



DISCUSSION ITEMS FOR OCTOBER 21, 2024 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: October 18, 2024
SUBJECT: Regular City Council Meeting of October 21, 2024

REGULAR COUNCIL MEETING

ITEM 5. PERSONNEL:

a. Mamie Anderson, Retirement – Recognition of Service to the City of North Augusta

Mayor Williams will recognize the above retirement for their service to the City.

OLD BUSINESS

ITEM 6. PLANNING & DEVELOPMENT: Ordinance No. 2024-22 To Change the Corporate Limits of the City of North Augusta by Accepting the Petition Requesting Annexation by the Landowners and Annexing ±36.053 Acres of Property Located at 381 Laurel Lake Drive and Owned by Barinowski Investment Company LLC – Second Reading

An ordinance has been prepared for Council’s consideration to approve To Change the Corporate Limits of the City of North Augusta by Accepting the Petition Requesting Annexation by the Landowners and Annexing ±36.053 Acres of Property Located at 381 Laurel Lake Drive and Owned by Barinowski Investment Company LLC.

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

ITEM 7. PLANNING & DEVELOPMENT: Ordinance No. 2024-23 To Change the Corporate Limits of the City of North Augusta by Accepting the Petition Requesting Annexation by the Landowners and Annexing ±2.44 Acres of Property Located at 210 Twin Hills Road and Owned by Wesley E. Doolittle – Second Reading

An ordinance has been prepared for Council’s consideration to approve To Change the Corporate Limits of the City of North Augusta by Accepting the Petition Requesting Annexation by the Landowners and Annexing ±2.44 Acres of Property Located at 210 Twin Hills Road and Owned by Wesley E. Doolittle.

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

NEW BUSINESS

ITEM 8. ENGINEERING: Resolution No. 2024-45 Authorizing a Request to the South Carolina Department of Transportation for Removal of a Portion of E. Pine Grove Avenue (S-190) from the State Highway System and the Acceptance of Ownership and Maintenance Responsibility of Said Road by the City of North Augusta, South Carolina; and Authorizing the Execution and Recordation of Certain Documents in Connection Therewith

A resolution has been prepared for Council's consideration to approve Authorizing a Request to the South Carolina Department of Transportation for Removal of a Portion of E. Pine Grove Avenue (S-190) from the State Highway System and the Acceptance of Ownership and Maintenance Responsibility of Said Road by the City of North Augusta, South Carolina; and Authorizing the Execution and Recordation of Certain Documents in Connection Therewith.

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

ITEM 9. PARKS & RECREATION: Resolution No. 2024-46 Authorizing the City of North Augusta to Enter into a Contract with Kenrick's Construction for the Riverview Park Dugout Replacements, Field 3

A resolution has been prepared for Council's consideration to approve Authorizing the City of North Augusta to Enter into a Contract with Kenrick's Construction for the Riverview Park Dugout Replacements, Field 3.

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

ITEM 10. PLANNING & DEVELOPMENT: Resolution No. 2024-47 Accepting a Deed of Dedication for the Streets, Sanitary Sewer, Stormwater Collection and Fire Suppression Systems, Detention Pond, and Associated Easements and Rights of Way, along with a Maintenance Guarantee and Letter of Credit, for Rushing Waters, Phase III

A resolution has been prepared for Council's consideration to approve Accepting a Deed of Dedication for the Streets, Sanitary Sewer, Stormwater Collection and Fire Suppression Systems, Detention Pond, and Associated Easements and Rights of Way, along with a Maintenance Guarantee and Letter of Credit, for Rushing Waters, Phase III.

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

ITEM 11. PUBLIC SERVICES: Resolution No. 2024-48 Approving the Greenway Landscape Enhancement Hardscape Project

A resolution has been prepared for Council's consideration to approve the Greenway Landscape Enhancement Hardscape Project.

Please see ATTACHMENT #11 for a copy of the proposed resolution.

ITEM 12. ADMINISTRATION: Resolution No. 2024-49 Authorizing a Noise Permit for Government and Private Contracted Crews to Remove Storm Debris and Conduct Repairs Related to Hurricane Helene

A resolution has been prepared for Council's consideration to approve Authorizing a Noise Permit for Government and Private Contracted Crews to Remove Storm Debris and Conduct Repairs Related to Hurricane Helene.

Please see ATTACHMENT #12 for a copy of the proposed resolution.

ITEM 13. ADMINISTRATION: Resolution No. 2024-50 Approving a Contract for the City of North Augusta to Partner with Aiken County for Hurricane Helene Debris Removal

A resolution may be prepared for Council's consideration to approve a Contract for the City of North Augusta to Partner with Aiken County for Hurricane Helene Debris Removal.

ORDINANCE NO. 2024-22
TO CHANGE THE CORPORATE LIMITS
OF THE CITY OF NORTH AUGUSTA
BY ACCEPTING THE PETITION REQUESTING ANNEXATION
BY THE LANDOWNERS AND ANNEXING ± 36.053 ACRES OF PROPERTY
LOCATED AT 381 LAUREL LAKE DRIVE AND
OWNED BY BARINOWSKI INVESTMENT COMPANY LLC

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 ±36.053 acres to be zoned TC, Thoroughfare Commercial.

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:

All that certain piece, parcel, or tract of land with improvements thereon consisting of 99.3 acres, lying in Aiken County, South Carolina beginning at a point 2,390 feet East of U.S. Highway 25 and I-20 Frontage Road, then running East 1837.96 feet on I-20 Frontage Road; thence running North 562 feet bounded by W.H. Presley; thence running East 1,317.7 feet bounded by W.H. Presley; then running North 1237.4 feet bounded by Thomas J. Stephens Estate; then running Northwest 299 feet South 121.4 feet thence running East 597.2 feet, bounded by Overnight Transportation company; thence running South 1,061.8 feet to the point of beginning. Said property is bounded as follows: On the North by property now or formerly of Francis Stephens; on the East by property now or formerly of Thomas

J Stephens Estate; on the South of property now or formerly of W.H. Presley and I-20 Frontage Road and on the West by Overnight Transportation Company. This property is more specifically shown and delineated on plate prepared at the request of D.T. Mathis by Joe L. Grant, Surveyor, dated June 17, 1971, and recorded in the R.M.C. Office for Aiken County, South Carolina in Plat Book 5, Page 42A.

Less and Except all property conveyed to Aiken county from Clarence Barinowski dated January 3, 1997, recorded December 5, 1997 in Book 1731 Page 254, aforesaid records.

Less and Except all property conveyed to J.M.T. Tampa Real Estate Partnership from Clarence Barinowski dated June 27, 1997, recorded August 1 1997, in Book 1702 Page 92 aforesaid records.

Less and Except all property conveyed to Palmetto Overhead Door, a division of Chavous Creek Construction Company, Inc. from Clarence Barinowski, dated January 3, 1996, recorded in Book 1584 Page 3, aforesaid records.

Less and Except all property conveyed to Interchange Business Park Owners Association, Inc from Clarence Barinowski, dated February 9, 1998, recorded February 9, 1998, in Book 1749 Page 20 aforesaid records.

Less and Except all property convey to W.H. McElmurray and F. Stephens McElmurray from Clarence Barinowski, dated June 30, 1995, recorded September 21, 1994 in Book 1563 Page 135, aforesaid records.

Less and Except all property conveyed to South Carolina Department of Transportation in Book 4183 Page 683, aforesaid records.

This being a portion of the same property conveyed to American Towers LLC by deed of Barinowski Investment Company, LLC dated November 27, 2018, recorded April 5, 2019 in Book 4771 Page 791, aforesaid records.

Property is commonly known as 381 Lauren Lake Drive, North Augusta, SC 29860.

Tax Parcel Number 010-16-01-001

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

- II. The zoning classification shall be \pm 36.03 acres as TC, Thoroughfare Commercial
- 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 OCTOBER, 2024.

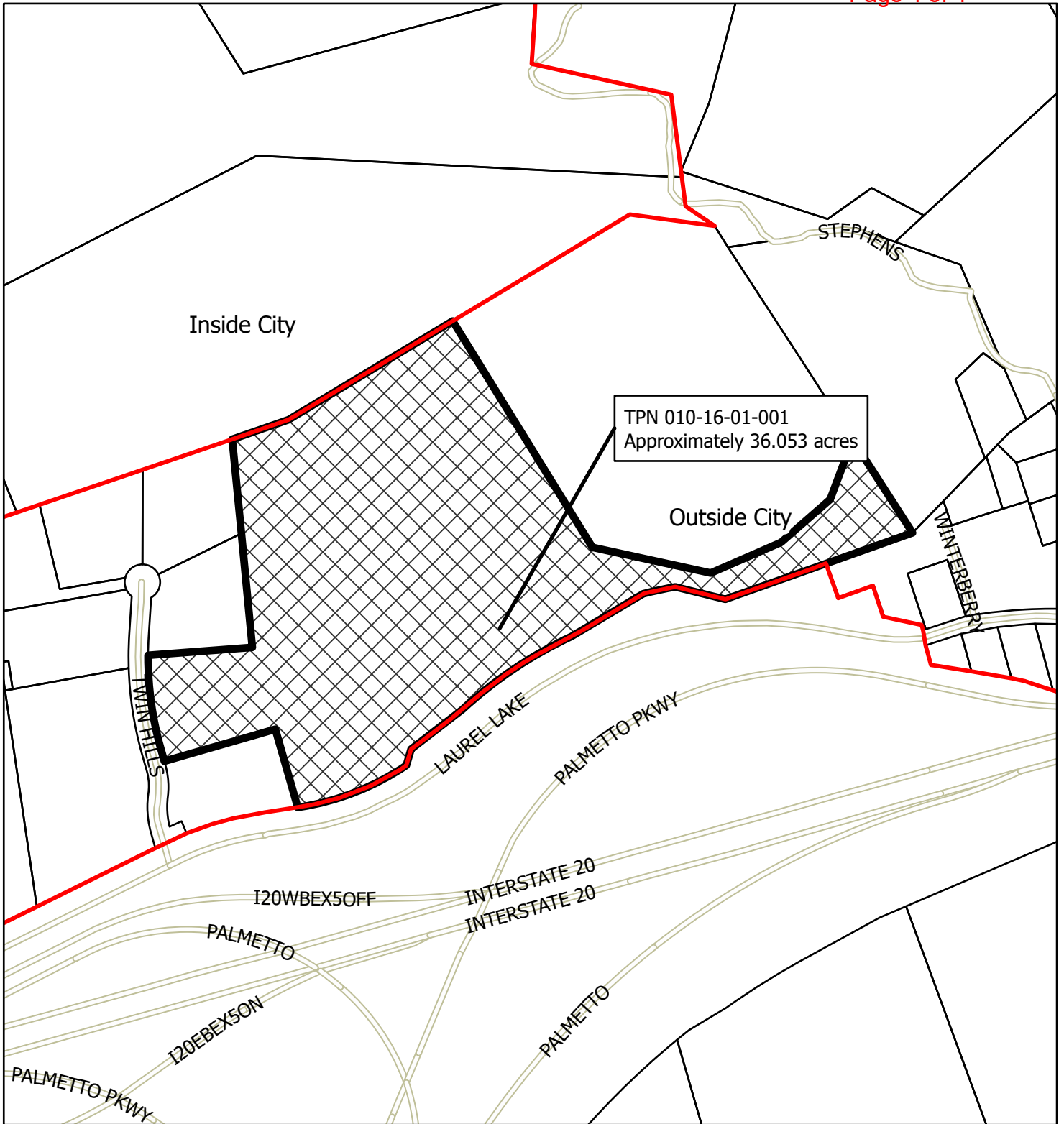
First Reading _____

Briton Williams, Mayor

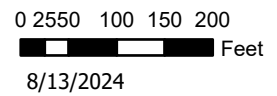
Second Reading _____

ATTEST:

Jamie Paul, City Clerk



ANX24-004
MAP OF PROPERTY
SOUGHT TO BE ANNEXED
TO THE CITY OF NORTH AUGUSTA



ORDINANCE NO. 2024-23
TO CHANGE THE CORPORATE LIMITS
OF THE CITY OF NORTH AUGUSTA
BY ACCEPTING THE PETITION REQUESTING ANNEXATION
BY THE LANDOWNERS AND ANNEXING ± 2.44 ACRES OF PROPERTY
LOCATED AT 210 TWIN HILLS ROAD AND
OWNED BY WESLEY E. DOOLITTLE

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 ± 2.44 acres to be zoned TC, Thoroughfare Commercial.

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:

All that certain piece, parcel, or tract of land with improvements thereon, situate, lying and being in the County of Aiken, State of South Carolina and being know and designated as Lot 10 containing 2.44 acres, more or less on a plat made of Interchange Business Park by Ayscorp under date of April 29, 1998, and recorded in Plat Book 36 page 113, records of the RMC Office for Aiken county, South Carolina; reference being made to said plats for a more complete and accurate description as to the metes, bounds, and location of said property.

Tax Parcel Number 010-15-01-002

The ±2.44 acres is requested to be zoned Thoroughfare Commercial, TC.

The property to be annexed is also shown on a map identified as “Exhibit A” titled “Map of Property Sought to be Annexed to the City of North Augusta” and prepared by the City of North Augusta.

- II. The zoning classification shall be ±2.44 acres as TC, Thoroughfare Commercial
- 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 OCTOBER, 2024.

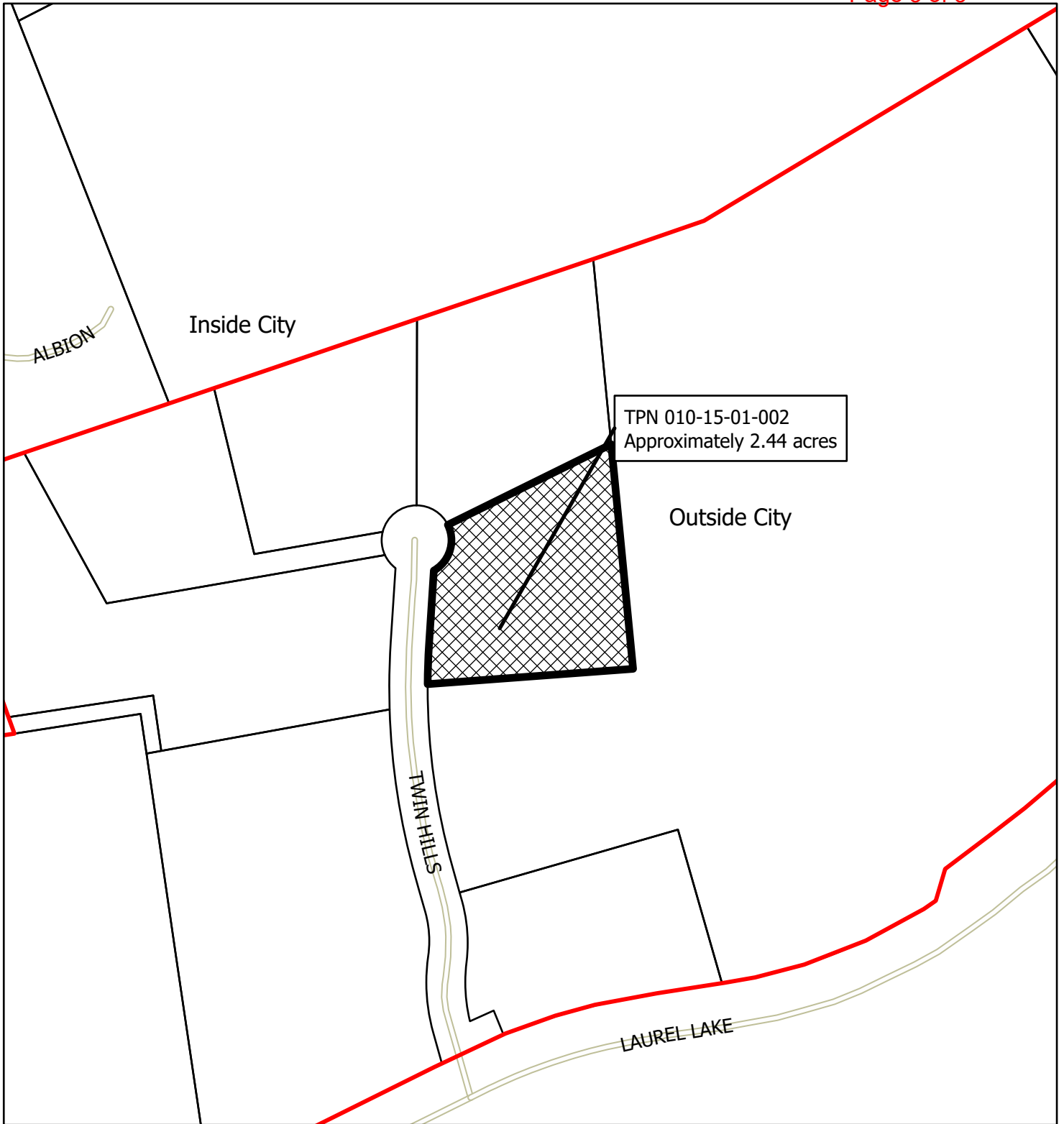
First Reading _____

Second Reading _____

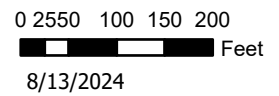
Briton Williams, Mayor

ATTEST:

Jamie Paul, City Clerk



ANX24-005
MAP OF PROPERTY
SOUGHT TO BE ANNEXED
TO THE CITY OF NORTH AUGUSTA



RESOLUTION NO. 2024-45

AUTHORIZING A REQUEST TO THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR REMOVAL OF A PORTION OF E. PINE GROVE AVENUE (S-190) FROM THE STATE HIGHWAY SYSTEM AND THE ACCEPTANCE OF OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF SAID ROAD BY THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA; AND, AUTHORIZING THE EXECUTION AND RECORDATION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, South Carolina Department of Transportation, (the “*SCDOT*”) is the owner of a portion of E. Pine Grove Avenue (S-190) in the City of North Augusta, South Carolina, as more particularly described on Exhibit “A” attached hereto and fully incorporated herein (the “*Road*”); and,

WHEREAS, the Road is part of the state highway secondary system; and,

WHEREAS, Section 57-5-80 of the South Carolina Code of Laws, 1976, as amended, permits SCDOT to transfer ownership of any road in the state highway secondary system determined to be of low traffic importance to a municipality if mutual consent is reached between SCDOT and the municipality; and,

WHEREAS, the City of North Augusta (the “*City*”) is a South Carolina municipal corporation vested with the power to acquire public roads in accordance with South Carolina law; and,

WHEREAS, E. Pine Grove Avenue has been identified for future streetscape improvements, potentially including underground drainage, curb & gutter, and sidewalks; and,

WHEREAS, as part of the Downtown Parking Improvement Project, the Engineering Department is proposing drainage improvements that will serve both projects; and,

WHEREAS, in order to facilitate such improvements, it is recommended that the City obtain ownership of the Road in its entirety; and,

WHEREAS, City Council has determined that it is in the public interest for the City to request that SCDOT remove a portion of E. Pine Grove Avenue from the state secondary highway system and for the City to acquire the Road and the continuing maintenance obligations from SCDOT; and,

WHEREAS, City Council desires to authorize the City Administrator to execute such documents as necessary to complete the conveyance of the Road to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, AS FOLLOWS:

1. The City Council hereby authorizes the acquisition and the transfer of the Road from SCDOT to the City, including the continuing maintenance obligations for the Road, and hereby confirms that the acquisition of the Road by the City is in the public interest.
2. The Mayor, City Administrator, and City Clerk are each hereby authorized to execute any and all documents necessary to consummate the acquisition and the conveyance of the Road to the City, including, without limitation, the acceptance and recordation of the above-referenced application with SCDOT. The City Administrator is hereby authorized to pay such reasonable costs of the transaction as may be necessary.
3. Should any part or portion of this Resolution be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding shall not affect the remainder hereof, all of which is hereby deemed separable.

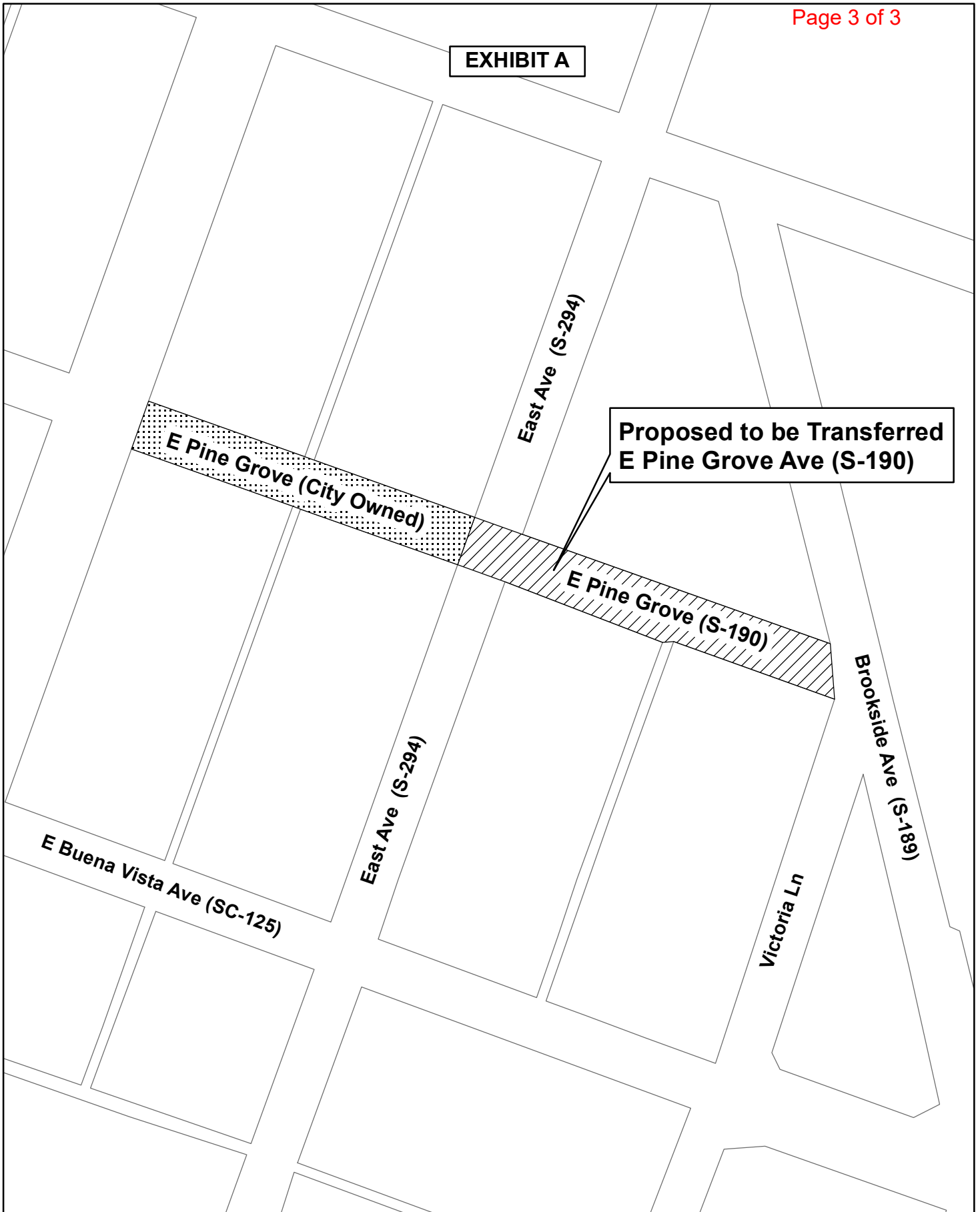
DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF OCTOBER, 2024.

Briton S. Williams, Mayor

ATTEST:

Jamie Paul, City Clerk

EXHIBIT A





Department of Planning and Development

Memorandum # 24-022

City of North Augusta

To: James S. Clifford, City Administrator
From: Tommy Paradise, Director
Subject: Deed of Dedication for Rushing Waters, Phase 3
Date: September 25, 2024

The final subdivision plat for Rushing Waters, Phase 3 was approved on August 26, 2024. The developer, Rushing Waters, LLC, has completed the following improvements and requests that the City accept them along with associated easements and rights of way: streets, water and sanitary sewer, stormwater collection and fire suppression systems. The completed improvements to be dedicated to the City have been approved by the City Engineer. The attached dedication documents have been approved by the City Attorney.

Certain improvements, namely subdivision sidewalks and subdivision trees, remained unfinished at the time of final plat approval. Construction of the sidewalks and subdivision trees has been guaranteed with a performance guarantee and supporting letter of credit.

The City may accept the streets, water distribution system, sanitary sewer, stormwater collection and fire suppression systems, and associated easements and rights of way for this subdivision. A draft resolution for the acceptance of the dedication is attached and a digital copy has been forwarded to the City Clerk.

Originals of the following documents are attached:

1. Deed of Dedication for the streets, sanitary sewer, stormwater collection and fire suppression systems, and associated easements and rights of way;
2. Title Certificate dated August 3, 2024; and



3. Maintenance Guarantee dated August 26, 2024 and valid for a period of 24 months;
4. Irrevocable Letter of Credit in support of the Maintenance Guarantee dated August 16, 2024;
5. Performance Guarantee dated August 23, 2024 and valid for a period of 24 months;
6. Irrevocable Letter of Credit in support of the Performance Guarantee dated August 16, 2024;
7. Final subdivision plat approved by the City Engineer and the Director of Planning and Development and recorded by the Edgefield County RMC.

Additionally, a reduced copy of the final plat is attached for agenda reproduction.

Please schedule the resolution accepting the Rushing Waters, Phase 3 Deed of Dedication for City Council consideration at the next available meeting.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said City of North Augusta, its successors and assigns forever.

WITNESS the hand and seal of the party of the First Part this 25 day of September 2024

RUSHING WATERS, LLC

By: [Signature]
Robert T. Bailey As its Member/Manager



[Signature]
Witness #1
[Signature]
Witness

Personally appeared before me Cynthia Dowdy and made oath that he/she saw the within named Robert Todd Bailey, as Member/Manager, sign, seal as its act and deed, deliver the within written Deed of Dedication, and that he/she with myself witnessed the execution thereof.

Sworn to before me this 25 day of Sept, 2024.

[Signature]
Witness #1

[Signature]
Notary Public



Accepted by:
CITY OF NORTH AUGUSTA
By: _____
As Its: _____
By: _____
As Its: _____

Witness #1

Witness

Personally appeared before me _____ and made oath that he/she saw the within named _____ and _____, sign, seal as their act and deed, deliver the within written Deed of Dedication, and that he/she with _____, witnessed the execution thereof.

Sworn to before me this _____ day of _____, 2024.

Witness #1

Notary Public

Vincent M. Davison, Jr.
Attorney at Law
2913 Professional Parkway
Augusta GA 30907
(706)860-9266 Fax (706)860-9275

August 3, 2024

City of North Augusta Planning and Engineering Office
P.O. Box 6400
North Augusta, SC 29841

RE: Rushing Waters, LLC
Rushing Waters Subdivision, Phase Three

Dear Sir or Madam,

Please be advised that I have examined the records of the R.M.C. Office in Aiken County, South Carolina and I hereby certify that fee simple, marketable title is vested in **Rushing Waters, LLC**, by deed dated September 22, 2017 and recorded in Deed Book 4684, Page 110-112, subject to the following exceptions;

1. A certain mortgage in favor of Security Federal Bank dated October 4, 2023, in the amount of \$1,200,000.00 and recorded in Book 5118, page 2451 in the ROD of Aiken County, SC.
2. A certain mortgage in favor of D.R. Horton, Inc. dated August 24, 2023, in the amount of \$743,000.00, and recorded in Book 5123, page 985, in the ROD of Aiken County, SC.
3. 2023 Taxes ae paid in the amount of \$58.63
4. 2023 taxes for City of North Augusta are due in the amount of \$24.39
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed acquires for value of record the estate or interest or mortgage covered by the title certification;
6. Rights or claims of parties in possession not shown by the public records;
7. Easements, or claims of easements, not shown by the public records;
8. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises;

9. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records;
10. Any adverse claim or any portion of said land which has been created by artificial means or has accreted to any such portion so created and riparian rights, if any;
Taxes or special assessments which are not shown as existing liens by the public records;
11. Any prior reservation or conveyance, together with release of damages, of minerals of every kind and character, including but not limited to oil, gas, sand, and gravel in, on and under subject property.

This title is certified from September 22, 2017 to July 24, 2024.

Sincerely,



Vincent M. Davison, Jr.
Attorney at Law

cd

Department of Planning And Development



Memorandum # 24-016

City of North Augusta

To: James S. Clifford, City Administrator

From: Tommy Paradise, Director

Subject: Rushing Waters, Phase 3 Performance and Maintenance Guarantee

Date: August 26, 2024

Rushing Waters, LLC has received approval for Application PP20-009, a major subdivision preliminary plat to construct 68 townhouses known as Rushing Waters, Phase 3. The developer has provided a Performance Guarantee and Letter of Credit for a portion of the required landscaping and sidewalks in order to approve the Final Plat for the sale of lots. A letter of credit in the amount of \$84,875.00 has been provided by the developer to guarantee the remaining work covered under the Performance Guarantee.

A Maintenance Guarantee and check in the amount of \$170,000.00 for the streets, curbs and gutters, sidewalks, water distribution system, sanitary sewerage collection system, stormwater collection system, and easements and rights of way for streets 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 Performance and Maintenance Guarantees and have the City Clerk return a copy of the fully executed agreements 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 Letters of Credit until the City Engineer requests their release.

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

3. The City Engineer and Planning and Development Director shall regularly inspect the site improvement installation and exercise reasonable discretion to determine if the site improvement installation has been timely completed in conformity with City standards and approved major subdivision plan specifications; and
4. The City Engineer and Planning and Development Director, upon receipt of the Applicant's request to reduce the monetary guarantee amount held by the City based on satisfactory partial completion of required improvements during the twenty-two (22) month improvement installation period, shall have the discretion to approve and implement said request; and
5. If the City Engineer and Planning and Development Director approves the final inspection of the finished site improvements either on a date earlier than the expiration of the Performance Guarantee or at the time of the expiration of the Performance Guarantee, the City shall acknowledge in writing that the Applicant has fully performed under the terms of the Performance Guarantee and release the monetary guarantee, provided that the Applicant has executed and the City has accepted a twenty-two (22) month Maintenance Guarantee supported by a letter of credit or other form of monetary guarantee in an amount equal to fifteen percent (15%) of the cost of the improvements subject to this Performance Guarantee; and
6. If the Applicant fails to provide the Maintenance Guarantee as required, the City is authorized to exercise its right to draw upon the held monetary guarantee in an amount equal to fifteen percent (15%) of the total in order to guarantee the maintenance of the site improvements for a period of twenty-two (22) months; and
7. If for any reason within the time limit established in Section 2 above, the Applicant, upon written notice given thirty (30) days in advance by the City Engineer and Planning and Development Director, has not completed the installation of the remaining site improvements, the following conditions shall prevail:
 - a. The City Engineer and Planning and Development Director shall have full and absolute discretion and authority in determining whether or not a failure or default has occurred under the terms of this Performance Guarantee;
 - b. In the event the Applicant fails to timely complete installation of the remaining site improvements in accordance with the approved major subdivision preliminary plat, after receiving the notice provided for above, the City shall have the right to make claims on the funds provided by the Applicant to support the Performance Guarantee;

- c. In the event of a failure or default, the City reserves the exclusive right to determine who may be retained to complete installation of the remaining site improvements; and
- d. Any excess funds over and above those needed to complete the installation of the remaining site improvements shall be refunded to the Applicant. The determination of such excess is to be under the sole discretion of the City.

IN WITNESS WHEREOF, the undersigned have executed this instrument the day and year above first written.

RUSHING WATERS, LLC

By: *RSB*
 Robert T. Bailey
 As its: President/mgr



State of ~~South Carolina~~ ^{KS} **Georgia**
 County of ~~Aiken~~ ^{KS} **Richmond**

On this 23rd day of August, 2024, before me personally appeared Robert T. Bailey who provided satisfactory evidence of his identification to be the person whose name is subscribed to this instrument, and he acknowledged that he executed the foregoing instrument.

Kim Swain
 Notary Public ^{KS} **Georgia**
 Aiken County, ~~South Carolina~~
 My commission expires: _____



(Signature pages continue)

Accepted this 26th day of August, 2024.

THE CITY OF NORTH AUGUSTA

By: [Signature]
James S. Clifford
As its: City Administrator

State of South Carolina
County of Aiken

On this 26th day of August, 2024, before me personally appeared James S. Clifford, North Augusta City Administrator, who provided satisfactory evidence of his identification to be the person whose name is subscribed to this instrument, and he acknowledged that he executed the foregoing instrument.

[Signature]
Notary Public
Aiken County, South Carolina
My commission expires: 3/28/2032

JAMIE PAUL
Notary Public, State of South Carolina
My Commission Expires 3/28/2032



IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER: 3000115562

Date: August 16, 2024

BENEFICIARY:

City of North Augusta
C/O City Administrator
100 Georgia Avenue
North Augusta, SC 29841

APPLICANT:

Rushing Waters, LLC
2569 Trade Center Dr.
Evans, GA 30809

DATE AND PLACE OF EXPIRY: August 16, 2026 AT THE COUNTER OF SECURITY FEDERAL BANK

AMOUNT: USD \$84,875.00 (Eighty-Four Thousand Eight Hundred Seventy-Five and 00/100 US Dollars)

Gentlemen:

We hereby issue our Irrevocable Standby Letter of Credit in your favor for the account of Rushing Waters, LLC for the sum not to exceed the aggregate amount USD \$84,875.00 (Eighty-Four Thousand Eight Hundred Seventy-Five and 00/100 US Dollars) available by presentation of the following:

1. Your draft(s) at sight drawn on Security Federal Bank marked "Drawn under Security Federal Bank Letter of Credit Number 3000115562." AND
2. A statement purportedly signed by an official of the City of North Augusta reading: "We hereby certify that Rushing Waters, LLC has failed to perform in accordance with the terms and conditions of that certain performance Letter of Credit regarding Rushing Waters Subdivision, Phase III between the City of North Augusta Engineering Department and Rushing Waters, LLC.

The original of this Letter of Credit and any amendment(s) must be presented with any drawings.

We hereby agree with you that all draft(s) drawn under and in compliance with the terms of this credit shall be duly honored if presented with the original of this credit, at our office at 238 Richland Avenue NW, Aiken, South Carolina 29801 on or before the above stated expiry date.

Except as otherwise expressly stated herein, this Letter of Credit is subject to the 2007 Revision of the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce, ICC Publication No.600.

Security Federal Bank,

A handwritten signature in blue ink that reads "Dorothy Brandon".

Dorothy Brandon
Senior Vice President
Authorized Signature

§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. Streets and associated improvements;
- B. Water distribution system;
- C. Fire suppression elements of the water distribution system;
- D. Sanitary sewerage collection system;
- E. Stormwater collection system; and
- F. Easements and rights of way for streets, sidewalks, water supply, and sanitary sewage and stormwater collection 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 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 an Irrevocable Letter of Credit in the amount of \$170,000.00, 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, Rushing Waters, LLC has caused these presents to be executed in its name by its duly authorized manager this 23 day of August, 2024.



WITNESS

BY: 

Robert T Berg (please print)



WITNESS

ITS: mgr

Maintenance Guarantee – Rushing Waters, Phase 3


Page 5 of 5

ACCEPTED THIS 26th DAY OF August, 2021.


WITNESS


WITNESS

City of North Augusta

BY: 
James S. Clifford
ITS: City Administrator



IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER: 3000115570

Date: August 16, 2024

BENEFICIARY:

City of North Augusta
C/O City Administrator
100 Georgia Avenue
North Augusta, SC 29841

APPLICANT:

Rushing Waters, LLC
2569 Trade Center Dr.
Evans, GA 30809

DATE AND PLACE OF EXPIRY: August 16, 2026 AT THE COUNTER OF SECURITY FEDERAL BANK

AMOUNT: USD \$170,000.00 (One Hundred Seventy Thousand and 00/100 US Dollars)

Gentlemen:

We hereby issue our Irrevocable Standby Letter of Credit in your favor for the account of Rushing Waters, LLC for the sum not to exceed the aggregate amount USD \$ \$170,000.00 (One Hundred Seventy Thousand and 00/100 US Dollars) available by presentation of the following:

1. Your draft(s) at sight drawn on Security Federal Bank marked "Drawn under Security Federal Bank Letter of Credit Number 3000115570." AND
2. A statement purportedly signed by an official of the City of North Augusta reading: "We hereby certify that Rushing Waters, LLC has failed to perform in accordance with the terms and conditions of that certain maintenance Letter of Credit regarding Rushing Waters Subdivision, Phase III between the City of North Augusta Engineering Department and Rushing Waters, LLC.

The original of this Letter of Credit and any amendment(s) must be presented with any drawings.

We hereby agree with you that all draft(s) drawn under and in compliance with the terms of this credit shall be duly honored if presented with the original of this credit, at our office at 238 Richland Avenue NW, Aiken, South Carolina 29801 on or before the above stated expiry date.

Except as otherwise expressly stated herein, this Letter of Credit is subject to the 2007 Revision of the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce, ICC Publication No.600.

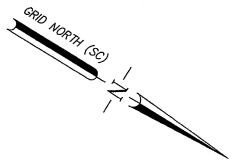
Security Federal Bank,

A handwritten signature in blue ink that reads "Dorothy Brandon".

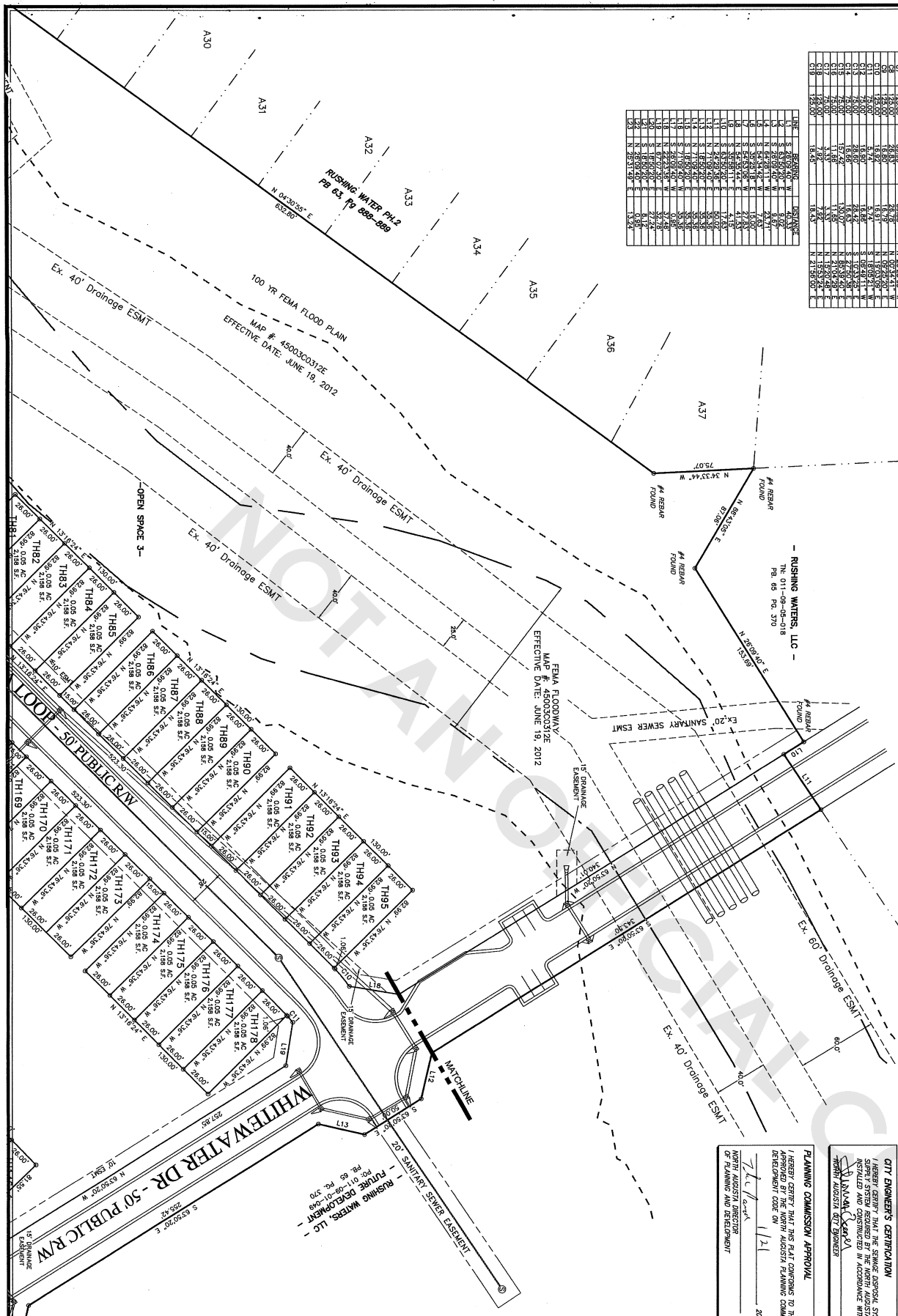
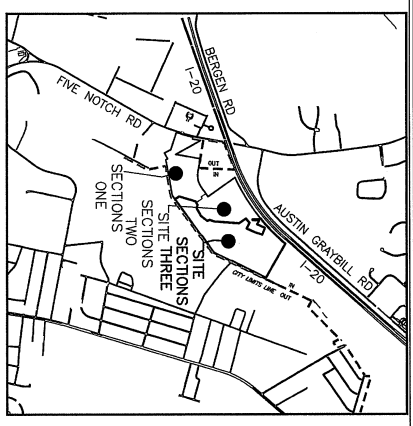
Dorothy Brandon
Senior Vice President
Authorized Signature

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2024020417
RECORDING FEE: \$25.00
FILE STAMPS
08-27-2024 10:25 AM
BK: PL 66
PG: 258 - 258



SECTION	AREA (SQ. FT.)	PERCENTAGE
SECTION ONE	1,234,567	100%
SECTION TWO	1,234,567	100%
SECTION THREE	1,234,567	100%
SECTION FOUR	1,234,567	100%
SECTION FIVE	1,234,567	100%
SECTION SIX	1,234,567	100%
SECTION SEVEN	1,234,567	100%
SECTION EIGHT	1,234,567	100%
SECTION NINE	1,234,567	100%
SECTION TEN	1,234,567	100%
SECTION ELEVEN	1,234,567	100%
SECTION TWELVE	1,234,567	100%
SECTION THIRTEEN	1,234,567	100%
SECTION FOURTEEN	1,234,567	100%
SECTION FIFTEEN	1,234,567	100%
SECTION SIXTEEN	1,234,567	100%
SECTION SEVENTEEN	1,234,567	100%
SECTION EIGHTEEN	1,234,567	100%
SECTION NINETEEN	1,234,567	100%
SECTION TWENTY	1,234,567	100%
SECTION TWENTY ONE	1,234,567	100%
SECTION TWENTY TWO	1,234,567	100%
SECTION TWENTY THREE	1,234,567	100%
SECTION TWENTY FOUR	1,234,567	100%
SECTION TWENTY FIVE	1,234,567	100%
SECTION TWENTY SIX	1,234,567	100%
SECTION TWENTY SEVEN	1,234,567	100%
SECTION TWENTY EIGHT	1,234,567	100%
SECTION TWENTY NINE	1,234,567	100%
SECTION THIRTY	1,234,567	100%



OWNER'S CERTIFICATION
I, HERBERT GENTRY, being the owner of the property shown and described hereon, hereby certify that the plan of subdivision and conveyance of the property shown and described hereon is true and correct and that the same has been approved by the Board of Commissioners of the City of North Augusta, South Carolina, and that the same has been recorded in the public records of said city and state.

OWNER: *Herbert Gentry* DATE: 7/9/2024

ENGINEER'S CERTIFICATION
I, HERBERT GENTRY, being the owner of the property shown and described hereon, hereby certify that the plan of subdivision and conveyance of the property shown and described hereon is true and correct and that the same has been approved by the Board of Commissioners of the City of North Augusta, South Carolina, and that the same has been recorded in the public records of said city and state.

ENGINEER: *Herbert Gentry* DATE: 7/9/2024

SURVEYOR'S CERTIFICATION
I, HERBERT GENTRY, being the owner of the property shown and described hereon, hereby certify that the plan of subdivision and conveyance of the property shown and described hereon is true and correct and that the same has been approved by the Board of Commissioners of the City of North Augusta, South Carolina, and that the same has been recorded in the public records of said city and state.

SURVEYOR: *Herbert Gentry* DATE: 7/9/2024

CITY ENGINEER'S CERTIFICATION
I, HERBERT GENTRY, being the owner of the property shown and described hereon, hereby certify that the plan of subdivision and conveyance of the property shown and described hereon is true and correct and that the same has been approved by the Board of Commissioners of the City of North Augusta, South Carolina, and that the same has been recorded in the public records of said city and state.

CITY ENGINEER: *Herbert Gentry* DATE: 7/9/2024

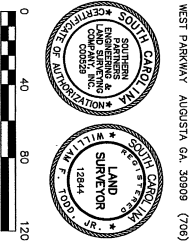
PLANNING COMMISSION APPROVAL
I, HERBERT GENTRY, being the owner of the property shown and described hereon, hereby certify that the plan of subdivision and conveyance of the property shown and described hereon is true and correct and that the same has been approved by the Board of Commissioners of the City of North Augusta, South Carolina, and that the same has been recorded in the public records of said city and state.

PLANNING COMMISSION: *Herbert Gentry* DATE: 7/9/2024

RECORD PLAT
OF:
**RUSHING WATERS
PHASE THREE**

PROPERTY LOCATED IN THE CITY OF NORTH AUGUSTA
AKEN COUNTY, SOUTH CAROLINA
DATE: JUNE 6, 2024 SCALE: 1" = 40'
REV: JULY 9, 2024 NA comments
PREPARED FOR: OWNER / DEVELOPER / CONTACT
OWNER: Rushing Waters, LLC
2589 Triggs Center Drive, Evans, GA, 30809
(706)210-5488 A/T: Todd Bailey

PREPARED BY:
SOUTHERN PARTNERS, INC.
ENGINEERS - SURVEYORS - PLANNERS
1233 AUGUSTA WEST PARKWAY AUGUSTA, GA, 30909 (706) 855-6000



PROJECT DATA

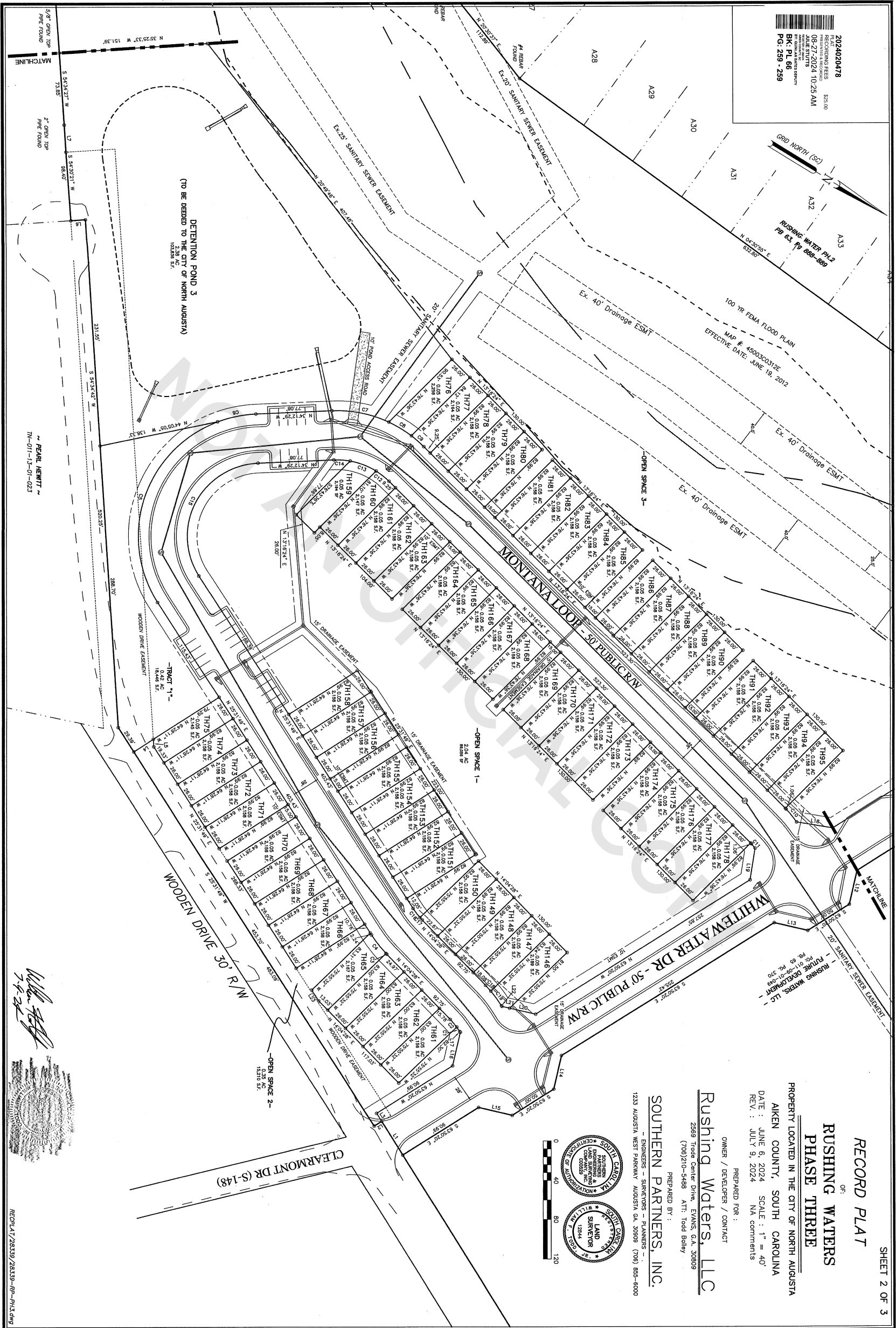
TOTAL NO. OF LOTS	68
TOTAL AREA PH. THREE	24.74 ACS
AVERAGE LOT SIZE	0.36 ACS
MINIMUM LOT SIZE	1,885 S.F.
ROADWAY ACS	6.37 ACS
ZONING	R-5
124 PARCEL #	PG 01-09-01-049

GENERAL NOTES:

- 1/2" REBAR SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE SHOWN.
- A 20' EASEMENT IS RESERVED OVER ALL UTILITY AND SANITARY SEWER LINES UNLESS OTHERWISE SHOWN.
- TOWNHOUSE RESPONSIBLE SETBACK FOR 50' FRONT LOT LINES - MEASURED FOR PROPERTY LINE 0'- SIDE LOT LINES - MEASURED FOR PROPERTY LINE
- PAVEMENT WIDTH IS 28.00' BACK OF CURB UNLESS OTHERWISE SHOWN.
- FINISHED FLOOR ELEVATION OF ALL STRUCTURES MUST BE FIVE FEET ABOVE SANITARY SEWER LATERAL INVERT AT THE R/W OR PROPERTY LINE.
- ACCORDING TO THE FLOOD INSURANCE RATE MAPS FOR THE CITY OF NORTH AUGUSTA, S.C., COMMUNITY FLOOD HAZARD AREA, THIS PROPERTY DOES NOT LIE IN A DESIGNATED FLOOD HAZARD AREA, UNLESS OTHERWISE SHOWN.
- A FIVE FOOT DRAINAGE AND UTILITY EASEMENT IS RESERVED ON EACH SIDE OF ALL LOT LINES AND A RESERVED ON ALL REAR LOT LINES.
- OWNER AND MAINTENANCE OF DRAINAGE SWALES. EACH LOT OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND UPKEEP OF DRAINAGE EASEMENTS AND SWALES. THE FREE FLOW OF STORM WATER SHALL NOT BE OBSTRUCTED BY ANY STRUCTURES OR OTHER OBSTACLES THAT MAY OBSTRUCT THE FREE FLOW OF STORM WATER. THE MAINTENANCE OF SUCH DRAINAGE EASEMENTS AND SWALES AND WILL NOT ACCEPT OWNERSHIP OF OR RESPONSIBILITY FOR THE MAINTENANCE OF SUCH EASEMENTS OR SWALES.
- INDIVIDUAL LOT GRADING NOTE: RESUBDIVISION FOR ANY LOT GRADING REQUIRED TO ENSURE ALL APPLICABLE BUILDING CODES. ALL LOTS MUST BE REQUIRING TO BE DISCHARGED DIRECTLY TO PUBLIC DRAINAGE SYSTEMS INCLUDING BUT NOT LIMITED TO PUBLIC RIGHT-OF-WAYS, NEAR THE RESIDENTIAL BUILDING CONSTRUCTION AND/OR HOMEOWNER SHALL NOT INTERFERE THE DRAINAGE PATH TO THE PUBLIC DRAINAGE SYSTEMS.

Review Set
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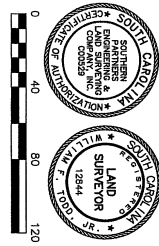
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 PLAN
 RUSHING WATERS
 PHASE THREE
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 PG: 289 - 299

GRID NORTH (S2)
 RUSHING WATER PHASE 3
 MAP # 4500300312E
 EFFECTIVE DATE: JUNE 18, 2012

RECORD PLAT
 OF:
**RUSHING WATERS
 PHASE THREE**
 PROPERTY LOCATED IN THE CITY OF NORTH AUGUSTA
 AIKEN COUNTY, SOUTH CAROLINA
 DATE: JUNE 6, 2024 SCALE: 1" = 40'
 REV: JULY 5, 2024 NA comments

OWNER / DEVELOPER / CONTRACT
Rushing Waters, LLC
 2569 Troner Center Drive, EVANS, G.A. 30809
 (706)210-5488 A.T.T. Todd Bailey

PREPARED BY:
SOUTHERN PARTNERS, INC.
 ENGINEERS - SURVEYORS - PLANNERS
 1233 AUGUSTA WEST PARKWAY AUGUSTA, GA. 30909 (706) 855-8000

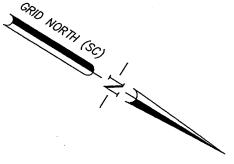


W. Bailey
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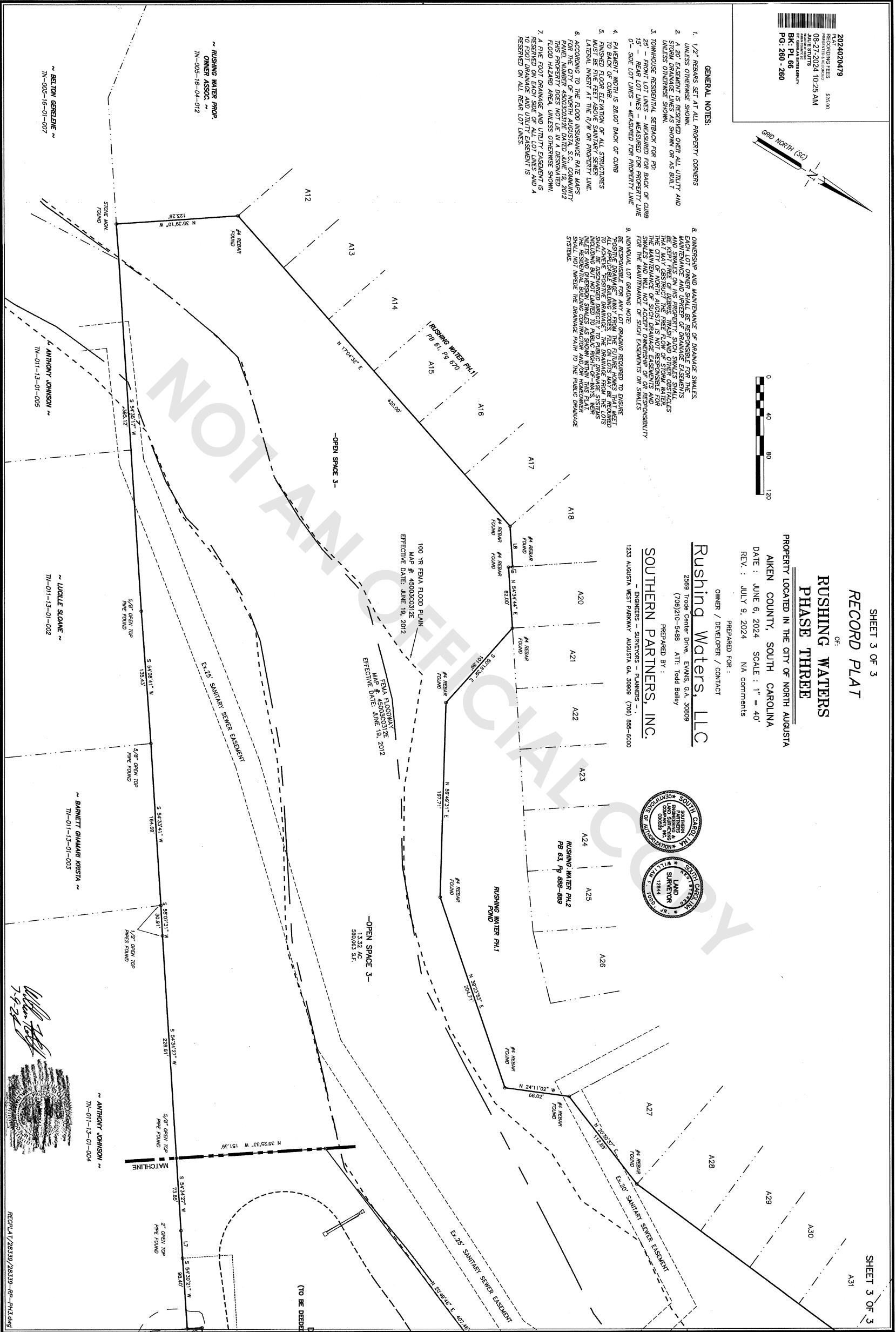
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RECORDING FEES \$23.00
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- GENERAL NOTES:**
- 1/2" REBAR SET AT ALL PROPERTY CORNERS UNLESS OTHERWISE SHOWN.
 - A 20' EASEMENT IS RESERVED OVER ALL UTILITY AND UNLESS OTHERWISE SHOWN, OR AS BUILT.
 - TOWNHOUSE RESIDENTIAL STRIPBACK FOR 25' - REAR LOT LINES - MEASURED FOR PROPERTY LINE 0' - SIDE LOT LINES - MEASURED FOR PROPERTY LINE.
 - PAYMENT WIDTH IS 28.00' BACK OF CURB.
 - FINISHED FLOOR ELEVATION OF ALL STRUCTURES MUST BE FIVE FEET ABOVE SANITARY SEWER LATERAL INVERT AT THE R/W OR PROPERTY LINE.
 - ACCORDING TO THE FLOOD INSURANCE RATE MAPS FOR THE CITY OF NORTH AUGUSTA, S.C., COMMUNITY FLOOD HAZARD AREA, UNLESS OTHERWISE SHOWN, THIS PROPERTY DOES NOT LIE IN A DESIGNATED FLOOD HAZARD AREA.
 - A FIVE FOOT DRAINAGE AND UTILITY EASEMENT IS RESERVED ON EACH SIDE OF ALL LOT LINES AND A REBAR SET AT ALL REAR LOT LINES.
 - OWNERSHIP AND MAINTENANCE OF DRAINAGE SWALES. EACH LOT OWNER SHALL BE RESPONSIBLE FOR THE SWALE ON HIS PROPERTY. SUCH SWALES SHALL BE KEPT FREE OF DEBRIS, TRASH AND OTHER OBSTACLES TO THE MAINTENANCE OF SUCH DRAINAGE EASEMENTS AND FOR THE MAINTENANCE OF SUCH EASEMENTS SHALL BE RESPONSIBLE FOR ANY LOT GRADING REQUIRED TO ENSURE POSITIVE DRAINAGE AWAY FROM THE LOT. HOMEOWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SUCH DRAINAGE EASEMENTS AND FOR THE MAINTENANCE OF SUCH EASEMENTS SHALL BE RESPONSIBLE FOR ANY LOT GRADING REQUIRED TO ENSURE POSITIVE DRAINAGE AWAY FROM THE LOT. HOMEOWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SUCH DRAINAGE EASEMENTS AND FOR THE MAINTENANCE OF SUCH EASEMENTS SHALL BE RESPONSIBLE FOR ANY LOT GRADING REQUIRED TO ENSURE POSITIVE DRAINAGE AWAY FROM THE LOT.



SHEET 3 OF 3
RECORD PLAT

**RUSHING WATERS
PHASE THREE**

PROPERTY LOCATED IN THE CITY OF NORTH AUGUSTA
AIKEN COUNTY, SOUTH CAROLINA
DATE: JUNE 6, 2024 SCALE: 1" = 40'
REV: JULY 9, 2024 NA comments
PREPARED FOR:

Rushing Waters, LLC
2569 Trade Center Drive, EVANS, GA, 30809
(706)210-5488 ATT: Todd Bailey

SOUTHERN PARTNERS, INC.
ENGINEERS - SURVEYORS - PLANNERS -
1233 AUGUSTA WEST PARKWAY AUGUSTA GA, 30909 (706) 855-6000



William J. Bailey
7-9-24



RESOLUTION NO. 2024-46
AUTHORIZING THE CITY OF NORTH AUGUSTA
TO ENTER INTO A CONTRACT WITH KENRICK’S CONSTRUCTION FOR THE
RIVERVIEW PARK DUGOUT REPLACEMENTS, FIELD 3

WHEREAS, On September 13, 2024 the City of North Augusta was selected to receive a South Carolina PRT PARD Grant of \$14,613 for the purpose of replacing Riverview Park Dugouts; and

WHEREAS, the Parks & Recreation Department identified the need for Dugout replacement at Riverview Park Field #3 and Council approved \$30,000 for the project in the Fiscal Year 2024 budget General Fund, that includes the South Carolina PRT PARD Grant of \$14,613, reimbursable at the completion of the project; and

WHEREAS, On September 20, 2024, 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 \$43,280; and

WHEREAS, the Parks and Recreation Department request additional funding in the amount of \$13,280 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 \$43,280.

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

General Fund (including PARD Grant of \$14,613)	\$30,000
Capital Projects Fund	\$13,280
TOTAL:	\$43,280

BE IT FURTHER RESOLVED that the City Administrator shall be authorized to enter into a contract with Kenrick’s Construction in the amount of \$43,280.

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

Briton S. Williams, Mayor

ATTEST:

Jamie Paul, City Clerk

RESOLUTION NO. 2024-47
ACCEPTING A DEED OF DEDICATION FOR THE STREETS,
SANITARY SEWER, STORMWATER COLLECTION AND FIRE SUPPRESSION
SYSTEMS, DETENTION POND, AND ASSOCIATED EASEMENTS AND RIGHTS OF
WAY, ALONG WITH A MAINTENANCE GUARANTEE AND LETTER OF CREDIT,
FOR RUSHING WATERS, PHASE III

WHEREAS, Rushing Waters, LLC developed Rushing Waters Phase III according to the requirements of the North Augusta Planning Commission and the City, and owns the streets, 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 August 26, 2024 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 streets, 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 letter of credit 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:

All those certain street, situate, lying and being in the City of North Augusta, County of Aiken, state of South Carolina, located in Rushing Waters Subdivision, Phase Three, to wit: Montana Loop and Whitewater Drive, along with the following systems incident to and servicing Rushing Waters Subdivision, Phase Three: 1) Sanitary sewer lines and easements therefore; 2) storm sewer lines and easements therefore; and 3) water lines and easements therefore; all as shown upon a subdivision plat of Rushing Waters, Phase Three for Rushing Waters, LLC by Southern Partners, Inc., dated June 6, 2024, recorded in Plat Book 66, at pages 258-260, in the Office of the RMC of Aiken County, South Carolina. Reference is hereby made to said plat for a more particular description as to the metes, bounds, and exact location of property.

Also conveyed hereby are those parcels of land designated as Detention Pond 3 as shown on the aforesaid plat.

This property is conveyed subject to applicable easements, restrictions and/or protective covenants of record in said RMC Office.

Tax Map and Parcel: 011-09-01-049

BE IT FURTHER RESOLVED that a Maintenance Guarantee and cash deposit in the amount of \$170,000.00 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 OCTOBER, 2024.

Briton Williams, Mayor

ATTEST:

Jamie Paul, City Clerk

RESOLUTION NO. 2024-48
APPROVING THE GREENEWAY LANDSCAPE ENHANCEMENT HARDSCAPE
PROJECT

WHEREAS, the City of North Augusta is committed to enhancing public spaces, including the Greenway, to ensure its sustainability, aesthetics, and accessibility for all residents and visitors; and

WHEREAS, the Greenway Landscape Enhancement Hardscape Project, as outlined in Addendum A, has been identified as a priority to improve key segments of the Greenway; and

WHEREAS, sealed bids were solicited in accordance with the City of North Augusta procurement code, and Rock Creek Irrigation & Landscapes submitted the lowest responsive and responsible bid in the amount of \$99,632.40.

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 Greenway Landscape Enhancement Hardscape Project is hereby approved.
2. The bid from Rock Creek Irrigation & Landscapes in the amount of \$99,632.40 is accepted, and the City Administrator or his designee is authorized to execute all necessary contracts and agreements for the project.
3. A 10% contingency is approved for the project, bringing the total authorization to \$109,595.64.
4. The funding sources for this project will be drawn in order from the following accounts, with the amount from each fund to be decided and authorized by the City Administrator:
 - o Capital Projects Sales Tax III - Landscaping for Riverfront/Towne Center/Downtown Areas, not to exceed the account balance of \$28,748.66 plus any additional interest accrued.
 - o Local Fiscal Recovery Funds (SLFRF) Expenditure Request 7 – Greenway Improvements, not to exceed \$23,060.06.
 - o Riverfront Central Core Redevelopment Fund - Greenway Repair, not to exceed \$50,000.
 - o Local Fiscal Recovery Funds (SLFRF) Expenditure Request 12 – Downtown Improvements, not to exceed \$7,786.92.

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

Briton S. Williams, Mayor

ATTEST:

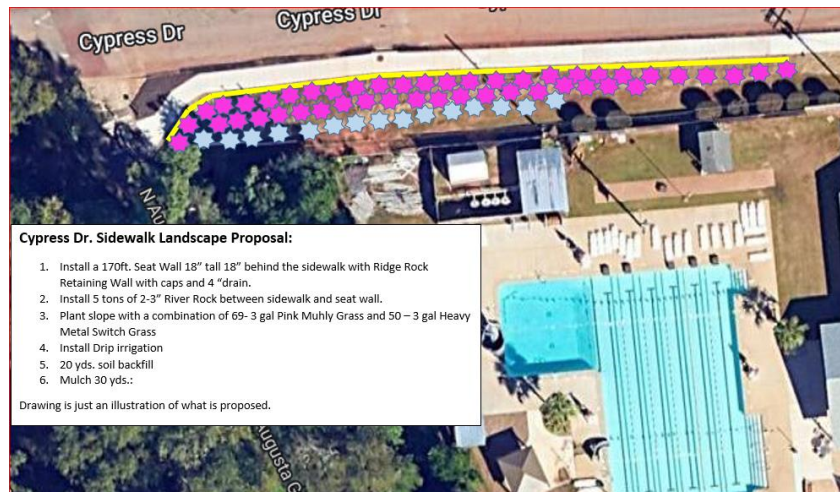
Jamie Paul, City Clerk

Greenway Landscape Enhancement Hardscape Project Specifications & Locations

1. Hammond Hills Greenway Extension Hardscape Enhancements

(see map below)

- a. Build an 18" seat wall behind the sidewalk w/ a 4" drain, seat wall shall have a 12"- 18" off set from the back of sidewalk.
 - 1) AT&T Fiber is in the vicinity and may be encountered, call for locates.
- b. Install 5 tons of 2"- 4 "river rock w/ non-woven geotextile fabric between the sidewalk and the face of the seat wall.
- c. Place soil to backfill seat wall.
- d. Install plantings for slope: 69 Muhly Grass, & 50 Heavy Metal Switch Grass
- e. Install drip irrigation for plantings, utilizing Netafim Techline HCVXR17mm Check Valve Dripline 0.77 gph. 12in. spacing. Include a Hunter NODE100 NODE-100 Battery Controller with Solenoid
- f. Install 30 yds. of Dyed Brown Hardwood Mulch



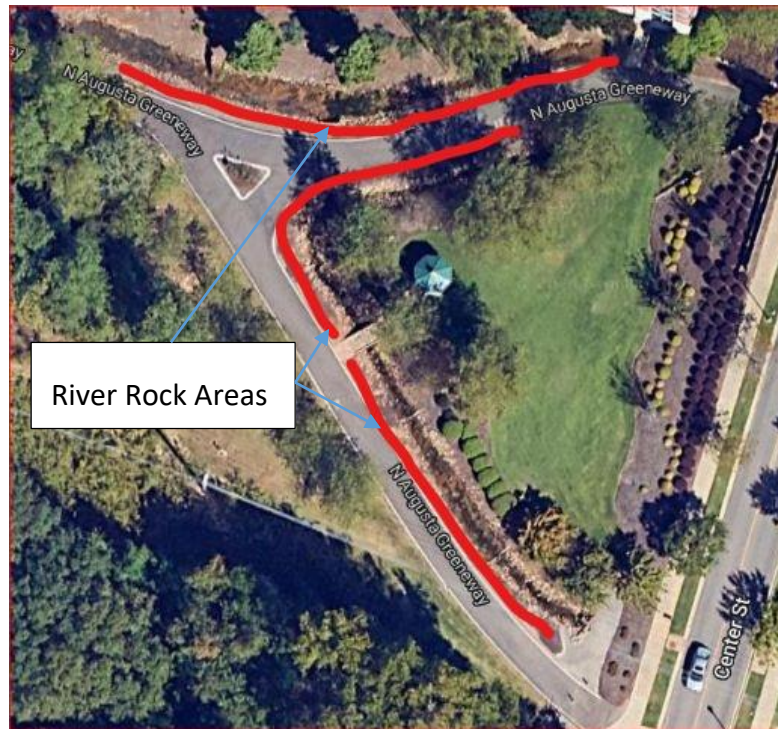
2. Boat Launch (by Water Treatment Facility) & Greenway @ Center St Hardscape Improvements. (See Map Locations below)

- a. Install 1400 sq. ft. of a -woven 4oz geotextile fabric and 48 tons of Rip Rap stone (4"-12"). Area is a 12ft. x 116ft.
- b. Install 30 tons of 2" - 4" Tennessee River Rock w/ a 4oz. non-woven geotextile fabric between the Greenway and the stream.

Map a: Boat Launch on Hammond's Ferry Road



Map b: Greenway @ Center St. Hardscape Area



3. Bluff Ave. Hardscape Enhancements

- a. Greenway Connector along the Black Chain Link Fence: Install 50 Tons of 2" – 4" Tennessee River Rock w/ 4 oz. non-woven Geotextile Fabric between the Greenway and the stream.



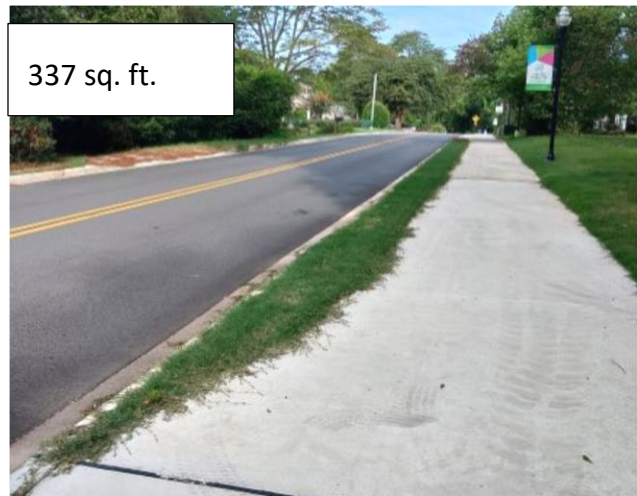
- b. Bed at Stop Sign & Trash Receptacle: Install 11 tons of 2" – 4" Tennessee River Rock w/ 4 oz. non-woven Geotextile Fabric, also install (5) 24-36" Tennessee Boulders in the middle of the beds (outlined in red), 3 boulders in the stop sign bed and 2 boulders in the trash receptacle bed.



- c. Install 1626 sq. ft. of English Edge Full Range 2 ¼ x 4 x 8 Pavers, in a Running Bond Pattern, using a 4" compacted crushed stone base and a 1" sand bed for pavers. Paver joints shall be filled with a Polymeric Sand (Buff Color). Location on Bluff Ave: from Stop sign at Bluff & Center St. to 408 Bluff Ave. between the curb and sidewalk.

ADDENDUM A

Photos of Paver Locations:



RESOLUTION NO. 2024-49
AUTHORIZING A NOISE PERMIT FOR GOVERNMENT AND PRIVATE CONTRACTED
CREWS TO REMOVE STORM DEBRIS AND CONDUCT REPAIRS RELATED TO
HURRICANE HELENE

WHEREAS, the City of North Augusta has experienced significant storm damage due to Hurricane Helene, resulting in substantial damage and debris across both public and private properties within the city limits; and

WHEREAS, timely removal of storm debris and repairs to damaged properties are critical to ensuring the safety, public health, and welfare of the residents of North Augusta; and

WHEREAS, Sec. 12-21(c)(9) of the City of North Augusta Code of Ordinances restricts construction work to the hours of 7:00 a.m. to 6:00 p.m. on weekdays only; and

WHEREAS, the Ordinance allows the Council to grant a permit for work outside of these hours in cases of urgent necessity for public safety and convenience; and

WHEREAS, the City of North Augusta and other government agencies, as well as private entities, have contracted with crews to assist in the removal of said debris and to conduct repairs, requiring extended working hours to complete the tasks in a timely manner; and

WHEREAS, in order to facilitate the efficient removal of storm debris, mitigate potential hazards, and expedite necessary repairs, it is necessary to provide an exemption from the City's noise ordinance for the duration of these operations;

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

- **Noise Ordinance Exemption:** The City of North Augusta hereby grants a noise ordinance permit to government-contracted and private-contracted crews for the purposes of storm debris removal and property repairs related to Hurricane Helene.
- **Hours of Operation:** Authorized debris removal and repair operations may take place from sunrise to sunset, Monday through Sunday, for a period of 180 days, beginning on October 21, 2024, and ending on April 19, 2025.
- **Scope of Exemption:** This exemption applies exclusively to noise generated by debris removal activities, repair work, and the equipment associated with the contracted crews and does not permit excessive or unnecessary noise unrelated to these tasks.
- **Permit Duration:** The noise ordinance exemption will remain in effect for the specified 180-day period. The City of North Augusta reserves the right to extend, modify, or terminate this permit as deemed necessary.

- Compliance with Other Regulations: All debris removal and repair activities must comply with applicable local, state, and federal laws, including those related to environmental protection and worker safety.
- Public Notice: The City shall make efforts to notify residents of the affected areas about the noise ordinance exemption and the scheduled debris removal and repair operations.

BE IT FURTHER RESOLVED that the City Administrator may extend the dates of this permit in the event of inclement weather or other unforeseen delays.

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

Briton S. Williams, Mayor

ATTEST:

Jamie Paul, City Clerk