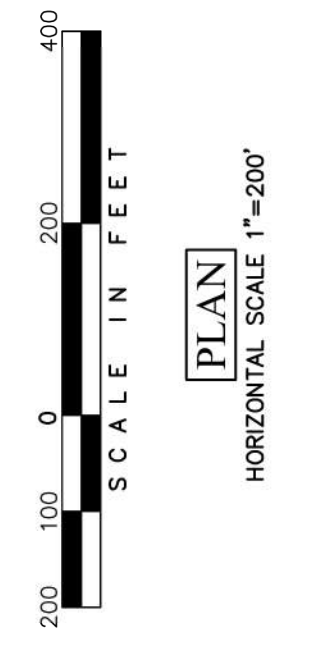
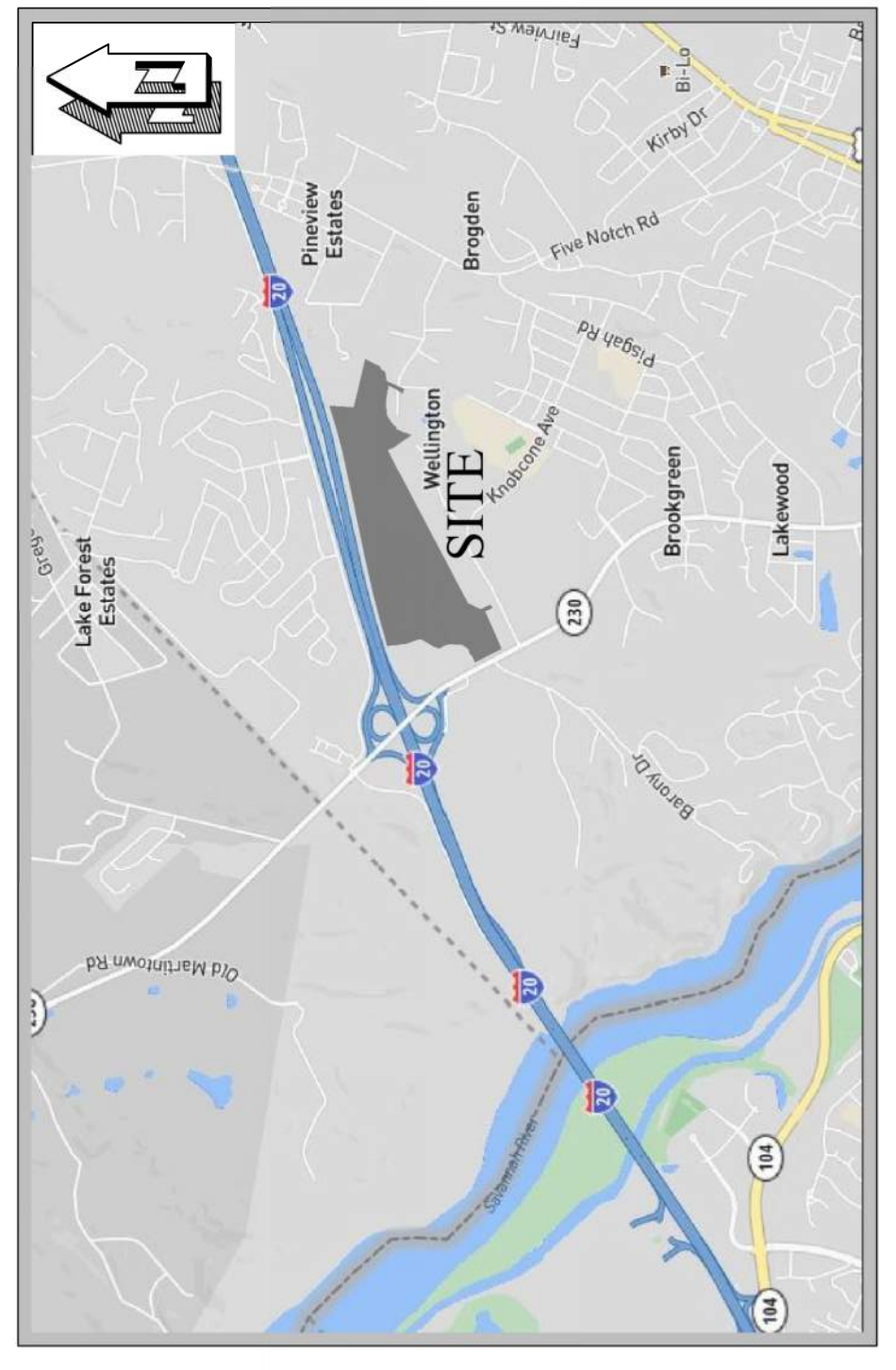
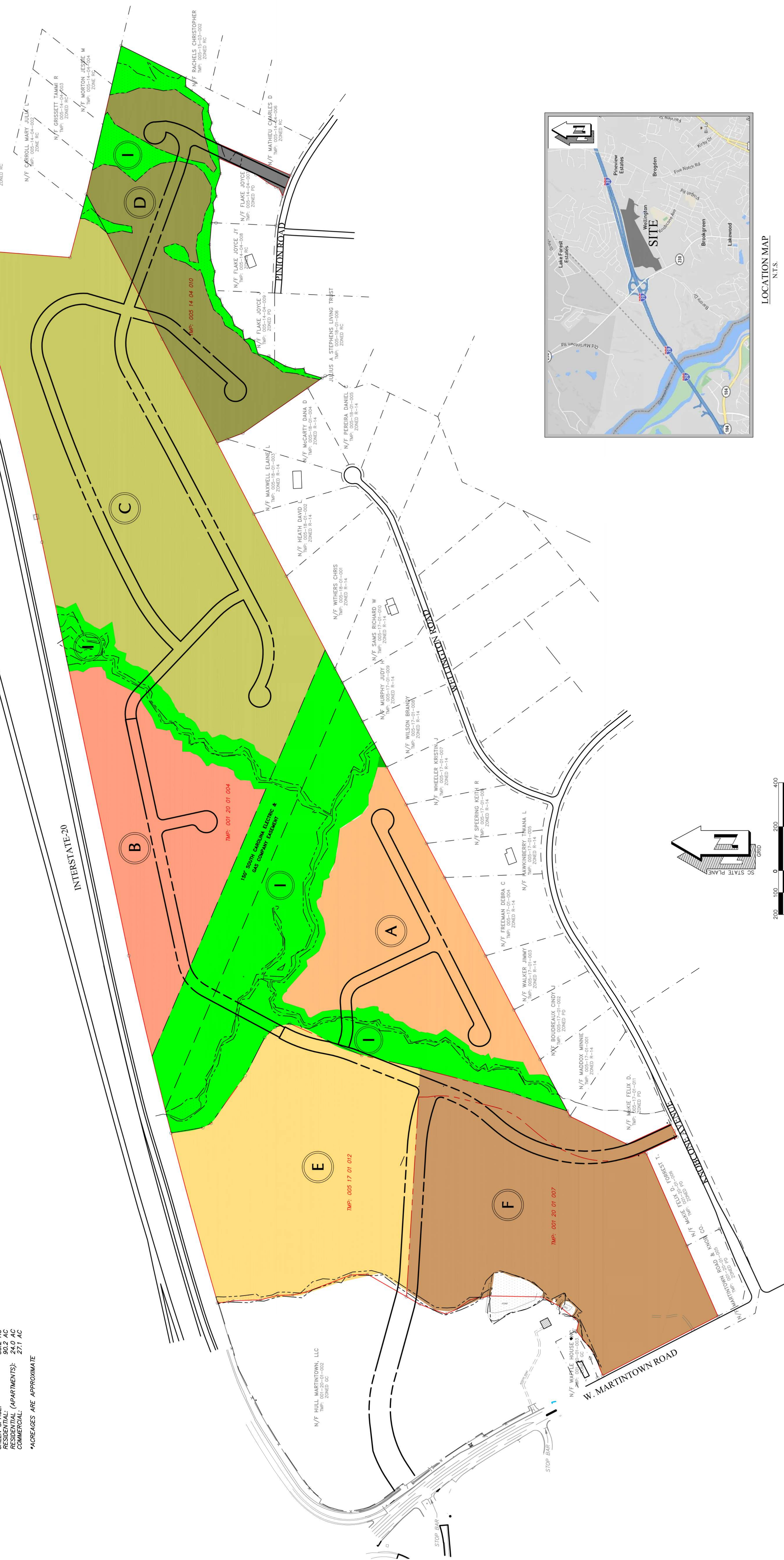
--- EXISTING PROPERTY LINE
--- CONCEPTUAL RIGHT-OF-WAY LINE

LAND USE SUMMARY

DESIGNATION	GENERAL NAME	INTENDED USE	AREA	MAX. DENSITY	MAX. DWELLING UNITS
A.	RESIDENTIAL	TOWNHOMES	16.2 ACRES	57 UNITS/AC	92
B.	RESIDENTIAL	DETACHED SINGLE FAMILY	16.1 ACRES	2.5 UNITS/AC	40
C.	RESIDENTIAL	DETACHED SINGLE FAMILY	43.5 ACRES	3.0 UNITS/AC	130
D.	RESIDENTIAL	DETACHED SINGLE FAMILY	14.0 ACRES	2.6 UNITS/AC	36
E.	RESIDENTIAL	APARTMENTS	24.0 ACRES	16 UNITS/AC	384
F.	COMMERCIAL	BANK, RESTAURANT, HOTEL, OFFICE, CARWASH, RETAIL	27.1 ACRES	10,000 S.F./ACRE	N/A
I.	GREEN SPACE	OPEN SPACE / RECREATIONAL	33.2 ACRES	N/A	N/A
TOTAL			174.5 ACRES		682

ACREAGE BY LAND USE:
RESIDENTIAL (TOWNHOMES): 33.2 AC
RESIDENTIAL (APARTMENTS): 30.2 AC
RESIDENTIAL (APARTMENTS): 24.0 AC
COMMERCIAL: 27.1 AC

*ACREAGES ARE APPROXIMATE



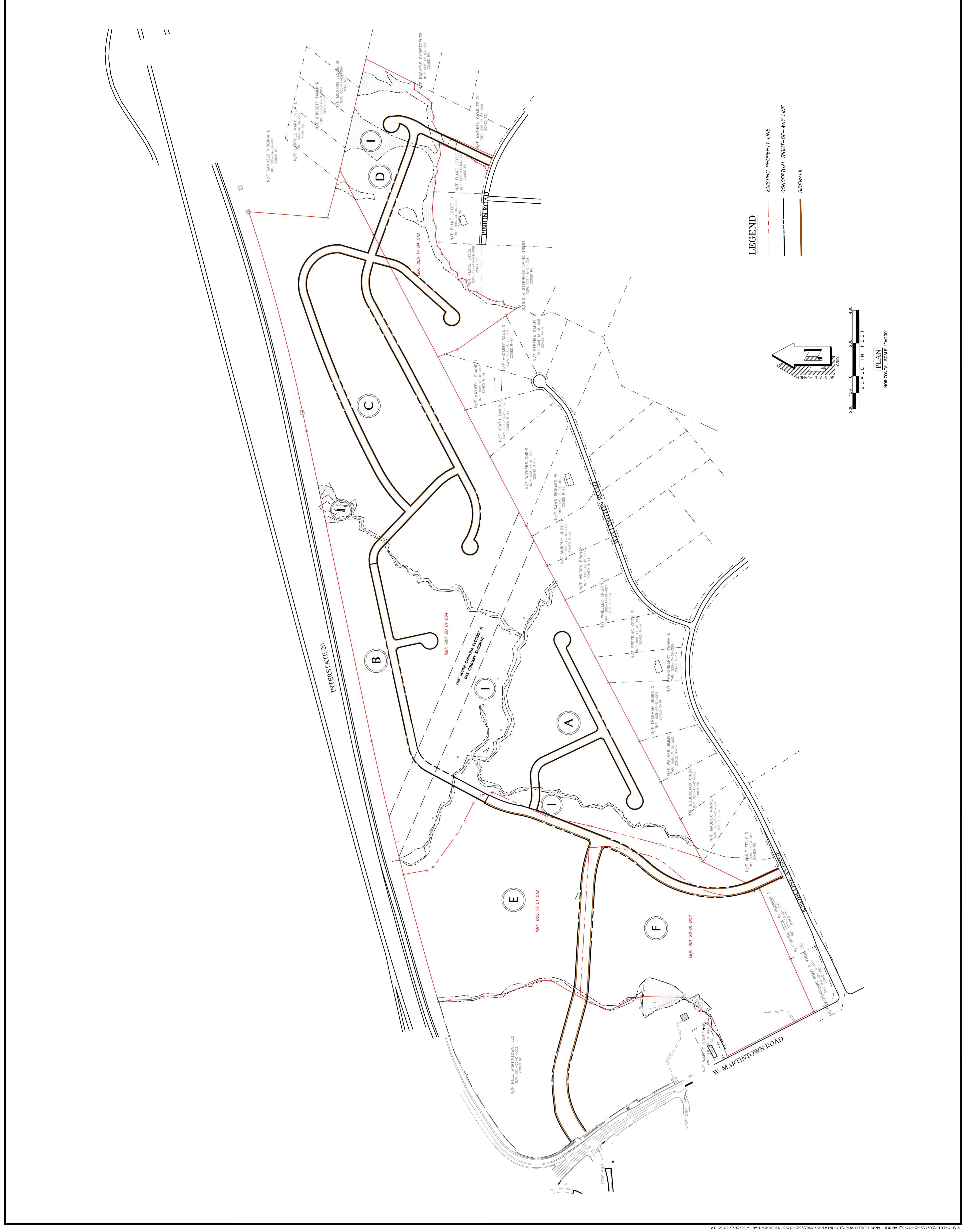
DRAWN BY: GSA
 CHECKED BY: SMS
 APPROVED BY: SMS
 DATE: MARCH 9, 2023
 SCALE: 1" = 200'
 JOB No. 2021-0393
 DRAWING No.

**CIRCULATION PLAN
 THE HIVE PLANNED DEVELOPMENT**

CRANSTON

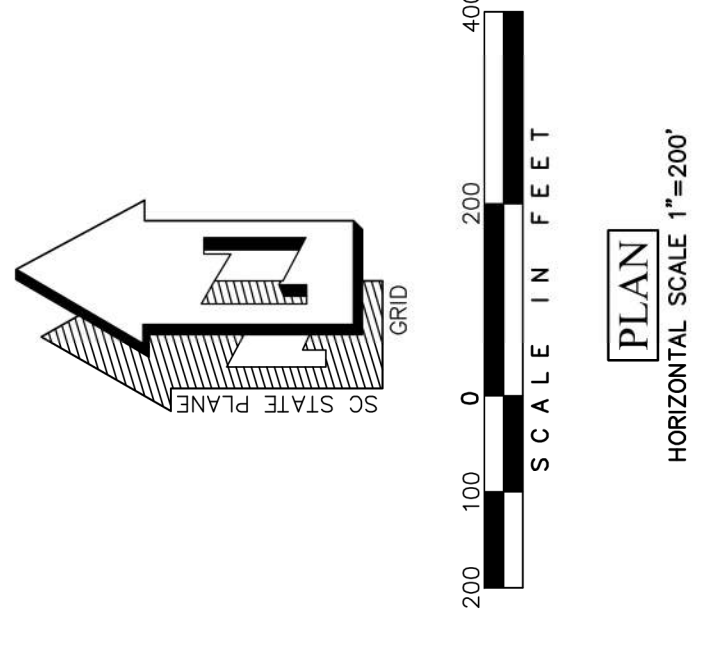


REV #	DATE	DESCRIPTION



LEGEND

- - - EXISTING PROPERTY LINE
- - - CONCEPTUAL RIGHT-OF-WAY LINE
- SIDEWALK



ORDINANCE NO. 2023-13
ORDINANCE ESTABLISHING A PROCEDURE FOR THE PROVISION OF
WRECKER SERVICE BY COMMERCIAL WRECKER AND TOWING
BUSINESSES WITHIN THE CITY LIMITS

WHEREAS, the City in the past has utilized a procedure established by the Public Safety Department related to the towing of vehicles when required by the Department of Public Safety; and,

WHEREAS, the procedure previously followed was initially developed when a relatively small number of wrecker and towing services were available for service within the City; and,

WHEREAS, over the years, as the need for such wrecker and towing services has increased, more commercial towing services have indicated an interest in being placed on the rotation list used by Public Safety; and,

WHEREAS, Mayor and Council have determined that it is necessary that a new policy be established for future use, to insure that all businesses that qualify to provide the services and desire to do so are given an equal opportunity to provide such services.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of North Augusta that:

- I. The following attached policies and procedures as proposed by the Department of Public Safety and approved by Council be codified in the Code of Ordinances for the City of North Augusta and be followed hereafter related to the provision of Wrecker and Towing service when required by the Department of Public Safety.
- II. The policies and procedures as established hereunder shall be published and made available to all persons inquiring about being included on the wrecker rotation list.
- III. This procedure shall become effective as of the _____ day of _____, 2023.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF JUNE, 2023.

First Reading _____

Britton Williams, Mayor

Second Reading _____

ATTEST:

Jamie Paul, City Clerk



NORTH AUGUSTA DEPARTMENT OF PUBLIC SAFETY



POLICIES AND PROCEDURES

Subject Wrecker Rotation Procedures	Date 07/20/22	Department Policy No. 1710
Applicable Standard(s)	Accreditation Section No. N/A	No. Pages in Section 6

I. Purpose

To provide Officers and Wrecker Service personnel with guidelines on Tow Service general regulations.

II. Policy

It is the policy of this agency to ensure that wreckers are utilized to their maximum effectiveness, while maintaining a fair and impartial method of administering their use. Moreover, it is the policy of the agency to safeguard vehicles and their contents while in the custody of the agency, and to protect the agency against claims of lost, stolen, or damaged property.

III. Definitions

List Wrecker – a towing service on the agency's list of authorized wreckers.

Owner's Request – when a citizen, due to an accident or breakdown, requests a specific wrecker company for assistance.

Impound – the towing and securing of a vehicle until such time as the owner, or his/her designee, can take possession of the vehicle. These vehicles are generally towed by the list wrecker to a storage location managed by the wrecker company.

Placing a Hold – the securing of a vehicle, until such time as it can be processed, as in the case of a recovered stolen vehicle, a seized vehicle, or a vehicle, which contains evidence. These vehicles are not available for pick-up by the owner, they are held in possession of the agency. These vehicles may be stored at an agency facility or a wrecker company storage location, depending on the circumstances of the hold.

IV. Procedures

A. Tow Service General Regulations

The following regulations shall apply to all wrecker services utilized by the North Augusta Department of Public Safety.

1. No North Augusta Department of Public Safety employee will hold any financial interest or any form of ownership in any wrecker service.

B. Qualification criteria

1. All wreckers shall have appropriate safety equipment, fire extinguishers, warning devices, flashlights, and all other equipment necessary to protect the motoring public and be equipped with amber flashing lights visible in all directions for a distance of 500 feet in normal sunlight. Such equipment shall be maintained in good working order. All authorized amber flashing lights shall be activated and wrecker operators shall wear reflective traffic safety vest while performing recovery operations or when circumstances are such that the vehicles being transported create a potentially hazardous condition for other motorists.
2. Each wrecker service on the rotation list must place a sign on the driver and front passenger door of each of its wreckers indicating the company name, address, and telephone number of the zone to which it is assigned. This sign shall be painted on the doors of the wrecker or otherwise permanently affixed to the doors. The letters of the sign must be no less than two inches high. If the wrecker is registered in a name other than that of the wrecker service, the owner's name must also appear on the doors in letters no less than one inch high. All lettering on wreckers shall be plainly visible and shall be in a color that contrasts to that of the wrecker.
3. Each wrecker service on the rotation list must place a sign on the exterior of its business location clearly visible indicating the company name, telephone number, and business hours.
4. Each wrecker service on the rotation list shall carry liability insurance on its wreckers and its premises in an amount not less than \$300,000.00 for a Class A wrecker, \$500,000.00 for a Class B wrecker, and \$750,000.00 for a Class C wrecker.
5. Each wrecker service on the rotation list shall carry insurance that covers vehicles, cargo, and other property in or on the vehicle during transit in an amount of not less than \$75,000.00 for a Class A wrecker, \$150,000.00 for a Class B wrecker, and \$250,000.00 for a Class C wrecker.

6. Each wrecker service on the rotation list shall carry garage keeper's liability insurance covering customer's vehicles in an amount not less than \$100,000.00 for a Class A wrecker, \$200,000.00 for a Class B wrecker, and \$200,000.00 for a Class C wrecker.
7. Each wrecker owned by any wrecker service on a rotation list shall be equipped with a towing log. The towing log shall be maintained by the wrecker service and shall accurately reflect all towing done by the wrecker service at the request of the Department of Public Safety. The North Augusta Department of Public Safety Communications Center shall design the wrecker log format. Each wrecker service owner shall be responsible for producing this towing log upon request by a law enforcement officer.
8. Wrecker operators must display professional behavior when conducting business at the request of Public Safety.
9. Wrecker services and operators shall be familiar with and shall comply with the laws regarding solicitation (S.C. Code 1976, 56-5-3180).
10. A new rotation list will be created each calendar year. A wrecker service desiring to be on the rotation list in the next year must apply in writing by October 1, must possess a valid City of North Augusta business license, and must be approved by the SC Dept. of Public Safety as a qualified tow service for the SC Dept. of Public Safety rotation list prior to December 31. On December 31 of each year the North Augusta Department of Public Safety will make available a copy of the wrecker rotation list to be effective January 1 of the following year. A copy of the list will also be emailed to all tow services that are on the list.
11. A wrecker service not currently on the North Augusta Department of Public Safety wrecker rotation list and desiring to be added may apply in writing at any time. However, the wrecker service must first possess a valid City of North Augusta business license, be inspected by the SC Department of Public Safety and be qualified as a rotation tow service on the SC Dept. of Public Safety rotation list.
12. A wrecker service that fails to pass inspection and qualification by the SC Dept of Public Safety as prescribed by regulation as a tow service on the SC Dept of Public Safety rotation list, will also be removed from the North Augusta Department of Public Safety rotation list. When the wrecker service corrects the deficiencies and has been approved as a tow service on SC Dept of Public Safety rotation list, the tow service may reapply to the North Augusta Department of Public Safety.

C. Wrecker service rotation list; responsibilities.

1. A wrecker service requesting to be on the rotation list for the City of North Augusta must physically have a business location within a five (5) mile radius of the city limits of North Augusta. The wrecker to be used, must be housed at that location during normal business hours. (“Normal business hours” or “business hours” as used in this policy means at a minimum from 08:30 to 17:00 hours, Monday through Friday and additional hours designated and posted by the company.) The vehicle towed must be towed to the same business location where the wrecker is housed during normal business hours, unless the vehicle owner or operator requests that the vehicle be towed to another location. Normal business hours must be clearly posted. Storage lots are not considered as a separate business. There will only be one telephone number for one wrecker service at any one address on rotation. A wrecker service must immediately notify the North Augusta Department of Public Safety upon change of address or telephone number.
2. When the services of a wrecker are needed and when the owner or driver of the vehicle to be towed has no preference as to which wrecker service he desires, a wrecker will be called from the wrecker rotation list. The investigating officer will use his discretionary authority to deny request for specific wrecker service whenever the request will delay the timely restoration of safe traffic movement.
3. The wrecker service must have a wrecker of sufficient size and strength to handle the job. The North Augusta Department of Public Safety will have the right not to call a wrecker service that, in its opinion, fails to meet this qualification for a specific job. Under these conditions, the wrecker service not called will remain on the top of the rotation.
4. Wreckers shall respond only upon the request of the North Augusta Department of Public Safety.
5. Wrecker services will be called from the rotation lists in the order in which they appear on the lists. If a particular wrecker service is unavailable when called, it will be passed over and the next wrecker service on the list will be called to the scene.
6. Wrecker services shall be available to the North Augusta Department of Public Safety to respond to rotation calls as well as requests by the department for the immediate release of personal property on a 24-hour, seven-day-a-week basis. Each Wrecker service will be allotted two weeks of vacation time per calendar year. Written notification for vacation time request must be given to the City of North Augusta at least two weeks prior to the affected dates. Written approval by the City of North Augusta is necessary to ensure adequate coverage for the List. The wrecker service location shall have an agent present during business hours and at the request of the owner of the towed vehicle or his designee, the wrecker service must immediately release personal items such as medicines, medical equipment, keys, clothing, and tools of the trade, child restraint systems and perishable items. Should there be a dispute between the vehicle owner or the vehicle owner's designee and the wrecker service regarding any storage fees or charges, the vehicle owner or the vehicle owner's designee must provide the wrecker service written notification of the dispute. If the dispute is settled in favor of the wrecker

service then the owner of the towed vehicle is liable for all charges which accrued pending the resolution. The wrecker service must cease any storage charges that would otherwise accrue from the time the wrecker service receives written notification of the dispute until the dispute is settled. Upon release of the vehicle, the wrecker service shall provide an itemized statement of all charges. If the vehicle owner is not available to sign a release, the wrecker service must release the vehicle to the owner's insurer or to the owner's designee.

7. When a wrecker service or wrecker driver is unable to answer a call, the officer shall be promptly notified of the reason for the unavailability. A wrecker service or driver cannot refuse a call without prior notification of unavailability or without just cause.

8. Unless the owner or driver of a vehicle is incapacitated or unavailable, the investigating officer at the scene will make a determination of the owner or driver's preference of a wrecker service. The investigation officer will use the discretionary authority to deny requests for a specific wrecker service whenever the request will impair the timely restoration of safe traffic movement. In the event the owner or driver of the vehicle does not have a preference or preference cannot be determined, the investigating officer will utilize a wrecker from the rotation list. The wrecker service responding to such call shall provide the vehicle operator with a card containing the wrecker service name, address, telephone number, and business hours.

9. A wrecker service shall respond, under normal conditions, in a timely manner not to exceed 30 minutes. Failure to respond in a timely manner may result in a second rotation wrecker being requested. If the second wrecker is requested before the arrival of the first rotation wrecker, the initially requested wrecker will forfeit the call and will immediately leave the collision/incident scene.

10. A wrecker service may respond with a wrecker of a higher class than requested. However, wrecker service is limited to the rates of the requested classification.

11. It shall be the responsibility of the wrecker service to perform a general clean-up of the accident area before leaving the scene of the accident. This responsibility requires the wrecker service to remove all debris such as broken glass, liquids, and materials from an accident area by sweeping up such debris and removing this material from the scene in a garbage can-type container on each wrecker. All wreckers shall be equipped with brooms, shovels, commercial absorbent and all other equipment necessary to fulfill this responsibility.

12. Each wrecker service shall be responsible for securing personal property in a vehicle at an accident scene. The wrecker service shall be responsible for preserving personal property in a vehicle towed from an accident scene.

13. The wrecker service shall maintain the towed vehicle in a safe storage area in a manner that would prohibit further damage and ensure protection of personal property.

This may be a locked building or a secured fenced-in area where the stored vehicles and other property will not be accessible to the public. Wrecker services may charge a daily storage fee, commencing 12 hours after the vehicle is towed to the storage area and terminating when the vehicle owner or vehicle owner's designee offers or attempts to pick up the vehicle and offers to pay the wrecker service's legitimate accrued charged. The 12 hour storage fee does not apply to recovered, stolen vehicles. "See attached SC Code of Law Section 56-5-5630 subsection C paragraph 1 & 2."

- a. Outside storage facilities must be sufficiently lighted, fenced, and locked for protection of vehicles and property.
- b. Fencing around storage facilities must be of adequate size to discourage theft of vehicles and property stored within, and may not be less than six feet in height
- c. Inside storage, covers, tarpaulins, or other devices must be available for protection of vehicles or personal property.

14. A wrecker service may secure assistance from another wrecker service when necessary to complete the recovery; however, this does not supersede subsection (c) of this section nor does it permit wrecker services to accept a rotation call and dispatch the call to secondary wrecker services. Only one bill is to be submitted to the owner or operator for the work performed.

15. Motorists utilizing the North Augusta Department of Public Safety's wrecker rotation list will have the option of paying by major credit card. The wrecker service may request, prior to dispatching, if the motorist intends to pay by major credit card. If the wrecker service does not accept major credit cards, the next wrecker service that does accept credit cards will be utilized. Any wrecker service called that does not accept credit cards will remain on the top of the rotation list.

16. When the wrecker company has towed a burnt or chopped vehicle where the vehicle identification number has been removed and the vehicle has been towed to their storage lot, the wrecker service requested by law enforcement will provide assistance by either the use of their hard mounted floor lift or the use of the wrecker boom in lifting the vehicle in a location where the Investigator can both safely and sufficiently be able to get underneath the vehicle in order to try and locate the secondary vehicle identification number. This will both benefit the North Augusta Department of Public Safety in identifying the vehicle and the wrecker service by helping them know what insurance company to contact on the vehicle.

D. Complaints and disciplinary procedures.

1. Complaints from or about wrecker services regarding an incident involving the North Augusta Department of Public Safety or its operation of the wrecker list must be received in writing within 30 days of the alleged incident. Complaints should be directed to the Patrol Captain for review.

E. Wrecker classifications.

1. ***Class A (light duty) wrecker.*** Class A wreckers, for towing vehicles weighing 7,000 pounds or less, (passenger cars, pickup trucks, motorcycles, small trailers, and similar vehicles) shall meet the following minimum requirements:

A. *Conventional wrecker*

1. Minimum gross vehicle weight (GVWR) of not less than 10,000 pounds.
2. Individual boom capacity of not less than 8,000 pounds as rated by the manufacturer.
3. Individual PTO or hydraulic power winch capacity of not less than 8,000 pounds as rated by the manufacturer with at least 100 feet of three-eighths inch cable drum.
4. A manufactured wheel-lift with a retracting lifting capacity of not less than 3,500 pounds as rated by the manufacturer, with safety chains.
5. Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.
6. Dual rear wheels.
7. Additional safety equipment as specified by the regulations.

B. *Rollback wrecker.*

1. Minimum gross vehicle weight rating (GVWR) of not less than 11,000 pounds.
2. Must have at least an 8,000 pound winch as rated by the manufacturer with at least 50 feet of three-eighths inch cable or larger.
3. Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.
4. Additional safety equipment as specified by the regulations.

2. ***Class B (medium duty) wrecker.*** Class B wreckers, for towing vehicles weighing between 7,001 and 17,000 pounds or multiple vehicles weighing 7,000 pounds respectively (medium-sized trucks, road tractors/trailers and similar vehicles), shall meet the following requirements:

- a) The tow truck chassis shall have a minimum gross vehicle weight rating (GVWR) of not less than 22,000 pounds.
- b) Must have at least a 12-ton boom assembly as rated by the manufacturer.
- c) Two winches, each of 10,000 pound capacity or more as rated by the manufacturer.
- d) A manufactured wheel-lift with a retracting lifting capacity of not less than 6,500 pounds as rated by the manufacturer, with safety chains.

- e) Come-A-Longs, chains, or other similar devices shall not be used as substitutes for winch and cable.
- f) Additional safety equipment as specified by the regulations.

3. Class C (heavy duty) wrecker. Class C wreckers, for towing vehicles in excess of 17,000 pounds (large trucks, road tractors/trailers and similar vehicles), shall meet the following minimum requirements:

- a) Truck chassis having a minimum gross vehicle weight rating (GVWR) of not less than 46,000 pounds.
- b) Tandem axles or cab to axle length of not less than 102 inches.
- c) A single or double boom with a capacity of not less than 50,000 pounds as rated by the manufacturer.
- d) A single winch with a capacity of 50,000 pounds as rated by the manufacturer or an individual power winch of not less than 25,000 pounds as rated by the manufacturer and a total rating with both winches of 50,000 pounds.
- e) A manufactured wheel-lift with a retracting lifting capacity of not less than 12,000 pounds as rated by the manufacturer, with safety chains.
- f) 150 feet of five-eighths inch cable or larger, plus 50 feet of five-eighths inch drop cable.
- g) Airbrakes constructed so as to lock wheels automatically upon failure.
- h) Light and air brake hookups.
- i) Come-A-Longs, chains, or other similar devices shall no be used as substitutes for winch and cable.
- j) Additional safety equipment as specified by the regulations.

F. Rates

The standard fees established by the South Carolina Department of Public Safety will apply to all North Augusta Department of Public Safety Wrecker Rotation List participants.

1. Only wrecker services on the North Augusta Department of Public Safety wrecker rotation list shall be subject to the regulations of this chapter governing fees.
2. Fees charged for rotation list calls shall be reasonable and not in excess of those rates charged for similar services provided in response to requests initiated by any other public agency or private person.
3. A standard tow is defined as responding to the scene, hooking up the vehicle, performing a general clean up if the call involves responding to a collision scene and providing responsible assistance to the owner to get to a safe location.
4. Special operations are operations involving the process of up-righting an overturned vehicle or returning a vehicle to a normal position on the roadway which requires the use of auxiliary equipment due to the size or location of the vehicle and/or the recovery of a load which has spilled, or the off-loading and

reloading of a load from an overturned vehicle performed to right the vehicle. (All tasks performed outside the standard tow procedures must be listed on Tow Service invoice for justification of additional fee.)

5. A copy of the approved fees will be kept in the wrecker at all times. It will be presented upon request to the person for whom the tow services were provided, his agent, any officer at the scene, or any supervisor who is inspecting the wrecker or wrecker service.
6. The North Augusta Department of Public Safety will complete a review of the fees for the North Augusta Department of Public Safety's rotation wrecker services to determine its validity and reasonableness.
7. Wrecker services may lower rates at any time and may raise rates for non-Public Safety calls at any time.
8. Maximum approved rates are set forth in wrecker rotation fee schedule and which are obtained from the SC Dept of Public Safety fee schedule.

G. Wrecker rotation fee schedule.

1. *Class A (Conventional)*
 - Collisions – \$242.00
 - Special Operations – \$142.00
 - Storage Fees – \$38.00 per unit per day
2. *Class B (Medium duty)*
 - Collisions – \$339.00
 - Special Operations – \$232.00
 - Storage Fees – \$48.00 per unit per day
3. *Class C (Heavy duty)*
 - Collisions – \$498.00 per hour
 - Special Operations – No Set Fee
 - Storage Fees – \$64.00 per unit per day

SC Code of Law Section 56-5-5630

Notice to owners and lienholders; payment for release of vehicle; liability of lienholders; stolen vehicles.

(A)(1) For purposes of this article, " vehicle" means a motor vehicle, trailer, mobile home, watercraft, or any other item or object that is subject to towing and storage, and applies to any vehicle in custody at the time of the enactment of this section. "Vehicle" includes:

- (a) items that are towed and left in the possession of a towing, storage, garage, or repair facility;
- (b) contents contained in the vehicle; and
- (c) personal property affixed to the vehicle.

Storage costs for those vehicles in custody at the time of the enactment of this section must not exceed sixty days.

(2) When an abandoned vehicle has been taken into custody, the towing company and storage facility having towed and received the vehicle shall notify by registered or certified mail, return receipt requested,

the last known registered owner of the vehicle and all lienholders of record that the vehicle has been taken into custody. Notification of the owner and all lienholders by certified or registered mail, return receipt requested, constitutes notification for purposes of this section. This notification must satisfy the notification requirements contained in Section 29-15-10. The notice must:

- (a) give a description of the year, make, model, and identification number of the vehicle;
- (b) set forth the location where the vehicle is being held;
- (c) inform the owner and all lienholders of the right to reclaim the vehicle within thirty days beginning the day after the notice is mailed, return receipt requested, upon payment of all towing, preservation, storage charges, notification, publication, and court costs resulting from placing the vehicle in custody; and
- (d) state that the failure of the owner and all lienholders to exercise their right to reclaim the vehicle within the time provided is considered a waiver by the owner and lienholders of all rights, title, and interest in the vehicle and is considered as their consent to the sale of the vehicle at a public auction.

If a vehicle has been towed pursuant to the provisions of this section, the towing company and storage facility must accept as payment for the release of the vehicle the same manner of payment that they would accept if the owner of the vehicle had requested his vehicle towed.

(B) If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned is sufficient to meet all requirements of notice pursuant to this article. The notice by publication may contain multiple listings of abandoned vehicles. This notice must be within the time requirements prescribed for notice by registered or certified mail and must have the same contents required for a notice by registered or certified mail.

(C) A lienholder is not subject to a criminal penalty imposed by law in this State for abandonment unless the vehicle is abandoned by the lienholder or his agent or if a false statement or report to a law enforcement officer is made as provided by Section 16-17-722. The owner of a vehicle which has been stolen, whether or not the vehicle was subsequently abandoned, is liable for:

- (1) actual recovery and towing charges; and
- (2) storage costs that accrue beginning seven days after the vehicle was towed.

The law enforcement agency must, within two days after the vehicle's towing, notify the owner that the vehicle has been recovered, provide the owner with the location of the vehicle, and explain that daily storage charges will begin to accrue if the vehicle is not reclaimed within seven days of the towing date.

A vehicle is considered to be stolen when the registered owner notifies a police officer and files a report which is accepted and placed on the records of the sheriff or chief of police as a stolen vehicle. The law enforcement agency that requested the tow must provide the towing company and storage facility, at no cost to the towing company and storage facility, the owner's name and address. A law enforcement agency is not liable for any costs or fees associated with the towing and storage of a vehicle as provided by this section.

(D) The court may order restitution from a person convicted of stealing a vehicle to cover the costs associated with the recovery, towing, and storage of the vehicle.

HISTORY: 1962 Code Section 46-490.13; 1972 (57) 2459; 1989 Act No. 159, Section 1; 2002 Act No. 195, Section 5; 2003 Act No. 71, Section 4; 2004 Act No. 269, Section 3.

RESOLUTION NO. 2023-20
AUTHORIZING THE CITY OF NORTH AUGUSTA TO ENTER INTO A CONTRACT WITH
DAVIS & FLOYD

WHEREAS, in August 2020, the State of South Carolina received a \$600 million settlement as result of litigation against the U.S. Department of Energy related to plutonium located at the Savannah River Site (SRS); and

WHEREAS, in July 2022, the State FY 2022-23 Appropriations Act, proviso 118.19 (72) appropriated a portion of the litigation settlement funds to the City of North Augusta for, among other projects, \$2,000,000 for a Regional Solid Waste Transfer Station; and

WHEREAS, City Council passed Resolution 2022-55 which formally acknowledged this and other City projects selected for funding and designated allocations to be held in Fund 36 until expenditures were made in accordance with Council approval; and

WHEREAS, in December 2022, following the City's purchasing ordinance, a Request for Qualifications (RFQ) was posted on the City's website seeking "professional design services for the purposes of obtaining permits, developing plans and specifications for the construction of a new Solid Waste Transfer Station" with the ultimate intention to award a Design-Bid-Build contract; and

WHEREAS, in January 2023, three responses to the RFQ were received, reviewed and evaluated by a submission review committee and ultimately Davis & Floyd was selected as the winning vendor; and

WHEREAS, in February 2023, the City was advised that Aiken County would disperse project funding only upon receipt and approval of a "Draw Request" as cash advance or reimbursement; and

WHEREAS, in May 2023, the City submitted a "Draw Request" for a cash advance for \$199,650 to Aiken County to cover the full costs of contracting with Davis & Floyd; and

WHEREAS, the City will submit future cash advance "Draw Requests" to Aiken County construction costs and other requirements to complete this project, in conjunction with following the City's purchasing ordinance regarding City administrative and Council approvals; and

WHEREAS, funds totaling \$1,800,350 remain to be drawn for implementation of the project, to include facility construction and acquisition of capital equipment.

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. A contract shall be awarded to Davis & Floyd for design, permitting, engineering, project management and limited construction services.

2. The City Administrator is authorized to execute such documents as necessary to enter into the contract.
3. Contract costs shall not exceed \$199,650 from Fund 36 - Savannah River Settlement Appropriations Act.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF JUNE, 2023.

Briton S. Williams, Mayor

ATTEST:

Jamie Paul, City Clerk