

Mayor
Elise Partin

Mayor Pro-Tem
Tim James

Council Members
Phil Carter
Hunter Sox
Byron Thomas

City Manager
Tracy Hegler

Deputy City Manager
Jim Crosland
Assistant City Manager
Michael Conley



**City of Cayce
Regular Council Meeting
Tuesday, May 7, 2024
6:00 p.m. – Cayce City Hall – 1800 12th Street
www.caycesc.gov**

**To Access Council Meeting Livestream, click
<https://www.youtube.com/@cityofcayce1137/streams>**

I. Call to Order

- A. Invocation and Pledge of Allegiance
- B. Approval of Minutes
April 9, 2024 Regular Council Meeting
April 17, 2024 Budget Work Session
April 17, 2024 Regular Council Meeting

II. Public Comment Regarding Items on the Agenda

III. Items for Discussion and Possible Approval

- A. Discussion and Approval of Grant Award for Firehouse Sub's Grant
- B. Request to Present a Key to the City to a Cayce Resident

IV. Ordinances and Resolution

- A. Discussion and Approval of Ordinance 2024-03 Amending Zoning Ordinance Article 6 District Regulations Concerning Uses in the Design Overlay Districts – Second Reading
- B. Discussion and Approval of Ordinance 2024-04 to Amend the City Code of Ordinances to Add Section 28-27 Entitled "Hate Intimidation" – First Reading

V. Committee Matters

- A. Approval to Enter the Following Committee Approved Minutes into the City's Record
Board of Zoning Appeals – March 18, 2024
Museum Commission – April 3, 2024
Events Committee – April 11, 2024

- B. Appointments and Reappointment
Museum Commission – Two (2) Positions
Public Safety Foundation – One (1) Position

VI. City Manager's Report

VII. Council Comments

VIII. 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 including:
- B. Discussion of appointment to fill the vacant City's Prosecutor's position and contract
- C. Discussion of negotiations incident to proposed contractual arrangements concerning 800 Lexington Avenue

IX. Reconvene

X. Possible actions by Council in follow up to Executive Session

- A. Discussion and Approval of Ordinance 2024-05 Authorizing Sale of the City-Owned Portion of Real Property at 800 Lexington Avenue
- B. Discussion and appointment to fill the vacant City's Prosecutor's position and approval of contract
- C. Other

XI. Adjourn

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

Memorandum

To: Mayor and Council
From: Tracy Hegler, City Manager
Date: May 7, 2024
Subject: Acceptance of a Firehouse Sub's Grant

Issue

City Council's approval is needed to accept a Firehouse Sub's grant to replace nine sets of turnout gear.

Discussion

On April 2, 2024, the Cayce Fire Department was awarded a Firehouse Sub's grant for the replacement of nine sets of turnout gear. This gear is essential for firefighters to be able to perform their job duties, we are thankful to have organizations such as Firehouse Sub's recognize that need. This gear will replace those that are nearing their ten-year expiration date, as defined by the National Fire Protection Agency (NFPA).

Recommendation

Staff recommends Council accept the Firehouse Sub's grant award in the amount of \$32,067.90 to purchase nine sets of replacement bunker gear and authorize the City Manager to execute the appropriate agreement.

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: May 7, 2024

Subject: Second Reading of an Ordinance Amending **Article 6 District Regulations, Section - 6.10 Design Overlay District** of the Cayce Zoning Ordinance concerning rules for certain uses in the Design Overlay District

Issue

City Council's approval is needed for the first reading of an ordinance amending **Article 6 District Regulations, Section 6.10 Design Overlay District** concerning rules for certain uses in the Design Overlay District.

Discussion

As a result of staff regular review of the Zoning Ordinance, they recommended these amendments to the Design Overlay Districts. The redlined version of the ordinance is attached for your review.

The Planning Commission held a regularly scheduled meeting on March 18, 2024 and voted on amending **Article 6 District Regulations, Section 6.10 Design Overlay District**. No one spoke for or against the amendment.

The Planning Commission unanimously recommended that the Council approve the First Reading of an Ordinance amending **Article 6 District Regulations, Section 6.10 Design Overlay District** concerning rules for certain uses in the Design Overlay District.

Recommendation

Staff recommends adoption of these amendments to assist in updating our City's overlay districts and giving the related Ordinance Second Reading approval.

STATE OF SOUTH CAROLINA	)	ORDINANCE 2024-03
	)	Amending Language in Article 6
COUNTY OF LEXINGTON	)	District Regulations, Section 6.10
	)	Design Overlay District of the Cayce
CITY OF CAYCE	)	Zoning Ordinance Regarding Certain
	)	Uses in the Design Overlay Districts

WHEREAS, Council has determined that it is in the best interest of the public to amend Article 6 District Regulations, Section 6.10 Design Overlay District to add or remove language regarding certain uses in the Design Overlay Districts;

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 March 18, 2024, to review public comments and vote on recommending the amended Article 6 District Regulations, Section 6.10 Design Overlay District of the 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 Article 6 District Regulations, Section 6.10 Design Overlay District 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 _____ 2024.

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

There are hereby created four design overlay districts:

- (1) Knox Abbott Drive Design Overlay District, which shall parallel Knox Abbott Drive and shall extend from the street rightofwayright-of-way the depth of each contiguous lot or 200', whichever is less.
- (2) 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 rightofwayright-of-way the depth of each contiguous lot or parcel or 500', whichever is less.
- (3) 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 the specific area.

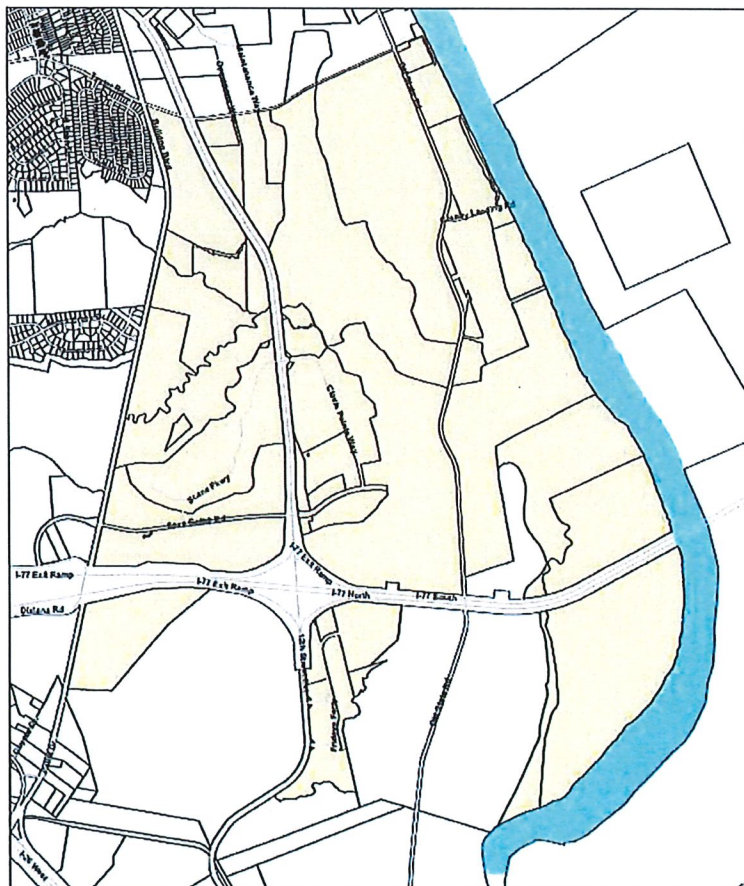


EXHIBIT A: Map of I-77 Gateway Design Overlay District

(4) Arts Design Overlay District, which shall parallel Frink Street from parcels on the western intersection of Foreman Street and east to State Street, and also parallel State Street from Frink Street north to Poplar Street, and shall extend from the street right-of-way for the depth of each contiguous lot.

Section 6.10-2 Purpose

1) Design Overlay Districts serve as the City's gateway routes. 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. Additionally, the Arts Overlay District encourages artists to live, create and conduct business within a designated section of the City.

Section 6.10-3 Uses

1) Knox Abbott Drive Design Overlay District and 12th Street Extension Design Overlay District

a. Permitted Uses. Unless specifically prohibited by Section 6.10-3.1.c, the uses permitted within the underlying zoning district shall apply.

b. Special Exception Uses

i. Beer, wine and liquor stores (NAICS 4453) where permitted within the underlying zoning district shall be permitted by special exception in accordance with Section 7.15 Special Exception General Criteria.

ii. Mixed-use Structures containing residential in addition to non-residential uses provided that the first floor contains at least forty percent devoted exclusively for non-residential uses permitted in the underlying zoning district unless specifically prohibited.

b.c. 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
- ix. Fireworks sales, temporary and permanent
- x. Electronic cigarette stores
- xi. Mini warehouses and self-storage units
- xii. Auto repair and car washes

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. Light Industrial, commercial, office and institutional, and rural

b. Special Exception Uses

i. Beer, wine, and liquor stores (NAICS 4453) where permitted within the underlying zoning district shall be permitted by special exception in accordance with Section 7.15 Special Exception General Criteria.

b.c. 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. ii.~~ 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. iii.~~ 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. iv.~~ Any use involving selling or exhibiting pornographic materials or illicit drug-related paraphernalia

~~vi. v.~~ 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. vi.~~ Any massage parlors or similar establishments

~~viii. vii.~~ Billboards

~~ix. viii.~~ Pawn shops, consumer cash lending secured by personal property

~~x. ix.~~ Check cashing services

~~xi. x.~~ Kennels

~~xii. xi.~~ 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. xii.~~ Mobile homes and mobile home parks

~~xiv. xiii.~~ Fireworks sales, temporary and permanent

~~xv. xiv.~~ Electronic cigarette stores

~~xvi. xv.~~ Mini warehouses and self-storage units

~~xvii. xvi.~~ Residential-single family, duplex, and multi-family

~~xviii. xvii.~~ Educational Services (NAICS Sector ~~6261~~)

~~xix. xviii.~~ Health Care and Social Assistance (NAICS Sector 62)

~~xx. xix.~~ Religious Organizations (NAICS 81311) ~~Public Administration (NAICS Sector 92)~~

c.d. Conditional Uses

i. Communication Towers and Antennas are permitted as a conditional use in accordance with Article 7, Section 7.8.

3) Arts Design Overlay District

a. Permitted Uses. Unless specifically prohibited by Section 6.10-3.3.b, the uses permitted within the underlying zoning district shall apply, in addition to the following:

i. Single-family detached residences

ii. Accessory apartments permitted as part of a single family detached residence or as an accessory to a business permitted in the overlay district.

iii. Duplexes

iii-iv. Mixed-use Structures containing residential in addition to non-residential uses provided that the first floor contains at least forty percent devoted exclusively for non-residential uses permitted in the underlying zoning district unless specifically prohibited.

iv-v. Artisan-level production. The shared or individual use of hand-tools, mechanical tools, and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Uses include: electronic goods, woodworks, food and bakery products, beverages, printmaking, leather products, jewelry and clothing/apparel, metal work, furniture, glass or ceramic production, and paper manufacturing.

v-vi. Neighborhood commercial (C-2) uses

vi-vii. The following Accessory uses to primary single-family residential uses are exempt from the -home occupation requirements of Sec. 7.7:

- a) Real estate
- b) Financial consulting
- c) Art studios
- d) Schools/classes less than 5 students per class
- e) Home health care services
- f) Personal care services

vii-viii. Specialty and/or boutique furniture and home furnishing stores including bath, kitchenware, chinaware, linen, electric lamp/lighting, glassware and housewares

viii-ix. "Brewpub" primarily being an eating and drinking establishment with a small brewery on the premises which produces beer, ale, or other malt beverage and where the majority of the beer produced is

consumed on the premises, but also allows “brewpub” to sell its products at retail for off-site consumption

~~ix-x.~~ Specialty and/or boutique wine and craft beer shops that allow for on-site and off-site consumption.

b. Special Exception Uses

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~~h-c.~~ Prohibited Uses

- i. Pawn shops and consumer cash lending secured by personal property
- ii. Sexually-oriented businesses
- iii. Communication towers and antennas, with the exception of small wireless facilities as defined in Article 12
- iv. Billboards
- v. Kennels
- vi. Check cashing services
- vii. Fireworks sales, temporary and permanent
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- ix. Mini warehouses and self-storage units
- x. Automotive oil change and lubrication shops
- ~~x-xi.~~ Gasoline stations (NAICS 447)

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) 12th 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 12th 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 12th Street Extension. Except for walks, driveways and permitted signs, the required

Section 6.10 Design Overlay District

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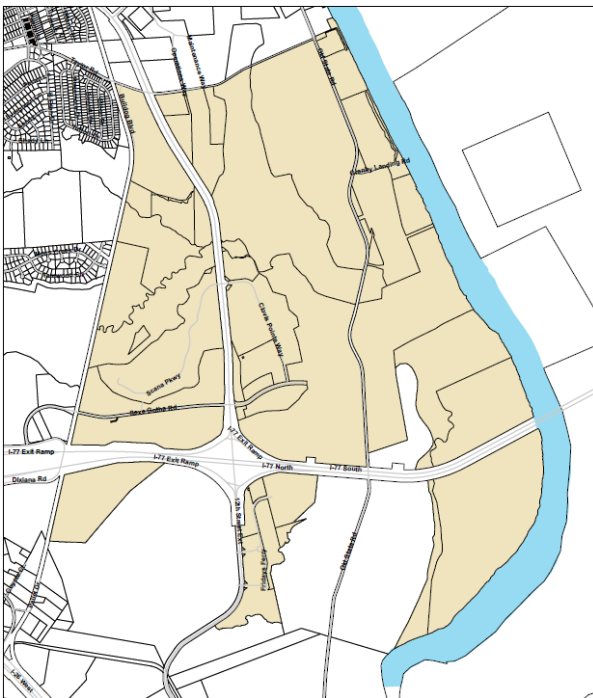


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 - e. Walkways shall be provided between the building entrance and the sidewalk.
- 2) 12th Street Extension Design Overlay District
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 - c. Colors shall be consistent with the character of development
 - 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 12th 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. 12th Street Extension

- a) All buildings shall observe a 50' setback from 12th 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 12th 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

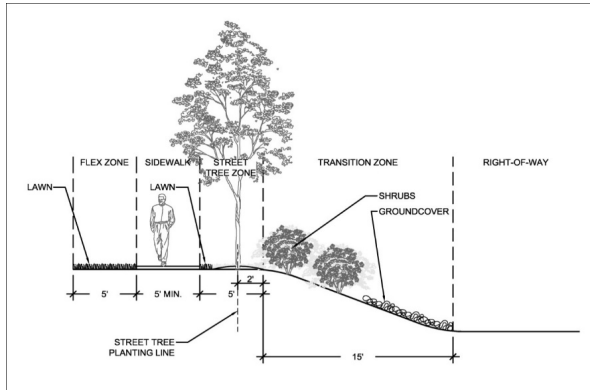
- a) All plant material shall meet the current American Standard for Nursery Stock.
 - (1) Shade Trees-minimum of (3)-inch caliper at the time of installation. Must be large-maturing tree species.
 - (2) Street Trees-minimum of four (4)-inch caliper at the time of installation. Must be large-maturing 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

Formatted: Centered

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.

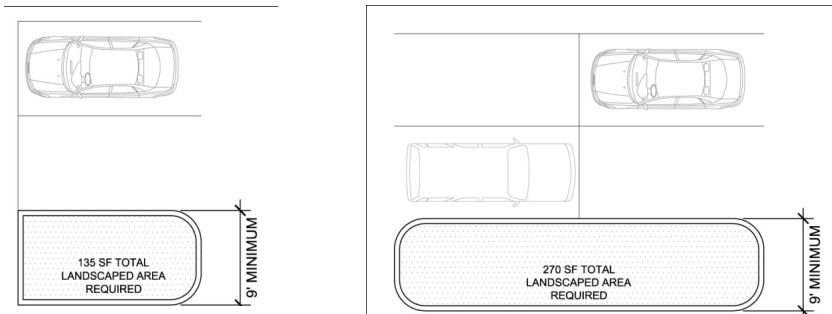
c) Ground Covers/Perennials Ground cover/perennial landscape improvements shall be planted in the transition zone within the perimeter planting buffers. A minimum of 300 square feet of ground cover/perennial landscape improvements shall be planted for every 100 feet of perimeter landscape buffer. Ground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

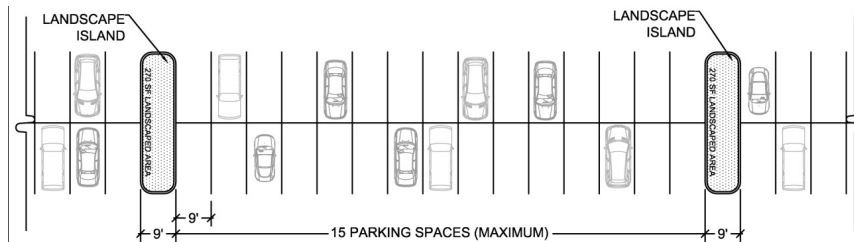
e) Buffering between different land uses in accordance with Article 10 of the Zoning Ordinance may be required.

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.

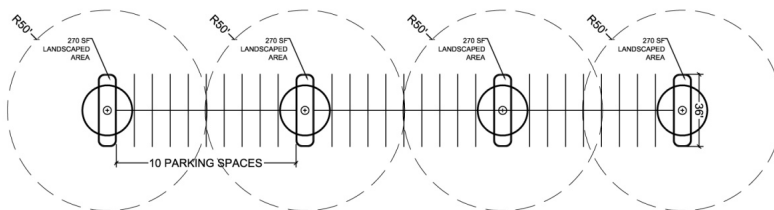


a) A maximum of 15 parking spaces are allowed in a continuous row without a required landscape island. See graphic below.



a) 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.

b) 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.

c) 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 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

4) Arts Design Overlay District

a. Setbacks and Buffers

- i. C-3 Zoning District setbacks apply.

- b. Parking
 - i.No minimums; but Planning Director must approve parking plan to ensure it meets the demands of the proposed business.
 - ii.For new construction without designated parking, parking must be located in the rear or side yard.
- c. Landscaping for new development
 - i.Plant one tree for every 5 parking spaces or contribute to tree fund to plant trees within the right-of-way
 - ii.Commercial and industrial uses must buffer against residential uses with an eight (8) foot tall masonry wall or single line of evergreen trees (eight (8) feet in height at planting) providing a solid screen.
- d. Signs
 - i.Commercial and Industrial
 - a) No maximum square footage on wall signs
 - b) Monument signs must meet C-3 Zoning District sign requirements, with the exception that common signage monument signs must not exceed seven (7) feet.
 - c) Monument signs
 - (1) Single street frontage- One monument sign per lot if one business. If multiple businesses in separate buildings on one lot, then one sign allowed per building
 - (2) Multiple street frontage- one sign permitted per street frontage
 - ii.Residential with Commercial Accessory Uses
 - a) One (1) monument sign with maximum four (4) foot sign area permitted in front of residence.
 - b) Maximum height of top of monument sign shall not exceed 5 feet.

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.

Memorandum

To: Mayor and Council
From: Tracy Hegler, City Manager
Date: May 7, 2024
Subject: Ordinance Entitled "Hate Intimidation"

Issue

City Council's approval is needed to amend the City's Code of Ordinances to add section 28-27 entitled "Hate Intimidation."

Discussion

Currently, the State of South Carolina does not have a state law prohibiting the commission of a crime for the sole purpose of their race, color, creeds, religions, ancestries, sexual orientation, gender, gender identities, physical and mental disabilities, and or national origins.

The City of Cayce desires to enact a new section of its Code of Ordinances in order to protect its residents and visitors and deter crimes motivated by bias or hate towards any persons or persons, in whole or in part, because of the actual or perceived race, color, creed, religion, ancestry, sexual orientation, gender, gender identity, physical or mental disability, or national origin of any person, and provide separate appropriate penalties in addition to the punishment for the underlying violation of the ordinances of the City.

Recommendation

Staff recommends City Council approve first reading of an amendment of the code of ordinances to add section 28-17 entitled "Hate Intimidation".

STATE OF SOUTH CAROLINA	)	ORDINANCE 2024-04
)	
CITY OF CAYCE	)	AN ORDINANCE TO AMEND THE CITY
	)	CODE OF ORDINANCES TO ADD
	)	SECTION 28-27 ENTITLED "HATE
	)	INTIMIDATION"

WHEREAS, the residents and visitors of the City of Cayce are a diverse collection of individuals representing a multitude of races, colors, creeds, religions, ancestries, sexual orientations, genders, gender identities, physical and mental disabilities, and national origins; and

WHEREAS, the City of Cayce values and wishes to protect its residents and visitors irrespective of their race, color, creed, religion, ancestry, sexual orientation, gender, gender identity, physical or mental disability, or national origin; and

WHEREAS, crimes that are motivated by bias or hate towards any person or persons, in whole or in part, because of the actual or perceived race, color, creed, religion, ancestry, sexual orientation, gender, gender identity, physical or mental disability, or national origin of any person are an affront to the commonly held values of the citizens of the City; and

WHEREAS, the State of South Carolina has yet to adopt a statewide Hate Crime Legislation, and is only one of two states in the United States who have yet to adopt such protections for its citizens and visitors; and

WHEREAS, the City of Cayce also desires to enact a new section of its Code of Ordinances in order to protect its residents and visitors and deter crimes motivated by bias or hate towards any persons or persons, in whole or in part, because of the actual or perceived race, color, creed, religion, ancestry, sexual orientation, gender, gender identity, physical or mental disability, or national origin of any person, and provide separate appropriate penalties in addition to the punishment for the underlying violation of the ordinances of the City; and

WHEREAS, the City Council has determined that it is in the interest of the City and the public, to enact a new Section 28-27 of the City Code of Ordinances entitled "Hate Intimidation";

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that the City of Cayce Code of Ordinances is hereby amended, in Article II ("Offenses against the Person") of Chapter 28 ("Offenses and Miscellaneous Provisions"), to add a new Section 28-27 ("Hate Intimidation") to read as follows:

Section 28-27.- Hate intimidation

(a) A person who violates another section of this chapter with the intent to intimidate another person or persons, in whole or in part, because of the actual or perceived race, color, creed, religion, ancestry, sexual orientation, gender, gender identity, physical or mental disability, or national origin of the other person or persons, including any act of antisemitism, is also guilty of the separate offense of hate intimidation and shall be punished as provided by subsection (c) of this section. For purposes of this section, "antisemitism" refers to the definition set forth by the International Holocaust Remembrance Alliance (IHRA).

(b) In addition, no person shall disseminate hate materials on any public property or on any commercial property or on any residential property without the express permission of the owner of the residential property within the incorporated area of the City of Cayce. For purposes of this section, "hate materials" refers to writings intended to intimidate another person or persons on a basis as described in subsection (a) of this section.

(c) A person who violates this section shall be punished as provided in Section 1-6 of the City Code. The sentences for the separate offenses shall run consecutive to one another unless the court specifies on the record the reason why they should run concurrently.

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

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____, 2024.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, Municipal Clerk

First reading: _____

Second reading and adoption: _____

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

Mayor
Elise Partin

Mayor Pro-Tem
Tim James

Council Members
Phil Carter
Hunter Sox
Byron Thomas

City Manager
Tracy Hegler

Deputy City Manager
Jim Crosland
Assistant City Manager
Michael Conley



**APPROVED MINUTES
BOARD OF ZONING APPEALS
MONDAY, MARCH 18, 2024
CAYCE CITY HALL 1800 12th Street
6:00 PM**

I. CALL TO ORDER

The meeting was called to order by Chairperson Jason Simpson. Those present included Board of Zoning Appeals Members Cindy Pedersen, Tyler Helms, and Mary Teaster. Assistant City Manager Michael Conley and Zoning Administrator Monique Ocean were also in attendance.

II. STATEMENT OF NOTIFICATION

Chairperson Jason Simpson asked if the media and the public had been notified of the meeting and public hearing. Ms. Ocean confirmed that they had been notified.

III. REVIEW AND APPROVAL OF MINUTES

Cindy Pedersen made a motion to approve the minutes from the December 18, 2023, Board of Zoning Appeals meeting. Jason Simpson seconded the motion. All were in favor.

IV. PUBLIC HEARING

VARIANCE REQUEST 001-24-The owner, Amy Piner, requests a variance from Section 5.6-3 Location (7) Fences and Walls to increase the allowable height of a fence in the required front yard from 4 feet to 6 feet. The property is a double frontage lot and is located at 2601 Taylor Road (Tax Map Number 005721-03-001). The property is zoned RS-3 Single Family Residential.

VARIANCE REQUEST 002-24-The owner, Amy Piner, requests a variance from Section 5.6 Accessory Buildings and Uses to reduce the required front yard setback from 25 feet to 5 feet for installation of an accessory building. The property is a double frontage lot and is located at 2601 Taylor Road (Tax Map Number 005721-03-001). The property is zoned RS-3 Single Family Residential.

a. Staff Evaluation

Ms. Ocean explained that the owner, Amy Piner, was requesting approval for 2 separate variances for a double frontage lot located at 2601 Taylor Road. Ms. Ocean stated that Variance 001-24 is requested to accommodate a privacy fence of 6 feet in height and that Variance 002-24 is requested to accommodate a 1,230 sq. ft. accessory building which will encroach upon the required front yard setbacks by 20 feet. Ms. Ocean stated that Planning Staff had denied zoning approval for a 6-ft privacy fence in the front yard because the Zoning Ordinance limits fences in the front yard to 4 feet in height. Planning Staff also denied zoning approval for the proposed accessory structure because it would encroach upon the required setback by 20 feet. Ms. Ocean explained that the Zoning Ordinance requires a double frontage lot to comply with front yard setbacks for both streets upon which the lot has frontage. Ms. Ocean stated that staff does not recommend approval of Variance Request 001-24 to exceed the permitted fence height in a front yard. Ms. Ocean stated that the shape

of the lot and the street frontages do not prohibit installation of a fence that meets requirements. Ms. Ocean stated that fences which comply with Zoning Ordinance regulations can be allowed anywhere on the lot.

Ms. Ocean stated that Staff does not recommend approval of Variance Request 002-24 to decrease the required front yard setback to accommodate an accessory structure. Ms. Ocean stated that it is the opinion of staff that the applicant has not provided a hardship as required by variance criteria. Ms. Ocean stated that the shape of the lot does not prohibit the construction of an accessory building at the required setbacks. Ms. Ocean stated the subject property exceeds the minimum lot size in the zoning district and that Staff believes compliance with the required setback does not prohibit or unreasonably restrict the utilization of the property. Ms. Ocean closed by explaining that the comments of staff are for clarification and that the Board will make the final decision.

b. Statement by Applicant

The applicant, Amy Piner, came before the Board to discuss the variance requests. Ms. Piner stated that the problem is that she has a double frontage lot and that it is a challenge. Ms. Piner stated that there are two others double frontage lots close to her house, but they have churches instead of houses. Ms. Piner stated that she and her family have lived at the address for eight years. She stated that her family wanted to make some more permanent decisions and one of those is to fence the yard. Ms. Piner stated there is a lot of foot traffic through her yard and she would like to fence it to protect it. Ms. Piner stated a 4-foot fence is easy to jump over. Ms. Piner stated that Taylor Road is busy and no one adheres to the speed limit. She stated Elm Street is a secondary road but there are cars on both sides. Ms. Piner stated that she does not have a backyard and that she has two front yards. Ms. Piner stated that the jargon used by staff to describe her request was confusing and misleading because her family is not requesting to fence off the front of the house. She stated that her family would like to reasonably use their yard in the same manner as her neighbors. Ms. Piner stated that safety is a concern also. She stated that constructing the fence is being able to live and do something that's reasonable for the home that she and her family paid for and live in. Ms. Piner stated that she was hoping that the Board of Zoning Appeals could see it a little differently and understand that it is reasonable accommodation to request a six-foot privacy fence, because she wanted to maintain a private space for her home.

Ms. Piner spoke to the Board about the second variance for a metal accessory garage building. Ms. Piner stated that her house does not have a garage. She stated that she had paid to install the building when she discovered that there is a 25-foot setback because of street frontage on both sides. She stated that there is no denying the double frontage and that it has been recorded. She stated that she had a survey completed of the place where she wanted to locate the building. Ms. Piner showed a document to the Board. Ms. Piner stated that the survey showed the location of the building as required by the Zoning Ordinance and it was not a reasonable location. Ms. Piner stated that the building could not sit in the middle of her yard and be within the requirements. She stated it will look much nicer with the building standing to the backside versus the front. Ms. Piner stated that the whole reason for the garage is because her family doesn't have one. She stated that she has a small storage building but they really want a garage to be able to pull into. Ms. Piner stated she feels the garage is a reasonable request and she didn't expect it to be so difficult. She stated she is requesting to place the building 5 feet from the back property line. She stated that she is going to be changing the vinyl of her home to match the building.

c. Public Comment

There was no one present to speak for or against the variance request.

d. Adjourn Public Hearing

With no further discussion, the public hearing was adjourned.

e. Motion

The Board could not come to an agreement regarding Variance Request 001-24. So, to bring the matter to a conclusion, Tyler Helms made a motion to grant the variance request to install a chain link fence of 6 feet in height in the front yard. Mary Teaster seconded the motion. Jason Simpson and Cindy Pedersen voted against the motion. Those against the motion argued that the regulation regarding height of a fence does not make the property impossible to use. The motion to grant Variance 001-24 failed to a tie vote.

Mary Teaster made a motion to grant Variance Request 002-24 to reduce the required setback of a double frontage lot to 5 feet. Ms. Teaster argued that the four criteria needed to grant the variance had been met. Tyler Helms seconded the motion. Jason Simpson and Cindy Pedersen voted against the motion. Those against the motion said the applicant's reasoning to why the setback requirements for an accessory building could not be met does not render the property unusable. The motion to grant Variance 002-24 failed to a tie vote.

IV. COMMISSION MATTERS

a. Review and approval of BZA By-Laws

The were no changes made to the existing By-Laws for the Board of Zoning Appeals.

b. Nomination and election of Officers for 2024

Cindy Pedersen nominated Jason Simpson as Chairperson. All were in favor. Mary Teaster nominated Cindy Pedersen as Vice-Chair. All were in favor.

c. Appointment of Monique Ocean as Secretary for 2024

All were in favor of Monique Ocean as Secretary.

d. Approval of meeting schedule for 2024

All were in favor of the meeting schedule, as presented.

V. ADJOURNMENT

Cindy Pedersen made a motion to adjourn. Tyler Helms seconded the motion. All were in favor.

A quorum of Council may be present.

No discussion or action on the part of the Council will be taken.

COUNCIL ACTION REQUIRED

MUSEUM COMMISSION – TWO (2) POSITIONS

The Museum Commission currently has two (2) open positions. The City has received potential member applications from Mr. Rusty Rabon, Mr. Keith Stephenson, Mr. Jeff Wilkinson and Mr. Mike Harlen in that order. Their applications are attached for Council's review.

PUBLIC SAFETY FOUNDATION – ONE (1) POSITION

Mr. Russ Shumard's term on the Public Safety Foundation expires in May and he would like to serve again. He has served on the Foundation since 2021 and consistently attends meetings. His reappointment application is attached for Council's review.

NO COUNCIL ACTION REQUIRED

The following positions remain open until receipt of potential member applications.

There are no open positions at this time.

APPOINTMENT PROCESS

Cayce citizens have an opportunity to actively participate in the City through their services on a number of advisory boards, commissions, foundations and committees. These groups help shape and carry out policy.

Applications are accepted at any time for all City of Cayce boards, commissions, foundations and committees. Cayce citizens wishing to apply for appointment may submit a potential member application to the Municipal Clerk, P. O. Box 2004, Cayce, SC 29171. More information and a copy of the application can be found on our website at caycesc.gov or by calling City Hall at 803-796-9020.

City Council considers received applications at a meeting immediately following an opening.

Cayce Historical Museum Commission

April 3, 2024

Meeting Minutes

The April 3, 2024 meeting of the Cayce Historical Museum Commission (CHMC) was held in the Cayce Visitors Center. The meeting was convened at 4:01pm by Chair James Stewart. The following individuals attended the meeting:

Name	Status
James Stewart	Chair
Pamela Sulton	Vice Chair
Marcy Hayden	Secretary
Archie Moore	Commissioner
A.G. Dantzler	Commissioner
Charlita Earle	Commissioner (absent)
Garrett Creasman	Commissioner (absent)
Mary Sharp	Commissioner
David Brinkman	Commissioner
Andy Thomas	Cayce Museum Curator
Elizabeth Lumsden	Cayce Museum Assistant

Upcoming Events:

April 6th-Tartan Day South
 April 20th-Beeswax Candle Making Activity 9am
 Cayce Legends Event-TBA

Invocation: Commissioner Dantzler

Action Items:

Donation Review
 Strategic Planning Document Review
 Historic Preservation Planning and Goals Discussion

March Meeting Minutes:

The Commission reviewed the previous meeting minutes. Vice Chair Sulton motioned that the meeting minutes be accepted with change to date. Commissioner Sharp seconded the motion, and the minutes were approved.

Museum Staff Report

Tartan Day South-Colonial Day was held on April 6th and was well attended. There were 16 participant organizations. Commissioners Brickman and Sulton volunteer along with Chair Stewart.

The African American Committee is working on the Cayce Legends Reception and event. The date is being finalized.

Repair work is ongoing for the Main building with windows being installed starting in March through June and the Public Safety building has been painted. Chair Stewart asked about touring the outbuildings and how tours will be handled now that this exhibit is reopening. Mr. Thomas stated that he offers tours as visitors request them. Some discussion took place among Commissioners offering suggestions of creating a schedule for tours i.e. tours each day at 10am and 2pm for out buildings or a “request a tour” option on website..

The Confederate money exhibit is still a work in progress and will include other Confederate items from our collections. This should be finalized in June. Additionally, Mr. Thomas along with Chair Stewart will have a “review exhibition” policy created which would streamline process and include processes for designing, building, and displaying exhibits in the future.

The Columbia Airport Exhibit is moving forward and will include history of the airport from military beginnings, commercial airport, and from 1967 to present day. Ms. Lumdsen is working with Columbia Airport to secure items for display and market the event. Mr. Thomas and Ms. Lumdsen visited the airport to learn more about the history and shared that the movie “A Guy Called Joe” was filmed there in the 1940’s and starred famous actor, Spencer Tracy.

The staff scheduled events targeting school age children, homeschoolers and families. March 16th staff made pinch pots with children and on April 20th the staff plans to make beeswax candles. Commissioner Hayden conducted a Native American pottery demonstration on March 9th at the museum which included creating a piece of pottery.

Staff and Commissioners attended the Soiree on State Street event where they did pinch pots and signed up volunteers.

Planning has started on the 160th Anniversary of the Battle of Congaree Creek which will be on February 15th, 2025. Mr. Thomas is working with reenactors to plan a tour during this time. More details will follow.

New federal guidelines have been issued regarding the Native American Graves Protection and Repatriation Act which will require a detailed inventory of Native American items housed in the Museum’s collections. This is going to be an intensive process that Staff has determined will need volunteers. Commissioners are encouraged to contact Mr. Thomas to help with reviewing the almost 8000 individual Native American Indian items. This process will include assistance from the South Carolina Department of Anthropology and Archaeology as the state liaison to the federal government. Inventory will need to be reviewed, categorized and a summary report

created. Additional discussion regarding concerns about past items and inventory in collections held by Commissioners.

Donations

No updates at this time.

Strategic Planning

No updates at this time.

Ongoing Business:

Historic Preservation

Sub-Committee Assignments (Assignment table to be provided to Commissioners):

- Goal 1: Develop a community-inclusive historic preservation plan.
 1. Develop a comprehensive site list. (All Commissioners)
 2. Identify funding, grants, tax incentives and rules (Chair Stewart and Commissioner Hayden)
 3. Monitor ongoing risks to historic preservation (All Commissioners-Lead Commissioner Moore)
 4. Provide ongoing education for commission members on relevant issues (Chair Stewart, Vice Chair-Sulton, Commissioner Hayden and Staff)
 5. Ensure community accessibility and participation in historic preservation (All Commissioners (Section A), Staff (Section B through C))
- Goal 2: Cultivate stewardship of historic resources through active community engagement.
 1. Attract an increased number of site visitors that will set a baseline for future planning. (Section A -C: Vice Chair Sulton, Commissioner Sharp and Moore)(Section D-F: Staff, Commissioner Creasman and Earle)
 2. Engage potential visitors through off-site events (Added to Object 1, Section A-C)
 3. Audit and create communication tools (Section A-C: Staff, Commissioner Creasman and Earle) (Section D-F: Staff and Commissioner Hayden)
 4. Ensure community accessibility and participations in historic preservation (Staff, All)

Historic Preservation Assignments:

- Commissioners provide a list of places and place names important to save/share history in Cayce

Old State Road NRHP Nomination

No updates at this time.

Additional Business:

With no other business on the meeting agenda, Commissioner Sharp motioned to adjourn the meeting. Commissioner Sulton seconded the motion and the Commission voted to adjourn the meeting at **5:08PM**.

Events Committee Minutes
April 11, 2024

Present: Maxine Creamer, Johnathon Moore, Alexis Moore, Dwede Dennis, Carrie Ridgeway, Megan Lightle, Tiffany Aull, Jean Boiteau

Absent: Alyssa Hacker, Dave Capps, Ashley Hunter

City Representatives: Amanda Rowan

Ms. Dennis opened the meeting. Ms. Lightle led the invocation.

The committee reviewed the February 8, 2023 minutes. Ms. Lightle made a motion to approve. Ms. Ridgeway seconded, and motion was unanimously passed.

Old Business:

Mr. Moore asked the committee their opinion on how the Soiree went this year. Ms. Aull stated that she thought it was a great event. Mr. Moore stated he enjoyed the pop-up bike lanes and the golf cart rides for attendants. Ms. Rowan asked the committee if they would like to be involved in all future Soiree on States and assist the City with staffing the kid's area and anywhere else that help is needed. She stated that the City would love their feedback on future Soirees and any ideas they have to better the event. Ms. Dennis made a motion for the events committee to be a part of the Soiree moving forward, Ms. Moore seconded. The motion passed unanimously.

Mr. Moore stated the City was looking to honor Mr. Rudy Mancke. Ms. Creamer suggested keeping the nature tours but having Mr. Mancke's brother lead them. The tours would be named after him going forward. Ms. Lightle made a motion to name any future nature tours after Mr. Rudy Mancke. Ms. Moore seconded. Ms. Rowan read an email from Mayor Partin suggesting an ordinance named after Mr. Mancke. Ms. Boiteau suggested something similar to the beaches and turtles (night light ordinance). The committee agreed to consider this and think more on it.

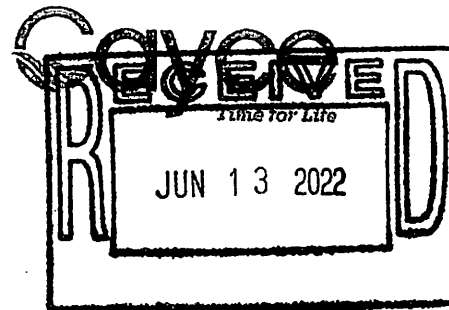
Ms. Creamer asked about the Funk on Frink idea. Ms. Rowan stated the City was still trying to figure out logistics.

New Business:

Cayce Cool Down's date has been set for July 27th from 11-1 due to school starting within the following 2 weeks. Ms. Boiteau asked if the police would be involved as part of their back to school events. Ms. Rowan stated she was not sure.

The committee discussed bands for Fall Fest. The committee would like to look into new bands for the 2024 Fall Fest. The committee will research bands and bring suggestions back to the group at the next meeting. Ms. Ridgeway suggested incorporating some of the events suggested from Soiree into current events like Fall Fest. Ms. Rowan will email out a list of those suggested events.

With no further business, Ms. Lightle made a motion to adjourn, and Ms. Moore seconded. Motion carried and the meeting was adjourned. The next Events Committee meeting will be May 9, 2024, at 5:30 PM in Council Chambers.



CITY OF CAYCE POTENTIAL MEMBER APPLICATION

Name: Rusty Rabon
 Home Address: Northland Drive City, State, Zip Cayce SC 29033
 Telephone: _____ E-Mail: _____
 Resident of Cayce: Yes No Number of Years: 50+

Please indicate the Committee(s) for which you are applying:

- | | | |
|--|---|---|
| <input type="checkbox"/> Accommodations Tax Committee | <input checked="" type="checkbox"/> Cayce Housing Authority | <input type="checkbox"/> Events Committee |
| <input type="checkbox"/> Consolidated Board of Appeals | <input type="checkbox"/> Municipal Election Comm | <input checked="" type="checkbox"/> Museum Commission |
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> Board of Zoning Appeals | |

Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation?

Yes No If yes, specify below.

Work Address

Company: Grace Chapel Position: Pastor
 Address: 663 Dixiana Road City, State, Zip West Columbia, SC 29172
 Telephone: (803) 794-1895 E-Mail: rusty.rabon@gmail.com
 Work Experience: Christian ministry since 1981 - minister of music, youth pastor, associate pastor, pastor, Christian radio announcer
 Educational Background: B.S., M.A. - Columbia International University
M.Div - Erskine Theological Seminary

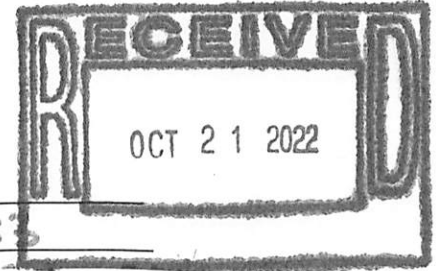
Membership Information (Professional, Neighborhood and/or Civic Organizations):

The Fellowship of Ailbe (www.ailbe.org)
 Volunteer Work: Broadacres Neighborhood Association
Past youth sports coach
 Hobbies: Reading, trips to mountains, Lexington County Choral Society

Return to:
 Mendy Corder, Municipal Clerk
 City of Cayce, PO Box 2004, Cayce, SC 29171-2004
 Telephone: 803-550-9557 • Fax: 803-796-9072 • Email: mcorder@caycesc.gov



CITY OF CAYCE
POTENTIAL MEMBER APPLICATION



Name: KEITH STEPHENSON
Home Address: NAPLES AVE City, State, Zip 29033
Telephone: -Mail:
Resident of Cayce: [X] Yes [] No Number of Years: 10

Please indicate the Committee(s) for which you are applying:

- [] Accommodations Tax Committee [] Cayce Housing Authority [] Events Committee
[] Consolidated Board of Appeals [] Municipal Election Comm [X] Museum Commission
[] Planning Commission [] Board of Zoning Appeals

Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation?

[] Yes [X] No If yes, specify below.

Work Address

Company: UNIVERSITY OF SOUTH CAROLINA Position: ARCHAEOLOGIST
Address: 1321 PENOLETON ST City, State, Zip COLUMBIA, SC 29208
Telephone: 803-777-8170 E-Mail: STEPHENSONK@SC.EDU
Work Experience: 30 YEARS AT UOFSC

Educational Background: BA, MA, Ph.D.

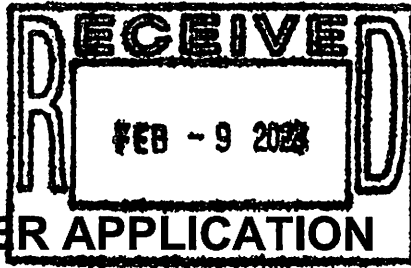
Membership Information (Professional, Neighborhood and/or Civic Organizations):

COUNCIL OF SOUTH CAROLINA PROFESSIONAL ARCHAEOLOGISTS

Volunteer Work: ARCHAEOLOGICAL SOCIETY OF SOUTH CAROLINA

Hobbies: ARCHAEOLOGY, HISTORY

Return to:
Mendy Corder, Municipal Clerk
City of Cayce, PO Box 2004, Cayce, SC 29171-2004
Telephone: 803-550-9557 ♦ Fax: 803-796-9072 ♦ Email: mcorder@caycesc.gov



CITY OF CAYCE
POTENTIAL MEMBER APPLICATION

Name: JEFF Wilkinson Date 2/9/23
Home Address Cherry LANE City, State, Zip Cayce SC 29033
Telephone: _____ E-Mail: _____
Resident of Cayce: Yes No Number of Years: 7

Please indicate the Committee(s) for which you are applying:

- Accommodations Tax Committee
- Cayce Housing Authority
- Events Committee
- Consolidated Board of Appeals
- Municipal Election Comm
- Museum Commission
- Planning Commission
- Board of Zoning Appeals

Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation?

Yes No If yes, specify below.

Work Address Retired
Company: _____ Position: _____
Address: _____ City, State, Zip _____
Telephone: _____ E-Mail: _____
Work Experience: SEE BACK *

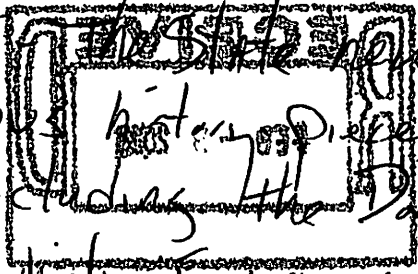
Educational Background: Journalism - Southern Illinois University
Augusta University

Membership Information (Professional, Neighborhood and/or Civic Organizations):

Volunteer Work: _____

Hobbies: HISTORY TRAVEL

Return to:
Mendy Corder, Municipal Clerk
City of Cayce, PO Box 2004, Cayce, SC 29171-2004
Telephone: 803-550-9557 ♦ Fax: 803-796-9072 ♦ Email: mcorder@caycesc.gov

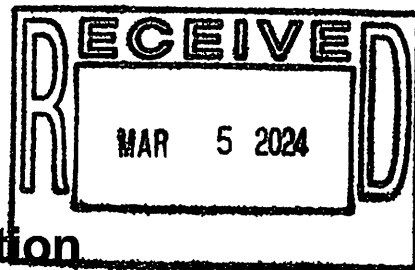
1. Retired journalist  wrote numerous history pieces through the years, including the Dal. the Raiders reunions, for which I won an SCPA award for series of articles.

Also received a Daughters of the American Revolution award for history writing. And the Celebrate Freedom Foundation award for history writing.

2. Produced the 8-part "South Carolinians in World War II" series for SLETV and the three part "Man and Moment" series, also for SLETV.

3. Served on the concert committee for Southern Illinois University, booking national acts.

4. Co-chairman for the Swine Ball, fundraiser for the Nashville Tenn. symphony.



City of Cayce Potential Member Application

Application for committees, boards and commissions within the City of Cayce

Date

3/5/2024

Name

Mike Harlen

Home Address

Moss Creek Dr, CAYCE, South Carolina 29033

Phone

Email

Are you a resident of Cayce?

Yes

Number of Years

11

Do you have a business in Cayce?

No

Number of Years

Committee(s) for which you are applying

Accommodations Tax Committee

Planning Commission

Municipal Election Commission

Events Committee

Museum Commission

Cayce Beautification Foundation

Cayce Public Service Foundation

Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation?

No

If yes, specify below:

Work Address

509 Bulldog Blvd, Cayce, South Carolina 29033

Phone

(803) 936-5550

Email

mharlen@lex2.org

Work Experience

Public School Teacher (B.C and L2IC) , Small Business Owner: Residential Lawn Care - IOP, Claims Adjuster: Progressive, Bristol West, & Grayward, & Independent, (20 years).

Educational Background

MBA (Capella), MS (Southern Wesleyan) , BS (John Carroll), Certified Public School Teacher, PLTW

Certified Engineering Instructor.

Membership Information (Professional, Neighborhood and/or Civic Organizations):

NAR (National Association of Rocketry), AIAA

Volunteer Work:

After School Functions: L2IC Rocket Club, Vex Robotics competitions, Kinetic Derby

Hobbies

Model Rockets, Auto Cad, 3D printing, Laser Cutting

**For additional information please contact Mendy Corder at 803-550-9557 or email
mcorder@caycesc.gov**



CITY OF CAYCE
COMMITTEE MEMBER REAPPOINTMENT APPLICATION

Name: _____

Home Address: _____ City, State, Zip _____

Telephone: _____ E-Mail Address _____

Resident of Cayce: { Yes { No Number of Years _____

Please check the Committee for which you are applying for reappointment:

- { Accommodations Tax Committee { Beautification Foundation { Event Committee
{ Cayce Housing Authority { Museum Commission { Planning Commission
{ Consolidated Board of Appeals { Board of Zoning Appeals { Public Safety Foundation

Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation? [] Yes [] No If yes, specify below:

Work Address

Company: _____ Position _____

Address: _____

City, State, Zip _____ Telephone: _____

Fax: _____ E-Mail _____

Work Experience: _____

Educational Background: _____

Membership Information (Professional, Neighborhood and/or Civic Organizations):

Volunteer Work: _____

Hobbies: _____

Return to:
Mendy Corder, Municipal Clerk
City of Cayce, P.O. Box 2004, Cayce, SC 29171-2004
Telephone: 803-550-9557 • Fax: 803-796-9072 • mcorder@cityofcayce-sc.gov

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: May 7, 2024

Subject: Sale of City-owned portion of 800 Lexington Avenue

Issue

City Council's consideration is being requested to sell the City-owned portion of 800 Lexington Avenue.

Discussion

In September of 2017, the City purchased approximately 0.43 acres consisting of a portion of TMS 005769-04-001 at 800 Lexington Ave. This was done with the use of Tax Increment Financing (TIF) revenues and included the demolition of a portion of a derelict building that was previously burned in a fire and the remediation of any environmental issues on that portion of the property. These actions were taken to improve the health, safety and property values of the surrounding area and the nearby TIF Redevelopment Area and to clear the way for redevelopment of the remainder of the buildings on the site and the adjacent properties.

The remaining portion of 800 Lexington Avenue was purchased by its current owner. The owner of that portion is requesting to purchase the City-owned portion as described in the attached ordinance and draft Purchase and Sale Agreement.

Recommendation

Upon City Council's approval of the terms of sale, staff recommends giving first reading approval to an ordinance authorizing the sale of real property owned by the City at 800 Lexington Avenue and to authorize the City Manager to negotiate the final version of the Purchase and Sale Agreement for the property and to execute and deliver all necessary agreements, deeds, papers, instruments, certificates, and other documents as may be necessary to carry out such sale and conveyance.

**STATE OF SOUTH CAROLINA)
)
)
CITY OF CAYCE)
)**

ORDINANCE 2024-05

**AUTHORIZING SALE OF THE CITY-
OWNED PORTION OF REAL PROPERTY
AT 800 LEXINGTON AVENUE**

WHEREAS, the City is the owner of a portion of the real property that was the site of the old Cayce Grammar School located at 800 Lexington Avenue; and

WHEREAS, the City Council has determined that it is in the interest of the City to sell the property owned by the City at 800 Lexington Avenue so that the property can be developed; and

WHEREAS, S.C. Code Section 5-7-260(6) and City Code Section 2-90(6) require that the City act by ordinance to sell or contract to sell any lands of the City,

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

1. The City Council approves the sale of all of the real property owned by the City at 800 Lexington Avenue that was a portion of the site of the old Cayce Grammar School. The sale is approved on such terms as are set out in the draft Purchase and Sale Agreement attached to this Ordinance (or in the final version of an amended Agreement of substantially similar terms that will be attached to this Ordinance on final reading).

2. The City Manager is authorized to negotiate the final version of the Purchase and Sale Agreement for the property and to execute and deliver all necessary agreements, deeds, papers, instruments, certificates, and other documents as may be necessary to carry out such sale and conveyance.

This Ordinance shall take effect upon the second and final reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2024.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

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

5. TITLE AND SURVEY OBJECTIONS. Buyer, at its sole expense, shall have the right to order a current survey of the Property ("Survey"). Buyer shall notify Seller of any objections revealed by the Survey within the Inspection Period. With respect to title and survey matters, if Buyer disapproves any particular item Buyer shall provide written notice to Seller of such objections prior to the end of the Inspection Period. Seller may cure or attempt to cure Buyer's objections to such item within fifteen (15) days after Buyer's notice of disapproval but shall not be required to do so. If Seller is unable to cure or chooses not to cure any one or more of Buyer's objections, Seller shall notify Buyer within such fifteen (15) day period, and Buyer shall have five (5) days from receipt of such notice to notify Seller as to whether Buyer intends to: (i) waive the particular objection and continue under the terms of this Agreement, provided, however, that the Purchase Price shall be not reduced; or (ii) terminate this Agreement and be refunded the Earnest Money. The term "Permitted Exceptions", as used herein, shall mean (i) the title exceptions listed in Schedule B of the title commitment which Buyer approves or is deemed to approve pursuant to this Section 5; and (ii) any general exceptions and exclusions contained in the standard owner's policy that are not deleted pursuant to the delivery of a standard owner's title affidavit.
6. CLOSING/CLOSING DOCUMENTS. The closing ("Closing") shall within ten (10) business days from the expiration of the Inspection Period. At Closing, Seller agrees to convey the Property by limited warranty deed. Seller shall also provide such documents as Buyer or Buyer's title insurance company may reasonably require to issue title insurance and documents typically needed in connection with a commercial real estate closing. At Closing, Buyer agrees to pay Seller the balance of the Purchase Price in immediately available funds.
7. POSSESSION/"AS-IS" CONDITION. Seller shall deliver possession of the Property to Buyer at Closing. Buyer acknowledges and agrees that the Property is sold in its "where is, as is" condition existing at the time of Closing.
8. PRORATIONS. Seller shall pay all past due taxes, if any, applicable to the Property. Any and all real or personal property taxes and assessments, utility bills, or similar charges or credits for the year 2024 shall be prorated at Closing. Any and all roll back taxes relating to the change of use and development of the Property shall be the responsibility of Buyer.
9. CLOSING COSTS. Seller shall pay all applicable property transfer costs and Seller's attorneys' fees. Buyer shall pay the cost of the title examination, title insurance, the recording of the deed, all inspections, and Buyer's attorneys' fees.
10. BUYER'S DEFAULT. In the event of a default by Buyer, Seller may, as its sole remedy, retain the Earnest Money as liquidated damages but not as a penalty; provided, however, if Buyer shall breach any indemnification obligations of Buyer under this Contract, Seller may pursue all rights and remedies available to it at law and in equity necessary for Seller to enforce Buyer's obligation to indemnify. Buyer and Seller agree that it would be impracticable or difficult to establish damages if Buyer should default and that the amount of the Earnest Money is a reasonable, negotiated and liquidated estimation thereof.
11. SELLER'S DEFAULT. In the event of a default by Seller, Buyer may, as its sole remedy, (i) terminate this Contract by written notice to Seller, whereupon the Earnest Money shall be returned to Buyer or (ii) institute proceedings to obtain Seller's specific performance of this Contract as long as legal action commences within sixty (60) days of such default.
12. NOTICES. All notices required hereunder will be in writing and delivered by a recognized overnight courier or by certified mail, return receipt requested, postage prepaid, or hand delivered at the addresses shown below, until notification of a change of such addresses. Each party agrees that its attorney shall be authorized to deliver notices on its behalf, and each party agrees to accept notice from the other party's attorney in the same

manner as if the other party had given such notice. Notice by other methods, such as e-mail transmission, shall be valid if receipt is acknowledged in writing by the receiving party.

TO SELLER: Tracy Hegler, City Manager
1800 12th Street
Cayce, South Carolina 29033

with a copy to:

Lanneau Wm. Lambert, Jr.
Turner, Padgett, Graham & Laney, P.A.
1901 Main Street, 17th Floor
Columbia, South Carolina 29201

TO BUYER: Cypress Development Partners, LLC

13. BROKERAGE COMMISSIONS. Seller and Buyer represent to each other that neither has dealt with any brokers/agents in connection with this transaction. Buyer and Seller each agree to indemnify and hold each other harmless from any damages or causes of action which result, directly or indirectly, from a breach of the above representation. Such agreement to indemnify shall survive the termination of this Agreement or the closing of the sale and purchase contemplated by this Agreement.

14. SUCCESSORS AND ASSIGNS/ASSIGNMENT. This Agreement shall be binding upon and shall inure to the benefit of the respective parties, and to their respective successors and assigns. Buyer may not assign this Agreement without the prior written consent of Seller.

15. ENTIRE AGREEMENT; MODIFICATIONS; COUNTERPARTS. This Agreement constitutes the entire and complete agreement between the parties hereto and supersedes any prior oral or written agreements between the parties with respect to the Property. It is expressly agreed that there are no verbal understandings or agreements which in any way change the terms, covenants and conditions herein set forth, and that no modification of this Agreement, and no waiver of any of its terms and conditions shall be effective unless made in writing and duly executed by the parties hereto. This Agreement may be signed in counterparts. The parties intend that facsimile and scanned signatures shall constitute original signatures and that a facsimile or scanned copy of this Agreement or any document to be executed and delivered pursuant to this Agreement, containing the signature of each party shall be binding upon the parties hereto.

16. BINDING EFFECT. All covenants, agreements, warranties and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective successors and assigns.

17. CAPTIONS. The section headings or captions appearing in this Agreement are for convenience only, are not part of this Agreement, and are not to be considered in interpreting this Agreement.

18. SEVERABILITY. If any provision of this Agreement is held to be illegal, invalid or unenforceable (the "Offending Provision"), the Offending Provision shall be fully severable; this Agreement shall be construed and enforced as if the Offending Provision had never comprised a part of this Agreement; and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the Offending Provision or by its severance from this Agreement. Furthermore, in lieu of the Offending Provision, there shall be

added automatically as part of this Agreement, a provision as similar in terms to the Offending Provision as may be possible and be legal, valid and enforceable.

19. NO ADVERSE PRESUMPTION. The parties acknowledge that this Agreement arose as the result of arms-length negotiations between them and that this Agreement is the product of input by both parties. Accordingly, any ambiguity or uncertainty is not to be construed against either party.

20. TIME OF THE ESSENCE. Time shall be of the essence with respect to all provisions of this Agreement.

21. CONTROLLING LAW. This Agreement shall be governed, enforced and construed in accordance with the laws of the State of South Carolina and the parties hereto specifically agree to submit to and be bound by the jurisdiction of the courts, either federal or state, of the State of South Carolina. Venue for any action brought to enforce this Agreement shall lie in Lexington County, South Carolina.

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SIGNATURE PAGE FOLLOWS

SIGNATURE PAGE OF PURCHASE AND SALE AGREEMENT

IN WITNESS WHEREOF, Seller and Buyer have executed the foregoing Agreement as of the Effective Date.

BUYER:

CYPRESS DEVELOPMENT PARTNERS, LLC

Witness
May __, 2024

By: _____
Print Name: _____
Title: _____

SELLER:

CITY OF CAYCE

Witness
May __, 2024

By: _____
Tracy Hegler, City Manager

EXHIBIT A

Escrow Provisions

1. In performing any of its duties hereunder, Escrow Agent shall not incur any liability to anyone for any damages, losses, or expenses in connection with its actions as Escrow Agent including, without limitation, (i) any action taken or omitted upon advice of its legal counsel given with respect to any questions relating to the duties and responsibilities of Escrow Agent under this agreement; (ii) any action taken or omitted in reliance upon any instrument, including any written notice or instruction provided for in this agreement; or (iii) any loss or delay caused by or due to the bank in which the escrowed funds are deposited. Escrow Agent may rely upon any instrument pursuant to clause (ii) in the preceding sentence as being duly executed, valid, and effective, and as containing accurate information and genuine signatures.

2. In the event of a dispute between Seller and Buyer arising prior to or at the time of the delivery or other disposition of the Earnest Money by Escrow Agent pursuant hereto, which dispute shall be sufficient, in the sole discretion of Escrow Agent, to justify its doing so, Escrow Agent shall be entitled to tender the Earnest Money into the registry or custody of any court of competent jurisdiction, together with such legal pleadings as it may deem appropriate, and thereupon Escrow Agent shall be discharged from all further duties and liabilities under this agreement. Any such legal action may be brought in such court as Escrow Agent shall determine to have jurisdiction thereof. Escrow Agent's determination of whether a dispute exists between Seller and Buyer shall be binding and conclusive upon all parties hereto, notwithstanding any contention that no dispute exists. All costs and expenses incurred by Escrow Agent in taking any action pursuant to this paragraph shall be covered by and paid pursuant to the indemnification of Escrow Agent contained in the following paragraph.

3. Buyer and Seller shall, and do hereby, jointly and severally indemnify, defend, and hold Escrow Agent harmless from, against, and in respect of: (i) any and all demands, judgments, expenses, costs, losses, injuries, or claims of any kind whatsoever whether existing on the date hereof or hereafter arising, incurred by Escrow Agent by reason of, from, or in connection with this agreement or any action taken or not taken by Escrow Agent under or in connection with this agreement; and (ii) any and all counsel fees, expenses, disbursements of counsel, amounts of judgments, demands, assessments, costs, fines, or penalties, and amounts paid in compromise or settlement, incurred or sustained by Escrow Agent by reason of, in connection with, or as a result of any claim, demand, action, suit, investigation, or proceeding (or any appeal thereof or relating thereto or other review thereof) incident to the matters covered by the immediately preceding clause (i).

4. If Escrow Agent shall notify Seller and Buyer of its desire to be relieved of any further duties and liabilities hereunder, then Escrow Agent shall deliver the Earnest Money to a successor escrow agent designated by Seller and Buyer. If Seller and Buyer shall fail to agree upon and designate a successor escrow agent within ten (10) days after having been requested by Escrow Agent to do so, then Escrow Agent shall in its discretion designate the successor escrow agent. The successor escrow agent designated by Seller and Buyer or by Escrow Agent, as the case may be, shall be a bank or trust company having trust powers in good standing and located in Columbia, South Carolina, and shall agree to be bound by all the terms and conditions of this agreement. Immediately upon agreement by the successor escrow agent to be bound by all the terms and conditions of this agreement, the original Escrow Agent shall be relieved of any and all duties and liabilities under or in connection with this agreement; provided, however, that no successor escrow agent shall assume any liability for the acts or omissions of its predecessor escrow agent(s) hereunder.

5. The agency created in Escrow Agent hereby is coupled with an interest of Seller and Buyer and shall be binding upon and enforceable against the respective heirs, successors, legal representatives and assigns of Seller and Buyer. This escrow shall not be revoked or terminated by reason of the death, incompetency, dissolution, or liquidation of Seller or Buyer, but shall continue to be binding upon and enforceable against the respective heirs, successors, legal representatives and assigns of Seller and Buyer in the manner provided herein.

In the event of the death, incompetency, dissolution, or liquidation of Seller or Buyer, Escrow Agent may rely and act upon any notices permitted or required to be given hereunder from any person, firm, partnership, or corporation believed by Escrow Agent in good faith to be the heir, successor, legal representative or assign of such dissolved or liquidated party.

6. The address for the receipt of notices and other communications by Escrow Agent hereunder is as follows:

Turner Padget Graham & Laney, P.A.
Attn: Lanneau Wm. Lambert, Jr., Esquire
1901 Main Street, Suite 1700
Columbia, SC 29201
Telephone: 803-227-4248
Email: llambert@turnerpadget.com

7. Buyer hereby expressly consents to Escrow Agent's acting both as legal counsel for Seller and as Escrow Agent hereunder, including, without limitation, in connection with any dispute regarding the disbursement of the Earnest Money hereunder.

Memorandum

To: Mayor and Council
From: Tracy Hegler, City Manager
Date: May 7, 2024
Subject: Municipal Prosecutor

Issue

City Council's approval is needed to enter a contract to fill the vacant Municipal Prosecutor's Position.

Discussion

The City of Cayce recently had a vacancy with one of our two Prosecutor positions. The Municipal Court needs to have both positions due to the current docket.

The City has received an interested candidate who comes to us with extensive experience as a trial lawyer (See Attached Resume). This level of experience will allow the prosecutor to immediately assist the Municipal Court with its current docket without any delays. Upon approval from Council, Thomas Scott can begin with his prosecutorial duties immediately.

Recommendation

Staff and City Attorney Danny Crowe request Council's approval to accept Mr. Thomas Scott for the vacant City Prosecutor's position.

Thomas Bruce Scott, III

EXPERIENCE

First Circuit Solicitor's Office; Orangeburg, SC

Deputy Solicitor / First Assistant Solicitor January 2005 – Present

- Prosecuted more than 7,500 cases, including over 65 murder defendants
- Manage the day-to-day operations of the Orangeburg County Solicitor's Office, including the supervision of 6 attorneys and 15 support staff
- Responsible for the financial integrity of multiple operating and trust accounts
- Primary point of contact for local, state, and federal law enforcement agencies seeking guidance and assistance during criminal investigations
- Served as faculty member on multiple occasions for the SC Commission on Prosecution Coordination's statewide training program for new prosecutors

Strom Law Firm, LLC; Columbia, SC

Attorney January 2003 – December 2004

- Represented clients in federal, state, and magistrate/municipal courts
- Assisted with civil cases, including the development of class-action lawsuits

Fifth Circuit Solicitor's Office; Columbia, SC

Assistant Solicitor May 1999 – December 2002

- Prosecuted criminal cases in General Sessions Court, Family Court and Magistrates Court
- Conducted jury trials, bench trials, and represented the State of South Carolina in other courtroom proceedings, such as plea hearings and motion hearings.

Thirteenth Circuit Solicitor's Office; Greenville, SC

Assistant Solicitor August 1998 – May 1999

- Began my career prosecuting cases involving misdemeanors and low-level felonies
- Conducted multiple jury trials, mostly in magistrates court

EDUCATION

University of South Carolina; Columbia, SC

J.D. Degree, May 1998

Honors: Articles Editor, ABA Real Property, Probate and Trust Journal

University of Florida; Gainesville, FL

B.S. Degree, Journalism, December 1994

Honors: Dean's List; Hugh Cunningham Applied Journalism Award

of law as provided by the Supreme Court of South Carolina, the South Carolina Rules of Professional Conduct and the South Carolina Bar, and shall, at all times, be a member in good standing of the South Carolina Bar and meet all requirements for practice as an attorney in the courts of this State. Further, the City Prosecutor shall, at all times, maintain his own professional liability (malpractice) insurance, either individually or through a company with no exclusions applicable to service as City Prosecutor.

- 5. This Contract constitutes the entire understanding of 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.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, on this ____ day of May, 2024.

WITNESSES AS TO CITY:

CITY OF CAYCE

By: _____
Name: Tracy Hegler
Its: City Manager

WITNESSES AS TO CITY
PROSECUTOR:

CITY PROSECUTOR

Print Name: _____