

Mayor  
Elise Partin

Mayor Pro-Tem  
Tara S. Almond

Council Members  
Phil Carter  
Eva Corley  
James E. Jenkins

City Manager  
Tracy Hegler



**City of Cayce  
Special Council Meeting  
Wednesday, May 22, 2019  
5:00 p.m. – Cayce City Hall – 1800 12<sup>th</sup> Street  
[www.caycesc.gov](http://www.caycesc.gov)**

**I. Call to Order**

- A. Invocation and Pledge of Allegiance

**II. Public Comment Regarding Items on the Agenda**

**III. Presentations**

- A. Presentation by Ms. Patricia Cooper regarding the 2020 Census

**IV. Ordinances and Other**

- A. Discussion and Approval of Ordinance 2019-07 Amending City Code Sections 2-66 Concerning Regular Meetings of Council – First Reading
- B. Discussion and Approval of Ordinance 2019-08 Amending the City Code to Add Chapter 29 (“Local Accommodations Tax”) – First Reading
- C. Discussion and Approval of Ordinance 2019-03 Re-Zoning 1908 State Street (TMS#005769-08-004) from RS-3 (Single Family Residential) to C-3 (Central Commercial District) – Second Reading
- D. Discussion and Approval of Ordinance 2019-04 Amending Zoning Ordinance Section 6.10 (“Design Overlay District”) to Provide for a New I-77 Gateway Design Overlay District – Second Reading
- E. Discussion and Approval of Ordinance 2019-05 Amending Zoning Map and Rezoning Property to Create a New Design Overlay District (I-77 Gateway Design Overlay District) – Second Reading
- F. Discussion and Approval of Ordinance 2019-06 Amending City Code Section 28-114 (“Discharging Firearms”) to Provide for Additional Exceptions – Second Reading
- G. Discussion and Approval of Supportive Municipal Judge Agreement for Bond and other Judicial Duties with Lexington County
- H. Discussion and Approval of a Financial Participation Agreement for the Julius Felder Sidewalk Phase III Project

**V. City Manager's Report**

**VI. Council Comments**

**VII. Executive Session**

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege
- B. Discussion of negotiations incident to a School Resource Officer Agreement with Lexington County School District 2

**VIII. Reconvene**

**IX. Possible Actions by Council in follow up to Executive Session**

**X. Adjourn**

**SPECIAL NOTE: Upon request, the City of Cayce will provide this document in whatever form necessary for the physically challenged or impaired.**

STATE OF SOUTH CAROLINA	)	ORDINANCE 2019-07
	)	Amending City Code Sections 2-66
COUNTY OF LEXINGTON	)	Concerning Regular Meetings of
	)	Council
CITY OF CAYCE	)	

**WHEREAS**, City Council has determined that it is appropriate, and in the interest of efficient and effective government for the City, to amend City Code section 2-66 concerning meetings of the Council to add a provision for a second monthly regular meeting of Council,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Cayce, in Council, duly assembled, as follows:

The first sentence of Section 2-66 ("Meetings") of Division 3 ("Rules of Order") of Article II ("City Council") of Chapter 2 ("Administration") of the Cayce City Code is hereby amended to read:

**"Regular meetings of the council shall be held on the first Tuesday and third Wednesday of each month unless changed by a majority vote of members present at any regular or special meeting."**

The second and third sentences of Section 2-66 shall remain as now provided.

This Ordinance shall be effective from the date of second and final reading.

**DONE IN MEETING DULY ASSEMBLED**, this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Elise Partin, Mayor

Attest:

\_\_\_\_\_  
Mendy Corder, CMC, Municipal Clerk

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

Second Reading and Adoption: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Danny C. Crowe, City Attorney

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# Memorandum

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**To:** Mayor and Council

**From:** Tracy Hegler, City Manager  
Rachelle Moody, Assistant to the City Manager

**Date:** May 22, 2019

**Subject:** Consideration of an Ordinance to establish a 3% Local Accommodations Tax

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## Issue

Per South Carolina state law, municipal governments may impose a local accommodations tax by Ordinance adopted by its governing body. Local accommodations tax proceeds must be used for tourism-related projects and programs as defined in SC Code Section 6-1-530. The rate of the tax may not exceed 3%, and is a separate accommodations tax from the mandatory 2% state accommodations tax. Currently, the City of Cayce does not have a local accommodations tax Ordinance.

## Discussion

Due to recent economic growth related to hotels and motels, the City of Cayce has the opportunity to implement a local accommodations tax to generate revenues to help cover the City's costs associated with tourism-related projects and programs. Over the past few years, the City has increased the amount of tourism-related events and services provided to the community. A local accommodations tax would help sustain the current level of events and services, with potential for expansion in the future. Examples of events include the City's successful Soiree on State and multitude of Cayce Museum community programs and events. Services such as Riverwalk maintenance and security have steadily increased year over year, but particularly since the full Riverwalk re-opened in February 2018 after the October 2015 flood.

There are currently six hotels and motels located within City limits that would collect and remit a local accommodation tax to the City. These businesses currently collect and remit state accommodations taxes. Based on the in-City hotel gross sales receipts from 2018, at least \$262,000 in revenue during Fiscal Year 2019 – 2020 could be generated if the City of Cayce implemented a 3% local accommodations tax.

This revenue would be maintained by the City and used to cover expenses incurred by the Parks Department, Museum, Public Safety Park Rangers, and other tourism-related City operations. As economic conditions improve, and

additional hotel nights are booked and/or new hotels are built within City limits, the local accommodations tax revenue will increase and become an important and steady revenue source for the City, similar to how the Hospitality Tax has become a key revenue source for tourism-related operations. The City would collect local accommodations tax payments in-house, similar to how we collect Hospitality Tax.

In preparation for establishing a local accommodations tax, staff consulted with Municipal Association of South Carolina (MASC) staff for information and guidance. The Ordinance presented for Council's approval is based on the model MASC local accommodations tax Ordinance. Furthermore, staff research concludes that implementation of a local accommodations tax has become a critical component of municipal tourism operational funding.

Upon passing of two readings, the local accommodations tax Ordinance would be implemented prior to July 1, 2019 so that a full year of local accommodations tax revenues may be accounted for in the FY20 budget.

For additional information, see attachment: State vs. Local Accommodations Taxes

### **Recommendation**

Staff recommends Council approve the first reading of Ordinance 2019-08 establishing a 3% Local Accommodations Tax.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )  
CITY OF CAYCE )

**ORDINANCE 2019-08**  
**Amending the City Code to Add**  
**Chapter 29 ("Local**  
**Accommodations Tax")**

**WHEREAS**, City Council has determined that it is in the interest of the City for the Council to adopt a Local Accommodations Tax as allowed by State law and for the public purposes provided by State law,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Cayce, in Council, duly assembled, that the Cayce City Code is hereby amended to add a new Chapter 29 ("Local Accommodations Tax"), with a new Section 29-1 ("Local accommodations tax"), to read as follows:

**Section 29-1. - Local accommodations tax.**

(a) There is hereby imposed, as provided by the Local Accommodations Tax Act (S.C. Code Section 6-1-500 et seq.), a local accommodations tax of three percent (3%) on the gross proceeds derived from the rental or charges for accommodations furnished to transients for consideration, as described in S.C. Code Section 12-36-920(A), and which is imposed on every person engaged or continuing within the City in the business of furnishing accommodations to transients for consideration (which person is hereinafter referred to as a "vendor").

(b) Payment of the accommodations tax established herein shall be remitted by the vendor to the City on a monthly basis, along with such return or form as may be established by the City for such purposes, not later than the twentieth day of the month and shall cover the tax due for the previous month. Any tax not timely remitted shall be subject to a penalty of five (5%) percent of the sum owed for each month or portion thereof until paid.

(c) The failure of any vendor subject to this section to remit when due to the City the tax imposed by this section also shall constitute a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for up to thirty (30) days, or both, for each such failure.

(d) There is hereby established a special account to be known as the Local Accommodations Tax Account into which the taxes remitted shall be deposited by the City and used solely for the purposes provided by law.

This Ordinance shall be effective from the date of second and final reading.

**DONE IN MEETING DULY ASSEMBLED**, this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Elise Partin, Mayor

Attest:

\_\_\_\_\_  
Mendy Corder, CMC, Municipal Clerk

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

Second Reading and Adoption by a Positive Majority: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Danny C. Crowe, City Attorney

## State vs. Local Accommodations Taxes

### What sales are affected by an Accommodations Tax?

The rental or charges for any rooms, campground spaces, lodgings, or sleeping accommodations furnished to transients by any hotel, inn, tourist court, tourist camp, motel, campground, residence, or any place in which rooms, lodgings, or sleeping accommodations are furnished to transients for a consideration.

	<b>State Accommodations Tax</b>	<b>Local Accommodations Tax</b>
<b>Tax Amount</b>	Mandatory tax of 2% applied to all accommodations statewide	Optional tax not to exceed 3% as adopted by Municipal and County governments via ordinance
<b>Receipt Collection</b>	Tax receipts collected by the state and distributed back to cities and counties by a formula based on point of sale	Tax receipts collected by the Municipality and maintained for expenditure by the Municipality, unless otherwise established by council
<b>Expenditure Approval</b>	A municipality receiving more than \$50,000 in revenue from the state accommodations tax must appoint an advisory committee to make recommendations for how the revenue generated from the accommodations tax should be spent	There is no requirement for an advisory committee for local accommodations tax expenditures. The municipal council is solely responsible for approving local accommodations tax expenditures unless otherwise established by the council
<b>Restrictions on Use</b>	State law is very specific about how cities and counties can spend state accommodations tax revenue. The first \$25,000 is deposited into the local governments general fund, 30% of the balance* must be allocated to a special fund for the exclusive use of tourism advertising and promotion, and the remaining balance must be used for tourism-related expenditures as defined in SC Code Section 6-1-530  <i>*In Cayce, this amount is granted to the Cayce-West Columbia Visitors Bureau and Experience Columbia</i>	Local Accommodations Tax proceeds must be used for tourism-related projects and programs as defined in SC Code Section 6-1-530

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# Memorandum

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**To:** Mayor and Council

**From:** Tracy Hegler, City Manager  
Carroll Williamson, Planning and Development Director

**Date:** May 15, 2019

**Subject:** Second Reading of an Ordinance to re-zone 1908 State Street (TMS# 005769-08-004) from RS-3 (Single Family Residential) to C-3 (Central Commercial).

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## **ISSUE**

Council approval is requested for the Second Reading of an Ordinance to re-zone 1908 State Street (TMS# 005769-08-004) from RS-3 (Single Family Residential) to C-3 (Central Commercial District).

## **BACKGROUND/DISCUSSION**

The City of Cayce owns this property. This property was used as a residential property until the property was purchased by the City and the house demolished in 2017. The C-3 zoning classification is intended to promote the concentration and vitality of commercial and business areas of State Street. In order for the City to use this property to support the surrounding State Street businesses, it needs to be re-zoned to C-3.

1908 State Street is approximately 8,000 square feet with no structures. Properties adjacent to and across from this property along State Street are zoned C-3. Toward the rear of the property, adjacent properties are zoned RS-3 (Single-Family Residential).

The requested re-zoning is in compliance with the Zoning Ordinance and is permitted as a zoning district in accordance with the criteria of the Comprehensive Plan and Future Land Use Map.

The Planning Commission considered the request for re-zoning at their meeting on April 22, 2019. The rezoning request was opened to the public. No members of the public spoke in favor or against the re-zoning request.

The Planning Commission voted on the requested re-zoning, to the C-3 zoning designation, at the Planning Commission meeting on April 22, 2019.

## **RECOMMENDATION**

The Planning Commission recommends Council approve Second Reading of an Ordinance to re-zone 1908 State Street (TMS# 005769-08-004) from RS-3 (Single Family Residential) to C-3 (Central Commercial).

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )  
CITY OF CAYCE )

**ORDINANCE 2019-03**  
**Amending Zoning Map and Rezoning**  
**Property Located at 1908 State Street**  
**(Tax Map Number 005769-08-004) from**  
**RS-3 to C-3**

**WHEREAS**, Staff requested that the City of Cayce amend the Zoning Map to re-designate the property comprising and shown as 1908 State Street (TMS 5769-08-004), now zoned Single Family Residential (RS-3) to Central Commercial (C-3), and

**WHEREAS**, the Planning Commission held a public hearing on this request to receive comments from the public and adjacent property owners, and

**WHEREAS**, the Planning Commission met on April 22, 2019, to review public comments and vote on recommending the rezoning request and unanimously voted to recommend this change to the existing zoning,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Cayce, in Council, duly assembled, that the property hereinafter listed, and as shown on the attached sketch, is hereby rezoned and reclassified on the Zoning Map of the City of Cayce as C-3, Central Commercial:

Tax Map Number 005769-08-004  
1908 State Street

This Ordinance shall be effective from the date of second reading approval by Council.

**DONE IN MEETING DULY ASSEMBLED**, this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Elise Partin, Mayor

Attest:

\_\_\_\_\_  
Mendy Corder, CMC, Municipal Clerk

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

Second Reading and Adoption: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Danny C. Crowe, City Attorney

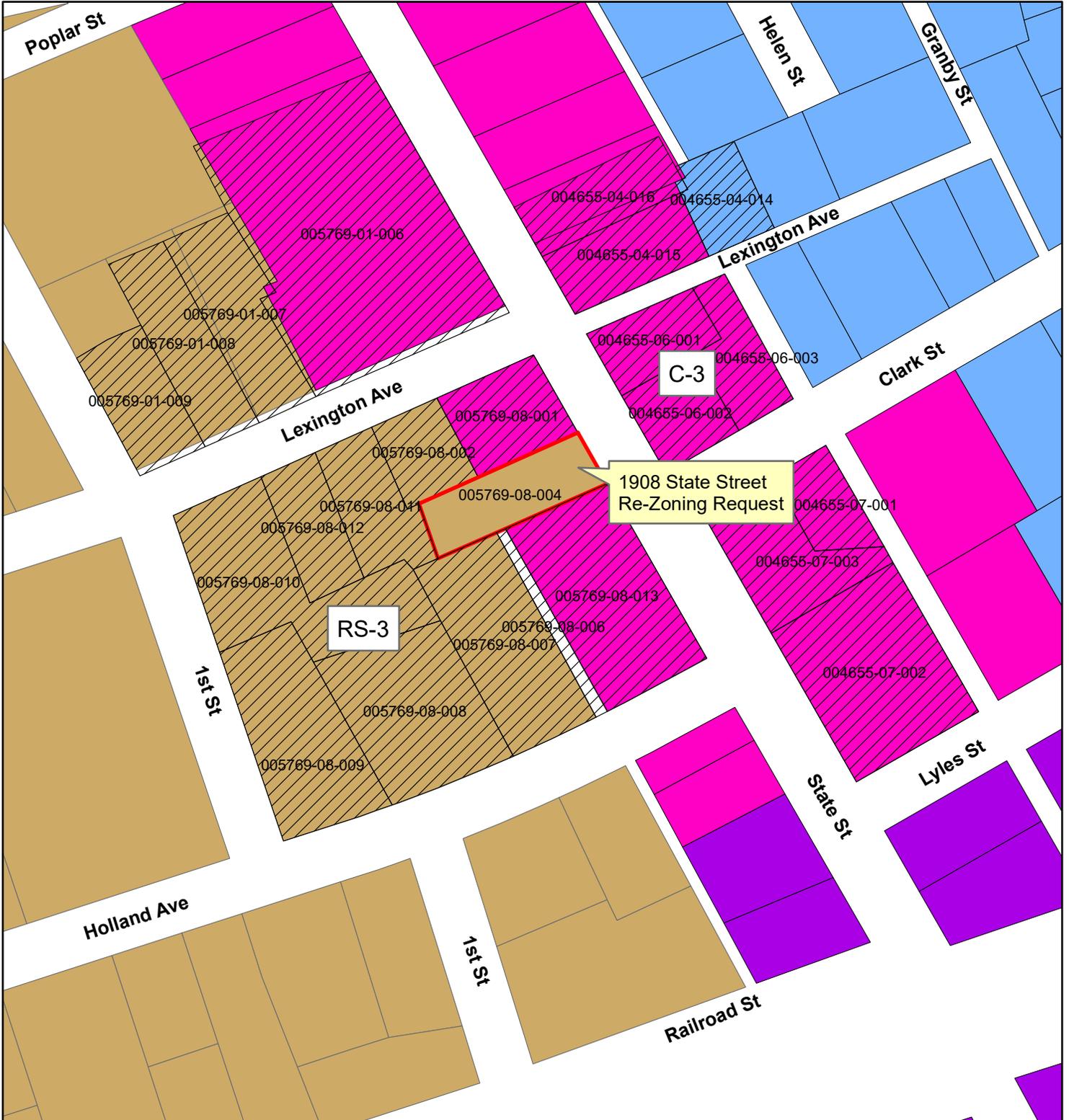
# Map Amendment 001-19

## 1908 State Street

### Legend

 Properties Within 200' of rezoning request

 1908 State St



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# Memorandum

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**To:** Mayor and Council

**From:** Tracy Hegler, City Manager  
Carroll Williamson, Planning and Development Director

**Date:** May 15, 2019

**Subject:** Second Reading of an Ordinance Amending Zoning Ordinance Section 6.10 (“Design Overlay District”) to Provide for a New I-77 Gateway Design Overlay District

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## **ISSUE**

Council approval is requested for the Second Reading of an Ordinance to create the I-77 Gateway Design Overlay District in order to provide additional development standards and restrictions along the gateway into the City from Interstate 77 (I-77).

## **BACKGROUND/DISCUSSION**

Staff is proposing a zoning change to create a design overlay for the area south of Taylor Road, along the 12<sup>th</sup> Street Extension south to I-77 and all properties in the City south of I-77. This Overlay District serves as a gateway to the City from Interstate 77. The purpose of the I-77 Gateway Design Overlay District is to provide additional development standards and restrictions to create an aesthetically pleasing and uniform appearance. This will extend and memorialize the campus-like standards for landscaping and building design and setback that SCANA has created on its properties, which make up a large portion of this Design Overlay District.

The Planning Commission considered the zoning request for creation of this Design Overlay District at their meeting on April 22, 2019. The zoning request was opened to the public. No members of the public spoke in favor or against the request, though some members of the public had questions.

The Planning Commission voted on the zoning request to create the I-77 Gateway Design Overlay District at the Planning Commission meeting on April 22, 2019.

## **RECOMMENDATION**

The Planning Commission recommends Council approve Second Reading of an Ordinance to create the I-77 Gateway Design Overlay District.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )  
CITY OF CAYCE )

**ORDINANCE 2019-04**  
**Amending Zoning Ordinance**  
**Section 6.10 (“Design Overlay**  
**District”) to Provide for a New I-77**  
**Gateway Design Overlay District**

**WHEREAS**, the Council has determined that it is in the best interest of the public to amend Section 6.10 (“Design Overlay District”) of the City of Cayce Zoning Ordinance to provide for a New I-77 Design Overlay District; and

**WHEREAS**, the Planning Commission held a regularly scheduled public hearing on this request to receive comments from the public; and

**WHEREAS**, the Planning Commission met on April 22, 2019, to review public comments and vote on recommending the amended Section 6.10 (“Design Overlay District”) of the City of Cayce Zoning Ordinance and unanimously decided that they do recommend this amendment as shown on the attached document,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Cayce, in Council, duly assembled, that Section 6.10 (“Design Overlay District”) of the City of Cayce Zoning Ordinance is hereby amended as shown on the attached document.

This Ordinance shall be effective from the date of second reading approval by Council.

**DONE IN MEETING DULY ASSEMBLED**, this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Elise Partin, Mayor

Attest:

\_\_\_\_\_  
Mendy Corder, CMC, Municipal Clerk

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

Second Reading and Adoption: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Danny C. Crowe, City Attorney

## Section 6.10 Design Overlay District

### Section 6.10-1 Creation; definition

- 1) There are hereby created three design overlay districts:
  - a. Knox Abbott Drive Design Overlay District, which shall parallel Knox Abbott Drive and shall extend from the street right-of-way the depth of each contiguous lot or 200', whichever is less.
  - b. 12th Street Extension Design Overlay District, which shall parallel 12th Street Extension from Poplar Street south to Taylor Road/Old Taylor Road, and shall extend from the street right-of-way the depth of each contiguous lot or parcel or 500', whichever is less.
  - c. I-77 Gateway Design Overlay District, which includes all properties between the CSX railroad right-of-way to the west, Congaree River to the East, Taylor Road/Old Taylor Road to the north, and City of Cayce city limits south of Interstate 77. See Exhibit A for a map illustration of this District area.

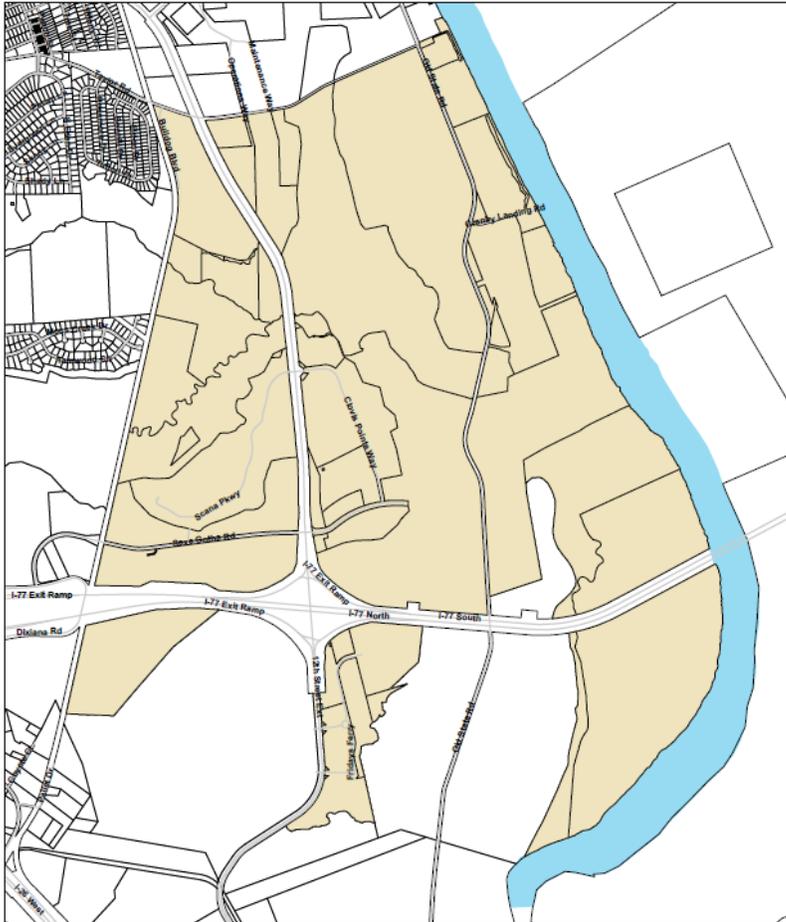


EXHIBIT A:  
Map of I-77  
Gateway  
Design Overlay  
District

## Section 6.10-2 Purpose

1) Design Overlay Districts serve as gateways to the City. In order to visually harmonize these gateways with existing development, additional restrictions and development standards are required to create an aesthetically pleasing and uniform appearance.

## Section 6.10-3 Uses

- 1) Knox Abbott Drive Design Overlay District and 12<sup>th</sup> Street Extension Design Overlay District
  - a. Permitted Uses. Unless specifically prohibited by Section 6.10-3.1.b, the uses permitted within the underlying zoning district shall apply.
  - b. Prohibited Uses
    - i. Truck (stops) and freight terminals
    - ii. Billboards
    - iii. Outdoor sales and storage lots, including, but not limited to, vehicular, boat, trailers, recreational vehicles, campers, manufactured homes, flea markets, furniture, lumber, scrap metal and salvage operations
    - iv. Sexually oriented businesses, night clubs and drinking places (bars and lounges)
    - v. Communication towers and antennas, with the exception of small wireless facilities as defined in Article 12
    - vi. Pawn shops, consumer cash lending secured by personal property
    - vii. Kennels
    - viii. Check cashing services
  
- 2) I-77 Gateway Design Overlay District
  - a. Permitted Uses. Unless specifically prohibited by Section 6.10-3.2.b, the uses permitted within the underlying zoning district shall apply, in addition to the following:
    - i. Residential- single-family and multi-family
    - ii. Light Industrial, commercial, office and institutional, public administration, and rural
  - b. Prohibited Uses
    - i. Any use which emits an obnoxious odor, noise, or sound which can be heard or smelled outside of any building or structure
    - ii. Any operation primarily used as a distilling, refining, smelting, or mining operation
    - iii. Any trailer court, labor camp, junkyard or stockyard provided, however, this prohibition shall not be applicable to the temporary use of construction trailers during periods of construction, reconstruction, or maintenance or the use of office and administrative trailers in connection with the marketing of lots or condominium units for sale

- iv. Any dumping, disposing, incineration, or reduction of garbage; provided however, this prohibition shall not be applicable to garbage compactors located near the rear of any building or any other approved location
  - v. Any use involving selling or exhibiting pornographic materials or illicit drug-related paraphernalia
  - vi. Any use involving selling the exhibition, either live or by other means to any degree, of nude or partially nude dancers or wait staff
  - vii. Any massage parlors or similar establishments
  - viii. Billboards
  - ix. Pawn shops, consumer cash lending secured by personal property
  - x. Check cashing services
  - xi. Kennels
  - xii. Outdoor sales and storage lots, including but not limited to vehicular, boat, trailers, recreational vehicles, campers, manufactured homes, flea markets, furniture, lumber, scrap metal, and salvage operations
  - xiii. Mobile homes and mobile home parks
- c. Conditional Uses
- i. Communication Towers and Antennas are permitted as a conditional use in accordance with Article 7, Section 7.8.

#### **Section 6.10-4 Development Standards**

- 1) Knox Abbott Drive Design Overlay District
  - a. Signage shall be in accord with the requirements for signage in the C-3 District.
  - b. No portion of a building constructed of unadorned masonry or metal siding shall front on or face Knox Abbott Drive
  - c. Colors shall be consistent with the character of development
  - d. All service utility lines shall be placed underground
  - e. Walkways shall be provided between the building entrance and the sidewalk.
- 2) 12<sup>th</sup> Street Extension Design Overlay District
  - a. Signage shall be in accord with the requirements for signage in the C-3 District.
  - b. No portion of a building constructed of unadorned masonry or metal siding shall front on or face 12<sup>th</sup> Street Extension
  - c. Colors shall be consistent with the character of development
  - d. All service utility lines shall be placed underground
  - e. No strip shopping malls shall be allowed
  - f. Where possible, curb cuts and driveways shall be combined
  - g. All buildings shall observe a fifty (50) foot setback from 12<sup>th</sup> Street Extension. Except for walks, driveways and permitted signs, the required setback area (yard) shall be completely landscaped, in accord with guidelines contained in Article 10. No off-street parking shall be permitted in the required setback area

### 3) I-77 Gateway Design Overlay District

#### a. Setbacks and Buffers

##### i. 12<sup>th</sup> Street Extension

a) All buildings shall observe a 50' setback from 12<sup>th</sup> Street Extension right-of-way.

b) Except for walks, driveways and permitted signs, the required setback area (yard) shall be completely landscaped, in accordance with Article 10 of the Zoning Ordinance.

c) No off-street parking shall be permitted in the required setback area.

##### ii. Interior street right-of-way

a) No setbacks required off of interior rights-of-way.

iii. All buildings on parcels with industrial uses shall observe a 50' setback from adjacent parcels with commercial or residential uses. This setback shall be completely landscaped in accordance with the *Landscaping* section of this Overlay District and Article 10 of the Zoning Ordinance.

#### b. Parking, Sidewalks, and Circulation

##### i. Parking Requirements

a) Parking counts shall not exceed requirements outlined in Article 9 Supplemental Off-Street Parking and Loading Regulations.

b) All parking shall be paved unless otherwise approved by the Planning Director.

c) No parking is allowed within the 50' setback from 12<sup>th</sup> Street Extension

d) The Planning Director may reduce parking counts by as much as 50% if the parking is being shared by different uses and if it meets regulatory requirements. Shared parking must comply with the following requirements:

(1) Parking shall be located within 500 linear feet from the primary entrance of all the lots or uses sharing the parking.

(2) Shared parking agreements must be documented through a written agreement of all lot owners of record.

e) Parking structures are permitted but must meet this Overlay's *Building Design* requirements for parking structures.

f) An effort should be made to locate parking to the side and/or rear of the building it serves. Parking lots shall not be closer than ten (10) feet of an inhabited structure to allow for sidewalks and landscaping. On-street parking shall not be closer than ten (10) feet of a building or structure.

##### ii. Sidewalks and Interior Streets

a) All interior streets shall have sidewalks. Parallel or diagonal parking on the street is also encouraged and medians are

allowed. Safety, sidewalk connectivity, street trees and on street parking are the components which are encouraged.

b) All sidewalks shall have a minimum width of 5 feet. Sidewalks creating an urban condition abutting a building shall have a minimum width of 8 feet and a minimum width of 10 feet if street trees are located within the sidewalk

c) Pedestrian access shall be provided from the street sidewalk to the building.

iii. Circulation

a) Shared Drives and Access When applicable, driveways shall be shared throughout this Overlay District.

b) Drive-thru Facilities that require drive-thru access will be permitted as a special exception, following Article 7, Section 7.16 Special Exception General Criteria.

c. Building Design

i. The maximum height of any structure other than hotels shall be fifty feet (50') and/or three floors. The maximum height of a hotel shall be five (5) floors or 50 feet, whichever is less. Height exceptions listed in Article 5, Section 5.2(4) shall apply.

ii. A variety of facades and roofing is required along street frontage, to avoid large, uninterrupted planes.

iii. To create variety and diversity, it is desirable to vary the masses within each building or structure so that uniformity of line and mass is avoided. In addition, building projections should provide interest and variety through the use of windows, doors, eaves and parapets. Building components should have proportions relative to the size and style of the building and interesting relationships to help avoid monotonous building elevations.

iv. Material Selection Use of the following materials is required:

a) Natural Stone

b) Brick

c) Architectural precast concrete

d) Cast-in-place concrete with texture

e) New building materials, as they are developed or become available, will be given special consideration by the Planning Director provided their use is in harmony with the community appearance. Metal siding shall not be permitted unless specifically approved in writing by the Planning Director.

v. Colors Natural, Earth tone colors, such as beiges and grays are required. Natural brick is allowed. Non-reflective finishes shall be used on exterior surfaces.

vi. Other Structures and Items

a) Electro-Mechanical System Electro-mechanical systems that utilize state-of-the-art technology relative to control and passive solar heating and cooling are encouraged. Roof mounted equipment shall be enclosed or screened. On-grade equipment

shall be screened by approved fencing and landscaping to required minimum heights. Exposed exterior mechanical, electrical and plumbing elements shall be screened. These elements shall be designed as part of the building architecture rather than as add-ons or appendages.

b) Refuse Containers Storage of all containers shall be screened from all views by an appropriately designed fence and/or landscaping.

c) Miscellaneous Exterior Structures No artificial vegetation, exterior sculptures, fountains or similar items shall be constructed, placed or maintained on any Lot without the prior written approval of the Planning Director.

d) Solar Panels Solar panels shall be designed as an integral part of the structure and concealed from street view.

d. Landscaping

i. The purpose of the landscaping is to

a) Promote a compatible and unified landscape treatment.

b) Provide a pleasant and well maintained appearance.

c) Enhance the visual and environmental characteristics from the public rights-of-way around and within this Overlay District, particularly the access points into lots, Overlay entrance areas, and areas requiring screening or buffering and streetscapes.

d) Safeguard and enhance property values.

ii. Landscape Plan Requirements

a) Plant schedule listing all proposed plant materials, their quantities, botanical name and common name of plant materials, height and spread of plant materials at installation, spacing for plant materials, and any special notes regarding plant material specification.

b) Street, walkway, and parking area lighting locations.

c) Irrigation plans.

d) All plants shown on the submitted landscape plans shall be installed during the initial planting of the lot.

iii. Landscape Planting Standards

a) All plant material shall meet the current American Standard for Nursery Stock.

(1) Shade Trees-minimum of (3)-inch caliper at the time of installation. Must be large-maturing tree species.

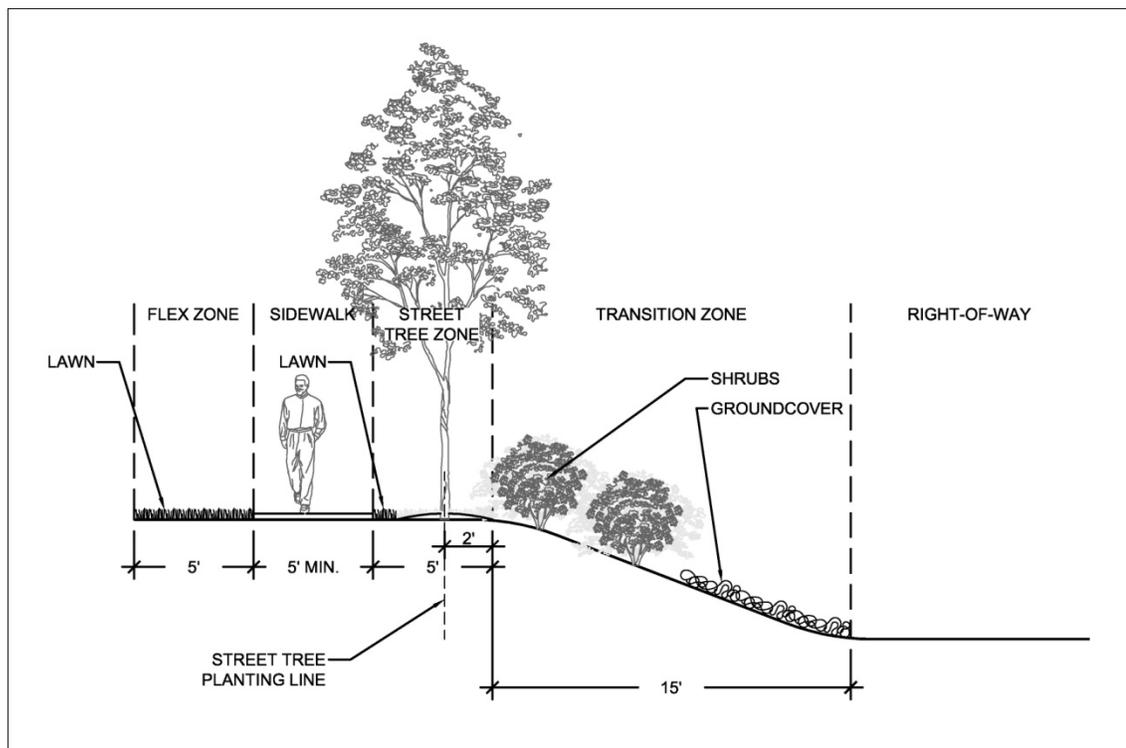
(2) Street Trees-minimum of four (4)-inch caliper at the time of installation. Must be large-maturing tree species

(3) Accent Trees-minimum of three (3)-inch caliper or ten (10) feet in height for multi stem trees at the time of installation

(4) Evergreen Trees-minimum eight (8) feet height at the time of installation

- (5) Evergreen Shrubs-minimum 18-inch height or five (5) gallon shrubs
  - (6) Deciduous Shrubs-minimum 24-inch height or five (5) gallon shrubs
  - (7) Seasonal Interest Areas-planted to create full coverage of the bed at mid-season
  - (8) Sod-Bermuda is recommended
- Caliper shall be measured with a diameter tape at 12 inches above ground. Height shall be measured from the soil line.

- iv. Minimum Landscape Requirements The following minimum landscape requirements have been developed to provide a consistent, high quality aesthetic to all areas of this Overlay District. These requirements have been separated into the following landscape areas
  - a) Entrances Each entrance will be planted with a consistent landscape design that includes a variety of plant types that provide year-round seasonal interest.
  - b) Street Trees Species The primary street trees recommended to be planted are Lacebark Elm and Live Oaks, or other species as approved by the Planning Director, planted 40-foot on center.
    - (1) All street trees shall be limbed up to a minimum 8 feet height where applicable for visibility.
    - (2) All street trees not in tree grates shall be mulched with double hammered mulch.
- v. Perimeter Landscape Buffers Perimeter landscape buffers are important to provide a consistent, high quality view from adjacent streets. The transition zone indicated in the graphic below, refers to the grade change required to raise the building elevation out of the flood plain.



a) Street Trees Street trees shall be planted in the street tree zone along the street tree planting line, as shown in the graphic above. The street trees in the perimeter buffer will create a consistent planting edge and visually unify this Overlay District.

(1) Street trees shall be planted at 40 feet on center in perimeter landscape buffers. All street trees shall be limbed up to a minimum 8 feet height where applicable for visibility. A minimum area of 50 square feet shall be mulched uniformly at the base of each street tree.

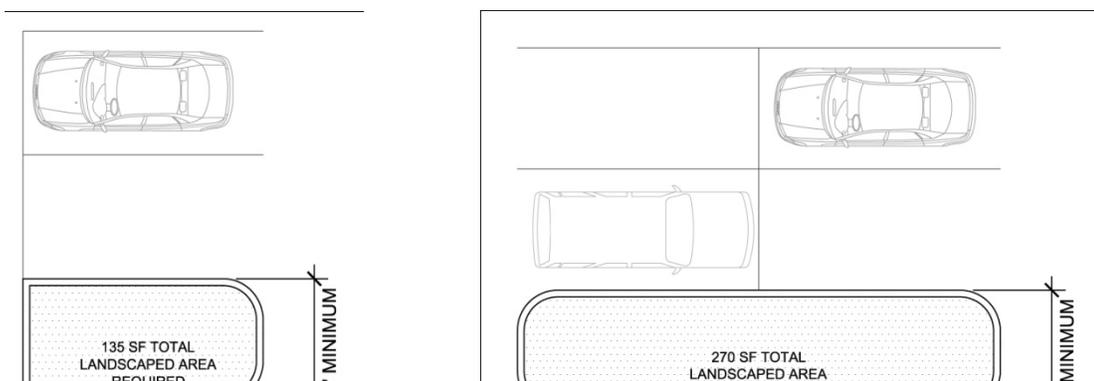
b) Shrubs Shrubbery shall be planted in the transition zone within perimeter planting buffers. A minimum of 50 shrubs shall be planted for every 100 feet of perimeter landscape buffer. A maximum of three types of shrubs shall be planted for every 100 feet of perimeter landscape buffer. All shrub planting beds shall be mulched.

c) Ground Covers/Perennials Ground cover/perennial landscape improvements shall be planted in the transition zone within the perimeter planting buffers. A minimum of 300 square feet of ground cover/perennial landscape improvements shall be planted for every 100 feet of perimeter landscape buffer. Ground cover/perennial landscape improvement areas shall be grouped in masses a minimum of 100 square feet in size. All ground cover/perennial landscape improvements areas shall be mulched.

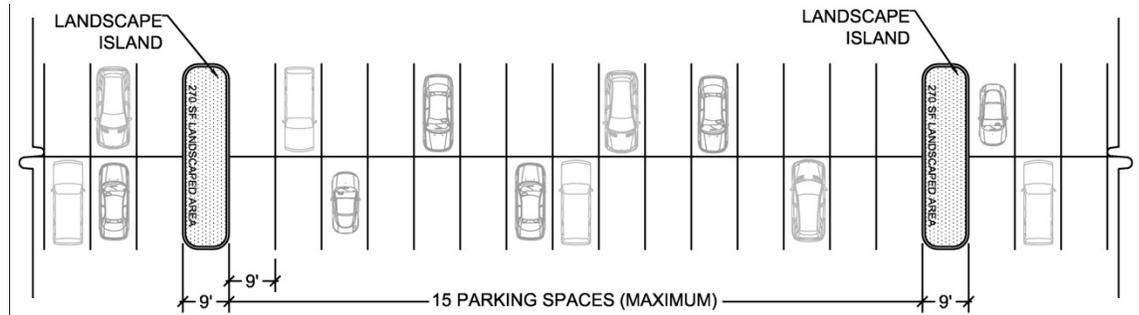
d) Lawn Lawn areas can be located within the flex zone, street tree zone, and the transition zone.

e) Buffering between different land uses in accordance with Article 10 of the Zoning Ordinance may be required.

vi. Parking Area Landscape All parking areas shall provide and maintain both interior and perimeter landscape improvements. These guidelines shall not apply to parking structures or on-street parking spaces within this Overlay District. Landscape islands located at the ends of parking bays or within parking bays shall be a minimum of 135 square feet for single bay parking areas and 270 square feet for double bay parking areas. The minimum width of landscape islands shall be 9 feet. See graphic below.

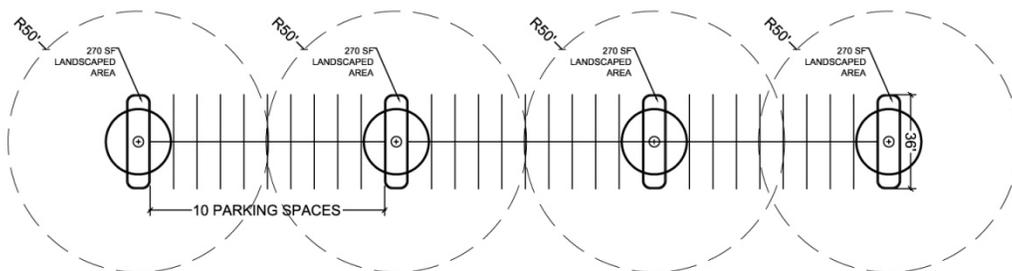


a) A maximum of 15 parking spaces are allowed in a continuous row without a required landscape island. See graphic below.



b) Parking islands All landscape improvement areas shall be protected from damage caused by vehicles using some method of vertical structure, i.e. curbs, wheel stops, or other similar structures. Parking islands used for stormwater management are permitted, as approved by the Planning Director.

c) Shade Trees One shade tree shall be required for every 2000 square feet of total parking area. Accent trees may be used in areas directly under or within close proximity of overhead power lines. Each parking space shall be within 50 feet of the trunk of at least one shade tree. Required shade trees for parking areas shall be located around the perimeter or in landscape islands within the parking area.



Shade Tree Spacing

(1) All shade trees shall be limbed up to a minimum 8 feet height.

d) Shrubs All parking lots must be screened with shrubs or a permanent structure. Shrubs for screening shall be planted so that within two years of planting there is a continuous evergreen screen at a two (2) foot height.

vii. Building and Site Landscape The following requirements for building and site landscape will provide consistent, high quality site improvements for areas adjacent and around structures within this Overlay District. It is critical the building entrances, foundation plantings, outdoor gathering spaces, site circulation corridors, and other site areas promote a uniform aesthetic.

a) A minimum of 10% of the total site's impervious area shall be designated as site landscape areas. These areas shall include a mix of shade trees, accent trees, shrubs, and ground cover/perennial planting areas. Landscape site areas shall not include lawn areas.

viii. Landscape Maintenance The lot owner shall be responsible for the maintenance of all landscaped areas. These areas shall be maintained in perpetuity and in a high quality condition, including the replanting of plant materials as needed to replace unhealthy or dead specimens.

ix. Irrigation Drip and spray irrigation systems shall be installed to maintain the vitality and health of landscape improvements. In the event that irrigation water contains potential harmful minerals, irrigation systems will be required to include a filtering system to prevent stains to buildings, walkways, pavements, and other site elements.

e. Lighting

i. Lighting Design Concepts In general, site lighting shall be low glare lighting. Site lighting shall comply with this section and the City of Cayce ordinances. Within this Overlay District, all freestanding street lights and pedestrian lights used for lighting exterior spaces shall be the same style, height, color and type and intensity. On each lot, all other lighting fixtures shall be from the same family of fixtures with regard to design, materials, color of fixture and color of light. No fiberglass poles shall be used. (Note: All lighting sources shall have internal cut-off optics, prismatic refractors, or building side shields to prevent glare to adjacent land uses).

a) Exterior lights should be used to accent entrances and special features, roadways, parking and pedestrian corridors. High levels of light are not desirable. Intensity should be no greater than required for automobile and pedestrian safety.

b) Lighting of street front interior window displays in retail establishments is encouraged even after business hours to create visually interesting storefronts.

- ii. “Light Fixture Design” Light sources may be of a concealed type or ornamental visible type. The design of poles, bollards and fixtures shall be integrated with the general site design. Parking lot lighting shall be a “cut-off” luminaire design to avoid glare on adjacent properties. Up lighting of trees and fountains, accent lighting of shrubs and entrances and silhouette lighting may be used to create special effects.
  - a) Building mounted lighting is restricted to private use areas such as courtyards and shall not be used for lighting parking areas or sidewalks. Building mounted light fixtures shall be shielded and shall not project above the fascia or roof line. The shields shall be painted to match the surface to which they are attached.
  - b) Colored, moving or flashing lights will not be permitted except for the Christmas holidays.
- iii. Listed below are the lighting standards for streets and parking:
  - a) Streets/Parking/Driveway/Loading Area Fixture 320 watt Metal Halide Shoebox-style fixture mounted on 30-foot square, direct-embedded bronze aluminum poles are required.
  - b) A lighting plan with locations, types, heights and colors is required.
  - c) Lighting for Pedestrian Areas Lighting for sidewalks, plazas and other pedestrian areas shall be illuminated with pedestrian scaled lights that have more detail and interest than those used for streets/parking/driveway/loading areas. To illuminate a street along a sidewalk a mixture of both the pedestrian and parking lot style lights may be used but the Illuminating Engineering Society of North America (IESNA) standards may not be exceeded. Light-Emitting Diode (LED) or Metal Halide lamps are required, unless otherwise approved by the Planning Director.
  - d) Lighting Usage Access roads and pedestrian circulation areas shall be illuminated to provide safety in after-hours/night-time traffic circulation. Lights shall be integrated in the design with other elements such as trees, pedestrian walks, crossings, signage and planting.
  - e) Lighting within parking areas shall be coordinated with parking lot design. Poles shall be located within the landscaped islands whenever feasible. Poles shall be mounted at ground level. Concrete pedestals are not allowed unless poles are located in areas where they are not protected from cars by a raised curb. Then they shall be located a minimum of 5 feet from the face of curb. The scale of the parking area should be considered in selection of pole height and spacing.
  - f) Types of Lighting Equipment Roadway and parking areas shall be lighted using LED or metal halide lamp fixtures.

- iv. Pedestrian, entry and landscape areas shall be lighted with LED or metal halide lamp fixtures. Lights may be pole-mounted or bollard type, and must be located to provide safe and secure conditions.

f. Signage and Graphics

- i. Purpose The purpose of the site sign standards is to establish a coordinated graphic program that provides project identification and directional communication in a distinctive and aesthetically pleasing manner.
- ii. No signs whatsoever (including but not limited to commercial and similar signs as well as signs of contractors performing work on existing Parcels or Lots or signs to advertise the property for sale) shall, without the City of Cayce's written approval of plans and specifications thereof, be installed, altered or maintained on any parcel or lot, or on any portion of a structure or motor vehicle visible from the exterior thereof.
- iii. General Requirements All signs, including identification, temporary, and informational, including those in setback areas, on loading docks, parking facilities, on buildings, storage areas, etc., along with appropriate plans and specifications, shall be first submitted to the Planning Director for written approval. Such plans and specifications for each sign shall include, but not be limited to the color(s), dimensions, location on the site, height, copy, type of illumination, and other characteristics. No sign shall be erected, substituted, changed, or modified on the property without the prior written approval by the Planning Director.
  - a) All temporary signs, including construction signs, "For Lease" or "For Sale" signs shall be approved by the Planning Director.
  - b) Signs may be electrified, but will be non-flashing.
  - c) Strip lighting rather than flood lights shall be used for sign lighting.
  - d) There are four types of signs employed within individual lots – identification, directional, vehicular control and temporary. Any other type of sign treatment shall not be allowed unless granted a variance by the Planning Director. The Planning Director at its sole discretion shall have the authority to grant variances to this paragraph on a case by case basis.
- iv. Identification signs Each entrance to each lot shall have one sign, oriented to each street on which premises has frontage, identifying the name of the business located therein.
  - a) Streetscape identification signs for buildings with more than two occupants shall include only the building address and name. Individual occupant identification shall be confined to on-site directories and/or building mounted identification.

b) Freestanding or Ground Signs. Freestanding or ground signs are permitted for use, subject to the following requirements: The sign may not be placed within a required buffer area, but may be placed within other landscaped areas.

(1) For Lots with a frontage of less than 150 feet, signs shall not exceed 32 square feet in area, per sign face on double sided signs. Signs of up to 60 square feet in area, per sign face on double sided signs, may be allowed for properties with frontage of 150 feet or more with written Planning Director approval.

(2) One additional freestanding sign or ground sign may be allowed upon review by the Planning Director provided the Lot has a frontage greater than 150 feet. The sum of the area of all signs shall not exceed 80 square feet plus .25 square feet for each foot of street frontage in excess of 150 feet. No individual sign may exceed 60 square feet. Total square footage of two signs shall not exceed 160 square feet.

(3) Height of freestanding signs shall be in accord with the requirements of the C-3 Zoning District.

(4) Signs shall be located so as not to obstruct visibility at intersections.

c) Building/Wall Signs Wall signs are permitted, subject to the following requirements: Signs may either be flat and erected against the principle building face, or projecting, perpendicular to the building face.

(1) The sign shall not extend more than 8 inches beyond the building, except in the case of a sign on the lower slope of a roof or a canopy roof, where the sign may extend the distance required to make the sign vertical.

(2) The sign must maintain a vertical clearance of not less than 9 feet above ground level.

(3) The sign may extend up to 8 inches into a front setback.

(4) The sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on 2 adjacent walls of the same building, the connecting portion may extend to, but not beyond the face of the adjoining portion.

(5) Combined area of signs shall not exceed 10% of the square footage of the front of the building, excluding "false fronts".

(6) The sign may not prevent the free entrance and exit from any window, door or fire escape.

(7) The total sign area shall be the sum of all signs on the wall, including signs on the wall surface, signs affixed to

the wall parallel and in the same plane as the wall, signs on awnings or canopies, window signs, door signs, signs on the lower slopes of roofs or canopy roofs and signs on parapets above roof.

- v. Directional Signs Directional signs indicating building numbers, areas of specific tenants shall be of standard design and no more than ten and one-half (10.5) square feet in size for building address and pedestrian directional signs and thirty (30) square feet for tenant directories. They shall be of materials common to the architecture within this Overlay area, and as small as possible to provide driver visibility from a vehicle.
- vi. Vehicular Control Signs All vehicular control signs shall be of standard design and have panel faces and heights which meet the requirements of the U.S. Highway Transportation Standards.
- vii. Temporary Signs There are two types of temporary signs allowed on lots: construction and real estate marketing. Only one of each type of temporary sign shall be permitted on a site at any given time, and must be removed immediately upon completion of the construction or marketing activity. All temporary signs must be approved by the Planning Director prior to erection.
  - a) Temporary signs shall be of post and panel wood construction, and shall have a total height of no more than seven (7) feet. Message panels shall have a maximum size of forty (40) square feet.
  - b) All contractor or subcontractor signs shall be removed within thirty (30) days following completion of their project.
  - c) Temporary signs shall be non-illuminated.
- viii. Illumination Signs Signs shall be illuminated only by a steady stationary, shielded light source, directed solely at the sign or internal to it, without causing glare for motorists, pedestrians or neighboring premises.
  - a) Illuminated signs may produce up to one foot candle of illumination four feet from the sign.
  - b) Neon signs are not permitted.
  - c) Internally illuminated signs are allowed, but the background must be solid, illuminating only the message or logo.
- ix. Prohibited Devices
  - a) No sign shall move, make noise or employ blinking, flashing, or strobe lights, or exposed fluorescent lamps.
  - b) No sign, whether temporary or permanent, is permitted within any road right-of-way or intersection sight triangle.
  - c) To avoid confusion with traffic control signals and signs, colored lights and illuminated signs employing colors used in traffic signal lights are prohibited in view of any signalized intersection, and any imitation of official traffic signs or signals is prohibited.

- x. General Signage Specifications All components and finished signage within this program shall be manufactured by professional fabricators. An example of each contractor's and sub-contractor's previous work shall be reviewed prior to production.
  - a) All finishes shall be anodized aluminum and bear a five-year guarantee against chipping, peeling, fading, and chalking under normal use and exposure.
  - b) All steel shall be finished with primer, intermediate coat and topcoat.
  - c) All screws, brackets, and fasteners in contact with aluminum shall be stainless steel or aluminum; however, no fasteners shall be exposed to view.
  - d) All aluminum sheet for signage shall be 0.125 inch unless otherwise specified.
  - e) All seams where welding is required shall be ground smooth. All depressions or raised areas due to swelling shall be filled or ground smooth. Pop riveting in visually exposed areas will not be permitted.
  - f) All signs (where it applies) shall conform to standard SCDOT Manual on Uniform Traffic Control Devices for Streets and Highways specifications concerning break away features.
- xi. Installation All freestanding signs shall be mounted in concrete. Footing size shall be determined by fabricator/structural engineer. All concrete footings shall be covered over with four (4) inches of soil minimum.
  - a) Where required, the general contractor shall provide electrical stub-out for ground lighting of signs.
  - b) All building mounted sign installation methods shall be checked for strength by licensed engineer upon final determination of building construction materials.
  - c) All concrete footings shall be designed by licensed engineer.
  - d) All sign locations shall be approved by the Planning Director and must conform to all local codes with respect to height and setback requirements

### **Section 6.10-5 Exemptions**

If Sections 6.10-3 or 6.10-4 conflict with a use or development standard that is specifically permitted in a PDD or DAD, then the PDD or DAD use or development standard shall prevail.

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# Memorandum

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**To:** Mayor and Council

**From:** Tracy Hegler, City Manager  
Carroll Williamson, Planning and Development Director

**Date:** May 15, 2019

**Subject:** Second Reading of an Ordinance Amending Zoning Map and Rezoning Property to Create a New Design Overlay District (I-77 Gateway Design Overlay District)

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## ISSUE

Council approval is needed for the Second Reading of an Ordinance to amend the zoning map and rezone property to create a new design overlay district (I-77 Gateway Design Overlay District)

## BACKGROUND/DISCUSSION

Staff is proposing a zoning change to create a design overlay for the area south of Taylor Rd, along the 12<sup>th</sup> Street Extension south to I-77 and all properties in the City south of I-77. This Overlay District serves as a gateway to the City from Interstate 77. The purpose of the I-77 Gateway Design Overlay District is to provide additional development standards and restrictions to create an aesthetically pleasing and uniform appearance. This will extend and memorialize the campus-like standards for landscaping and building design and setback that SCANA has created on its properties, which make up a large portion of this Design Overlay District.

The Planning Commission considered the zoning request for creation of this Design Overlay District at the meeting on April 22, 2019. The zoning request was opened to the public. No members of the public spoke in favor or against the request, though some members of the public had questions.

The Planning Commission voted on the zoning request to create the I-77 Gateway Design Overlay District and amending the zoning map, appropriately, at the planning commission meeting on April 22, 2019.

## RECOMMENDATION

The Planning Commission recommends Council approve Second Reading of an Ordinance amending the zoning map and rezoning property to create a new design overlay district (I-77 Gateway Design Overlay District)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )  
CITY OF CAYCE )

**ORDINANCE 2019-05**  
**Amending Zoning Map and Rezoning**  
**Property to Create a New Design Overlay**  
**District (I-77 Gateway Design Overlay**  
**District)**

**WHEREAS**, Staff, as an agent of the City, requested that the City of Cayce amend the Zoning Map to re-designate the properties comprising and shown on the attached map, to create a new design overlay district (I-77 Gateway Design Overlay District) , and

**WHEREAS**, the Planning Commission held a public hearing on this request to receive comments from the public and adjacent property owners, and

**WHEREAS**, the Planning Commission met on April 22, 2019, to review public comments and vote on recommending the rezoning request and unanimously voted to recommend this change to the existing zoning,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Cayce, in Council, duly assembled, that the properties hereinafter listed, and as shown on the attached sketch, are hereby rezoned and reclassified on the Zoning Map of the City of Cayce as the I-77 Gateway Design Overlay District:

005799-01-012	005800-03-004	006897-01-067*	006900-01-019
005799-01-013	005800-03-005	006900-01-002	006900-01-020*
005799-01-014	005800-03-007	006900-01-007*	006900-01-021*
005799-01-020	005800-03-008	006900-01-008	006900-01-023
005799-01-024*	006897-01-010	006900-01-009*	006900-01-024*
005800-02-004*	006897-01-011	006900-01-012	006900-01-026*
005800-02-006*	006897-01-013	006900-01-013*	006900-01-028*
005800-02-007*	006897-01-042*	006900-01-014	006900-01-029
005800-02-009	006897-01-065	006900-01-017	
005800-03-002	006897-01-066	006900-01-018	

\*formerly 12<sup>th</sup> Street Extension Overlay District

This Ordinance shall be effective from the date of second reading approval by Council.

**DONE IN MEETING DULY ASSEMBLED**, this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Elise Partin, Mayor

Attest:

\_\_\_\_\_  
Mendy Corder, CMC, Municipal Clerk

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

Second Reading and Adoption: \_\_\_\_\_

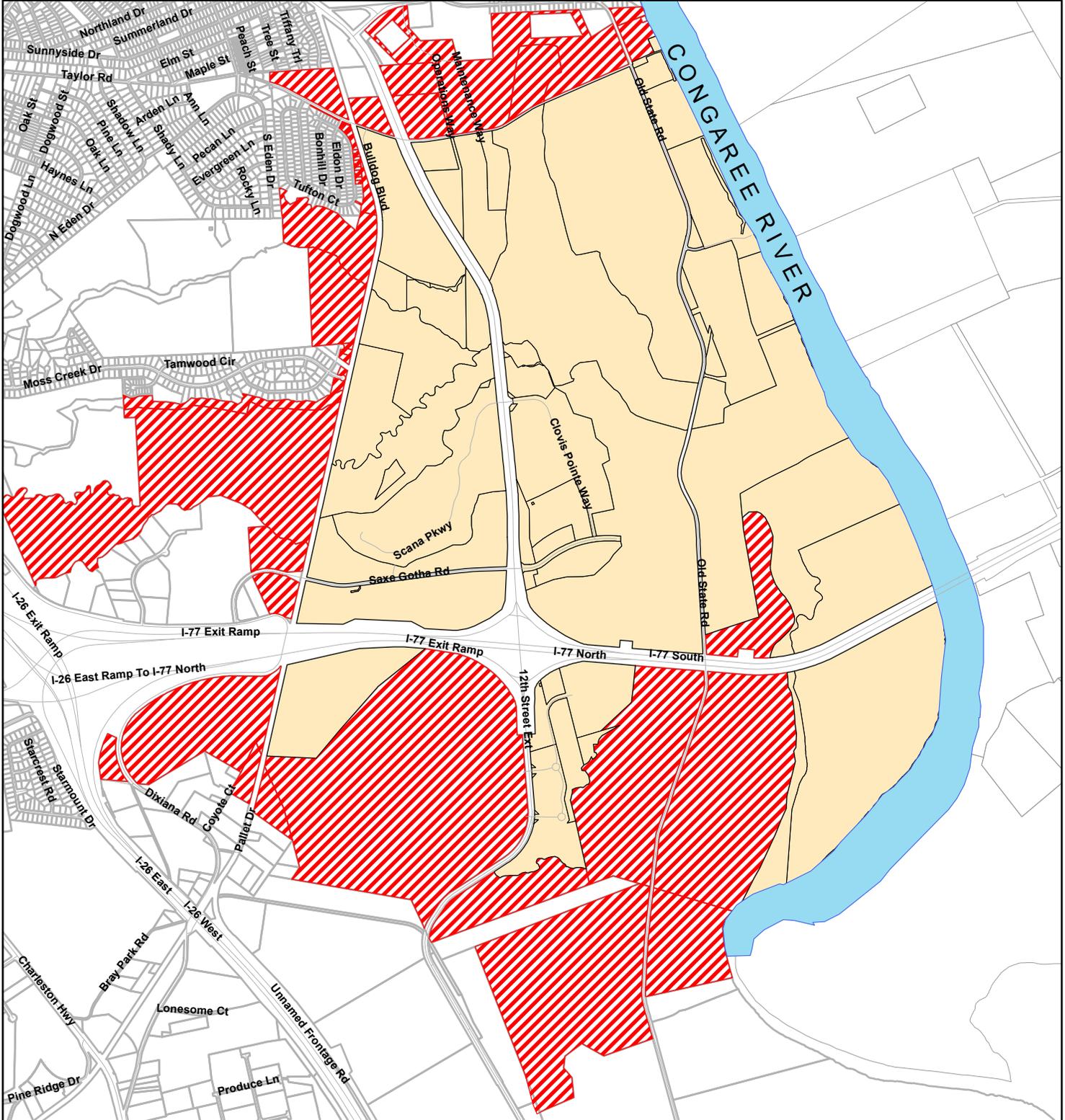
Approved as to form: \_\_\_\_\_  
Danny C. Crowe, City Attorney

# Map Amendment 002-19

## I-77 Gateway Design Overlay District

### Legend

-  I-77 Gateway Design Overlay District
-  Parcels within 200' of Overlay District



2,300 1,150 0 2,300 Feet



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# Memorandum

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**To:** Mayor and Council  
**From:** Tracy Hegler, City Manager  
**Date:** May 15, 2019  
**Subject:** Second Reading of an Ordinance amending City Code Section 28-114 (“Discharging Firearms”) to Provide for Additional Exceptions

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## **ISSUE**

Council approval is requested for the Second Reading Of an Ordinance amending City Code Section 28-114 (“Discharging Firearms”) to allow businesses who manufacture or repair firearms to test fire them in a safe contained location on premise.

## **BACKGROUND/DISCUSSION**

The City of Cayce was approached by the owners of Amick’s Guns, a business that is currently located in Gaston that manufactures custom firearms and repairs them. Amick’s Guns is wishing to relocate their business to the City of Cayce and is currently looking at several different locations to operate.

Businesses that manufacture and repair firearms need to be able to test fire the weapons to ensure that they are working properly. Currently City Ordinance 28-114 does not allow for the test firing of weapons. The proposed amendment allows for limited exception to this only for properly licensed gun manufacturers and includes regulations and inspection requirements that ensure testing is done safely and without interruption to surrounding businesses or communities.

## **RECOMMENDATION**

Staff recommends Council approve Second Reading of an Ordinance amending City Code Section 28-114 to allow businesses who manufacture or repair firearms to test fire them in a safe, contained location on premise.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )  
CITY OF CAYCE )

**ORDINANCE 2019-06**  
**Amending City Code Section 28-114**  
**(“Discharging Firearms”) to Provide**  
**for Additional Exceptions**

**WHEREAS**, the City Council has determined that it is appropriate to amend City Code section 28-114 (“Discharging firearms”), in order to provide exceptions to the prohibition on the discharge of firearms within the City limits, so as to allow, under certain circumstances, for the discharge of firearms in connection with certain business activities that require the testing of firearms after manufacture or repair,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Cayce, in Council, duly assembled, as follows:

Section 28-114 (“Discharging firearms”) of Article V (“Offenses Against Public Safety”) of Chapter 28 (“Offenses and Miscellaneous Provisions”) of the Cayce City Code is hereby amended to add a new subsection (c) to read:

**“(c) This section shall not apply to a properly licensed firearms manufacturing or repair business that, in the performance of recognized procedures and guidelines for firearms manufacturing or repair, must test fire firearms for reliability and functionality prior to transfer. The test firing site must be located within an M-1 (Light Industrial) or M-2 (Heavy Industrial) District, safe, indoors and controlled at all times so as to not allow any projectiles to leave the test firing site and so as to not produce noise that interferes with the peace and enjoyment of other properties. The City Fire Marshal and a designee of the Department of Public Safety shall inspect the test firing site at least annually to insure compliance with this subsection.”**

This Ordinance shall be effective from the date of second and final reading.

**DONE IN MEETING DULY ASSEMBLED**, this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Elise Partin, Mayor

Attest:

\_\_\_\_\_  
Mendy Corder, CMC, Municipal Clerk

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

Second Reading and Adoption: \_\_\_\_\_

Approved as to form: \_\_\_\_\_  
Danny C. Crowe, City Attorney

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# Memorandum

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**To:** Mayor and Council

**From:** Tracy Hegler, City Manager

**Date:** May 3, 2019

**Re: Supportive Municipal Judge Agreement with Lexington County**

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**Issue**

Council approval is requested to execute a revised Supportive Municipal Judge Agreement with Lexington County for bond and other judicial duties.

**Background/Discussion**

Since 2002, the County of Lexington and Chief Magistrate have assisted the City in setting bail bonds, as well as counter sign/issue arrest and or search warrants, address failure to appear bench warrants and open sealed sentences as needed by the City when appropriate.

The agreement has not been updated, nor compensation increased, since 2002.

At the Direction of the County Administrator, Lexington County is updating all its agreements and proposes to increase the quarterly compensation because the number of defendants arrested by the City, along with the amount of documentation that has to be provided during the bond hearing, has increased. The increase is \$1600 per year: currently \$2,504 per quarter and proposed \$2,905 per quarter.

**Recommendation:**

City staff recommends that City Council authorize the City Manager to enter into a revised Supportive Municipal Judge Agreement.

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STATE OF SOUTH CAROLINA ) **SUPPORTIVE MUNICIPAL JUDGE**  
 ) **AGREEMENT FOR BOND AND OTHER**  
 ) **JUDICIAL DUTIES WITH THE CITY**  
COUNTY OF LEXINGTON ) **OF CAYCE**

This agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019, between the City of Cayce, South Carolina, hereinafter referred to as “City,” and the County of Lexington, hereinafter referred to as “County,” and the Magistrates for Lexington County, hereinafter referred to as “Magistrates.”

WHEREAS, City desired to provide persons charged with offenses by the City police speedy and efficient access to a public official empowered to administer Municipal Court issues and to conduct bond proceedings and handle other judicial duties where appropriate; AND

WHEREAS, the County of Lexington and the Chief Magistrate desire to accommodate the City in this regard insofar as feasible and within the best interests of the citizens of the County, AND

WHEREAS, the Supreme Court of South Carolina has authorized a procedure for assigning magistrates to serve as supportive Municipal Judges;

NOW, THEREFORE, pursuant to the authority of the Supreme Court of South Carolina and Lexington County Council, and in accordance with the procedures established by the South Carolina Court Administration, the following agreement is entered into:

1. The Chief Magistrate for Lexington County shall assign all magistrates to serve as supportive Municipal Judges in order to set bail bonds, counter sign/issue arrest and or search warrants, address failure to appear bench warrants and open sealed sentences as needed by the City.
2. The supportive Municipal Judge work for bonding procedures may take place during regularly scheduled bond court hours, assigned by order of the Chief Justice dated September 19, 2007.
3. The City agrees to pay to the County an amount, which reflects payment of wages and benefits for the services of the Magistrate. The County will increase the compensation the Magistrate receives as provided by the City, and the County shall make the appropriate withholding, which shall be disbursed equally among all Magistrates. The QUARTERLY COMPENSATION will be:

\$2,905.00 plus the employers’ portion of FICA, Police Retirement, and Worker’s Compensation. The amount is to be paid to the County on the second Friday of the last month of the quarter.

4. The parties hereto agree that this agreement is efficient use of judicial resources. Nothing contained herein shall change the status of the Magistrate so assigned in his/her relationship to the County as County Magistrate
  
5. This AGREEMENT shall be terminable at the request of any party upon sixty (60) days written notice to the other parties. Otherwise, the agreement shall continue in effect until the end of the current fiscal year. The agreement will automatically extend for the next fiscal year unless written notice not to extend is given by any of the parties. This Agreement shall be submitted for approval of County Council each fiscal year. If approved by County Council, this Agreement shall continue in effect without re-signing the Agreement each fiscal year.
  
6. This agreement constitutes the entire understanding between the parties, and no oral representations shall be binding unless specifically included herein. Any change or modification hereto must be in writing and signed by both parties.
  
8. This agreement replaces any and all previous agreements of the parties in regard to providing the assignment of Magistrates to serve as Municipal Judges.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

WITNESSES:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 City of Cayce  
 By: \_\_\_\_\_  
 Its: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 County of Lexington  
 By: \_\_\_\_\_  
 Its: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
 The Honorable Rebecca Adams  
 Chief Magistrate, Lexington County

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# Memorandum

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**To:** Mayor and Council

**From:** Tracy Hegler, City Manager  
Rachelle Moody, Assistant to the City Manager

**Date:** May 22, 2019

**Subject:** Review and approval of a Financial Participation Agreement for the Julius Felder Sidewalk Phase III

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## Issue

The City of Cayce has received a \$156,941 grant from the South Carolina Department of Transportation (SCDOT) Transportation Assistance Program (TAP) to remove an existing sidewalk and install a new ADA-compliant sidewalk on Julius Felder Street, from Hemlock Street to Frink Street. The project requires a \$39,235.25 grant match.

## Discussion

City staff have pursued TAP grant funding from SCDOT to install a fully contiguous, ADA-accessible sidewalk along Julius Felder Street since 2013. Grant funding has been pursued, and awarded, in a phased approach. With TAP grant-funded projects, SCDOT performs all project management: design, engineering, construction management and inspection.

The Julius Felder Sidewalk Phase III Project constitutes the final portion of the sidewalk that will be installed. The sidewalk, in its entirety, will run along the west side of the street from North Eden to Frink Street. The full sidewalk phase list and construction schedules are as follows:

Phase	Location	Construction Status
Phase I	North Eden to Maple	Site prep underway, July construction
Phase II	Maple to Summerland	Site prep underway, July construction
Phase IIB	Summerland to Hemlock	Site prep underway, July construction
Phase III	Hemlock to Frink	Design to be finalized by SCDOT upon receipt of signed contract; construction TBD

Due to funding constraints, SCDOT was not able to install the full length of sidewalk in one construction project. Site prep of previously-funded Phases I, II and IIB is underway and sidewalk construction will begin in July. Construction of Phase III is undetermined at this time but will occur subsequent to Financial Participation Agreement execution and grant match paid up front to SCDOT.

## Recommendation

Staff recommends Council authorize the City Manager to sign the Financial Participation Agreement and approve the expenditure of \$39,235.25 from the General Fund's fund balance to pay the required grant match for the Julius Felder Sidewalk Phase III Project.