

Mayor
Elise Partin

Mayor Pro-Tem
Tara S. Almond

Council Members
Phil Carter
Eva Corley
James E. Jenkins

City Manager
Tracy Hegler

Assistant City Manager
James E. Crosland



**City of Cayce
Special Council Meeting
Tuesday, August 11, 2020 at 5:00 p.m.**

**Cayce City Hall is currently closed to the public.
Please use the following method to attend the Council Meeting:**

Telephone: 1-929-205-6099

Meeting ID: 821 0843 0552

Passcode: 346835

caycesc.gov

I. Call to Order

A. Invocation and Pledge of Allegiance

II. Public Comment Regarding Items on the Agenda

Special Note: Anyone wishing to speak to Council about an item not on the agenda will need to call the City Clerk at 803-550-9557 by 12:00 p.m. the Friday prior to the Council Meeting. Anyone wishing to speak on an item on the Agenda will need to call the City Clerk at 803-550-9557 by 11:00 a.m. the day of the Council Meeting.

III. Proclamations and Ordinances

A. Approval of Proclamation – Declaring the City of Cayce a Purple Heart City

B. Discussion and Approval of Ordinance 2020-24 Amending the Zoning Ordinance Article 7 Conditional Use & Special Exception Regulations Section 7.1 and 7.2 to Add Language Concerning New Regulations on Townhouse Projects and Patio and Zero Lot Line Projects – Second Reading

C. Discussion and Approval of Ordinance 2020-25 Amending Section 2-121 of the City Code Concerning Reimbursement by Council Members of City Expenses for Premiums in any City-Provided Health Insurance Program – Second Reading

D. Discussion and Approval of Ordinance 2020-27 Authorizing and Implementing a Water Rate Classification for Users in Saxe Gotha Industrial Park – First Reading

E. Discussion and Approval of Ordinance 2020-28 Approving and Ratifying a First Amendment to an Intergovernmental Agreement with Lexington County Concerning Participation in the City's TIF Plan – First Reading

IV. Discussion Item

- A. Ratification and Approval of Mayor's Signing of First Amendment to Intergovernmental Agreement with Lexington County Concerning TIF Revenues

V. City Manager's Report

VI. Council Comments

VII. Executive Session

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege

VIII. Reconvene

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

X. Adjourn

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

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PROCLAMATION

WHEREAS, the City of Cayce, South Carolina has always supported its military veteran population; and

WHEREAS, the Purple Heart is the oldest decoration in present day use and was initially created as the Badge of Military merit by George Washington in 1782; and

WHEREAS, the Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to any member of the United States Armed Forces wounded or killed in combat with a declared enemy of the United States; and

WHEREAS, the mission of the Military Order of the Purple Heart chartered by an act of Congress, is to foster an environment of goodwill among the combat wounded veteran members and the families, promote patriotism, support legislative initiatives and most importantly make sure we never forget; and

WHEREAS, the City of Cayce appreciates the sacrifices the Purple Heart recipients made in defending our freedoms and believe it is important that we acknowledge them for their courage and show them the honor and support they have earned.

THEREFORE, BE IT RESOLVED that I, Elise Partin, Mayor of the City of Cayce, South Carolina, along with fellow members of the Cayce City Council, do hereby proclaim the City of Cayce as a Purple Heart City and encourage the citizens of Cayce to show their appreciation for the sacrifices the Purple Heart Recipients have made in defending our freedoms.

Dated this 4th day of August 2020.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, CMC, Municipal Clerk

Memorandum

To: Mayor and Council

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

Date: August 7, 2020

Subject: Second Reading of an Ordinance Amending the Zoning Ordinance Article 7 Conditional Use & Special Exception Regulations Section 7.1 and 7.2 to Add Language Concerning New Regulations on Townhouse Projects and Patio and Zero Lot Line Projects

Issue

Council approval is needed for the Second Reading of an Ordinance amending the Zoning Ordinance Article 7 Conditional Use & Special Exception Regulations Section 7.1 and 7.2 to add language concerning new regulations on townhouse projects and patio and zero lot line projects

Discussion

Cayce's recently completed Housing Study provided valuable information on the current state of Cayce's housing and where some regulatory improvements could be made to better fit the community. The study made several zoning recommendations, including exploring options for residential design guidelines. It also noted that many more single people are moving to Cayce and will be seeking smaller homes with less land to maintain, like townhouses and patio homes.

In anticipation of this type of housing unit coming to Cayce, staff drafted a text amendment that would add some design standards to ensure that townhouses and patio homes maintain a quality appearance that is in keeping with or improves on the appearance of the existing houses in Cayce. These include requiring a front porch, first floor built two (2) feet above grade, restrictions on the type of siding, and garages setback from the front of the house or less than 20% of the width of the home's façade. Since the first reading, the text amendment has been revised to add fiber cement board as a preferred exterior finish for both townhouses and patio homes.

Recommendation

The Planning Commission recommends Council approve Second Reading of an Ordinance amending Article 7 Conditional Use & Special Exception Regulations Sections 7.1 and 7.2 to add

language concerning new regulations on townhouse projects and patio and zero lot line projects.

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

ORDINANCE 2020-24
Amending the Zoning Ordinance Article
7 Conditional Use & Special Exception
Regulations Sections 7.1 and 7.2 to Add
Language Concerning New Regulations
on Townhouse Projects and Patio and
Zero Lot Line Projects

WHEREAS, Council has determined that it is in the best interest of the public to amend Sections 7.1 and 7.2 of Zoning Ordinance Article 7 Conditional Use & Special Exception Regulations to add language concerning new regulations on townhouse projects and patio and zero lot line projects; and

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

WHEREAS, the Planning Commission met on July 20, 2020, to review public comments and vote on recommending proposed amendments to Sections 7.1 and 7.2 of Article 7 Conditional Use & Special Exception Regulations of the Cayce Zoning Ordinance, and voted to recommend an 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 Sections 7.1 and 7.2 of Article 7 Conditional Use & Special Exception Regulations of the Cayce Zoning Ordinance is hereby amended as shown on the attached document.

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

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2020.

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 7.1 Townhouses

Due to the unique design features of townhouses, the dimensional requirements of Table 3 are hereby waived and the following design requirements imposed for all such projects:

- (1) Such projects shall have a minimum of 0.5 acres.
- (2) Not more than eight (8) nor fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
- (3) Side yard setbacks at the end unit shall be five (5) feet.
- (4) Rear yard setbacks shall be 15 feet.
- (5) Minimum lot width shall be 18 feet.
- (6) Sidewalks not less than five (5) feet in width shall be provided along the front property line of each project, building.
- (7) Maximum height of buildings shall not exceed 35 feet.
- (8) Front yard setbacks may extend to within 10 feet of the front property line.
- (9) Rear yards shall be enclosed by a six-foot wall or fence, unless used for parking, and may include one accessory building no greater than 500 square feet in GFA.

(10) Roof

- a. Must be sloped with a pitch that is no flatter than six (6) units of vertical rise to twelve (12) units of horizontal run or as appropriate to the architectural style of the structure and approved by the Planning Director.
- b. Architectural features, at least one (1) of the following:
 - i. At least one (1) dormer facing the street. If only one (1) dormer is included, it shall be located in the center third (horizontally) of the front elevation. If more than one (1) dormer is provided, at least two (2) dormers not less than four (4) feet wide must be provided on the front elevation
 - ii. A gable end, or gabled end of a roof projection, facing the street
 - iii. A shed dormer facing the street.
- c. Eaves: Must project from the building wall at least twelve (12) inches, measured horizontally, on the front and side elevations.

(11) Foundation

- a. The ground level of the first floor, including the lowest elevation of the front façade, shall be elevated not less than two (2) feet above the grade of the finished lot measured at the front façade.
- (12) Exterior finish-
- a. Modular masonry unit material (brick, architectural block, fiber cement board) are preferred. Vinyl siding, plain smooth concrete block, plain smooth concrete, corrugated metal, plywood, and sheet pressboard are prohibited.
- (13) Front Porch required
- a. Shall be covered by a solid roof. The front porch roof shall not be located more than twelve (12) feet above the floor of the porch.
 - b. The covered area provided by a porch must be at least sixty-three (63) square feet in area and a minimum of nine (9) feet wide.
- (14) Garages
- a. Generally
 - i. Garages shall either be set back from the face of the building, detached or facing the side or rear lot line (side or rear loading garage), consistent with the standards established below. A wall of a detached or side or rear loading garage may not be closer to the front (street) lot line than the front of the porch.
 - b. Detached garages are permitted as an accessory structure.
 - c. Street-facing garage walls
 - i. The length of that portion of a garage wall facing the street shall not exceed twenty percent (20%) of the length of the building façade that faces the street.
 - ii. Garage doors may not exceed eighty (80) square feet in area.
 - iii. On corner lots, only one (1) street-facing garage wall must meet this standard.
 - d. Street lot line setbacks
 - i. A garage wall that faces a street shall be located at least ten (10) feet behind the plane of the front façade.
 - ii. A street-facing garage wall may be closer to or even with the front façade, where:
 - 1. The length of the street-facing garage wall is less than twenty percent (20%) of the length of the building façade;
and
 - 2. The interior living area is located above the garage.

Section 7.2 Patio and Zero Lot Line Housing

Due to the unique design features of patio and zero lot line housing, the dimensional requirements of Table 3 are hereby waived and the following requirements imposed on all such projects:

- (1) Such projects shall have a minimum of 1.5 acres.
- (2) Minimum lot area shall be 3,000 square feet per unit.
- (3) Minimum lot width shall be 40 feet.
- (4) Maximum height of buildings shall not exceed 35 feet.
- (5) Where a unit is to be constructed at or on the property line, a five-foot private maintenance easement shall be provided on the adjoining lot.
- (6) At least one side yard extending not less than five (5) feet from the property line shall be provided. Where a second side yard is provided, though not required, it too shall have a minimum width of five (5) feet.
- (7) The side yard for the exterior units shall be 5.
- (8) Rear yard setbacks shall be not less than 10 feet.
- (9) Front yard setbacks shall be 25 feet.

(10) Roof

- a. Must be sloped with a pitch that is no flatter than six (6) units of vertical rise to twelve (12) units of horizontal run or as appropriate to the architectural style of the structure and approved by the Planning Director.
- b. Architectural features, at least one (1) of the following:
 - i. At least one (1) dormer facing the street. If only one (1) dormer is included, it shall be located in the center third (horizontally) of the front elevation. If more than one (1) dormer is provided, at least two (2) dormers not less than four (4) feet wide must be provided on the front elevation
 - ii. A gable end, or gabled end of a roof projection, facing the street
 - iii. A shed dormer facing the street.
- c. Eaves: Must project from the building wall at least twelve (12) inches, measured horizontally, on the front and side elevations.

(11) Foundation

- a. The ground level of the first floor, including the lowest elevation of the front façade, shall be elevated not less than two (2) feet above the grade of the finished lot measured at the front façade.

(12) Exterior finish-

- a. Modular masonry unit material (brick, architectural block, fiber cement board) are preferred. Vinyl siding, plain smooth concrete block, plain

smooth concrete, corrugated metal, plywood, and sheet pressboard are prohibited.

(13) Front Porch required

- a. Shall be covered by a solid roof. The front porch roof shall not be located more than twelve (12) feet above the floor of the porch.
- b. The covered area provided by a porch must be at least sixty-three (63) square feet in area and a minimum of nine (9) feet wide.

(14) Garages

a. Generally

- i. Garages shall either be set back from the face of the building, detached or facing the side or rear lot line (side or rear loading garage), consistent with the standards established below. A wall of a detached or side or rear loading garage may not be closer to the front (street) lot line than the front of the porch.

b. Detached garages are permitted as an accessory structure.

c. Street-facing garage walls

- i. The length of that portion of a garage wall facing the street shall not exceed twenty percent (20%) of the length of the building façade that faces the street.
- ii. Garage doors may not exceed eighty (80) square feet in area.
- iii. On corner lots, only one (1) street-facing garage wall must meet this standard.

d. Street lot line setbacks

- i. A garage wall that faces a street shall be located at least ten (10) feet behind the plane of the front façade.
- ii. A street -facing garage wall may be closer to or even with the front façade, where:
 - 1. The length of the street-facing garage wall is less than twenty percent (20%) of the length of the building façade;
 - and
 - 2. The interior living area is located above the garage.

STATE OF SOUTH CAROLINA	)	ORDINANCE 2020-25
	)	Amending Section 2-121 of the City
COUNTY OF LEXINGTON	)	Code Concerning Reimbursement by
	)	Council Members of City Expenses
CITY OF CAYCE	)	for Premiums in any City-Provided
	)	Health Insurance Program

WHEREAS, S.C. Code section 5-7-170 provides that Council, acting by ordinance, may determine the salary of Council members and may prescribe limitations on payment of expenses of Council members; and

WHEREAS, changes in the application to the City of State law concerning the participation of City employees in the State health insurance program have resulted in a requirement that Council members be treated as City employees for purposes of the offer and availability of such health insurance for which the City, as the employer, pays a portion of the premiums; and

WHEREAS, the Council wishes to limit the unreimbursed expenditure of public monies for the City-paid portion of health insurance premiums for any participating Council members,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that Section 2-121 ("Compensation") of Division 1 ("Generally") of Article III ("Officers and Employees") of Chapter 2 ("Administration") of the City Code is hereby amended as follows:

1. The first sentence of the current Section 2-121 shall be designated as subsection (a) of Section 2-121.
2. A subsection (b) shall be added to Section 2-121 to read:

(b) Council members shall reimburse the City on a monthly basis, effective with the beginning of calendar year 2020, for the employer portion of premiums paid by the City for any City-provided health insurance program in which the member elects to participate. Council members shall be ineligible to participate if all reimbursements owed have not been paid in full to the City by the date of open enrollment each year.

This Ordinance shall become effective upon Council approval on second reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2020.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

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

STATE OF SOUTH CAROLINA	)	ORDINANCE 2020-27
	)	Authorizing and Implementing a Water Rate
COUNTY OF LEXINGTON	)	Classification for Users in Saxe Gotha Industrial
	)	Park
CITY OF CAYCE)	

The City Council of the City of Cayce (the “**Council**”), the governing body of the City of Cayce, South Carolina (the “**City**”), has made the following findings of fact:

WHEREAS, the City is a municipal corporation of the State of South Carolina, and as such possesses all general powers granted by the Constitution and statutes of the State to such public entities, including the power to operate its combined water and sewer system (collectively, the “**System**”); and

WHEREAS, Section 40-65 of the City Code of Ordinances provides that the City is authorized to prescribe bimonthly rates and charges of service for customers being served by the System; and

WHEREAS, economic development is a valid public purpose for local government entities in the State; and

WHEREAS, the City has established an economic development mission “[t]o maintain and expand the City[’s] ...role as a location for economic growth and to benefit the City and its residents through the creation of new jobs and expansion of the tax base”; and

WHEREAS, in many cases, the cost of water services is an important component of industrial operations, and the ability to provide water service at economically advantageous rates can be an important element in attracting new industrial investment and encouraging annexation into the City; and

WHEREAS, in keeping with its mission, and based on discussions with economic development officials in the region, and for other considerations set out below, the City has determined that it now wishes to promote industrial usage of the System within the Saxe Gotha Industrial Park I and II, which is located outside of the corporate boundaries of the City as more particularly shown on the maps attached hereto as Exhibit A; and

WHEREAS, the City, in August 2020, entered into that certain Intergovernmental Agreement with the County of Lexington, the terms of which are incorporated by this reference, containing agreements by and between the parties that are contingent on the creation of a water rate class for Saxe Gotha Industrial Park I and II; and

WHEREAS, on the basis of the foregoing, the Council has determined to enact a separate rate classification for water users physically located in Saxe Gotha Industrial Park,

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

Section 1 Recitals

Each finding or statement of fact set forth in the recitals hereto has been carefully examined and has been found to be in all respects true and correct.

Section 2 Saxe Gotha Industrial Park Rate Class

A. The City hereby creates, authorizes, and implements a water rate classification to be known as the "Saxe Gotha Industrial Park Rate Class." Any water customer physically located within Saxe Gotha Industrial Park I and II, as more particularly shown on the maps attached hereto as Exhibit A, shall receive a reduction from the out-of-city rate for its water usage within Saxe Gotha Industrial Park I and II as follows:

<u>Monthly Volumetric Usage*</u>	<u>Reduction from Out of City Water Rate**</u>
0-499,999 GPM***	0%
500,000-999,999 GPM	12.5%
1,000,000-1,999,999 GPM	25%
2,000,000-5,999,999 GPM	37.5%
6,000,000- 6,999,999 GPM	25%
7,000,000 and above	0%

* "Monthly volumetric usage" shall be determined by reference to actual bimonthly usage divided by 2 as determined by the City.

** The reduced rates shown begin from the initial amount of gallons used, except for the tier for 7,000,000 and above GPM for which the reduced rate of 0% shown applies only for usage in that tier.

*** "GPM" means gallons per month.

B. The Saxe Gotha Industrial Park Rate Class shall not apply to raw water used or transported or otherwise conveyed outside of Saxe Gotha Industrial Park I and II, and entitlement to the rate established by this Ordinance shall not be transferred or assigned by a customer to another entity without the express written consent of the City.

C. The City acknowledges the agreements contained in the Intergovernmental Agreement referenced above, including its agreement, subject to certain contingencies and performances by Lexington County, as to maintaining the relationship of in-City and out-of-City rates and maintaining the rate reduction percentages for the Saxe Gotha Industrial Park Rate Class if out-of-City rates are increased. Nevertheless, the Council fully reserves its rights under the Intergovernmental Agreement, its rights as the owner of the System, and its rights otherwise granted or arising by law, to act by future ordinance, at the discretion of the Council, to amend, supplement, modify, change or terminate the terms of this Ordinance and the Saxe Gotha Industrial Park Rate Class. In recognition of the possibility of future changes, no customer shall rely upon the continuance of, or claim any detrimental reliance upon, the existence of the Saxe Gotha Industrial Park Rate Class described in this Ordinance.

Section 3 Severability

If any one or more of the provisions this Ordinance should be contrary to law, then such provision shall be deemed severable from the remaining provisions, and shall in no way affect the validity of the other provisions of this Ordinance.

Section 4 Repeal of Inconsistent Ordinance Provisions

All ordinances, resolutions or parts of any ordinances or resolutions inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency.

Section 5 Effective Date

The Saxe Gotha Industrial Park Rate Class shall become effective, as described in the Intergovernmental Agreement between the City and the County referenced above, upon enactment by the County of Lexington of Amendment 1 to the 2017 TIF Intergovernmental Agreement.

DONE IN MEETING DULY ASSEMBLED, this ____ day of _____, 2020.

Elise Partin, Mayor

ATTEST:

Mendy C. Corder, Municipal Clerk

First Reading: _____,2020

Second Reading and Enactment: _____, 2020

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

TYPE DEVELOPMENT: COMMERCIAL - INDUSTRIAL PARK
PARCEL 1 = 59.59 ACRES
PARCEL 3 = 63.37 ACRES
PARCEL 6 = 8.99 ACRES
PARCEL 7 = 7.80 ACRES
PARCEL 8 = 3.92 ACRES
PARCEL 9 = 5.05 ACRES
PARCEL 10 = 77.11 ACRES
PARCEL 12 = 25.09 ACRES
PARCEL 13 = 1.66 ACRES
PARCEL 14 = 5.22 ACRES
PARCEL 15 = 1.95 ACRES
WIRE ROAD = 2.19 ACRES 879.28 L.F.
12TH STREET EXT. = 23.17 ACRES 8658.31 L.F.
TOTAL = 286.11 ACRES

TELEPHONE PROVIDER: AT&T
CONSTRUCTION AND ENGINEERING
1600 WILLIAMS STREET
COLUMBIA, SOUTH CAROLINA 29201
CONTACT: MR. MATTHEW VARGO
TELEPHONE NO.: (803) 401-2240
MOBILE NO.: (803) 445-8703
EMAIL: MV0296@ATT.COM
CITY OF CAYCE
1800 12TH STREET
CAYCE, SOUTH CAROLINA 29033
CONTACT: MR. BLAKE BRIDWELL (DIRECTOR OF UTILITIES)
TELEPHONE NO.: (803) 796-9020
FAX NO.: (803) 739-5386
EMAIL: BRIDWELL@CITYOF-CAYCE-SC.GOV
CONTACT: MS. KARALYN MISKIE (CITY ENGINEER)
TELEPHONE NO.: (803) 550-9515
EMAIL: KMISKIE@CITYOF-CAYCE-SC.GOV

NATURAL GAS: SOUTH CAROLINA ELECTRIC AND GAS (SCE&G)
SOUTH CAROLINA ELECTRIC AND GAS
100 SCANA PARKWAY
CAYCE, SOUTH CAROLINA 29033
CONTACT: MR. AL BRAZELL
MOBILE NO.: (803) 206-0640
OFFICE NO.: (803) 217-9028
EMAIL: RBRAZELL@SCANA.COM
CONTACT: MR. PORTER JOHNSON, P.E. (MANAGER, ENGINEERING & CONSTRUCTION)
OFFICE NO.: (803) 217-6145
MOBILE NO.: (803) 315-8524
FAX NO.: (803) 935-8944
EMAIL: RPJOHNSON@SCANA.COM

Special Notes:

- 1. Regardless of minimum building setbacks, no structure or related mechanical equipment shall encroach upon any designated easement without the express written permission of the easement holder.
2. Storm drainage easements are centered on installed storm drainage features.
3. Storm drainage and roads to be maintained by Lexington County.
4. Sidewalks to be maintained by Lexington County or other designated entity (per county engineer).
5. All new development must be permitted by zoning and landscape.
6. Private setback requirements will be incorporated in the declaration of covenants, conditions and restrictions and the design guidelines.
7. There shall be no clearing, grading, construction or disturbance of vegetation within the water quality buffers except as permitted by the PW/SWD.
8. Detention ponds to be dedicated to Lexington County.
9. Pins not labeled are iron pin set.

General Notes:

- 1. Easement locations shown are approximate.
2. Boundary survey is based on existing physical evidence and existing conditions observed on date of survey.
3. This survey was performed without the benefit of title examination by an attorney.
4. Property may be subject to recorded or unrecorded easements, restrictions and or right of way not shown.
5. Individual power poles, guy wires and power lines may be subject to easements.
6. Locations of underground utilities not shown, are known locations.
7. By graphical plotting only, a portion of this site is in a Zone "AE", PER F.I.R.M. 45063C2910, Dated February 3, 2002.
8. No improvements surveyed at this time.
9. Pins not labeled are 1/2" rebar set.
10. Wetlands on Parcel 3 shown by dashed line.

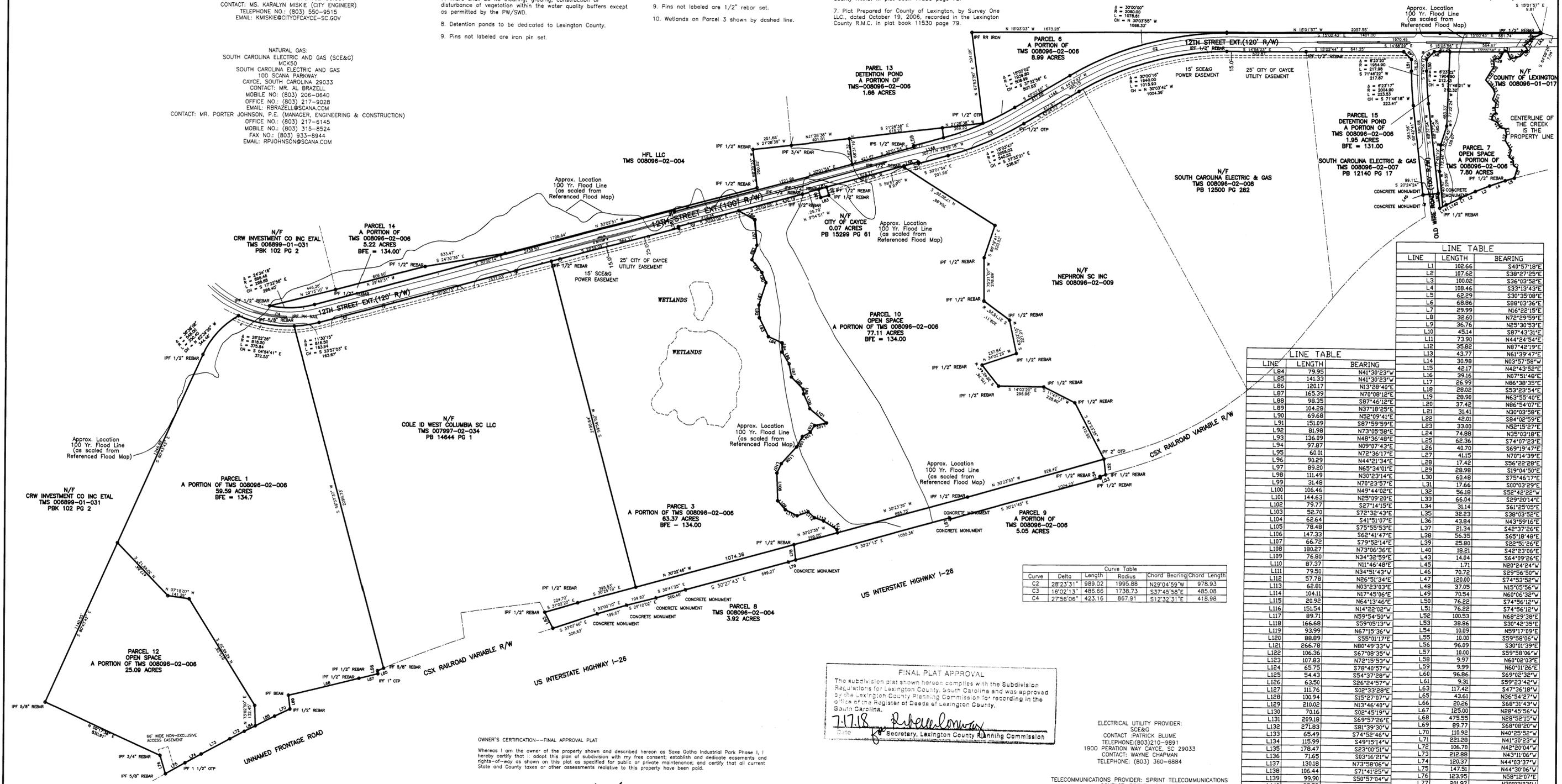
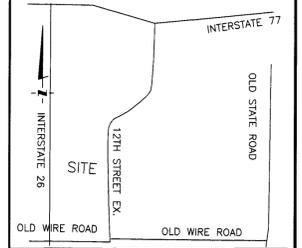
References:

- 1. Tax map #008096-02-006
2. Plat Prepared for County of Lexington, by Survey One LLC, dated October 19, 2006, recorded in the Lexington County R.M.C. in plot book 11530 page 74.
3. Plat Prepared for County of Lexington, by Survey One LLC, dated October 19, 2006, recorded in the Lexington County R.M.C. in plot book 11530 page 75.
4. Plat Prepared for County of Lexington, by Survey One LLC, dated October 19, 2006, recorded in the Lexington County R.M.C. in plot book 11530 page 76.
5. Plat Prepared for County of Lexington, by Survey One LLC, dated October 19, 2006, recorded in the Lexington County R.M.C. in plot book 11530 page 77.
6. Plat Prepared for County of Lexington, by Survey One LLC, dated October 19, 2006, recorded in the Lexington County R.M.C. in plot book 11530 page 78.
7. Plat Prepared for County of Lexington, by Survey One LLC, dated October 19, 2006, recorded in the Lexington County R.M.C. in plot book 11530 page 79.

DEVELOPER INFORMATION:

OWNER: COUNTY OF LEXINGTON
CONTACT: JOE MERGO, III (COUNTY ADMINISTRATOR)
ADDRESS: 212 SOUTH LAKE DRIVE
CITY, STATE: LEXINGTON, SOUTH CAROLINA 29072-3437
TELEPHONE: (803) 785-8100
FAX: (803) 785-8101
EMAIL: JMERGO@LEX-CC.COM

2818631443 FILED, RECORDED, INDEXED
8/11/2018 16:11:43:08
RED FEE: \$18.00 ST FEE: \$8.00
CD FEE: \$8.00 PAGES: 1
LEXINGTON COUNTY, S.C., Tina Guerry
PLAT OVERSIZED 8x11 28



LINE TABLE with columns: LINE, LENGTH, BEARING. Lists lines L1 through L15 with their respective measurements.

LINE TABLE with columns: LINE, LENGTH, BEARING. Lists lines L84 through L147 with their respective measurements.

Curve Table with columns: Curve, Delta, Length, Radius, Chord Bearing, Chord Length. Lists curves C2, C3, and C4.

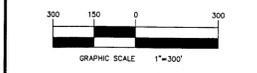
FINAL PLAT APPROVAL
The subdivision plat shown hereon complies with the Subdivision Regulations for Lexington County, South Carolina and was approved by the Lexington County Planning Commission for recording in the office of the Register of Deeds of Lexington County, South Carolina.
7/16/18 [Signature] Secretary, Lexington County Planning Commission

ELECTRICAL UTILITY PROVIDER: SCE&G
CONTACT: PATRICK BLUME
TELEPHONE: (803)310-8991
1900 PERATION WAY CAYCE, SC 29033
CONTACT: WAYNE CHAPMAN
TELEPHONE: (803) 360-6884

TELECOMMUNICATIONS PROVIDER: SPRINT TELECOMMUNICATIONS
CONTACT: BRENT MCCOLLAR
ADDRESS: 1500 HAMPTON STREET SUITE 101
COLUMBIA, SC 29203
TELEPHONE: (803)466-7269

OWNER'S CERTIFICATION--FINAL APPROVAL PLAT
Whereas I am the owner of the property shown and described hereon as Saxe Gottha Industrial Park Phase I, I hereby certify that I adopt this plan of subdivision with my free consent; establish and dedicate easements and rights-of-way as shown on this plat as specified for public or private maintenance; and certify that all current State and County taxes or other assessments relative to this property have been paid.

7/16/18 JOE MERGO, III
COUNTY ADMINISTRATOR [Signature]



Revised May 18, 2018 per county comments.
Revised June 22, 2018 per county comments.

I hereby state that to the best of my professional knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class "A" survey as specified in said manual; also there are no visible encroachments or projections other than shown.
RUSSELL S. OWENS
S.C. Registered Land Surveyor No. 19404

PROJECT MANAGER: TSK MAP
TASK MAP: 008096-02-006
DRAWN BY: JG,RO
PROJECT DATE: 12/12/17
FILED NUMBER: 11146B
FILE NAME: 11146B.DWG

SURVEY ONE, LLC
601 NORTHWOOD ROAD, SUITE C
LEXINGTON, SOUTH CAROLINA 29072
PHONE (803) 808-2300 CELL (803)413-9847
SURVEYONE@WINDSTREAM.NET

Table with columns: DESCRIPTION, NUMBER. Includes entries for FIELD BOOK, REVISION, and MARCH 29, 2018.



PREPARED FOR
COUNTY OF LEXINGTON
LEXINGTON COUNTY, SOUTH CAROLINA

FINAL PLAT OF
SAXE GOTHA
INDUSTRIAL PARK, PHASE I

pe

STATE OF SOUTH CAROLINA	)	ORDINANCE 2020-28
	)	Approving and Ratifying a First
COUNTY OF LEXINGTON	)	Amendment to an Intergovernmental
	)	Agreement with Lexington County
CITY OF CAYCE	)	Concerning Participation in the
	)	City's TIF Plan

WHEREAS, the City of Cayce and the County of Lexington previously entered into an Intergovernmental Agreement ("IGA"), dated November 15, 2017, concerning the County's participation in the City's Tax Increment Financing ("TIF") Redevelopment Plan; and

WHEREAS, as a part of and condition of a new broad-based agreement between the parties concerning projects for economic development in the City and the County, the City and County also now have agreed to modify and amend certain terms of the previous 2017 IGA relating to the County's participation in the TIF redevelopment projects; and

WHEREAS, in accord with S. C. Code section 31-6-85, the City believes that an ordinance by this Council is necessary to approve the proposed First Amendment to Intergovernmental Agreement concerning the TIF participation by the County,

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

1. The City hereby adopts, approves and ratifies the First Amendment to Intergovernmental Amendment between the City and the County ("the First Amendment"), a copy of which is attached to this Ordinance.
2. The City hereby approves and ratifies all previous actions by the City regarding the First Amendment, including the previous execution by the Mayor and delivery to the County of the First Amendment.
3. The City approves the effective date of the First Amendment as provided therein.

This Ordinance shall become effective upon Council approval on second reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2020.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

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

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON INTERGOVERNMENTAL AGREEMENT

This INTERGOVERNMENTAL AGREEMENT (this "Agreement") is dated this _____ of _____, 2020 and is by and between the County of Lexington (the "County") and the City of Cayce (the "City") and together with the County, the "Parties" and each individually, a "Party".

Whereas, the Parties desire to enter into an agreement to establish a tiered water rate for providing water in the Saxe Gotha Industrial Park (which includes all of Saxe Gotha I & II) which includes properties shown in Book 14607 at page 226, and Book 20834 at page 4323 in the ROD for Lexington County;

Whereas, as a condition to provide a tiered water rate, the City is requiring certain actions by the County, in combination of actions by the City, SCDOT and CMC, as will be set forth herein.

Now, therefore, for and in consideration of the respective representations and Agreement set forth herein, the Parties hereto agrees as follows:

Section 1. Tiered Water Rate Discounts. Contingent on the County providing its portion of the items, within the specified time periods, set forth in Section 2, the City, upon ordinance approval that will include all terms of this Intergovernmental Agreement, will enact a water rate classification ordinance establishing tiered water rates discounts for the properties located in Saxe Gotha Industrial Park (which includes all of Saxe Gotha I & II as shown on plats attached hereto as Exhibit B) upon the following rate schedule:

Saxe Gotha Industrial Park
City of Cayce Tiered Out of City Limit Water Rates*

Monthly Water Usage	Reduction From Out of City Limit	Price Per 1000 Gallons
Less than 500,000 Gallons	0%	\$9.20 (Current out of City Water Rate as of June, 2020)
Meets or exceeds 500,000 Gallons but less than 1 Million Gallons	12.50%	\$8.05
Meets or exceeds 1 Million Gallons but less than 2 Million Gallons	25%	\$6.90
Meets or exceeds 2 Million Gallons but less than 6 Million Gallons	37.50%	\$5.75
Meets or exceeds 6 Million Gallons but less than 7 Million Gallons	25%	\$6.90
Applicable only on the actual Gallons used over 7 Million	0%	\$9.20

*rates listed to begin from the initial amount of gallons used. *Current rate as of June, 2020.



The water rates shall be effective from the date of the Ordinance approval of the water rates by the City and shall remain the same, unless and until, there is a water rate increase for in City water rates in the same percentage increase as out of City water rates. If such an increase occurs, the water rates set forth herein shall continue at the same percentage of water rate reduction set forth herein of the revised out of City water rates.

The discount percentages reflected by the new water rate classification shall be effective from the date of the County's third reading approval of 2.A.

Section 2. Contingencies for Tiered Water Rates. The tiered water rates in Section One are contingent on the County performing its portion of the following, within the time period specified for each contingency:

A) **TIF Amendment** – Amendment to the 2017 TIF Intergovernmental Agreement (IGA) by ordinance pursuant to the terms shown on the attached Amendment 1 to the 2017 IGA (see attached exhibit A). Third reading adoption of this amendment by the County will initiate the City's tiered water rate discount.

B) **SC Highway 302 Beautification Project** — Continued cooperation of the County and City in the ongoing Airport Highway Beautification project with other partners. Physical progress and actual construction improvements for a substantial portion of the corridor (from its intersection with I-26 to its intersection with Columbia Airport Expressway, within the City of Cayce limits, at a minimum) must be underway by December 2022. If not, the County will remit \$500,000 on a reimbursable basis to the City for the purposes of improving this corridor.

C) **Taylor Street and New State Road** – The combined effort of SCDOT, CMC, City and County to relocate the intersection of New State Road and Taylor Street and to resurface a portion of Taylor Street with SCDOT providing the labor and equipment needed and the County funding the design of the intersection and funding the costs of materials for the intersection and resurfacing of Taylor Street. The County will make funds for the cost of materials available for the project to start by the end of first quarter 2021. The County is not responsible for the failure of any other party to perform. However, in the event that SCDOT does not commit to provide the necessary labor and equipment to start by the end of first quarter 2021, the City will procure the contract and the County will remit, on a reimbursable basis to the City, the funds for the costs of materials, subject to the County approval of the unit cost of all materials.



The resurfacing of Taylor Street will begin at the intersection of New State Road and Taylor Street and extend west for approximately 960 feet. The City will petition the Court and pay all legal costs to close the resurfaced portion of Taylor Street and an additional 525 feet westward beyond the resurfaced area. If closed by the Court, the closed portion of Taylor Street will become a privately maintained road by CMC. CMC will provide any drainage easements needed for the road work.

D) **Sidewalk Construction** – The County will provide an amount to not exceed \$525,000.00 for a sidewalk for Frink Street that will be located between Foreman Street and Julius Felder Street. The City will provide the material cost and labor costs for any amount exceeding \$525,000.00. Funding to be provided made available by the County by the end of 2020, upon the City providing their signed contract with the company they select for work. The City has until December 31, 2022 to enter into the contract for work.

E) **Fire Ladder Truck** – The County will approve the CDBG Grant 5-Year Consolidated Plan, which includes \$600,000 of the requested \$1,289,695.90, towards the purchase of one Fire Ladder Truck which will serve the low to moderate income areas of the City of Cayce. The County will provide the remaining balance of \$689,695.90 on a reimbursable basis.

Section 3. Law Governing. The law of the State of South Carolina shall govern the terms of this Agreement.

Section 4. Severability. In the event any provision of the Agreement shall be held invalid or unenforceable by any Court, that decision shall invalidate all other provision of the Agreement.

Section 5. Complete Agreement. The terms set forth herein are the complete Agreement of the Parties. Any amendment or changes to this Agreement must be in writing and signed by the Parties.

Approved by Lexington County Council at its meeting on _____ day of _____, 2020.
Approved by Cayce City Council at its meeting on 4th day of August, 2020.

EP

IN WITNESS WHEREOF, the County of Lexington and the City of Cayce, by their authorized representatives, have hereunto set forth their hands of the day first above written.

The County of Lexington, South Carolina

By: _____ Its: _____

The City of Cayce, South Carolina

By: *Glenn Fortson* Its: *Mayor*

FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

This First Amendment to Intergovernmental Agreement is dated as of May 1, 2020 (this “*First Amendment*”), by and between the **CITY OF CAYCE, SOUTH CAROLINA** (the “*City*”), and **LEXINGTON COUNTY, SOUTH CAROLINA** (the “*County*” and together with the City, the “*Parties*”).

WITNESSETH

A. The City is a municipal corporation organized and existing under the laws of the State of South Carolina (the “*State*”);

B. The County is a political subdivision and body politic and corporate created pursuant to the laws of the State;

C. The City adopted its tax increment financing redevelopment plan (the “*Original Redevelopment Plan*”) and designated a certain portion of the City as a redevelopment project area by the terms of an ordinance enacted on August 4, 1998, as amended on August 3, 2010;

D. Thereafter, by the terms of an Ordinance dated February 22, 2017, entitled, “AN ORDINANCE TO PROVIDE FOR THE APPROVAL OF CERTAIN AMENDMENTS TO THE REDEVELOPMENT PLAN, AS AMENDED, OF THE CITY OF CAYCE, SOUTH CAROLINA, AND OTHER MATTERS RELATED THERETO” (the “*TIF Ordinance*”), the City implemented certain changes, amendments and modifications to the Original Redevelopment Plan (as amended, the “*Amended Redevelopment Plan*”);

E. The County initially rejected the Amended Redevelopment Plan as communicated by a letter to the City dated February 21, 2017;

F. Despite such initial rejection, the Parties determined to negotiate, execute and deliver an intergovernmental agreement between the City and the County regarding the terms and manner of the County’s participation in the Amended Redevelopment Plan;

G. Thereafter, the Parties entered into an Intergovernmental Agreement dated November 15, 2017 (the “*IGA*”) wherein the County agreed to participate in the Amended Redevelopment Plan on a limited basis; and

H. Subsequent to the execution and delivery of the IGA, the Parties have continued to discuss the terms of the IGA and based on such discussions have decided to amend the IGA (under Section 7 thereof) under the terms of this First Amendment.

NOW THEREFORE, in witness hereof, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree to modify the provisions of the IGA as follows:

SECTION 1. AMENDMENTS TO THE IGA. As permitted by and pursuant to Section 7 of the IGA, the IGA is hereby amended as follows:

A. Section 2(c) – “Acknowledgments” of the IGA shall be amended and restated as follows:

(c) Subject to the City’s compliance with Section 3 herein, the County

consents to the contribution of all of the County TIF Revenues (as defined below) to be used to provide moneys to fund the Amended Redevelopment Plan.

B. Section 3 – “Participation; Design; Term; Allocation; Annual Report” of the IGA shall be amended and restated as follows:

Section 3. Participation; Design; Term; Allocation; Annual Report

(a) Participation.

(i) Beginning on July 1, 2018, the County authorizes a contribution of a fixed annual TIF Revenues otherwise attributable to the County (the “*County TIF Revenues*”) to the City for the purposes described in the Amended Redevelopment Plan, and no other purpose (including further amendments to the Amended Redevelopment Plan). The amount of the fixed annual contribution of County TIF Revenues shall not exceed Two hundred thirty thousand dollars (\$230,000) (the “*Participation Amount*”). Any amounts of County TIF Revenues in excess of the Participation Amount (“*Excess Funds*”) shall be distributed by the City to the County (through the County Treasurer or such other party as the County may direct in compliance with the TIF Law) on an annual basis for use in the County’s sole discretion. Excess Funds shall be distributed to the County no less than once per year and no later than June 30 of each year of the Participation Term (as defined herein); however, to the extent the City determines that Excess Funds are available, the City will utilize its best efforts to transfer any and all Excess Funds before the aforementioned June 30 deadline.

(ii) The Participation Amount is deemed to be the first \$230,000 collected in County TIF Revenues in any year. If the County TIF Revenues in any year do not equal the Participation Amount, then the County bears no responsibility to cover the difference and any difference shall not be carried over to the following year.

(iii) The entirety of the County TIF Revenues will be deposited and retained in the special tax allocation fund (as described in the TIF Law and for the purposes herein, the “*Cayce Special Tax Allocation Fund*”). Any Excess Funds in the Cayce Special Tax Allocation Fund shall be distributed to the County without demand or request as provided in 3(a)(i) above.

(b) Term. Commencing in the fiscal year beginning July 1, 2018, the Parties hereby consent to the deposit of the collection of the County TIF Revenues into the Cayce Special Tax Allocation Fund for a period continuing until the earliest of: (i) June 30, 2038; the TIF District, without further amendment, ceases to exist; or (ii) the City ceases its participation in the TIF District (the “*Participation Term*”). At the end of the Participation Term, the County’s contribution of the County TIF Revenues to the City shall immediately cease and any County TIF Revenues in the Cayce Special Tax Allocation Fund shall be distributed to the County without demand or request.

(c) Bonds. In addition to the 2017 Bonds, the City may determine to issue future series of tax increment revenue bonds (the “*Bonds*”) under the terms of the Amended Redevelopment Plan.

(d) Debt issued in Lieu of Bonds. The City reserves the right to issue general obligation bonds, utility revenue bonds or other forms of indebtedness in lieu of the Bonds. Subject to any limitations herein on the use of County TIF Revenues, if the City, in its sole discretion, determines to issue general obligation bonds, utility revenue bonds or other forms of indebtedness in lieu of the issuance of Bonds, the County TIF Revenues may be used to defray the costs of debt service on such indebtedness; such funds may be used in order to offset the actual levy of taxes or the appropriation of any other City revenues for such purpose. If general obligation bonds, utility revenue bonds or other forms of indebtedness are issued, the authorizations and limitations in this Agreement with respect to the Bonds shall apply equally to any such general obligation bonds, utility revenue bonds and any other forms of indebtedness.

(e) Allocation of County TIF Revenues. During the Participation Term, the Parties acknowledge that the City shall have the conclusive right to apply the County TIF Revenues to defray the costs of the Redevelopment Projects as provided under the TIF Law.

(f) No Responsibility for Shortfall. With respect to this Agreement and as provided by the TIF Law, the County shall not be responsible for any shortfalls in the amounts relative to the projections contained in the Amended Redevelopment Plan.

(g) Annual Report. On or before June 30 of each year during the Participation Term, the City will provide a report to the County detailing the expenditure of TIF Revenues deposited into the Cayce Special Tax Allocation Fund for the prior fiscal year. The report will specifically provide all expenditures for the costs of Redevelopment Projects. The City's back-up records of these revenues and expenditures and any other information the County may reasonably request shall be made available to the County, upon written request; if the County wishes to examine these records in more detail at its own expense. The City will fully cooperate in explaining the uses to which these funds have been put.

(h) Contingency. This first amendment is contingent on the city enacting the water rate schedule for Saxe Gotha I & II as set forth in the Intergovernmental Agreement (IGA) between the County and City dated the ____ of August, 2020. Additionally, if the water rate schedule terms as set forth in the IGA are ever changed, all provisions of this First Amendment shall immediately terminate.

C. All other terms and provisions of the IGA shall remain in full force and effect.

SECTION 2. EFFECTIVE DATE OF THIS FIRST AMENDMENT. This First Amendment shall be effective as of the date first above written.

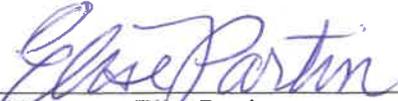
SECTION 3. COUNTERPARTS. This First Amendment may be executed in several counterparts, all or any of which shall be regarded for all purposes as duplicate originals and shall constitute and be but one and the same instrument.

SECTION 4. GOVERNING LAW. This First Amendment shall be construed under the laws of the State.

[Signatures on following pages]

IN WITNESS WHEREOF, the City and the County, by their authorized representatives, have hereunto set forth by their hands as of the day first written above.

CITY OF CAYCE, SOUTH CAROLINA

By: 
NAME: Elise Partin
TITLE: Mayor

LEXINGTON COUNTY, SOUTH CAROLINA

By: _____
NAME: Scott R. Whetstone
TITLE: Chair