

North Augusta



South Carolina's Riverfront

MINUTES OF AUGUST 19, 2024

Briton S. Williams, Mayor

Jenafer F. McCauley, Councilmember – Mayor Pro Tem

David B. Buck, Councilmember

Pat C. Carpenter, Councilmember

David W. McGhee, Councilmember

Eric H. Presnell, Councilmember

Kevin W. Toole, Councilmember

REGULAR MEETING

The Regular meeting of the City Council of the City of North Augusta of August 19, 2024 having been duly publicized was called to order by Mayor Williams at 6:00pm and also streamed online for public viewing at “City of North Augusta – Public Information” on www.Facebook.com and on the “City of North Augusta Public Information” on www.YouTube.com. Per Section 30-4-80, (e) notice of the meeting by email was sent out to the current maintained “Agenda Mailout” list consisting of news media outlets and individuals or companies requesting notification. Notice of the meeting was also posted on the outside doors of the Municipal Center, the main bulletin board of the Municipal Center located on the first floor, and the City of North Augusta website.

Mayor Williams rendered the invocation and the Pledge of Allegiance.

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

Also, in attendance were James S. Clifford, City Administrator; J.D. McCauley, Assistant City Administrator; Kelly F. Zier, City Attorney; Chief Junior Johnson, Director of Public Safety; Ricky Jones, Manager of Information Technology; and Jamie Paul, City Clerk.

ITEM 4. APPROVAL OF MINUTES:

The minutes of the City Council Meeting of August 5, 2024, and Study Session of August 12, 2024, were approved as submitted by general consent.

ITEM 5. PROCLAMATION(S):

a. Direct Support Professionals Recognition Week – September 8-14, 2024

Mayor Williams read the Direct Support Professionals Recognition Week – September 8-14, 2024 proclamation and presented the proclamation to Tawanda Baitmon, Quality Assurance Coordinator of Tri-Development Center of Aiken County, Inc. and team. **(See Attachment #5a)**

b. Stormwater Awareness Week – September 23-27, 2024

Mayor Williams read the Stormwater Awareness Week – September 23-27, 2024 proclamation. **(See Attachment #5b)**

OLD BUSINESS

ITEM 6. PLANNING & DEVELOPMENT: Ordinance No. 2024-17 To Change the Corporate Limits of the City of North Augusta by Accepting the Petition Requesting Annexation by the Landowners and Annexing ± 21.87 Acres of Property Located on Five Notch Road and Owned by Charles T. Blackston – Second Reading

Mayor Williams recused himself from Item 6. He requested that Mayor Pro Tem McCauley cover the item.

No public comment.

Administrator Clifford stated that the parcel of land is south of Mossey Creek Elementary on Five Notch Road and that Mr. Blackston is seeking to place a development in that area.

It was moved by Councilmember Carpenter, seconded by Councilmember McGhee, to approve Ordinance No. 2024-17 To Change the Corporate Limits of the City of North Augusta by Accepting the Petition Requesting Annexation by the Landowners and Annexing ± 21.87 Acres of Property Located on Five Notch Road and Owned by Charles T. Blackston – Second Reading. Vote: 5 – 0 Approved. Mayor Williams was recused. **(See Attachment #6)**

NEW BUSINESS

ITEM 7. PARKS & RECREATION: Ordinance No. 2024-18 Establishing Rules for the Provision of the Boat Dock within the City Limits at the Sharon Jones Amphitheater – First Reading

No public comment.

Assistant Administrator McGhee stated that the updates from the August 8, 2024 Study Session suggestions have been added such as the maximum 6-hour parking.

Administrator Clifford pointed out that this is the first pass of the Boat Dock Rules and as people use the facilities and feedback is brought back to potentially change some of the rules that is possible as time goes on.

Discussion ensued relative to who handles the towing of boats once in violation, location of boat once towed, and fishing off of dock.

Further discussion ensued relative to allowing or not allowing fishing off the dock.

It was the consensus of the Council to keep the No Fishing as a prohibited activity on the Boat Dock Rules.

It was moved by Councilmember Buck, seconded by Councilmember Presnell, to approve Ordinance No. 2024-18 Establishing Rules for the Provision of the Boat Dock within the City Limits at the Sharon Jones Amphitheater – First Reading. Unanimously Approved. **(See Attachment #7)**

ITEM 8. FINANCE: Resolution No. 2024-33 Selecting a Firm as the Independent Auditor for the City of North Augusta

No public comment.

Administrator Clifford pointed out that the audit firm is the same audit firm, Mauldin & Jenkins, LLC, currently for the City and that each year there is a different set of auditors that come to the City to review the financials.

It was moved by Councilmember Presnell, seconded by Councilmember Toole, to approve Resolution No. 2024-33 Selecting Firm Mauldin & Jenkins, LLC as the Independent Auditor for the City of North Augusta. Unanimously Approved. **(See Attachment #8)**

ITEM 9. COUNCIL: Resolution No. 2024-34 Appointing a Member to the Accommodations Tax Advisory Committee to Make State Accommodations Tax Expenditure Recommendations for Council's Consideration

No public comment.

Administrator Clifford stated that the resolution is a routine procedure when a member of a committee steps down and Council would need to appoint a new member.

It was moved by Councilmember Buck, seconded by Councilmember Presnell, to approve Resolution No. Resolution No. 2024-34 Appointing a Member to the Accommodations Tax Advisory Committee to Make State Accommodations Tax Expenditure Recommendations for Council's Consideration. Unanimously Approved. **(See Attachment #9)**

ITEM 10. PLANNING & DEVELOPMENT: Resolution No. 2024-35 Accepting a Deed of Dedication for the Sanitary Sewer and Fire Suppression Systems, and Associated Easements and Rights of Way, Along with a Maintenance Guarantee and Letter of Credit, for Green Forest Commons

No public comment.

Administrator Clifford stated that the location of the Green Forest Commons is the former car wash that was on Five Notch Road, northbound prior to Pisgah Road which will be townhomes.

It was moved by Councilmember McCauley, seconded by Councilmember Carpenter, to approve Resolution No. 2024-35 Accepting a Deed of Dedication for the Sanitary Sewer and Fire Suppression Systems, and Associated Easements and Rights of Way, Along with a Maintenance Guarantee and Letter of Credit, for Green Forest Commons. Unanimously Approved. **(See Attachment #10)**

ITEM 11. ENGINEERING & PUBLIC WORKS: Resolution No. 2024-36 Authorizing the West Avenue Crosswalk Improvement Project

Administrator Clifford stated this request is for immediate remediation on West Avenue to remove the deteriorating red thermoplastic crosswalks which will be replaced with ladder style crosswalks in white paint at all intersections and a pedestrian crossing device at one of the intersections.

Discussion ensued relative to reflective paint and decorative blocks versus paint. It was noted that decorative block could be used in the future with the downtown improvement funds of CPST V if approved.

Public Comment:

Lee Byrd, resident, inquired on the longevity of the paint versus the thermoplastic paint.

Mr. Clifford clarified that paint can be reapplied and this is not a permanent solution, just need to replace the cracked red thermoplastic.

It was moved by Councilmember Presnell, seconded by Councilmember Toole, to approve Resolution No. 2024-36 Authorizing the West Avenue Crosswalk Improvement Project. Unanimously Approved. **(See Attachment #11)**

ITEM 12. ADMINISTRATIVE REPORTS

Administrator Clifford stated that he will be requesting a special called Council meeting on September 9, 2024, which coincides with the regular scheduled Study Session. He noted the special called meeting will be for the purpose of considering a funding resolution to contract for design services to fix an existing water intrusion issue in the retail store fronts at the stadium.

Mr. Clifford commented that SouthCity Partners has reported with his office that the sale action for Riverside Village Parcels: C, K, G, & H were completed on August 6, 2024 and that SouthCity Partners now owns those parcels listed.

ITEM 13. PRESENTATIONS/COMMUNICATIONS/RECOGNITION OF VISITORS:

A. Citizen Comments:

No comment.

B. Council Comments:

Mayor Williams highlighted on the following:

- Next Council meeting is scheduled on September 9, 2024 – Study Session with a Special Called Council meeting first at 6:00pm
- Ribbon Cutting for the Sharon Jones Amphitheater Additions & Day Dock – August 27 at 4:00pm, 1009 Center St
- New Tourism Website – Explore North Augusta link:
 - <https://explorenorthaugusta.com/>


Councilmember Carpenter highlighted on the following:

- National Night Out – August 20 from 4pm-8pm at Riverview Park

ITEM 14. ADJOURNMENT

The Regular City Council meeting adjourned at 6:40 pm.

APPROVED THIS 16th DAY OF
SEPTEMBER 2024.



Briton S. Williams
Mayor

Respectfully submitted,



Jamie Paul, CMC
City Clerk



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 8 - 14, 2024, 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 19th day of August, 2024.

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 2024 marks the 3rd 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 23 – September 27, 2024, 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 19th day of August, 2024.*

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

ORDINANCE NO. 2024-17
TO CHANGE THE CORPORATE LIMITS
OF THE CITY OF NORTH AUGUSTA
BY ACCEPTING THE PETITION REQUESTING ANNEXATION BY THE LANDOWNERS
AND ANNEXING ± 21.87 ACRES OF PROPERTY LOCATED
ON FIVE NOTCH ROAD AND OWNED BY CHARLES T. BLACKSTON

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

WHEREAS, the Mayor and City Council of the City of North Augusta, have reviewed the petition of the landowners requesting that their property be annexed into the City and determined that such Petition should be accepted and the property annexed into the City; and

WHEREAS, the property is situated within the area of the North Augusta 2021 Comprehensive Plan and recommended for Commercial Retail by that plan as specified in the Land Use Element.

WHEREAS, the annexation request and zoning classification has been reviewed by the Planning Commission which has recommended annexation of the property with ± 21.87 acres to be zoned R-7, Small Lot Single-Family Residential .

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 Petition of the landowners is accepted and the following described property shall be annexed into the City of North Augusta:

Tract B:

All those certain pieces, parcel or tracts of land, with any and all improvement thereon, situate, lying and being in the County of Aiken, State of South Carolina, being known and designated as Tract B, containing 18.40 acres, more or less as shown on plat prepared for Barbara Andrews Ross and Connie E. Sansom by William H. McKie, III, P.L.S., dated February 5, 2021 and recoded in Plat Book 63, at page 940 in the Office of the RMC for Aiken County, South Carolina. Reference being made to said plat for a more complete and accurate description of said property.

Tract D

All that certain piece, parcel or tract of land, with all improvements thereon, situate, lying and being in the County of Aiken, State of South Carolina, being known and designated as Tract D, containing 3.62 acres, more or less as shown on plat prepared for Barbara Andrews Ross and by William H. McKie, III, P.L.S., dated February 5, 1999 and recorded in Plat Book 64, at page 960 in the Office of the RMC for Aiken County, South Carolina. Reference being made to said plat for a more complete and accurate description of said property.

The two tracts have been combined into one parcel, tax parcel number 005-19-02-001

- II. The zoning classification shall be \pm 21.87 acres as R-7, Small Lot Single-Family Residential.
- III. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- IV. This Ordinance shall become effective immediately upon its adoption on second and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF AUGUST, 2024.

First Reading _____

Briton Williams, Mayor

Second Reading _____

ATTEST:

Jamie Paul, City Clerk

ORDINANCE NO. 2024-18
ESTABLISHING RULES FOR THE PROVISION OF THE DAY DOCK WITHIN THE
CITY LIMITS AT THE SHARON JONES AMPHITHEATER

WHEREAS, the City of North Augusta seeks to ensure the safety, enjoyment, and proper use of the day dock located within its city limits at the Sharon Jones Amphitheater; and

WHEREAS, the establishment of clear rules for the use of the day dock will promote the responsible use of this community resource; and

WHEREAS, violation of any provision of this Ordinance shall constitute a misdemeanor, and upon conviction, the violator shall be subject to penalties as provided by law, including but not limited to fines and towing expenses; and

WHEREAS, if any section, clause, sentence, or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

NOW, THEREFORE, BE IT ORDAINED 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:

- I. The rules identified as Exhibit A attached hereto are hereby established for the provision and use of the day dock within the city limits at the Sharon Jones Amphitheater.
- II. Violation of such rules would subject violators to penalties as established under Section 1-8 of the City of North Augusta Municipal Code.
- III. Violators who have watercraft towed would be responsible for all costs and expenses related to towing and applicable storage.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF SEPTEMBER, 2024.

First Reading _____

Second Reading _____

Briton Williams, Mayor

ATTEST:

Jamie Paul, City Clerk

EXHIBIT - A

City of North Augusta Day Dock Rules

- **Operating Hours:** 6 a.m. to 12 midnight.
- **Parking Limit:** Maximum of 6-hour watercraft parking. Overnight watercraft parking is prohibited. Watercraft in violation will be towed at the owner's expense.
- **Supervision:** Children under 16 years of age must be under adult supervision at all times.
- **Prohibited Activities:**
 - No alcohol consumption
 - No fireworks
 - No fishing
 - No littering
 - No loud music
 - No motor or watercraft maintenance
 - No open flames or cooking
 - No running
 - No smoking or vaping
 - No swimming or diving
- **Special Events:** The City Administrator or his/her designee may waive these restrictions during special events or as necessary.
- **Notice:** The individual and/or the registered owner of any violating vessel will be held responsible for the violation of these rules.
- **PARK AT YOUR OWN RISK:** The City of North Augusta is not responsible for any damage to watercraft or items lost or stolen from watercraft.

RESOLUTION NO. 2024-33
SELECTING THE FIRM OF MAULDIN & JENKINS, LLC
AS THE INDEPENDENT AUDITOR FOR THE
CITY OF NORTH AUGUSTA

WHEREAS, on July 19, 2024, “Request for Proposals for Professional Auditing Services” was placed on the City of North Augusta’s bids and requests for proposals website page and received one proposal; and

WHEREAS, on August 16, 2024, the Auditor Selection Committee appointed by Mayor Williams consisting of Councilmembers Jenafer McCauley, David McGhee, and Kevin Toole; City Administrator, James S. Clifford; and Finance Director, Lynda Williamson; met for the purpose of reviewing the proposal submitted by the firm Mauldin & Jenkins, LLC, which was the only proposal submitted; and

WHEREAS, upon completion of its review, the Auditor Selection Committee concluded that the proposal met all of the published criteria and that the auditing firm has demonstrated the capacity to provide professional services to the City that they unanimously recommends that Mauldin & Jenkins, LLC be retained to audit the City’s financial statements for fiscal years ending December 31, 2024 through 2028.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council in meeting duly assembled and by the authority thereof, that the firm of Mauldin & Jenkins is hereby retained as the City’s independent auditor for fiscal years ending December 31, 2024 through 2028.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF AUGUST 2024.

Briton S. Williams, Mayor

ATTEST:

Jamie Paul, City Clerk

RESOLUTION NO. 2024-34
A RESOLUTION APPOINTING A MEMBER TO THE ACCOMMODATIONS TAX
ADVISORY COMMITTEE TO MAKE STATE ACCOMMODATIONS TAX EXPENDITURE
RECOMMENDATIONS FOR COUNCIL'S CONSIDERATION

WHEREAS, the City of North Augusta receives state accommodations tax funding in excess of fifty thousand dollars from the state of South Carolina, and

WHEREAS, pursuant to Section 6-4-25, Code of Laws of South Carolina, a local advisory committee consisting of seven members with majority of these members selected from the hospitality industry and at least two members from the lodging industry and one representing the cultural organizations was previously appointed by Council, and

WHEREAS, advisory committee member for hospitality industry representative Havird Usry is stepping down and consideration is requested of a new member appointment to serve in the hospitality industry representative capacity.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of North Augusta in meeting duly assembled and by the authority thereof that the resignation of Havird Usry as an advisory committee member for the hospitality industry representative be accepted and Terry Brinkley be appointed to the advisory committee to serve as the hospitality industry representative capacity.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF AUGUST, 2024.

Briton S. Williams, Mayor

ATTEST:

Jamie Paul, City Clerk

RESOLUTION NO. 2024-35
ACCEPTING A DEED OF DEDICATION FOR THE
SANITARY SEWER AND FIRE SUPPRESSION SYSTEMS, AND ASSOCIATED
EASEMENTS AND RIGHTS OF WAY, ALONG WITH A
MAINTENANCE GUARANTEE AND LETTER OF CREDIT,
FOR GREEN FOREST COMMONS

WHEREAS, Hardy Land, LLC developed Green Forest Commons according to the requirements of the North Augusta Planning Commission; and the City, and owns the utilities and easements; and

WHEREAS, pursuant to §5.8.4.3 of the North Augusta Development Code, the Director of Planning and Development and the City Engineer approved the final subdivision plat for recording on October 30, 2023 and

WHEREAS, it is the policy of the City that, upon approval of a final subdivision plat, the City will, following inspection by the City's Engineering department, accept a deed of dedication for the utilities, etc. for the purpose of ownership and maintenance when said deed is accompanied by a maintenance guarantee; and

WHEREAS, a maintenance guarantee and supporting cash deposit accompany the deed; and

WHEREAS, the City Engineer has made final inspection of the subject improvements and these improvements meet City standards.

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

ANY AND ALL portion of the within-described property thereby containing and encompassing all of the sanitary sewer lines, and related infrastructure, and appurtenances to said premises belonging or in any way incident or appertaining, located within said property in accordance with and shown on a plat of Green Forest Commons prepared by William R. Gore, PLS, dated June 6, 2023, and recorded in the Office of the Aiken County RMC in Plat Book 65, page 503 the within-referenced plat.

TOGETHER WITH all (a) sanitary sewerage collection systems shown on the aforesaid plat: and (b) a perpetual and non-exclusive easement for sanitary sewage collection systems located on the property shown on the aforesaid plat, as well as the necessary ingress and egress to reach and enter the aforesaid.

TOGETHER WITH all fire suppression systems and components accessing, incorporating and using the water supply system, connections and lines located within the subdivision property, as well as the necessary ingress and egress to reach and enter the aforesaid.

Derivation: This is the same property conveyed to Hardy Land, LLC by Deed of Adams Brothers Properties, LLC, dated July 8, 2020, recorded in said RMC office in Book 4858, pages 1107-1110; and by Deed of Robert G. Matthews and Tanya Matthews to Hard Land, LLC, dated October 2, 2020, recorded in said RMC office in Book 4876, pages 2439-2442.

Map/Parcel No. 005-15-06-005 and 005-19-06-006

BE IT FURTHER RESOLVED that a Maintenance Guarantee and cash deposit in the amount of \$3,750.00 are hereby accepted.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF AUGUST, 2024.

Briton Williams, Mayor

ATTEST:

Jamie Paul, City Clerk

RETURN TO:
Donald H. White, P.C.
924 Stevens Creek Road, Ste. 101
Augusta, Ga. 30907

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

DEED OF DEDICATION

THIS INDENTURE, made and entered into this _____ day of July, 2024, by and between HARDY LAND, LLC., hereinafter referred to as the Party of the First Part, and CITY OF NORTH AUGUSTA, SOUTH CAROLINA, a body politic and corporate and a political subdivision of the County of Aiken, State of South Carolina, acting by and through its City Council and Mayor, hereinafter referred to as the Party of the Second Part.

WITNESSETH

THE PARTY OF THE FIRST PART, for and in consideration of the sum of One Dollar (\$1.00) in cash to it in hand paid by the Party of the Second Part, the receipt of which is hereby acknowledged, and by way of dedication to the Party of the Second Part, at and/or before the sealing and delivery of these presents, and other good and valuable considerations, has granted, bargained, sold, released, conveyed and confirmed and by these presents does grant, bargain, sell, release, convey and confirm unto the said Party of the Second Part, its successors and assigns, the following described property, to-wit:

ANY AND ALL portion of the within-described property thereby containing and encompassing all of the sanitary sewer lines, and related infrastructure, and appurtenances to said premises belonging or in any way incident or appertaining, located within said property in accordance with and as shown on a plat of Green Forest Commons prepared by William R. Gore, PLS, dated June 6, 2023, and recorded in the Office of the Aiken County RMC in Plat Book 65, page 434, the within-referenced plat.

TOGETHER WITH all (a) sanitary sewerage collection systems shown on the aforesaid plat; and (d) a perpetual and non-exclusive easement for sanitary sewage located on the property shown on the aforesaid plat, as well as the necessary ingress and egress to reach and enter the aforesaid.

TOGETHER WITH all fire suppression systems and components accessing, incorporating and using the water supply system, connections and lines located within the subdivision property, as well and the necessary ingress and egress to reach and enter the aforesaid.

Derivation: This is a portion of the same property conveyed to Hardy Land, LLC by Deed of Adams Brothers Properties, LLC, dated July 8, 2020, recorded in said RMC office in Book 4858, pages 1107-1110.

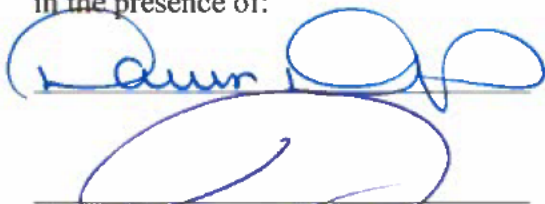
Map/Parcel Nos. 005-19-06-005 and 005-19-06-006

Grantee's Address: P.O. Box 6400
North Augusta, South Carolina 29841
Attn: North Augusta City Clerk

TO HAVE AND TO HOLD SAID PROPERTY and all singular the members and appurtenances therein belonging as aforesaid, and every part thereof, unto the said Party of the Second Part, its successors and assigns, forever in FEE SIMPLE.

IN WITNESS WHEREOF, the said Party of the First Part has caused these presents to be executed the day and year first above written as the date of these presents.

SIGNED, SEALED AND DELIVERED
in the presence of:



Notary Public,
My commission expires: 6/9/26

DONALD H WHITE
Notary Public, State of South Carolina
My Commission Expires June 9, 2026

:
: HARDY LAND, LLC
:
:

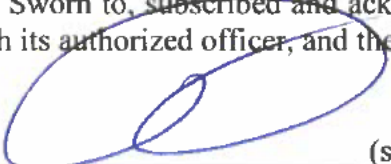
: By:  L.S.
: Glynn S. Bruker
: As its: Managing Member
{CORPORATE SEAL}



ACKNOWLEDGEMENT

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

Sworn to, ~~subscribed and~~ acknowledged before me by Hardy Land, LLC, by and through its authorized officer, and the above subscribing witness, this 3rd day of July, 2024.



(seal)
Notary Public, *Donald H. White*
My commission expires: 6/9/26

DONALD H WHITE
Notary Public, State of South Carolina
My Commission Expires June 9, 2026

IN WITNESS WHEREOF, on this _____ day of _____, 2024, the herein below Party of the Second Part has executed this Deed of Dedication.

CITY OF NORTH AUGUSTA,
SOUTH CAROLINA

Signed, sealed and delivered
in the presence of:

By: _____
As its:

Witness

Attest: _____
As its:

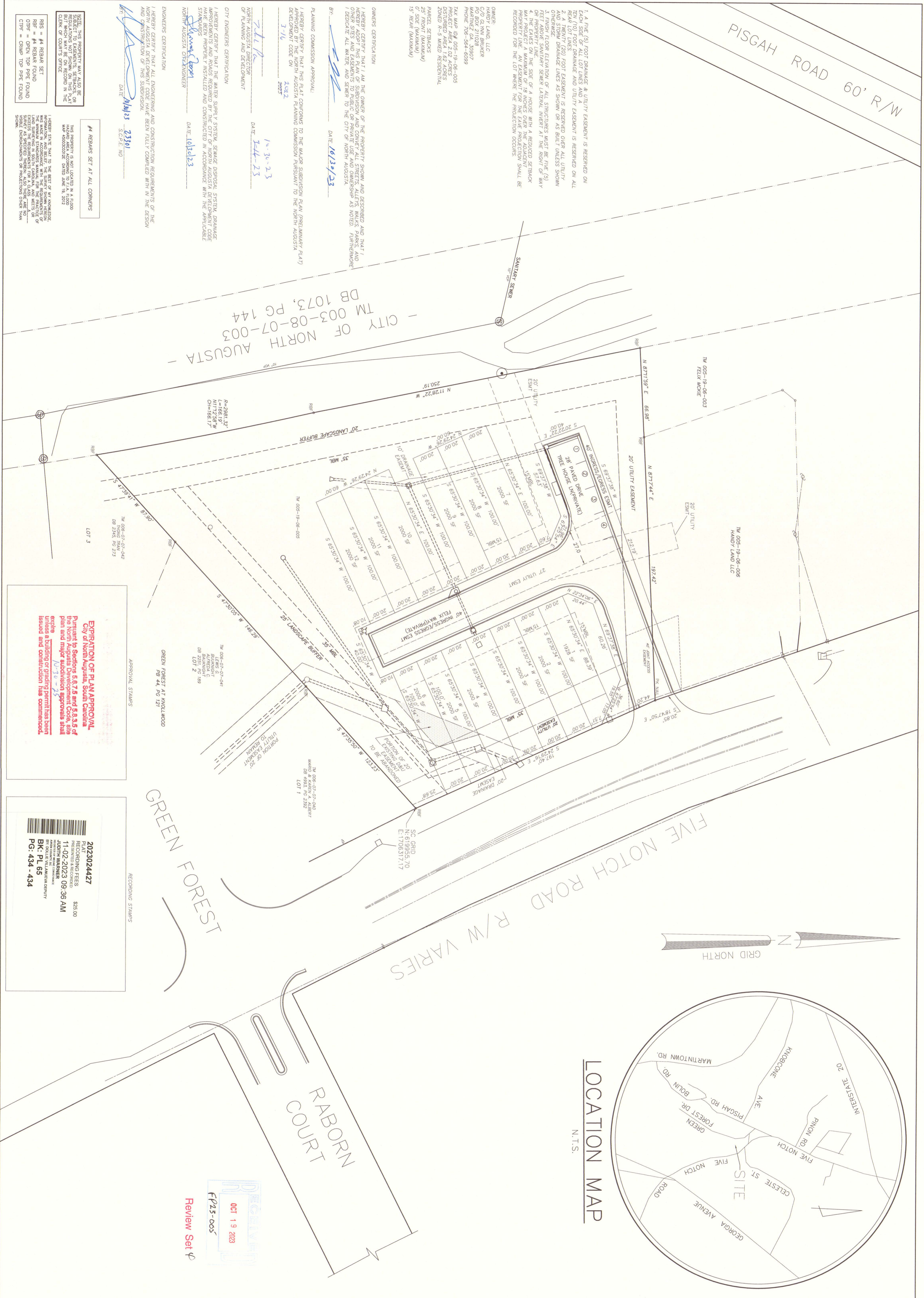
Witness

ACKNOWLEDGEMENT

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

Sworn to, subscribed and acknowledged before me by City of North Augusta, South Carolina, by and through its authorized representative and agent, and the above subscribing witness, this _____ day of _____, 2024.

_____ (seal)
Notary Public,
My commission expires:



OWNERS CERTIFICATION
 I, HEREBY CERTIFY THAT I, AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND CONVEY ALL RIGHTS, TITLE AND INTERESTS TO PUBLIC OR PRIVATE USE AND OWNERSHIP AS NOTED. FURTHERMORE I DEDICATE ALL WATER, AND SEWER TO THE CITY OF NORTH AUGUSTA.

DATE: 10/12/23

PLANNING COMMISSION APPROVAL
 I, HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE MAJOR SUBDIVISION PLAN (PRELIMINARY PLAN) APPROVED BY THE NORTH AUGUSTA PLANNING COMMISSION PURSUANT TO THE NORTH AUGUSTA DEVELOPMENT CODE ON 3-16-23.

DATE: 10/12/23

CITY ENGINEERS CERTIFICATION
 I, HEREBY CERTIFY THAT THE WATER SUPPLY SYSTEM, SEWER DISPOSAL SYSTEM, DRAINAGE SYSTEM AND EASEMENTS TO PUBLIC OR PRIVATE USE AND OWNERSHIP AS NOTED, HAVE BEEN PROPERLY INSTALLED AND CONSTRUCTED IN ACCORDANCE WITH THE APPLICABLE STANDARDS.

DATE: 10/13/23

ENGINEERS CERTIFICATION
 I, HEREBY CERTIFY THAT ALL ENGINEERING AND CONSTRUCTION REQUIREMENTS OF THE NORTH AUGUSTA DEVELOPMENT CODE HAVE BEEN FULLY COMPLIED WITH IN THE DESIGN AND CONSTRUCTION OF THIS SUBDIVISION.

DATE: 10/13/23

REBARS SET AT ALL CORNERS
 THE PROPERTY SHOWN LOCATED IN A 1000' X 1000' AREA AS SHOWN ON THIS PLAN. THE REBAR SETS SHALL BE IN ACCORDANCE WITH THE APPLICABLE STANDARDS.

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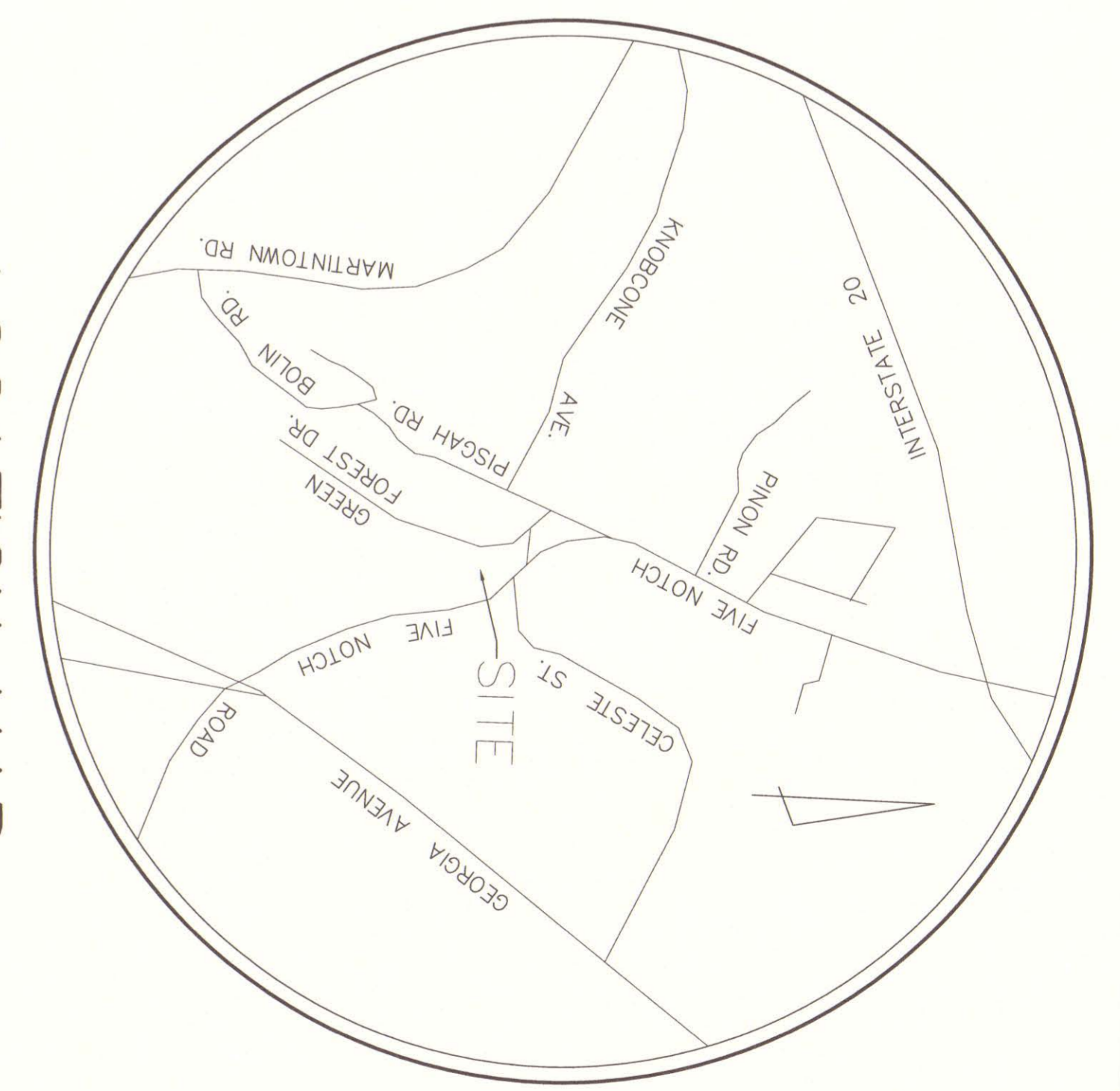
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DATE: 10/13/23

EXPIRATION OF PLAN APPROVAL
 City of North Augusta, South Carolina
 Pursuant to Sections 5.6.7 and 5.8.5 of the North Augusta Development Code, the plan and major subdivision approvals shall expire unless a building or grading permit has been issued and construction has commenced.

10-10-25

2023024427
 PLAN RECORDING FEES \$25.00
 11-02-2023 09:36 AM
 B.K. PL 65
 PG: 434 - 434



<p>William R. Gore PROFESSIONAL LAND SURVEYORS, INC. 1804 CENTRAL AVE AUGUSTA, GEORGIA 30904 TEL: (706) 738-8771 FAX: (706) 736-6249</p>	<p>SOUTH CAROLINA REGISTERED PROFESSIONAL LAND SURVEYORS, INC. NO. 000862 WILLIAM R. GORE</p>	<p>30 0 30 60 GRAPHIC SCALE 1" = 30'</p>	RECORD PLAT GREEN FOREST COMMONS PROPERTY LOCATED OFF FIVE NOTCH ROAD KNOWN AS TM 005-19-06-005		DATE: 06-06-2023 SCALE: 1"=30' DRAWN BY: W.R.G. JOB NO. SHEET NO.
			COUNTY OF: AIKEN STATE OF: SOUTH CAROLINA	REVISIONS:	

LAW OFFICES OF
DONALD H. WHITE
A PROFESSIONAL CORPORATION

Licensed in Georgia and South Carolina

924 Stevens Creek Road, Suite 101
Augusta, Georgia 30907
(706) 860-6810
(706) 860-1549 Fax

511 W. Martintown Road
North Augusta, SC 29841
(803) 202-0212
E-Mail: don@donwhitelaw.com
www.donwhitelaw.com

July 3, 2024

City of North Augusta Planning and Zoning Department
100 Georgia Avenue, Second Floor
North Augusta, South Carolina 29841

Re: Hardy Land, LLC
Title Certification for Green Forest Commons Townhomes (residential subdivision)

CERTIFICATE OF TITLE

I am an attorney admitted to practice law in the State of South Carolina. The opinion set forth in this Certificate of Title may be relied upon only by the City of North Augusta, South Carolina, its successors and assigns, and its legal counsel, but no other party without my prior written consent.

I certify that an examination has been made of the pertinent public records duly indexed and filed in the office of the Clerk of Court, Register of Deeds, Judge of Probate (in the event title passed by descent or devise) and Treasurer's Office for Aiken County and the City of North Augusta, as of July 2, 2024, at 5:00 p.m., which affects the title to the real property described on Exhibit "A" attached hereto and based upon such examination (expressly excluding matters not shown by records herein listed), it is our opinion that Hardy Land, LLC, a limited liability authorized to conduct business in the State of South Carolina, has a marketable, fee simple, recordable title thereto free and clear of all liens and encumbrances, except as set forth in Exhibit "B" attached hereto and made a part hereof for all purposes.

Donald H. White, P.C.

By: _____

Donald H. White
Attorney at Law
S.C. Bar No. 6273

EXHIBIT "A"

ANY AND ALL portion of the within-described property thereby containing and encompassing all of the sanitary sewer lines, storm water collection systems, and related infrastructure, and appurtenances to said premises belonging or in any way incident or appertaining, located within said property in accordance with and as shown on a plat of Green Forest Commons prepared by William R. Gore, PLS, dated June 6, 2023, and recorded in the Office of the Aiken County RMC in Plat Book 65, page 434, the within-referenced plat.

TOGETHER WITH all (a) sanitary sewerage collection systems shown on the aforesaid plat; (d) storm water collection system shown on the aforesaid plat; and (e) a perpetual and non-exclusive easement for sanitary sewage and storm water collection systems located on the property shown on the aforesaid plat, as well as the necessary ingress and egress to reach and enter the aforesaid.

TOGETHER WITH all fire suppression systems and components accessing, incorporating and using the water supply system, connections and lines located within the subdivision property, as well and the necessary ingress and egress to reach and enter the aforesaid.

Derivation: This is a portion of the same property conveyed to Hardy Land, LLC by Deed of Adams Brothers Properties, LLC, dated July 8, 2020, recorded in said RMC office in Book 4858, pages 1107-1110.

Map/Parcel Nos. 005-19-06-005 and 005-19-06-006

EXHIBIT "B"

1. County of Aiken taxes for tax year 2024, which are accruing but not yet due and payable. County of Aiken taxes for previous years are paid with no delinquency noted of record.
2. City of North Augusta taxes for tax year 2024, which are accruing but not yet due and payable. City of North Augusta taxes for previous years are not owed.
3. Matters as shown on a plat for Adams Brothers Properties, LLC, dated March 7, 2020; prepared by William H. McKie, III, PLS, recorded in Plat Book 62, page 254 in the Aiken County RMC Office; and matters as shown on a plat of Green Forest Commons dated June 6, 2023, prepared by William R. Gore, PLS, to be recorded in said RMC Office
4. Matters occurring subsequent to the inclusive date of title examination.
5. Matters which would not be revealed by a review of the public records regarding a proposed purchaser/borrower who is not the current owner of the property.
6. Compliance with any local, county, state or federal government law or regulation relative to environment, zoning, subdivision, occupancy, use, construction, or development of the subject property.
7. Judgments, liens, and proceedings filed only in Federal Court. (Upon the filing of a petition in Bankruptcy, title to real property vests in the Trustee in Bankruptcy and notice thereof is not always required to be filed in the County in which the Bankrupt debtor owns property; federal condemnation proceedings may vest property in the Federal Government.)
8. 20-foot Utility Easement as shown on the plat of +- 2.01 acres, recorded in Plat Book 62, page 254;
9. 20-foot, 25-foot, and 30-foot Landscape Buffer as shown on the plat of +-2.01 acres, recorded in Plat Book 62, page 254;
10. 35-foot Minimum Building Line setback as shown on the plat of +-2.01 acres, recorded in Plat Book 62, page 254;
11. Any mineral rights leased, granted or retained by current or prior owners.
12. STANDARD EXCEPTIONS: Interests or claims not disclosed by public records,
including but not limited to:

- (a) Unrecorded mechanics or materialmen's liens. (Liens may be filed by persons or entities furnishing labor or materials to any improvements on real property within 90 days of performance or furnishing of materials.)
- (b) Unrecorded leases.
- (c) Matters that may defeat or impair title which do not appear on record.
- (d) Taxes, Special Assessments and other governmental charges that are not shown as existing liens by the public records.
- (e) Civil actions where no notice of *lis pendens* appears of record.
- (f) Rights or claims of parties in possession not shown by the Aiken County RMC Office.

Department of Planning And Development



Memorandum # 23-031

City of North Augusta

To: James S. Clifford, City Administrator

From: Tommy Paradise, Director

Subject: Green Forest Commons Maintenance Guarantee

Date: October 2, 2023

Hardy Land, LLC has received approval for Application PP21-002, a major subdivision preliminary plat to construct 12 townhomes known as the Green Forest Commons development. A Maintenance Guarantee and check in the amount of \$3,750.00 for the water distribution system, sanitary sewerage collection system, and easements and rights of way for potable water and sanitary sewerage systems required as part of the approved major subdivision plan has been provided by the developer. The Maintenance Guarantee insures the improvements for a period of twenty-four (24) months from the City's approval of the Final Plat, and in the event of a failure, the city will have the right to draw upon the deposit to complete the work.

Please execute the original Maintenance Guarantee and have the City Clerk return a copy of the fully executed agreement to the Department of Planning and Development. Final copies will be sent to the developer and our office will retain one copy for our files. The City Clerk should file the original guarantee. The check will be forwarded to the Finance Department until such time as the City Engineer requests reimbursement to the developer.

If you have any questions, please do not hesitate to call.

cc Lynda Williamson, Chief Financial Officer

NOW, THEREFORE, as security for the maintenance by the developer of the infrastructure improvements as shown on the major subdivision plans for Green Forest Commons, as well as for any other improvements provided and proposed to be granted to the City by deed of dedication in accordance with §5.8.5 of the North Augusta Development Code, the developer does hereby guarantee the maintenance of the infrastructure improvements under and pursuant to the following terms.

INFRASTRUCTURE IMPROVEMENTS SUBJECT TO THIS GUARANTEE

This Maintenance Guarantee shall extend to all infrastructure improvements proposed to be deeded to, dedicated to, transferred or otherwise assigned to the City of North Augusta by the developer. Such improvements shall include, where applicable, the following but not be limited to such specified improvements:

- A. Water distribution system
- B. Sanitary sewerage collection system
- C. Easements and rights of way for potable water and sanitary sewage systems.

REPRESENTATIONS BY THE DEVELOPER

The Developer represents to the City of North Augusta that:

- A. For a period of twenty-four (24) months from the approval of the major subdivision final plat the improvements will not fail, for any reason, with the exception of force majeure;
- B. The Developer has submitted the Deed of Dedication and a monetary guarantee, in the form of check in the amount of \$3,750.00, in support of this Maintenance Guarantee in accordance with §§5.8.4 and 5.8.5 of the North Augusta Development Code within the specified time period;
- C. The City Engineer for the City of North Augusta shall have full and absolute discretion and authority in determining whether or not a failure has occurred in regard to the infrastructure subject to this Maintenance Guarantee.

REMEDIES IN THE EVENT OF DEFAULT

In the event that the City Engineer for the City of North Augusta, in his sole discretion, determines that a failure has occurred, he shall provide written notice of such failure to the developer with a request for the immediate correction of said failure. In the event of failure by the developer to make such repairs as necessary within sixty (60) days of such written notice or within ten (10) days, in the event of such notice

being received during the last sixty (60) days covered by this Maintenance Guarantee and letter of credit, the following conditions shall prevail:

- A. This Maintenance Guarantee shall be considered violated and in default with the City having full right and authority to make claims on the guarantee amount provided for herein.
- B. The City may make claim against the full amount of the monetary guarantee, until such time as the City is able to make the necessary repairs to the infrastructure.
- C. Following the completion of the repairs to the infrastructure to the satisfaction of the City Engineer, any funds remaining from the monetary guarantee shall be refunded to the developer.
- D. The City is entitled to compensation, at a reasonable rate, for any in-house services provided by the City for the purpose of correcting failures or deficiencies to the infrastructure.
- E. The City shall have full and absolute authority in regard to a determination as to party or parties contracted with for the purpose of making repairs as required.

(Signature pages follow)

IN WITNESS WHEREOF, Hardy Land, LLC has caused these presents to be executed this 27 day of September, 2023.

Hardy Land, LLC

Bryant Egan
WITNESS

BY:

Glynn Braker
GLYNN BRUKER
ITS: OWNER

Danya Strickland
WITNESS

ACCEPTED THIS 27th DAY OF November, 2023

City of North Augusta

M Bradley
WITNESS

[Signature]
WITNESS

BY: [Signature]
JAMES S. CLIFFORD
ITS: CITY ADMINISTRATOR

RESOLUTION NO. 2024-36
AUTHORIZING THE WEST AVENUE CROSSWALK IMPROVEMENT PROJECT

WHEREAS the Engineering Department solicited sealed bids for the replacement of existing crosswalks at the intersections of West Ave. and Clifton Ave., Buena Vista Ave., Pine Grove Ave., Spring Grove Ave., and Jackson Ave. in accordance with the City's procurement policies; and

WHEREAS the bids were publicly opened and read at 11:00 a.m. on Thursday, August 01, 2024, in the presence of all interested parties; and

WHEREAS the Director of Engineering & Public Works, Mr. Thomas Zeaser, P.E., and his team have thoroughly reviewed and evaluated all proposals received; and

WHEREAS the bid from Palmetto Construction Management was the lowest bid, meeting all the specifications and requirements set forth in the Invitation for Bids at the bid amount of \$82,942.; and

WHEREAS the City intends to purchase and install Rectangular Rapid Flashing Beacons (RRFB) at the intersection of West Ave. and Pine Grove Ave., at an estimated cost of \$15,000.

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. Palmetto Construction Management shall be awarded the contract for the crosswalk replacements along West Ave. at the bid amount of \$82,942.
2. The Council authorizes the purchase and installation of RRFBs at the intersection of West Ave and Pine Grove Ave for a cost not to exceed \$15,000.
3. The Council authorizes total expenditures for this project up to \$110,000 for materials, contract services, and any other related incidentals and/or contingencies.

BE IT FURTHER RESOLVED that these expenditures shall be funded using Capital Projects Sales Tax III, Street Improvement Fund Crosswalk Program, and the General Fund Downtown Development line.

BE IT FURTHER RESOLVED that the City Administrator is authorized to execute such documents as necessary to facilitate this purchase in accordance with the City's procurement guidelines.

DONE, RATIFIED, AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF AUGUST, 2024.

Briton S. Williams, Mayor

ATTEST:

Jamie Paul, City Clerk