



## DISCUSSION ITEMS FOR SEPTEMBER 18, 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: April 28, 2023

SUBJECT: Regular City Council Meeting of May 1, 2023

**REGULAR COUNCIL MEETING**

**ITEM 5. PROCLAMATIONS:**

- a. **Direct Support Professionals Recognition Week, September 10-16, 2023**
- b. **Constitution Week, September 17-23, 2023**
- c. **Stormwater Awareness Week, September 24-30, 2023**
- d. **Recognition of Don "Ramblin" Rhodes**

Mayor Williams will recognize the above proclamations.

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

**NEW BUSINESS**

**ITEM 6. PLANNING AND DEVELOPMENT: Ordinance No. 2023-15 Adopting the North Augusta Development Code, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances, Providing for New Zoning and Land Development Regulations and Updating the City-Wide Zoning Map Accordingly – First Reading**

An ordinance has been prepared for Council's consideration to approve the Adopting the North Augusta Development Code, Chapter 18 of the City of North Augusta, South Carolina Code of Ordinances, Providing for New Zoning and Land Development Regulations and Updating the City-Wide Zoning Map Accordingly.

Please see ATTACHMENT #6 for a copy of the proposed ordinance.

**ITEM 7. ADMINISTRATION: Resolution No. 2023-33 Advising the City Administrator how to Respond to Greenstone NG, LLC, Concerning a Proposal for the Sale by Greenstone NG LLC of the Property Generally Known as the Medac Building to the City**

A resolution has been prepared for Council's consideration to approve Advising the City Administrator how to Respond to Greenstone NG, LLC, Concerning a Proposal for the Sale by Greenstone NG LLC of the Property Generally Known as the Medac Building to the City.

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

**ITEM 8. ADMINISTRATION: Resolution No. 2023-34 Authorizing Multiple Expenditures from Fund 36 Ancillary to the Regional Solid Waste Transfer Station Project**

A resolution has been prepared for Council's consideration to approve Advising the City Administrator how to Respond to Greenstone NG, LLC, Concerning a Proposal for the Sale by Greenstone NG LLC of the Property Generally Known as the Medac Building to the City.

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

**ITEM 9. ADMINISTRATION: Resolution No. 2023-35 to Provide a Local Match for a Municipal Association of South Carolina Hometown Economic Development Grant**

A resolution has been prepared for Council's consideration to approve to Provide a Local Match for a Municipal Association of South Carolina Hometown Economic Development Grant.

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

**ITEM 10. PARKS, RECREATION, AND TOURISM: Resolution No. 2023-36 Authorizing the City of North Augusta to Accept the Low Bid from Kenrick's Construction for the Riverview Park Dugout Replacements, Fields 1 & 2**

A resolution has been prepared for Council's consideration to approve Authorizing the City of North Augusta to Accept the Low Bid from Kenrick's Construction for the Riverview Park Dugout Replacements, Fields 1 & 2.

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



## **PROCLAMATION**

**WHEREAS**, direct support professionals, including direct care workers, personal assistants, personal attendants, in-home support workers, and paraprofessionals, are key to providing publicly funded, long-term support and services for millions of individuals with disabilities; and

**WHEREAS**, direct support professionals arrive for work every day ready to do all they can to ensure the health and safety of people with intellectual and developmental disabilities and autism, providing essential support that ensures all individuals are included as a valued part of their community, supported at home, at work, and in their communities, and empowered to live with dignity that all people deserve: and

**WHEREAS**, direct support professionals ensure that individuals with disabilities thrive through connections to their families, friends, and communities, thereby avoiding more costly institutional care; and

**WHEREAS**, providing a broad range of individualized supports, from navigating the routines of daily home life, job training, financial matters, medical appointments, and personal interest to providing transportation to school, work, religious, and recreational activities and keeping people with disabilities safe and healthy during the pandemic and volunteering to quarantine with individuals served to reduce transmission of the virus direct support professional must build close, respectful, and trusting relationships with the people they serve to empower them to fully participate in their communities; and

**WHEREAS**, increased awareness and recognition of direct support professionals can help alleviate the critical and growing shortage of these important healthcare workers in the Palmetto State.

**NOW THEREFORE**, I, Briton S. Williams, Mayor of the City of North Augusta, South Carolina, do hereby proclaim September 10 - 16, 2023, as

### **DIRECT SUPPORT PROFESSIONALS RECOGNITION WEEK**

in the City of North Augusta, South Carolina, and urge all our citizens to honor our direct support professionals for their dedication and contributions that enhance the lives of individuals of all ages with disabilities.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of North Augusta, South Carolina, to be affixed this 18th day of September, 2023.

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Briton S. Williams, Mayor  
City of North Augusta



## **PROCLAMATION**

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

**WHEREAS**, September 17, 2023, marks the two hundred and thirty-sixth anniversary of the drafting of the Constitution of the United States by the Constitutional Convention; and

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

**WHEREAS**, the independence guaranteed to the American people by the Constitution should be celebrated by appropriate ceremonies and activities during Constitution Week, September 17 through 23, 2023, as designated by proclamation of the President of the United States of America in accordance with Public Law 915.

**NOW THEREFORE**, I, Briton S. Williams, Mayor of the City of North Augusta, South Carolina, do hereby proclaim September 17 - 23, 2023, as

### **CONSTITUTION WEEK**

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of North Augusta, South Carolina, to be affixed this 18th day of September, 2023.

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Briton S. Williams, Mayor  
City of North Augusta



## **PROCLAMATION**

***WHEREAS**, polluted water released into our local creeks, streams, reservoirs, and rivers can cause harm to human health and wildlife, contaminate our drinking water sources, and threaten the ability to take part in recreational water activities; and*

***WHEREAS**, population growth, residential and commercial development, and the resulting changes to the natural drainage and hydrology of the land will only deepen our concern for stormwater quantity and quality in the City of North Augusta; and*

***WHEREAS**, the most common source of pollution to our water resources is stormwater runoff that includes yard waste, pet waste, vehicle fluids, trash, and sediment; and*

***WHEREAS**, these impacts cannot be entirely avoided, or eliminated, but can be reduced with the use of education, outreach, and change in everyday pollution prevention practices; and*

***WHEREAS**, our Stormwater Management Department is equipped to aid in the development and implementation of effective education and outreach programs in connection with other municipalities and organizations within the CSRA, that will meet state and federal stormwater pollution control requirements; and*

***WHEREAS**, this need arises from regulatory requirements, but also from the local community members, residents of our City, and local stakeholders and decision makers that will benefit from a greater awareness of the cumulative impacts our decisions make at home, at work, at school, and through local policy, effect the water quality of the Savannah River and our local water resources; and*

***WHEREAS**, the year 2023 marks the 2nd annual Stormwater Awareness Week sponsored in the City of North Augusta.*

***NOW THEREFORE**, I, Briton S. Williams, Mayor of the City of North Augusta, South Carolina, do hereby proclaim the week September 24 – September 30, 2023, as*

### ***Stormwater Awareness Week***

*in the City of North Augusta and I urge all citizens to pay tribute to water resources and to recognize the impact we can have to protect and preserve the water quality our creeks, streams, reservoirs, and rivers and the quality of life water brings to our city.*

***IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of North Augusta, South Carolina, to be affixed this 18th day of September, 2023.*

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



## **PROCLAMATION**

**WHEREAS**, Don Rhodes longtime North Augusta resident passed away on June 9, 2023; and

**WHEREAS**, Don was originally born in Gainesville, Texas, however, considered North Augusta as his home. He graduated from the University of Georgia School of Journalism in 1967, where he was hired by Morris Communications Company as a police beat reporter for the Savannah Evening Press; and

**WHEREAS**, Don transferred to Augusta in 1970, where he covered politics and entertainment for the Augusta Herald and Augusta Chronicle until 1993 when he transferred within the Morris Communications Company family owned business to the corporate communications department; and

**WHEREAS**, Don served as the publication's editor of the Morris Communications Company and publications manager of the National Barrel Horse Association and the Augusta Futurity until his passing; and

**WHEREAS**, Don was known nationally for his music column "Ramblin Rhodes" and observed its 50<sup>th</sup> anniversary in October 2020. He also served on the Board of Directors for the Augusta Museum of History, Arts and Heritage Center of North Augusta, and the Heritage Council of North Augusta; and

**WHEREAS**, Don has been the historian of the Jesse C. Lynch Memorial American Legion Post 71 in North Augusta and was made an honorary lifetime member of the Augusta Genealogical Society; and

**WHEREAS**, Don was a noted author that published nine books including James Brown "Say it Loud", Ty Cobb "Safe at Home", and most recently stories about North Augusta; and

**WHEREAS**, Don could always be counted on for research knowledge for projects, exhibits, historical markers, and presentations. He had numerous music associations which included entertainers such as Brenda Lee, Dolly Parton, Becky Hobbs, The Judd's, and locally James Brown, Flo Carter, and the Lewis family. In addition, he was friends with Sharon Jones and was instrumental in naming the North Augusta Amphitheater after her; and

**WHEREAS**, Don Rhodes was a special friend to all who knew him. His love for North Augusta and its history was evident in his life. His dedication and literary efforts will live on for generations to come.

**NOW THEREFORE**, I, Briton S. Williams, on behalf of the citizens of the City of North Augusta do hereby recognize

### **Don "Ramblin" Rhodes**

dedication to the City of North Augusta and his citizens and as a final tribute to Don Rhodes: "Thanks for the Memories."

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of North Augusta, South Carolina, to be affixed this 18th day of September, 2023.

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Briton S. Williams, Mayor  
City of North Augusta

ORDINANCE NO. 2023-15  
ADOPTING THE NORTH AUGUSTA DEVELOPMENT CODE,  
CHAPTER 18 OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA  
CODE OF ORDINANCES, PROVIDING FOR NEW ZONING AND LAND DEVELOPMENT  
REGULATIONS AND UPDATING THE CITY-WIDE ZONING MAP ACCORDINGLY

WHEREAS, pursuant to Title 6, Chapters 29 and 31 of the South Carolina Code, the North Augusta Planning Commission has the responsibility to prepare zoning and land development regulations for adoption by the North Augusta City Council; and

WHEREAS, such zoning and land development regulations have been revised and updated approximately every ten (10) years; and

WHEREAS; the most recently revised regulations were adopted in 2007 as the North Augusta Development Code; and

WHEREAS, the North Augusta Planning Commission has spent several years in the preparation of a Development Code which is consistent with the city's 2022 Comprehensive Plan; and

WHEREAS, the proposed Development Code incorporates all city zoning and land development regulations; and

WHEREAS, the proposed Development Code will replace the 2007 North Augusta Development Code; and

WHEREAS, public comment was solicited through formal public hearings and informal communication throughout the multiyear document preparation process; and

WHEREAS, the 2023 North Augusta Development Code is consistent with the city's 2022 Comprehensive Plan; and

WHEREAS, the North Augusta Planning Commission approved the draft North Augusta Development Code on June 6, 2023 and recommended it to the City Council for approval; and

WHEREAS, City Council held a public hearing on September 11, 2023 in accordance with Section 6-29-760 of the South Carolina Code of Laws; and

WHEREAS, an updated zoning map for the purposes of aligning existing zoning districts with new zoning district names and designations has been prepared which does not change the underlying zoning district classifications.

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:



ORDINANCE ADOPTING THE NORTH AUGUSTA'S DEVELOPMENT CODE

I. The North Augusta Development Code, Chapter 18 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 adopted and shall read as follows:

North Augusta Development Code Chapter 18 of the City of North Augusta Code of Ordinances

Article 1. Authority and Purpose

Article 2. Applicability and Conformity

Article 3. Nonconformities

Article 4. Zoning Districts Established

Article 5. Uses and Use Conditions

Article 6. Building and Lot Standards

Article 7. Landscaping, Buffers, Open Space, and Trails

Article 8. Parking, Loading, and Stacking

Article 9. Signs

Article 10. Mobility

Article 11. Adequate Public Facilities

Article 12. Utilities

Article 13. Environmental Standards

Article 14. Design and Performance Standards

Article 15. Floodplain Management

Article 16. Land Subdivision

Article 17. Administrative Roles and Responsibilities

Article 18. Administration and Enforcement

Article 19. Definitions

Appendix A. Definitions

Appendix B. Application Documents

Appendix C. Approved Plants

Appendix D. Construction Standards

Appendix E. Erosion and Sediment Control

Appendix F. Stormwater Quality

Appendix G. Stormwater System Design Standards (Text of ordinance)

II. Upon adoption of this ordinance on second and final reading, the previous Development Code, Ordinance #2007-22, adopted December 17, 2007, along with all amendments thereto, is repealed in its entirety.

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

IV. The North Augusta Development Code will be effective upon adoption.

V. All development applications deemed complete and received by the city prior to adoption of the North Augusta Development Code will be processed under the 2007 North Augusta Development Code.

VI. If the Planning Director determines that a project was significantly under design but not yet submitted the Planning Director may, in his discretion, may allow the project to be developed under the previous code.

VII. The attached city-wide Zoning Map for the City of North Augusta, South Carolina is hereby adopted for the purposes of applying new zoning district names and designations and does not change the underlying zoning district classifications.

VIII. Upon adoption of the 2023 North Augusta Development Code the previous Zoning Map, adopted December 17, 2007 by Ordinance 2007-22, along with all amendments thereto, is repealed in its entirety.

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

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

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

\_\_\_\_\_  
Briton S. Williams, Mayor

ATTEST:

\_\_\_\_\_  
Jamie Paul, City Clerk

# Department of Planning And Development

## Memorandum # 23-014

To: Jim Clifford, City Administrator  
From: Tommy Paradise, Planning Director  
Subject: Development Code Rewrite  
Date: August 21, 2023

On Monday, August 14, 2023, City Council held a work session where they discussed the proposed development code. Below is my understanding of the path forward and possible changes.

- 1) City Council will hold a public hearing on the proposed development code at 5:30 pm on September 11<sup>th</sup>. First reading of the ordinance will be on September 18<sup>th</sup> and second reading is scheduled for October 2<sup>nd</sup>.
- 2) Section 3.4.2.2 refers to the limitation on reconstruction of a nonconforming building, but places no amount that would trigger this limitation. There was discussion about possibly 50%. Staff would make the following recommendation on amending 3.4.1.2 and possibly adding a 3.4.1.3.

The permitted reconstruction of a nonconforming structure that has been damaged by less than 50% of the appraised value as determined by the county tax assessor's office in which the property sits, is allowed. if a permit is issued within six months from the time of damage or notice of wear and shall be completed within 12 months of issuance of the building permit for the nonconforming structure. Otherwise, a A nonconforming structure shall not be rebuilt, altered, or repaired following accidental damage if the repair exceeds 50% of the appraised value as determined by the county tax assessor's office in which the property sits. except in conformity of these regulations. Nothing in this section prevents normal maintenance and repairs of a nonconforming structure.

3. Alteration or Additions. Alterations and/or additions to a nonconforming building or structure may be permitted as long as the alterations and/or additions do not increase the nonconformity of the building or structure to the building setback line, height limitations, yard, or other provisions regulating the size and placement of buildings and structures for the district in which the nonconforming building or structure is located.

- 3) Council considered changing 4.12.1 Residential R-14 -Large Lot Single Family District to read Residential R-14 (1/3 Acre) -Large Lot Single Family District

- 4) Pawnshops in the DTMU1 is a conditional use, there was discussion on if this should be allowed in DTMU1. If Council wishes to prohibit these in the DTMU1 staff would recommend amending Table 5.1 to prohibit them in the DTMU1.
- 5) Council discussed allowing food trucks on the common areas in residential communities. If Council wishes to make this change, staff would make the following changes:

Amend Table 5.1 to allow food trucks as a conditional use in residential districts.

Amend Section 5.4.2.b. Maximum Number of Trucks per Property:

1. For ~~commercially zoned~~ parcels less than ¼ acre, up to two food trucks are permitted on the property at the same time.
2. ~~Commercially zoned properties~~ Properties between ¼ and ½ acre in size are permitted up to three food trucks at the same time.
3. For ~~commercially zoned~~ parcels over ½ acre in size, a maximum of four food trucks is permitted on the property at the same time, except for City-sponsored special events.

Amend 5.4.2.c.i Food Trucks are permitted on commercially, ~~or and~~ industrially zoned ~~properties only~~ parcels and in residentially zoned areas if located in common areas with the property owner's permission.

Amend Section 5.4.2.c.ix Food trucks shall be parked a minimum of 50 feet from any residential zoning district except where the food truck is operating on a common area of the residential district.

Amend Section 5.4.2.d.i In private spaces, hours of operation for food truck ~~in commercially and industrially zoned properties~~ shall be no earlier than 7 a.m. and no later than 10 p.m.

Amend Section 5.4.2.g.i ~~Food trucks are permitted on commercially and industrially zoned properties.~~

- 6) Also discussed was to allow chain link fencing that is not black vinyl clad. If so, staff would propose the following recommendation:

Amend 6.3.5.2.a ~~Black vinyl clad~~ chain link

- 7) Council discussed the possibility of the Planning Director having the authority to allow alternative to the architectural requirement found in 6.5 for the DTMU1 district. I reached our consultant, Robert Barber, FAICP with Orion Plannng+Design and discussed the option with him. Mr. Barber recommended against staff having the authority and recommended alternative compliance to be

determined by the Planning Commission. If this is something that Council would like to do, staff would recommend adding a section 6.5.10 which would state:

Alternative Compliance. The provisions of this section are not intended to prohibit an alternative design or material not specifically prescribed, provided that any such alternative complies with the intent of the provision of this section and is objectively shown through an officially published case study to be the equivalent or better of that prescribed in quality, appearance, strength, effectiveness, and durability. Alternative compliance shall be evaluated by the planning commission and approved or denied based on the demonstrated merits of proposed compliance.

The above wording added as section 6.5.10 would only apply to the DTMU1 district. If Council wishes for similar alternative to be available in DTMU2 staff would recommended adding a section 6.6.6 with the same wording.

## Department of Planning and Development

### Memorandum # 23-029

**To:** James S. Clifford, City Administrator  
**From:** Tommy Paradise, Director of Planning and Development  
**Subject:** Council Public Hearing on Proposed Development Code  
**Date:** September 15, 2023

City Council held a public hearing for the proposed development code on September 11<sup>th</sup>. During the public hearing, representatives from the Home Builders Association of Aiken and Augusta Region appeared and provided comments. Those comments are provided below with comments from staff

#### Article 4

#### 4.12 subsection 1, 2, 3, 4: R-14 R-10, R-7 and R-5 (pg. 22-25)

As an option - consider allowing up to a 20% reduction in lot area (reduction in the minimum sq. footage of the lot). If the developer/builder elects to reduce the lot area by up to 20%, the common area/greenspace in the development shall be increased by the same square footage removed from the lot area. If lot area is reduced, allow the impervious area of the lot to increase to 50%. Still keep the max density and min lot widths the same per zoning district. Many buyers do not want large yards to take care of.

Allows developer/builder additional flexibility in lot layout.

Could reduce the infrastructure the city takes ownership of if the developed portion of a tract of land is more condense.

Ability to decrease lot area works well with infill development and could help preserve additional buffers and greenspace within the development.

Staff Comments: Staff would recommend not making these changes at this time. The purpose of the new development code is the streamline the process and make the code easier to understand. This may cause some confusion with developers in how to design. It will also be difficult for staff to track because of different rules for different subdivisions. The Homebuilder's Association also recommended the development of a Planned Residential district. This type of district would accommodate the changes that are requested above, but would provide better oversight by the city since it would be similar to a Planned Development without the commercial requirement.

## 4.12.3 R-7 (pg. 24)

Consider allowing townhome and single-family-attached a minimum 20ft lot width. Or as an alternate consider 50% of those townhome or single-family-attached lots to be reduced to 20ft in width, the remaining 50% must be 24ft or wider.

We have numerous townhouse plans with widths less than 24 ft, which would allow for flexibility in design.

Staff Comments: This item was thoroughly discussed by the Planning Commission and the Planning Commission recommended widths of not less than 24 ft. In reviewing alternatives Council should be aware of unintended consequences. An example of an unintended consequence would be parking. A parking space is 9 ft. by 18 ft. A 20 ft. wide townhome (lot) with two parking spaces in front would have an 18ft. wide pad and a 2-foot strip of grass in front of the home.

## Article 7

## Table 7.2 Plant Material specifications (pg. 97)

Keep allowances for large trees to be 2" min cal and small trees min 1" min caliper. Keep the current min height requirements the same as well (8' & 6')

Increasing to 3" and 2" will add approximately \$200 to \$300 per tree for the large trees and \$150 to \$200 per tree for the small.

Typical lot requires 1 street or subdivision tree, three large landscape trees and two small landscape trees which is a total increased cost of \$1400 range. This is builder cost. Then a % profit added to that for the buyer and then the buyer pays for over the life of the mortgage.

The larger the tree is when it's planted, the longer it takes to adjust and start growing. A 2" tree will generally be the same size as a 3" tree in 3 to 4 years and has a higher survivability rate.

Nothing stops a developer/builder from upsizing the trees to a larger size if they or the buyer wants the larger tree. However, buyers rarely request larger or more trees, they typically prefer to spend their money on upgrades inside the house.

Staff Comments: This issue was thoroughly discussed in both the Steering Committee and Planning Commission. Both bodies recommended increasing the size. Roy Kibler is the City Horticulturist and has the following comments on the question:

- 1) The reasons for moving to a 3" caliper street tree is to have a clear trunk for 5ft so there is no sidewalk inference. Street trees with lower limbs are protruding



- into the sidewalk and make it difficult to walk on the sidewalk without hitting tree branches.
- 2) Tree specifications such as this require the tree to stay another year or so at the nursery to allow it to have a 3” caliper and have a good quality structural tree canopy with a clear tree trunk.
  - 3) With the 2” caliper trees that are currently being planted they have not been growing in caliper size very rapidly as there is no tree maintenance taking place by the developer, builder or landscape installer during the maintenance period.
  - 4) A 3” caliper tree in 3-4 years planted correctly could reach a caliper of 5-7” with the proper care.
  - 5) One other option would require the planting strip to be a 10 ft planting strip which was originally requested for the street trees and then a 2” caliper tree could remain as the tree branches would not be interfering with the sidewalks.
  - 6) With the Maintenance Guarantee of 2 years the trees are not maintained by the developer and such that the poor-quality trees that are being planted are causing problems with the sidewalks and homeowners using them.
  - 7) It appears as the developers are ultimately responsible for the street trees yet they are passing the cost of the street trees onto the builder who then passes it on to the homeowner. My professional recommendation would be to plant all the street trees up front so that there is tree quality consistency and the developer bears the cost of the street trees and therefore would have an interest in caring for the trees during the maintenance guarantee period.

#### 7.3.3.1.b Preparation of the landscape plan (pg. 97-98)

Also allow the civil engineer to prepare the landscape plan. This is common practice.

Staff Comments: This issue was also discussed in the Steering Committee and Planning Commission which provided the recommendation in the draft. According to Roy Kibler, City Horticulturist, the civil engineer is not a landscape architect and many times are suggesting trees in the wrong location.

#### 7.6 Street Trees (pg. 106)

The heading for subsection 7.6.2 mentions subdivision trees but there is no further allowance for subdivision tree. Keep the allowance for subdivision trees. Or simplify (delete "street" and "subdivision") the language to require one large tree per 40 ft of frontage to be planted between the front of the house and the street.

Allow the requirement of planting of the tree(s) in the paragraph above be a requirement of the final CO of the house, not the developer/final plat and not to a Performance or Maintenance Warranty period or LOC.

We do not typically include the landscaping in the homeowner warranty because it is up to them to run the irrigation properly and keep the plants alive.

Removing the trees from city responsibility and city ownership lowers city liability and expense.

Staff Comments: Council has heard a lot of discussion about street trees. Prior to staff providing comments Council should discuss the policy issues concerning street trees and decide if they would like to continue with street trees, where the City would maintain control but includes recurring maintenance cost and liability. As an alternative, would the City like to move the required trees to the private property and be the responsibility of the homeowner, where the City would not have control and the property owner could maintain or remove the tree as they desire.

If Council wishes to maintain control of the trees, staff would suggest all trees be required to be street trees located in the street right-of-way and eliminate the option of subdivision trees on private property. Staff would recommend that the City take over the maintenance of the trees when the street right-of-way is conveyed to the City, same as the utility maintenance. The 24-month maintenance guarantee on the trees could be called to replace trees that die during the maintenance period. Subdivision trees, as currently allowed, are on the homeowner's private property. Since this tree is not on public property and privately owned it is already difficult to have these trees replaced.

If Council doesn't wish to maintain control and additional large tree could be required in the front yard of single-family detached homes. This tree would be required for the certificate of occupancy and would be owned and maintained by the home owner. The owner would also have the option of removing the tree if they desired. A maintenance guarantee would not be required by the developer and the city would not have any responsibility for the tree.

## Article 9

### 9.6.5.6 Subdivision entrance signs (pg. 145)

Under e.ii and e.iii remove the word "monument"

Monument in the current code is only defined by one picture and monument in the proposed code is not defined at all. Removing the reference to "monument" gives us flexibility in the design of the sign. Keep all other size and material requirements in place.

Staff Comments: Monument signs are required for subdivision in the current development code and this wording was transferred to the draft document. The requirement for monument type signs is a typical requirement for subdivision entrances. Staff does recognize that there are subdivision signs existing that are not the monument type and these signs fit within the character of the community.

## Article 13.

## 13.3.2 Protection and the increase in buffer width (pg. 184)

The proposed code would now require a 50ft undeveloped buffer and cannot be subdivided.

Current city requirements are 25ft buffer and DHEC 30ft buffer up to 45ft buffer for impaired streams. So, there are already more stringent requirements by state law for streams/wetlands and waterways needing additional protection.

## Taking of property

Implementing this increase in buffer width would be an additional hardship to developing infill projects.

Consider keeping regs as they are or allow the additional 25ft to be disturbed and replanted as part of the development process and included in the lot but place it in a "No Build" or "Setback" zone.

Staff Comments: Numerous cities and counties in SC have established riparian or stream buffers that are 50 feet or more (including Aiken County, Richland County (100'), Greenville County, Anderson County (up to 100'), Lexington County) to name a few. This was taken into consideration by those communities and found to be protective and required. The SCDHEC buffers mentioned by the Home Builders Association are temporary buffers, they are construction buffers (considered to be a BMP) only protect streams during construction activities. True buffers, such as the current North Augusta City buffer, is a permanent buffer and the area must remain undisturbed during and after construction (except as currently allowed provided by city council). So, to compare the SCDHEC requirements and the current or proposed buffers, is a mistake. These are two completely different types or uses of the term "buffers".

## 13.6.1- Detention Pond screening (pg. 187)

Remove the proposed requirement for screening a detention pond. Leave this decision up to the developer to decide if spending the money to screen the detention pond is beneficial to the development or not.

Staff Comments: Detention ponds are typically deeded to the City who is thereafter responsible for the maintenance and aesthetics of the ponds. By having the developer screen the ponds it prevents future complaints about the pond, thereby saving the City the expense of screening the pond in the future.

## Article 16.

### 16.8.2 - Preliminary approval (pg. 221)

Continue with the current practice that the staff report doesn't have a recommendation, but rather how the project fits within the development code or where it doesn't. You do hire staff for their professional expertise, but this opens the door for personal opinions to override whether the project meets the rules or not.

Staff Comments: This wording is in the current development code and was transferred to the draft code. The question was discussed in depth at the Planning Commission and the Planning Commission indicated their desire to receive recommendations.

### 16.8.5 Guarantees (pg. 222}

Consider allowing surety bonds from a bonding company with a rating of B+ or higher as an alternate to Letters of Credit.

Letters of Credit require large amount of money to be tied up and counted against the developer's balance sheet. Banks don't like them because they're not part of the loanable balance sheet available to bank lending.

Staff Comments: Staff reached out to the City Attorney, Kelly Zier, and advised he would suggest remaining with the Letters of Credit. Staff also reached out to other jurisdictions and they recommended staying with a Letter of Credit.

A bond is with an insurance company that may want to adjust the claim for less than the amount the City is requiring, leaving the City paying the difference or not pay. A Letter of Credit has the cash on hand in a bank that the City can go against without dealing with an insurance adjuster.

RESOLUTION NUMBER 2023-33  
ADVISING THE CITY ADMINISTRATOR HOW TO RESPOND TO GREENSTONE  
NG, LLC, CONCERNING A PROPOSAL FOR THE SALE BY GREENSTONE NG  
LLC OF THE PROPERTY GENERALLY KNOWN AS THE MEDAC BUILDING TO  
THE CITY

WHEREAS, the Greenstone NG, LLC has proposed to the City that the City purchase the property know a the MEDAC Building; and,

WHEREAS, because of the location of the building and the ownership of the adjoining parking deck, by the City, the Council has reviewed and considered such proposal; and,

WHEREAS, following a thorough review of matters related to the building, the City Council has concluded that it is not in the best interest of the City to purchase the building at this time; and,

WHEREAS, the City appreciates the offer by Greenstone, NG, LLC providing this opportunity to purchase such property;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council for the City of North Augusta, in meeting duly assembled and by the authority thereof have determined that the City would not enter into a Purchase Contract related to the MEDAC Building;

AND, IT IS FURTHER RESOLVED that the City Administrator is hereby directed to notify Greenstone NG, LLC of the City's appreciation for the offer of the property for purchase by the City but advise Greenstone NG, LLC that the City will not be pursuing the purchase of such property at this time.

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

\_\_\_\_\_  
Briton S. Williams, Mayor

ATTEST:

\_\_\_\_\_  
Jamie Paul, City Clerk

RESOLUTION NO. 2023-34  
AUTHORIZING MULTIPLE EXPENDITURES FROM FUND 36 ANCILLARY TO THE  
REGIONAL SOLID WASTE TRANSFER STATION PROJECT

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 - Savannah River Settlement Appropriations Act until expenditures were made in accordance with Council approval; and

WHEREAS, in February 2023, the City was advised that Aiken County would manage litigation settlement funds on behalf of the City and only disperse project funding to City upon receipt and approval of a “Draw Request” for a cash advance or reimbursement; and

WHEREAS, in May 2023, the City submitted and received its first draw request of the principal for the transfer station totaling \$199,650: and

WHEREAS, the litigation settlement funds allocated to the City of North Augusta have been and continue to be invested in an interest bearing account in the local government investment pool (LGIP) prior to release to the City for expenditure; and

WHEREAS, interest earned on the City’s invested settlement funding is available for City expenditure upon approval of a “Draw Request” by Aiken County and transferral into City Fund 36; and

WHEREAS, the City has identified ancillary projects associated with the Regional Solid Waste Transfer Station project as outlined in Attachment 1 and has submitted a “Draw Request” of accrued interest for the ancillary project costs; and

WHEREAS, funds totaling \$1,800,350 remain available from the principal to be drawn for implementation of the Regional Solid Waste Transfer Station project.

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 Administrator is authorized to execute such documents as necessary to procure the identified equipment and execute projects in accordance with City procurement policy.

2. Ancillary transfer station project costs shall not exceed \$795,000 drawn from the interest generated from litigation settlement funds.

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

\_\_\_\_\_  
Briton S. Williams, Mayor

ATTEST:

\_\_\_\_\_  
Jamie Paul, City Clerk

ATTACHMENT 1

Ancillary projects associated with the Regional Solid Waste Transfer Station project:

| <b>Project / Equipment</b> | <b>Amount</b>    | <b>Description</b>                            |
|----------------------------|------------------|---|
| Transfer Trailer           | \$130,000        | For transport to landfill                     |
| Track Excavator            | \$160,000        | Direct support to transfer station            |
| Residential Bulk Truck     | \$100,000        | Direct support to transfer station            |
| Camera System              | \$35,000         | Monitoring system for the facility            |
| Paving project             | \$250,000        | Pave upper and lower portions of the facility |
| Transfer station scale     | \$120,000        | Covers replacement parts or new scales        |
| <b>Total</b>               | <b>\$795,000</b> |   |



RESOLUTION NO. 2023-35  
A RESOLUTION TO PROVIDE A LOCAL MATCH FOR A MUNICIPAL ASSOCIATION OF  
SOUTH CAROLINA HOMETOWN ECONOMIC DEVELOPMENT GRANT

WHEREAS, the Municipal Association of South Carolina (MASC), offers Hometown Economic Development Grants to South Carolina cities and towns to implement economic development projects; and

WHEREAS, grant projects shall make a positive impact on the quality of life for community residents; and

WHEREAS, the City of North Augusta seeks to request funding to upgrade a meeting room in the Community Center to be digitally interactive and modern board room for economic development use by the City, the Chamber and its community partners; and

WHEREAS, receipt of this grant would benefit the City, the North Augusta Chamber of Commerce, local businesses, residents and visitors.

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. Staff shall submit a grant application for \$25,000 for a Hometown Economic Development Grant on or before September 29, 2023.
2. The Mayor and Council of North Augusta commit to provide a local cash/in-kind match of \$3,750, which equals the minimum 15% match required by the Municipal Association of South Carolina, from the City's Capital Projects Fund.
3. Grant and matching funds shall be used for purchasing items and amenities to upgrade the meeting room.
4. The North Augusta procurement policy will be followed when securing all services and products with funds awarded from a Hometown Economic Development Grant.

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

\_\_\_\_\_  
Briton S. Williams, Mayor

ATTEST:

\_\_\_\_\_  
Jamie Paul, City Clerk

RESOLUTION NO. 2023-36  
A RESOLUTION AUTHORIZING THE CITY OF NORTH AUGUSTA  
TO ACCEPT THE LOW BID FROM KENRICK’S CONSTRUCTION FOR THE  
RIVERVIEW PARK DUGOUT REPLACEMENTS, FIELDS 1 & 2

WHEREAS, on August 3, 2021 the City of North Augusta was selected to receive a South Carolina PRT PARD grant of \$20,000 for the purpose of replacing Riverview Park Dugouts; and

WHEREAS, the Parks, Recreation and Tourism Department identified the need for Dugout replacement at Riverview Park Field #1 and Field #2 and Council approved \$60,000 for the project in the fiscal year 2023 budget Capital Projects fund, that includes the South Carolina PRT PARD grant of \$20,000, reimbursable at the completion of the project; and

WHEREAS, on September 1, 2023, sealed bids were received, publicly opened and read aloud for the PROJECT; and

WHEREAS, the low bid by Kenrick’s Construction of North Augusta, South Carolina is in the amount of \$77,352.00; and

WHEREAS, Parks, Recreation and Tourism requests additional funding in the amount of \$17,352 from the Capital Projects fund to complete this project; and

WHEREAS, the Mayor and City Council of the City of North Augusta find that the awarding of such bid for the PROJECT is in the best interest of the City.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof, that Kenrick’s Construction shall be awarded the contract for Riverview Park Dugout Replacement at a total cost of \$77,352

BE IT FURTHER RESOLVED that the funding sources for this contract shall be as follows:

|  |                 |
|--|-----------------|
| Capital Projects Fund, Budget 2023           | \$60,000        |
| Capital Projects Fund, additional allocation | \$17,352        |
| <b>TOTAL:</b>                                | <b>\$77,352</b> |

BE IT FURTHER RESOLVED that the City Administrator shall be authorized to enter into a contract with Kenrick’s Construction in the amount of \$77,352.

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

\_\_\_\_\_  
Briton S. Williams, Mayor

ATTEST:

\_\_\_\_\_  
Jamie Paul, City Clerk