



CITY COUNCIL

REGULAR AGENDA

OF

NOVEMBER 7, 2016



AGENDA: REGULAR CITY COUNCIL MEETING
November 7, 2016 – Municipal Center – 100 Georgia Avenue, 3rd Floor
– 7:00 P.M.

CITIZEN COMMENTS: Citizens may speak to Mayor and City Council on each item listed on this agenda. Mayor Jones will call for your comments prior to City Council discussing the matter. When speaking to Council, please step up to the microphone, give your full name and address, and direct your remarks to Mayor Jones.

CITIZEN ASSISTANCE: Individuals needing special assistance or sign interpreter to participate in the meeting, please notify the Administration Department 48 hours prior to the meeting.

1. **CALL TO ORDER:**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE:**
3. **ROLL CALL:**
4. **APPROVAL OF MINUTES:** Regular and Study Session Minutes of October 17, 2016
Special Called Public Hearing Meeting Minutes of November 1, 2016
Study Session Meeting Minutes of November 1, 2016

UNFINISHED BUSINESS

5. **FINANCE:** Proposed Annual Consolidated Budget for Fiscal Year 2017 – Ordinance, Second Reading
6. **FINANCE:** Taxes, Fiscal Year 2017 – Ordinance, Second Reading
7. **SANITATION:** Amendment of Article IV, Section 14-123 Titled “Sanitation Services Fees” of the City Code of the City of North Augusta, South Carolina – Ordinance, Second Reading
8. **UTILITIES:** Establishing Wastewater Service Charges by Revising Section 14-68, Titled “Schedule of Monthly Wastewater Service Charge.” of the City Code of the City of North Augusta, South Carolina – Ordinance, Second Reading

NEW BUSINESS

9. **ANNEXATION:** Property Located on Austin Graybill Road, Tax Parcel Number 011-05-06-001, 6.89 ± Acres
 - A. Petition, Resolution to Accept
 - B. Ordinance, First Reading
 - C. Ordinance, Second Reading
10. **LEGAL:** Authorization of Settlement by the City with Carolina Pines I, LLC in Cause of Action No. 3:16-1124-TLW in the United States District Court, District of South Carolina, Columbia Division – Resolution
11. **PRESENTATIONS/COMMUNICATIONS/RECOGNITION OF VISITORS:**
 - A. Citizen Comments: At this time, citizens may speak to Mayor and City Council regarding matters not listed on the agenda.
 - B. Council Comments
12. **ADJOURNMENT:**



TO: Mayor and City Council
FROM: B. Todd Glover, City Administrator
DATE: November 4, 2016
SUBJECT: Regular City Council Meeting of November 7, 2016

REGULAR COUNCIL MEETING

ITEM 5. FINANCE: Proposed Annual Consolidated Budget for Fiscal Year 2017 – Ordinance, Second Reading

An ordinance to adopt the proposed Fiscal Year 2017 Consolidated Budget is submitted for Council's consideration on second reading.

Please see the minutes of October 17, 2016 for the proposed ordinance text and refer to your 2017 proposed Budget for revenue and expense summaries for each of the funds.

ITEM 6. FINANCE: Taxes, Fiscal Year 2017 – Ordinance, Second Reading

An ordinance has been prepared for Council's consideration on second reading establishing the tax rate on all taxable property within the City of North Augusta for the Fiscal Year 2017.

The period for which the tax levy is due on all taxable property, except for motorized vehicles, shall be from January 1, 2016, to December 31, 2016. The period for which the tax levy is due for all motorized vehicles which are required to be licensed by Section 53-3-110, Codes of Laws of South Carolina, shall be from January 1, 2017, to December 31, 2017.

The tax levy imposed upon all taxable property shall be 70.50 mills.

Please see the minutes of October 17, 2016 for the proposed ordinance text.

ITEM 7. SANITATION: Amendment of Article IV, Section 14-123 Titled "Sanitation Services Fees" of the City Code of the City of North Augusta, South Carolina – Ordinance, Second Reading

An ordinance has been prepared for Council's consideration on second reading amending Article IV, Section 14-123 titled "Sanitation Services Fees" of the City Code of the City of North Augusta, South Carolina.

Please see the minutes of October 17, 2016 for the proposed ordinance text.

ITEM 8. UTILITIES: Establishing Wastewater Service Charges by Revising Section 14-68, Titled "Schedule of Monthly Wastewater Service Charge." of the City Code of the City of North Augusta, South Carolina – Ordinance, Second Reading

An ordinance has been prepared for Council's consideration on second reading establishing wastewater service charges by revising section 14-68, titled "Schedule of Monthly Wastewater Service Charge," of the City Code of the City of North Augusta, South Carolina.

Please see the minutes of October 17, 2016 for the proposed ordinance text.

ITEM 9. ANNEXATION: Property Located on Austin Graybill Road, Tax Parcel Number 011-05-06-001, 6.89 ± Acres

A. Petition, Resolution to Accept

A resolution has been prepared for Council's consideration accepting the petition of Belva Thomas Lacey in which she requests the annexation of 6.89 ± acres of property located on "Austin Graybill Road, Tax Parcel Number 011-05-06-001.

Please see [ATTACHMENT #9-A](#) for a copy of the proposed petition, resolution, and map.

B. Ordinance, First Reading

Pending Council's acceptance of the petition described in [Item #9-A](#) above, an ordinance has been prepared for Council's consideration on first reading to affect the requested annexation.

The property is proposed to be zoned R-7, Small Lot, Single Family Residential. The requested zoning is consistent with the future land use classification of the property, Mixed Use, as specified in the Future Land Use Element of the 2005 Comprehensive Plan.

Please see [ATTACHMENT #9-B](#) for a copy of the proposed ordinance and maps.

C. Ordinance, Second Reading

Pending Council's passage of the ordinance on first reading, it is submitted for Council's consideration on second reading.

November 7, 2016

ITEM 10. LEGAL: **Authorization of Settlement by the City with Carolina Pines I, LLC in Cause of Action No. 3:16-1124-TLW in the United States District Court, District of South Carolina, Columbia Division - Resolution**

Pending the outcome of the executive session scheduled prior to this meeting at 6 pm, a resolution has been prepared for Council's consideration authorizing the settlement by the City with Carolina Pines I, LLC in cause of action no. 3:16-1124-TLW in the United States District Court, District of South Carolina, Columbia Division

Please see [ATTACHMENT #10](#) for a copy of the proposed resolution.

ATTACHMENT 9-A

STATE OF SOUTH CAROLINA)

PETITION FOR ANNEXATION OF 6.89 ACRES
OF PROPERTY LOCATED ON
AUSTIN GRAYBILL ROAD
AND OWNED BY BELVA THOMAS LACEY

COUNTY OF AIKEN)

I, the undersigned freeholder of the property hereinafter described, do respectfully petition the City Council for the City of North Augusta, South Carolina, for annexation of the hereinafter described property into the municipal corporate limits of the City of North Augusta, South Carolina. This petition is submitted in accordance with Title 5-3-150(3) of the Code of Laws of South Carolina, 1976, as amended.

The property sought to be annexed is described as follows:

All that certain piece, parcel or tract of land containing 6.89 acres, located on Frontage Road, County of Aiken, State of South Carolina and being bounded now or formerly as follows: NORTHEAST by National Health Corporation, NORTHWEST by property of Byrd, Metts, et. al., SOUTHWEST by property of Schustar, Flippo, et. al., and SOUTHEAST by Frontage Road which separates the property herein conveyed from Interstate-20.

Being the same property conveyed to Belva Thomas Lacey by Deed of Distribution recorded in Book 1478, Pages 236-240, records of Aiken County, South Carolina.

Said property is identified by the following Tax Parcel Number:
011-05-06-001

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" dated October 6, 2016 and prepared by the City of North Augusta.

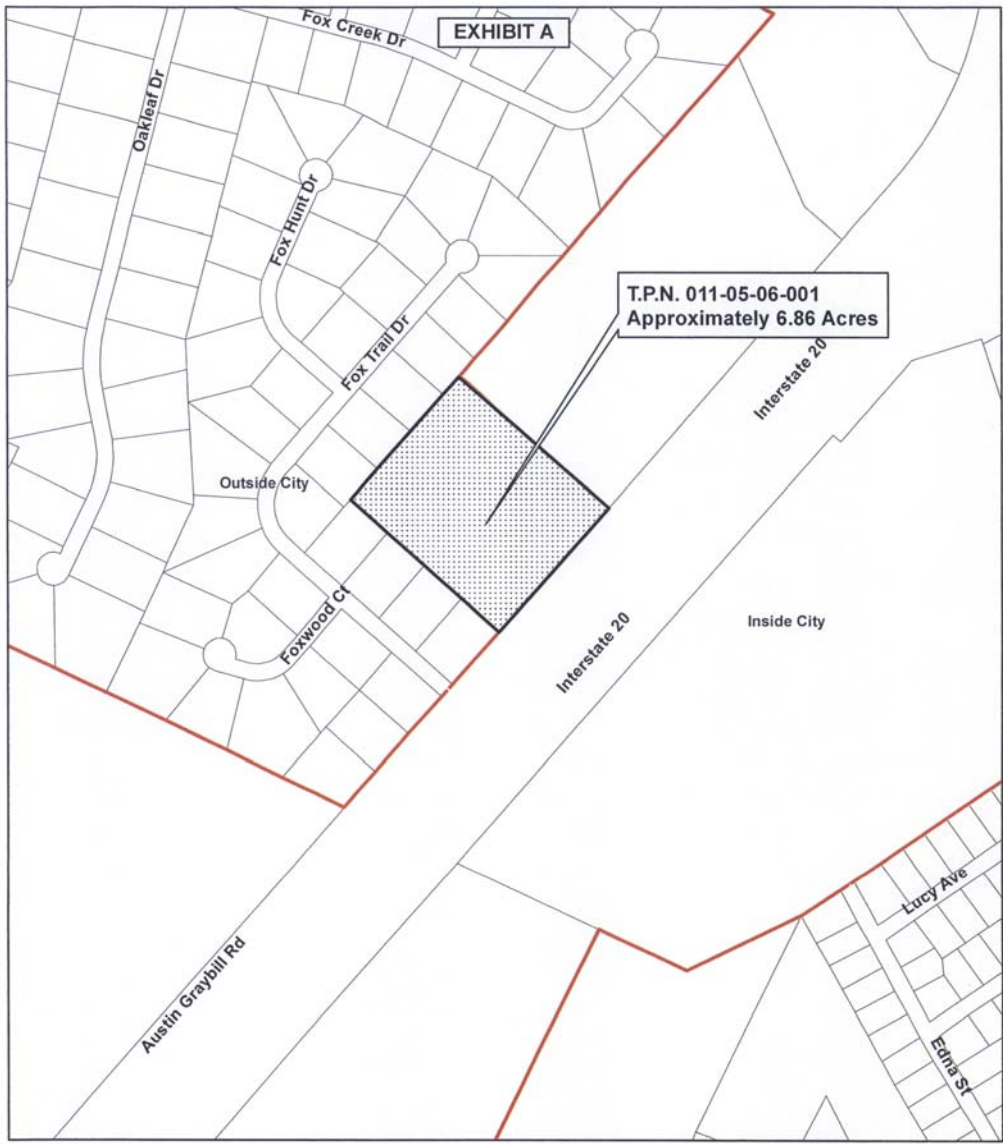
This petition dated this 6th day of October, 2016 prior to the affixing of any signatures hereto.

Tax Map Parcel Number

Property Owner Signature

Tax Parcel Number 011-05-06-001

Belva Thomas Lacey
Belva Thomas Lacey



**ANX 16-001
MAP OF PROPERTY
SOUGHT TO BE ANNEXED TO
THE CITY OF NORTH AUGUSTA**



RESOLUTION NO. 2016-31
TO ACCEPT A PETITION FOR ANNEXATION
OF ±6.89 ACRES OF PROPERTY LOCATED
ON AUSTIN GRAYBILL ROAD
AND OWNED BY BELVA THOMAS LACEY

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 governing body of the City of North Augusta determines it to be in the best interest of the City to accept a petition for annexation attached hereto dated October 6, 2016.

The property sought to be annexed is described as follows:

All that certain piece, parcel or tract of land containing 6.89 acres, located on Frontage Road, County of Aiken, State of South Carolina and being bounded now or formerly as follows: NORTHEAST by National Health Corporation, NORTHWEST by property of Byrd, Metts, et. al., SOUTHWEST by property of Schustar, Flippo, et. al., and SOUTHEAST by Frontage Road which separates the property herein conveyed from Interstate-20.

Being the same property conveyed to Belva Thomas Lacey by Deed of Distribution recorded in Book 1478, Pages 236-240, records of Aiken County, South Carolina.

Said property is identified by the following Tax Parcel Number:
011-05-06-001

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" dated October 6, 2016 and prepared by the City of North Augusta.

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 Petition to annex the property described herein is hereby accepted.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS _____ DAY OF
_____, 2016.

Lark W. Jones, Mayor

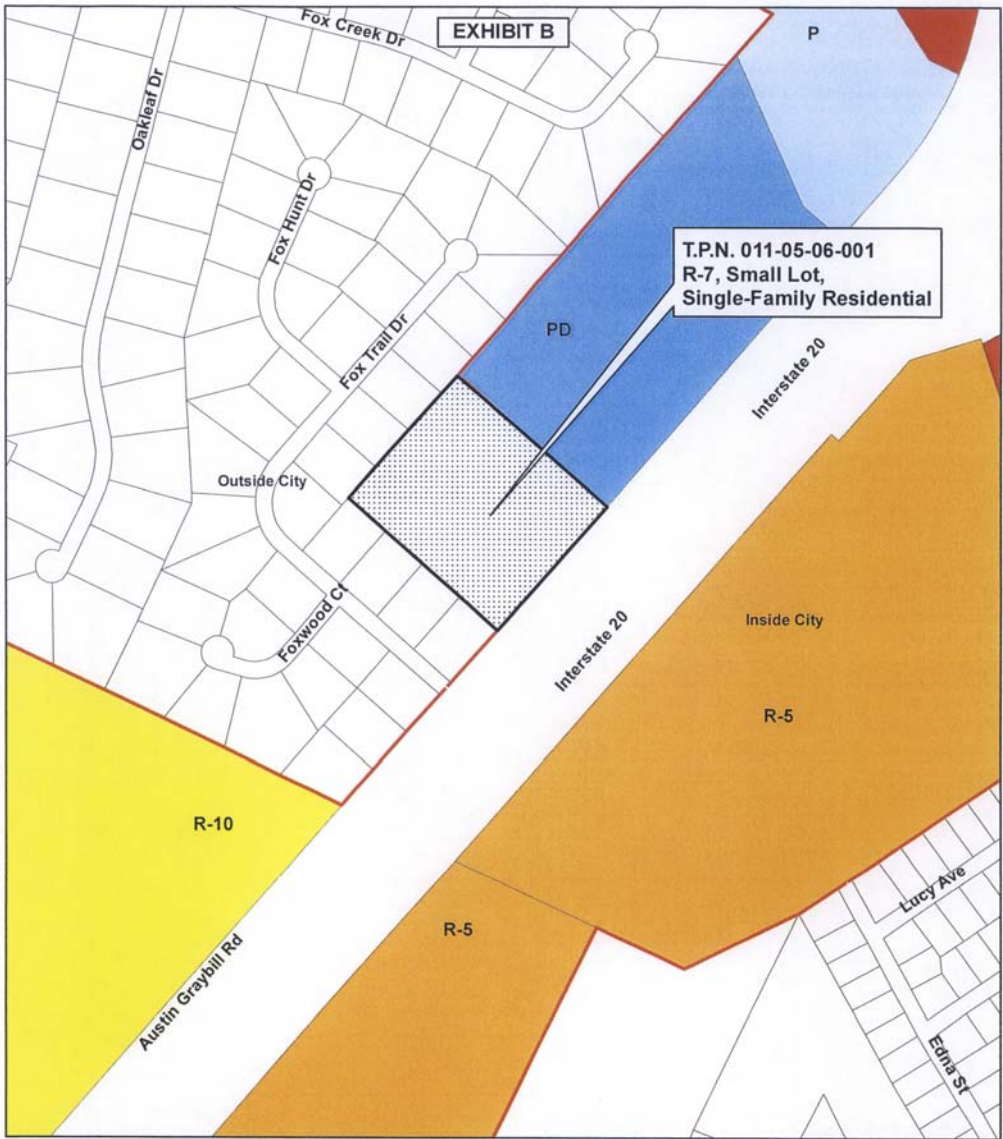
ATTEST:

Donna B. Young, City Clerk

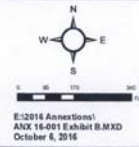


**ANX 16-001
MAP OF PROPERTY
SOUGHT TO BE ANNEXED TO
THE CITY OF NORTH AUGUSTA**





**ANX 16-001
ZONING OF PROPERTY
SOUGHT TO BE ANNEXED TO
THE CITY OF NORTH AUGUSTA**



ORDINANCE NO. 2016-24
TO CHANGE THE CORPORATE LIMITS
OF THE CITY OF NORTH AUGUSTA
BY ANNEXING
±6.89 ACRES OF PROPERTY LOCATED
ON AUSTIN GRAYBILL ROAD
AND OWNED BY BELVA THOMAS LACEY

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, by adoption of Resolution No. 2016-31 dated November 7, 2016, accepted a Petition for Annexation and wish to annex the below described properties; and

WHEREAS, the zoning classification recommended for the properties proposed for annexation has been reviewed for consistency with the Future Land Use Classification of the properties as specified in the Land Use Element of the 2005 Comprehensive Plan;

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 following described property shall be annexed into the City of North Augusta:

All that certain piece, parcel or tract of land containing 6.89 acres, located on Frontage Road, County of Aiken, State of South Carolina and being bounded now or formerly as follows: NORTHEAST by National Health Corporation, NORTHWEST by property of Byrd, Metts, et. al., SOUTHWEST by property of Schustar, Flippo, et. al., and SOUTHEAST by Frontage Road which separates the property herein conveyed from Interstate-20.

Being the same property conveyed to Belva Thomas Lacey by Deed of Distribution recorded in Book 1478, Pages 236-240, records of Aiken County, South Carolina.

Said property is identified by the following Tax Parcel Number:
011-05-06-001

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" dated October 6, 2016 and prepared by the City of North Augusta.

- II. The zoning classification recommended for the properties to be annexed is consistent with the Future Land Use Classification of the properties as specified in the Land Use Element of the 2005 Comprehensive Plan; therefore, the properties shall be zoned R-7, Small Lot, Single Family Residential, as shown on a map identified as "Exhibit B" titled "ANX 16-001 Zoning of Property Sought to be Annexed to the City of North Augusta" dated October 6, 2016 and prepared by the City of North Augusta.
- 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 third 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 _____, 2016.

First Reading _____

Lark W. Jones, Mayor

Second Reading _____

Third Reading _____

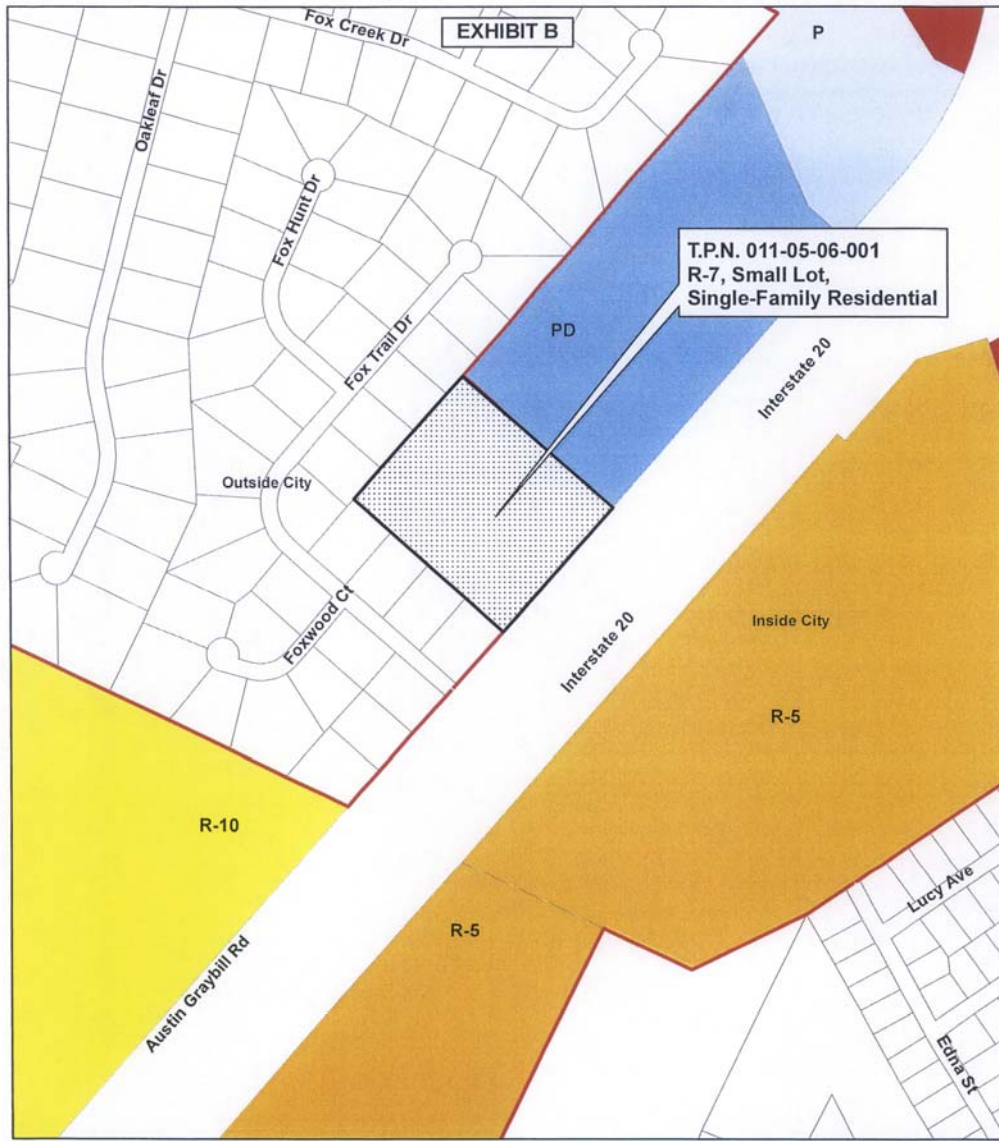
ATTEST:

Donna B. Young, City Clerk



**ANX 16-001
MAP OF PROPERTY
SOUGHT TO BE ANNEXED TO
THE CITY OF NORTH AUGUSTA**





**ANX 16-001
ZONING OF PROPERTY
SOUGHT TO BE ANNEXED TO
THE CITY OF NORTH AUGUSTA**



RESOLUTION NO. 2016-32
A RESOLUTION AUTHORIZING THE SETTLEMENT BY THE CITY WITH CAROLINA
PINES I, LLC IN CAUSE OF ACTION NO. 3:16-1124-TLW
IN THE UNITED STATES DISTRICT COURT, DISTRICT OF SOUTH CAROLINA,
COLUMBIA DIVISION

WHEREAS, the City is a named Defendant in the action originally filed in the Court of Common Pleas for Richland County, South Carolina as Civil Action 2016-CP-400-0842; and,

WHEREAS, such action was filed by Carolina Pines I, LLC, an Ohio Limited Liability Company against the City of Abbeville Public Works, Abbeville County Public Works, Aiken County Solid Waste, Beaufort County Solid Waste, Charleston County Solid Waste, Horry County Solid Waste, Lauren's County Public Works; Lexington County Solid Waste, Orangeburg County Department of Public Works, Sumter County Public Works, and the City of North Augusta Public Works; and,

WHEREAS, the case, although originally filed in State Circuit Court was removed to the United States District Court, District of South Carolina, Columbia Division; and,

WHEREAS, such litigation is related to electronics recycling; and,

WHEREAS, the City has been defending said action and recently took part in mediation related to such litigation; and,

WHEREAS, following the mediation, with all Defendants, such mediation was unsuccessful and the litigation remains pending; and,

WHEREAS, it appears that this matter will not be settled without extensive litigation; and,

WHEREAS, the City has negotiated a settlement with Carolina Pines I, LLC that will result in the City receiving a full release at this time; and,

WHEREAS, the City has determined that the cost of settlement, at this time, would appear to be substantially less than the cost of full litigation of this matter, even if the ultimate determination by Court was in favor of the City.

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:

1. The City Attorney is authorized to complete settlement in the above-referred-to litigation by payment to the Plaintiff the sum of \$11,000.00.
2. That the City Attorney is authorized to execute such documents as appropriate to complete this settlement.
3. That the funds for settlement shall be paid out of the _____.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS THE ____ DAY OF NOVEMBER, 2016.

Lark W. Jones, Mayor

ATTEST:

Donna B. Young, City Clerk

