# City of
# Tega Cay, South Carolina

**Regular City Council Meeting Agenda**
*Tega Cay Glennon Center - Lower Level*
*15077 Molokai Drive, Tega Cay, SC*

**6:00 P.M. Call to Order, Pledge of Allegiance and Moment of Silence**

1. Joint Public Hearing With The Planning Commission
   A. Rezoning of the following tax map numbers as part of a 100 percent Annexation Petition: 6440000045, 6440000047, 6440000048, 6440000049, 6440000050, 6440000051, 6440000052, and 6440000053 from RUD in the County to PDD in the City

   Documents: 1A STAFF REPORT_DAM RD PDD.PDF, 1B ANNEXATION REPORT ON DAM ROAD PDD.PDF, 1C COST-TO-SERVE ANALYSIS.PDF

2. Public Hearing
   Amendment to the FY 2015-2016 Utility Fund Budget

3. Executive Session
   A. Legal Advice Pursuant to a Bond Ordinance for Fire Station in Stonecrest
   B. Contractual Matters Pursuant to the Sale of City Property

4. Public Comments

5. Approval Of Minutes
   Regular City Council Meeting, April 18, 2016

   Documents: 5A DRAFT MINUTES 4.18.16.PDF

6. Special Presentation
   A. Carolina Show Ski Team
   B. Proclamation Promoting National Safe Boating Week
   C. Proclamation Announcing Peace Officers' Memorial Day
   D. Proclamation Recognizing EMS Week

7. New Business

7.a. Introduction And 1st Reading Of A Bond Ordinance For Fire Station In Stonecrest

Documents: ORDINANCE TO ESTABLISH GENERAL OBLIGATION BOND.PDF

7.b. Introduction And 1st Reading Of An Ordinance To Amend The FY15-16 Utility Budget Fee Schedule

Documents: 7B1 ORD TO AMEND FY 15-16 UTILITY BUDGET FEE SCHEDULE.PDF, 7B2 15-16 UTILITY SCHEDULE AMENDED.PDF, 7B3 UTILITY VOLUMETRIC RATES.PDF

7.c. Planning Commission Recommendation Regarding Rezonings (Item 1)

7.d. Sidewalk At Trail Head Park/Renovations To Walking Trail

Documents: 7D1 CITY OF TEGA CAY (PEDESTRIAN PATH) 04-26-16.PDF, 7D2

8. City Manager's Report

9. Public Comments

10. Council Comments

11. Executive Session
    A. Discussion incident to Contractual Matters as it pertains to Catawba Park
    B. Legal Advice as it relates to Pending Litigation

12. Adjournment

## REZONING CASE 2016-05

| | |
|---|---|
| **TO:** | **PLANNING COMMISSION** |
| **FROM:** | **PLANNING AND DEVELOPMENT** |
| **DATE:** | **MONDAY, MAY 09, 2016~~WEDNESDAY, APRIL 27, 2016~~** |
| **APPLICANT:** | **MATTAMY HOMES** |
| **REQUEST:** | **TMS # - 644-00-00-045, 644-00-00-047, 644-00-00-048, 644-00-00-049, 644-00-00-050, 644-00-00-051, 644-00-00-052, AND 644-00-00-053- REQUEST TO REZONE APPROXIMATELY 53.25 ACRES FROM RUD IN THE COUNTY TO PDD IN THE CITY** |

**Staff Summary:**

The applicant is proposing to annex and rezone approximately 53.25 acres along Dam and Gardendale Roads as a Planned Development District (PDD). Uses proposed within the PDD are a mix of uses including single-family detached and attached residential and government services and operations including public recreation. Total density permitted within the residential site would be a maximum of 3.2 gross units per acre or 155 homes (both detached and attached). This is very compatible to the adjacent and nearby residential planned developments of Serenity Point and Lake Ridge which are already within the City's borders. Approximately 8.89 acres of the project area will be deeded to the City, via a land swap for the 6.9 acres of land that is owned by the city that is currently not contiguous and therefore is unincorporated. The City would utilize this property for operations and potentially recreational services.

The purpose of the Planned Development District is to promote the efficient use of land, allow flexible application of development controls, allow various densities and land uses, provide enhanced recreational opportunities, protect surrounding property and protect the natural features of the site. The land uses and standards outlined in the PDD Master Plan and development documents serve to accomplish this objective through the range and varying intensity of the different uses. In addition, the transfer of the 8.89 acres to the City for governmental services and operations will result in a positive gain for the City. The City currently leases space for a Yard Waste Recycling Facility on Dam Rd. adjacent to the auto salvage yard. In approximately 18 months this lease option will expire and the City will need to find a new location. The 8.89 acres to be transferred is the best and most appropriate area for this facility to be permanently located. Also, the Yard Waste Recycling Facility will take up only a small portion of the site, thus allowing the remainder to be used for recreational purposes, including a potential trail connection to Gold Hill Elementary and Middle School.

The location of this proposed development was identified in the City's Growth Management Strategic Plan as an important target for annexation. This was due to the potential for a greater level and intensity of residential development that could be permitted under the County's Comprehensive Plan. Should the City not pursue annexation there could be substantial negative impact to the City's future growth. Strategic annexation assures that the City has some determination in where and what land uses are appropriate. It is also important to note that the properties that are part of this proposed PDD consist of single-wide trailers, abandoned

homes and over grown lots, providing a less than appealing connection between developments currently within the City's jurisdictional limits.

The subject property is located in area identified in the 2015-2025 Comprehensive Plan and Future Land Use Map as containing a mix of residential, government and institutional, and recreational uses that integrate flexible design standards compatible with the principles outlined in the Plan. It is also generally in the location that has been identified as a future growth area in the Plan.

Staff believes that the Annexation and Rezoning is appropriate because 1) it is compatible with the 2015-2025 Comprehensive Plan; 2) the site is located in an area identified for annexation.

**Potential Benefits:**

1. The proposed rezoning and annexation will assist the city in meeting goals outlined in the 2015-2025 Comprehensive Plan.

**Potential Concerns:** There are potential, but minimal concerns regarding additional traffic impacts. A Traffic Impact Analysis, containing impacts and mitigation solutions, will be completed prior to preliminary plat and must be adhered to by the Developer.

**Staff Recommendation:** **APPROVAL** based on the information prepared by staff outlined in this Planning Commission Report.

**Ordinance 77, Section 19.504 PLANNING COMMISSION REPORT**

***1. Is there a need for the proposed amendment?***

Based on the staff analysis and findings for the planning commission report, the staff has recognized multiple benefits for the rezoning of the site and annexation by meeting a major goal of the of the 2015-2025 Comprehensive Plan and the inclusion of a site to serve governmental and institutional uses for a growing population.

***2. What is the impact of the proposed zoning amendment on the site and surrounding properties?***

The proposed zoning amendment would provide a positive impact to the adjacent and nearby residential developments already within the City's borders by eliminating deteriorating rural uses and structures with development of a compatible residential design. In addition, the proposed development will have a positive fiscal impact for the City due to the additional tax base. Another positive impact is the additional customers on the City's utilities system. The City has previously committed a substantial financial investment in the creation of a Sewer Interceptor Line directly connecting the City to the Rock Hill Manchester Wastewater Treatment Facility. In order to better manage the fixed costs to existing customers, it is essential to increase the number of users.

The additional expenses incurred by the City to adequately service this proposed development will be minimal based on its size and location to areas currently served by the City. The cost-to-serve analysis for this development demonstrates sufficient positive revenues and an actual decrease in the overall cost-to-serve per household for the City.

**3. *What is the relationship of this request to the official land use development plan?***

The Future Land Use Map of the 2015-2025 Comprehensive Plan calls for mixed residential, recreational and government uses in this area. Annexation and rezoning of this particular property will assist the City in accomplishing the City's goals outlined in the Plan. Therefore, this request **IS CONSISTENT** with the Comprehensive Plan.

***4. Is there vacant land currently classified for similar development in the vicinity; and/or are there any special circumstances that may make a substantial part of such vacant land unavailable for development?***

Currently, **THERE IS NO** vacant land zoned for similar density of residential and mixed uses within the vicinity of the subject site.

***5. Are the uses permitted by the proposed change appropriate in the area concerned?***

The uses permitted under the proposed annexation and rezoning **IS APPROPRIATE** for the area due to its location in an area transitioning from traditional residential uses to more commercial and mixed uses as outlined in the Comprehensive Plan.

***6. Are the existing public school facilities adequate and available or can they be provided to serve the needs of the development likely to take place as a result of such change?***

**YES.** The subject property is located adjacent to an existing elementary and middle school complex. The recent FMSD Strategic Plan and School Reassignment was developed using a residential density build-out scenario for the subject property. In addition, the residential component of the development will be required to pay the FMSD Impact Fee of $2500 per residential unit. This money is intended for use as capital investment in new facilities.

***7. Are the existing road systems adequate to serve the proposed development or can they be provided to support the demands likely to take place as a result of such change? This may include (but is not limited to) such indicators as: traffic counts, road design and capacity, site plan design, trips generated by the proposed land use, etc.:***

The annexation and development of the subject property will have some effect on Dam and Gardendale Roads but the effect on levels of service cannot be determined at this time. However, included in the Preliminary Plat requirements is the completion of a Traffic Impact Analysis based on the proposed uses. The TIA will include any required mitigation to off-set potential impacts. Per Section 1104 of the Subdivision and Land Development Code, in the case of a TIA showing deficiencies requiring mitigation within the public right-of-way, a Mitigation Agreement will be required detailing the developer's responsibilities for implementing the identified mitigation measures. However, the impacts and subsequent mitigation requirements are **UNKNOWN** at this time.

***8. Are the existing public facilities adequate to serve the proposed development or can they be provided to support the demands likely to take place as a result of such change? This may include (but is not limited to) such indicators as: availability of public water and sewer, whether the proposed change is in accordance with any existing or proposed plans for providing public water and sewer, and does the any existing storm drainage system have capacity to accommodate the proposed use:***

The site is currently served by well and septic but is proposed to be served by Tega Cay Utility Department (TCUD) service lines for water and sewer facilities once annexation is completed. There are available TCUD service lines within close proximity of this site. Therefore, existing public facilities **ARE ADEQUATE.**

***9. What soils exist on the site, and are any of them considered Hydric (wetlands) or Prime?***

The soils present on site are Cecil Clay Loam with red or brown, firm clay subsoil and **IS considered a PRIME soil**. **Some Hydric** soils have been identified and are associated with the onsite streams. These areas are not proposed for development and will be protected by appropriate buffers.

***10. Have floodplains been identified on the site?***

There have been **MINIMAL FLOODPLAINS** identified associated with the onsite streams. There is no proposed development within the floodplain.

***11. Have any historical sites/ endangered species/ abandoned cemeteries located on the site or in the general vicinity been identified?***

**THERE ARE NO** apparent historical sites, endangered species or abandoned cemeteries onsite.

**Tega Cay Annexation Report on Dam Road PDD**
(TMS#s 644-00-00-045, 644-00-00-047, 644-00-00-048, 644-00-00-049, 644-00-00-050, 644-00-00-051, 644-00-00-052, and 644-00-00-053)

Mattamy Homes and the owners of tax numbers 644-00-00-045, 644-00-00-047, 644-00-00-048, 644-00-00-049, 644-00-00-050, 644-00-00-051, 644-00-00-052, and 644-00-00-053 , did properly petition the City of Tega Cay for incorporation of the above-referenced property into the municipal limits of Tega Cay via the 100% Free-Holder Method for annexation defined in Section 5-3-150 of the South Carolina Code of Laws. This report is compiled and presented to the City Council of the City of Tega Cay to assist in the analysis of this annexation request.

**Property Description**

The property under consideration for annexation consists of approximately 53.25 acres and is located adjacent to the municipal boundary of the City of Tega Cay in the area to be generally described as that which lies at the intersection of Dam and Gardendale Roads and abutting Dam Road on the West side and Gardendale Road to the East side and is further depicted on the Boundary Survey and Master Plan attached hereto.

**Current County Zoning for Property:** RUD (Rural Residential Development)

The Rural Development District is intended to protect and preserve areas of the county which are presently rural in character and use. RUD is a zoning classification which permits a development density of 1 residential unit per lot no matter how large the lot is. General commercial and governmental uses are prohibited in this classification. Recycling facilities for yard waste is permitted thorough a Special Exception approval process. The City has applied for the Special Exception through the county to use the City owned parcel within this proposed development as a yard waste recycling facility and was denied.

**Zoning of Property Adjacent to Proposed Property**

The property adjacent to this site on the North is also zoned RUD (Rural Residential Development) in the County. The property to the South is AGC (Agricultural Conservation) in the County. Located to the West is the Serenity Point PDD within the City's boundaries. The property to the East is also within the City's boundaries and is zoned GI (Government and Institutional). It is the location of the Gold Hill Elementary and Middle Schools.

**Future Development Projection**

The proposed use for this property if annexed and rezoned would be a mix of uses including single-family detached and attached residential and government services and operations including public recreation. Total density permitted within the residential site would be a maximum of 3.2 gross units per acre or 155 homes (both detached and attached). This is very compatible to the adjacent and nearby residential planned developments of Serenity Point and

Lake Ridge which are already within the City's borders. Approximately 8.89 acres of the project area will be deeded to the City for operations and recreational services. The 2015-2025 Future Land Use Map calls for a mix of residential, recreational and government uses in this area. Therefore, staff believes that the proposed densities meet the intent of the City's future land use plan and are appropriate.

**Annexation Evaluation Criteria**

1. **Does the proposed annexation conform to the current Tega Cay Comprehensive Plan?**
   The subject property is located in area identified in the 2015-2025 Comprehensive Plan and Future Land Use Map as containing a mix of residential, government and institutional, and recreational uses that integrate flexible design standards compatible with the principles outlined in the Plan. It is also generally in the location that has been identified as a future growth area in the Plan. The City's Growth Management Strategy calls for expansion of the City's boundaries through strategic annexation that provides benefit whether by increasing commercial tax base, gaining access to infrastructure or some other community goal. Annexation of this particular property will assist the City in accomplishing the City's goals by serving as a tool to ward off political encroachment by other entities, providing assurance that the City has the determination for appropriate land uses, and assisting the City in maintaining a high Municipal Bond Rating (A City's ability to annex land from its surrounding county is a primary determinant of its fiscal health).

2. **Does the petition meet the statutory requirements for annexation for the applicable petition method (reference the *S C Code Title 5, Chapter 3*)**
   YES.

3. **Does the proposed annexation support efforts to ensure a highly rated local school system? What will be the impact to the capacity of the Fort Mill School District?**
   Since the annexation will be primarily residential in nature, there will be impacts on school capacity. The FMSD has previously indicated a desire that municipal growth be managed efficiently with an understanding regarding equivalent cost to the provision of school services. For this development in particular, the District requests that the City consider road/traffic impacts affecting the adjacent schools. To that end, the developer has prepared a Traffic Impact Study, including the impacts and any potential mitigation efforts required. This TIS will be reviewed and approved by both the SCDOT and appropriate City Staff.

4. **What is the impact to the Tega Cay Parks and Recreation 10 Year Master Plan? How does the proposed annexation meet the objectives of Chapter 5 of the plan? Will the proposed annexation trigger the need for additional capital improvements?**
   The proposed development includes amenities as required by the Subdivision and Land Development Code Section 1306.1. Based on the number of dwelling units, the developer will be required to provide 3 different amenities to be selected from the menu of options outlined in Appendix B of the Code. In addition, there will be natural open space and

land use buffers as well as a landscaped perimeter buffer. There should be no negative impacts in regards to investment in additional capital improvements to meet the recreational needs of the community.

5. **Will the proposed annexation provide pedestrian walkways and trails to provide connectivity throughout the developed areas? Will the walkways and trails provide connectivity to the following as applicable a) the local schools, b) the Nation Ford Greenway system and c) the Baxter Development?**
   Discussion has taken place with SCDOT, City Staff, and Planning Commission regarding inclusion of trails designed for future access to a City-wide trail system in the adjacent Serenity Point development. There will be sidewalks within the development and internal walking trails in the natural areas with a future connection to the trails in Lake Ridge when the adjacent property is developed.

6. **What are the results of a comparison between the costs and the benefits of the annexation in regard to city's annual operating and capital expenditures and revenues?**
   The proposed development will have a positive fiscal impact for the City due to the additional tax base. Another positive impact is the additional customers on the City's utilities system. Since the property is currently rural and residential in nature there are no public utilities onsite. Development of this site will require a tap on the TCUD system. Additional revenue will be generated by the number of taps and usage fees. Extending the City's infrastructure further along property adjoining Dam Road will assist the City in appropriate expansion and upgrade of utilities. The City has previously committed a substantial financial investment in the creation of a Sewer Interceptor Line directly connecting the City to the Rock Hill's Manchester Wastewater Treatment Facility. In order to better manage the fixed costs to existing customers, it is essential to increase the number of users. In addition, the transfer of the 8.89 acres to the City for governmental services and operations will result in a positive gain for the City. The City currently leases space for a Yard Waste Recycling Facility on Dam Rd. adjacent to the auto salvage yard. In approximately 18 months this lease option will expire and the City will need to find a new location. The 8.89 acres to be transferred is the best and most appropriate area for this facility to be permanently located.

   The additional expenses incurred by the City to adequately service this proposed development will be minimal based on its size and location to areas currently served by the City. The cost-to-serve analysis for this development demonstrates sufficient positive revenues and an actual decrease in the overall cost-to-serve per household for the City. Please see the attached.

   Therefore it is staff's determination that the risks are negligible compared to the potential benefits to be derived from the proposed annexation.

7. **Are there any financial considerations by the City to be applied as part of the proposed annexation?**
   Not at this time.

8. **Will the proposed annexation continue to allow the Tega Cay Utilities Department (TCUD) to operate as a self-supporting business enterprise?**
   As outlined earlier, connection to the TCUD system will allow the expansion of services to serve the entire watershed basin. Depending upon future end users, there could be a significant positive financial input.

9. **What is the impact of the proposed annexation on existing water supply system facilities and services?**
   As stated earlier, connection to the TCUD system will allow the appropriate expansion of service. The availability and capacity of City lines within the nearby vicinity of the site are more than adequate for the proposed development.

10. **What is the impact of the proposed annexation on existing sewer system facilities and services?**
    Same as above.

11. **What is the impact of the proposed annexation on existing solid waste disposal?**
    There would be no immediate impact until the development has reached the dwelling unit sale stage. The applicant proposes to develop the property in phases, thus minimizing the impacts as each dwelling unit is sold.

12. **What is the impact of the proposed annexation on existing police protection services and facilities? Is there a need for a crime statistics analysis?**
    There should be no new immediately added expenses or necessary studies since the subject property is within the current Police and Fire service area based on jurisdictional agreements with York County. Based on the relatively small size of the overall development and its location in regards to the City's current jurisdictional limits, there will be no added impact to Police and Fire services created by this development.

13. **What is the impact of the proposed annexation on existing fire protection services and facilities?**
    Same as above.

14. **What is the impact of the proposed annexation on road infrastructure and utilities? Is there a need for a traffic study?**
    The subject property is located on both Dam Road and Gardendale Road which are state-maintained thoroughfares meeting appropriate Levels-of-Service. A Traffic Impact Analysis (TIA) is required and is being completed for the proposed development. The TIA will include any required mitigation to off-set potential impacts. Per Section 1104 of the Subdivision and Land Development Code, in the case of a TIA showing deficiencies requiring mitigation within the public right-of-way, a Mitigation Agreement will be required detailing the developer's responsibilities for implementing the identified mitigation measures.

15. **Are there special circumstances involved such as failing septic systems, underground storage tanks, contaminated wells, the delineation of wetlands, previous uses of the land, etc. Is there a need for a ASTM Phase I environmental study (ASTM E1527-00)?**
    NO.

16. **Will the proposed annexation adopt policies that protect the water quality of Lake Wylie?**
    This question is not applicable to this annexation proposal.

17. **Does the proposed annexation provide provisions for the preservation and/or restoration of natural, cultural or historic areas and/or structures?**
    As stated earlier, the proposed development contains significant preservation of open space. In addition, there will be no development of the property located adjacent to the onsite streams which will be protected by appropriate buffers.

18. **What is the impact from not annexing the property into the city? If applicable, when the proposed development occurs outside of the city, what will be the resultant impact to the city?**
    Should the City not pursue annexation there could be substantial negative impact to the City's future growth. Annexations are critical to the City of Tega Cay in planning for our future. It is important for the City to respond to pressures of growth by ensuring urban development is comprehensively planned, serviced, and appropriately located. Strategic annexation assures that the City has some determination in where and what land uses are appropriate. By not annexing, the City's ability to control appropriate land uses, densities, preservation of natural lands would be very limited. In order for the City to provide services as efficiently as possible the City has identified logical areas for future growth, development and provision of services, including the subject property. The most effective way for the City to manage growth is to annex the area into the City.

19. **Is the location of the proposed annexation strategic?**
    As stated earlier, strategic annexation assures that the City has some determination in where and what land uses are appropriate. The City has developed a Growth Management Strategy which includes prioritized properties targeted for annexation. The subject property is included on the priority list.

20. **Are there any other extenuating circumstances or factors which enhance or diminish the proposed annexation?**
    No.

# City of Tega Cay
# Mattamy Homes Analysis

## GENERAL FUND ANNUAL REVENUE

| Property | Price Point | # of Units | Taxes/Unit | Tax Revenue |
|---|---|---|---|---|
| Townhomes | $ 250,000 | 78 | $ 890 | $ 69,420 |
| Single Family | $ 370,000 | 77 | $ 1,317 | $ 101,424 |
| | | | **Total Property Tax Revenue** | **$170,844** |
| **Personal Property** | **Number of Vehicles** | **Taxes per Unit** | **Personal Property Tax Revenue** | |
| Vehicles | 310 | $ 100 | **$** | **31,000** |
| **TOTAL RECURRING GENERAL FUND REVENUE** | | | | **$201,844** |

*Amounts above do not include increases in Franchise from York Electric and Comporium that would be associated with this Development*

## ONE-TIME, DEVELOPMENT FEES

| | |
|---|---|
| Zoning & Building Permits | $ 520,663 |
| Contractor Business Licenses | $ 211,156 |
| Tap Fees | $ 426,250 |
| **TOTAL DEVELOPMENT FEES** | **$ 1,158,069** |

## OTHER ANNUAL REVENUE

| TCUD | Base Fees | Usage | Expense | Net Revenue |
|---|---|---|---|---|
| Water | $ 14,136 | $ 51,710 | $ 19,462 | $ 46,384 |
| Sewer | $ 14,136 | $ 54,199 | $ 34,058 | $ 34,277 |
| | | | **TOTAL UTILITY ANNUAL NET REVENUE** | **$ 80,660** |
| **Stormwater** | **# of Units** | **Taxes/Unit** | **Stormwater Revenue** | |
| Stormwater | 155 | $ 108 | **$** | **16,740** |

***The figures below do not include current bond debt expenses***

| | |
|---|---|
| **Current Cost-to-Serve/household** | $ 1,903.30 |
| **Cost-to-Serve/household @ build-out** | $ 1,610.42 |

*Based on 4,535 homes (currently have 3,600 prior to build-out of approved developments and includes 155 homes for Mattamy). Current General Fund Expenses were all increased by 4.5%.*

*City of*
# TEGA CAY, SOUTH CAROLINA

**Regular City Council Meeting Minutes**
*Philip T. Glennon Center – Council Chambers*
*15077 Molokai Drive, Tega Cay, SC*
***Monday, April 18, 2016***
***6:00 p.m.***

***Councilmembers Present:*** *Mayor George Sheppard, Mayor Pro Tempore David O'Neal, Councilmembers Dottie Hersey, Ryan Richard and Jennifer Stalford. A quorum was present.*
***Staff Present:*** *Charlie Funderburk, City Manager; Sylvia Szymanski, Municipal Clerk; Susan Britt, Planning & Development Manager; and City Attorney Bob McCleave*
**The Press was duly notified of the meeting.**

Mayor George Sheppard called the meeting to order at 6:02 p.m. and noted it was a Regular City Council meeting. He then led the Pledge of Allegiance and a Moment of Silence.

**ITEM 1 PUBLIC COMMENTS**
There were no public comments.

**ITEM 2 APPROVAL OF MINUTES**
Mayor Sheppard noted no changes to the minutes of Regular Council Meeting March 21 2016, Special Council Meetings of February 8, and April 5, 2016 and they were approved.

**ITEM 3 SPECIAL PRESENTATION**

A. Upgrades to Internet Service

Shawn Barnes of Comporium updated Council on broadband and fiber optic cable improvements.

B. Oaths of Office - BOZA

Larry Franklin and Walt Krasinski took their oaths of office.

C. Citizens Academy Graduation

27 residents graduated from the Citizens Academy and received certificates.

D. Recognition of Firefighters

Ken Sallenger, Kyle Dowdall and Stan Hutton were recognized.

E. Recognition of Police Officers

Josh Small, Josh Echtinaw, Josh Gordon, and Billy Donahue were recognized.

F. Proclamation – Child Abuse Prevention Month

G. Proclamation – Earth Day

**ITEM 4 UNFINISHED BUSINESS**

A. 2nd Reading of an Ordinance to Annex by 100 Percent Petition Tax Map Numbers 646-00-00-002, 646-00-00-004, 646-00-00-005, 646-00-00-006, 646-00-00-007, 646-00-00-013, 646-00-00-031, 644-01-01-029, and a portion of 646-00-00-018 and to Rezone from RUD in the County to PDD in the City (Windhaven)

There was some Council discussion and Mayor Sheppard opened the floor for public comments.

**PUBLIC COMMENTS**

1. Mary Johnson, non-resident, asked for a map of Windhaven. She was directed to the city's website.

2. Chuck Rietz of Shoreline asked when the TIA would be completed. City Manager Funderburk indicated it would be a few months and prior to submission of preliminary plats.

3. Larry Franklin of Cascading Pines Drive inquired about other parcels to annex. City Manager Funderburk advised there is little contiguous land to Tega Cay. Two other parcels are being considered by this developer but the PDD would be amended. There is some land on Dam Road, as well.

4. Linda Stevenson, Point Clear Drive, asked if many requests were received for a referendum. Councilmember Stalford did not receive any. Councilmember Hersey did not receive any requests. Councilmember Richard knew about a petition to stop Windhaven, but he did not get any requests for a referendum.

5. Paula Murphy of Zimmerman Road expressed concern for an emergency evacuation.

6. John Sherwood of Tepa Place asked about the number of homes changing if a school does not go in. Mayor Sheppard indicated the parcel is zoned government/institutional. No homes can be built on it.

**MOTION**

Councilmember Hersey motioned to approve the 2nd Reading of an Ordinance to Annex by 100 Percent Petition Tax Map Numbers 646-00-00-002, 646-00-00-004, 646-00-00-005, 646-00-00-006, 646-00-00-007, 646-00-00-013, 646-00-00-031, 644-01-01-029, and a portion of 646-00-00-018 and to Rezone from RUD in the County to PDD in the City, seconded by Councilmember Stalford and approved (3-2).

VOTE: AYES (3) Mayor Sheppard, Councilmember Hersey and Councilmember Stalford
NAYS (2) Councilmember O'Neal and Councilmember Richard

B. 2nd Reading of an Ordinance to Establish the Parks, Recreation and Tourism Commission in Place of the Community Relations Committee

**MOTION**

Councilmember Hersey motioned to approve the 2nd Reading of an Ordinance as stated, seconded by Councilmember Richard and passed unanimously.

**ITEM 5 NEW BUSINESS**

A. Joint Use Agreement with Fort Mill School District for Tega Cay Elementary School Athletic Fields

**MOTION**

Councilmember Stalford motioned to approve the Joint Use Agreement with Fort Mill School District, seconded by Mayor Pro Tem O'Neal and approved unanimously.

B. Discussion regarding Fire Station #2 within the Stonecrest Development

Chief Szymanski and Les Woods presented Fire Department statistics including calls and response time plus the need for the City to own its first fire station.

**MOTION**

Mayor Pro Tem O'Neal motioned to direct the City Manager and Bond Counsel to bring a Bond Ordinance for funding Fire Station #2 to City Council at the Regular May meeting for consideration, seconded by Councilmember Hersey and passed unanimously.

**ITEM 6 CITY MANAGER'S REPORT**

City Manager Funderburk announced that people living west of I-77 who are not within the city limits will have access to city information on Comporium Channel 126. May 14th is the City's next concert. Staff is getting quotes on reducing the slope on the trail at Trail Head Park. $635,811 of $6.75 million has been spent on sewer rehab thus far. Work includes gravity sewer rehab, wastewater treatment plant rehab and force main project. TC Connect sign-ups are strong but volunteers are still needed at Windjammer, Neptune's Landing, Molokai Extension, Molokai 2, Marquesas 1, Daybreak and Chelsea Day. First meeting to take place prior to Memorial Day and then again in September to establish a quarterly schedule. Antennas for the new wi-fi water meters

are being installed with water meters to go in ground next month. Backflow preventer testing is required by all who own an irrigation system connected to the City's water supply. SCDHEC requires preventers to be inspected annually. The City keeps that documentation. Forms and a list of SCDHEC approved contractors are posted on the City's website on the Utility page and reminders will be in the water bills and are due back June 1. If a resident does not have an irrigation system, we would like that indicated on the form and returned to us. The Planning Commission has put out a survey on temporary signs for commercial and residential and the links are on the website. Painting and carpeting is ongoing at the clubhouse. New equipment and inspections will be taking place and they plan to be open on Mother's Day and then open for lunch and dinner every day.

**ITEM 7 PUBLIC COMMENTS**

1. John Sherwood of Tepa Place asked about cost to borrow on the bond. City Manager Funderburk indicated most of the cost is associated with the legal work.

**ITEM 8 COUNCIL COMMENTS**

Councilmember Richard thanked the public for attending the meeting or watching the meeting.
Councilmember Stalford reminded residents about the Spring Pick Me Up and free picnic.
Councilmember Hersey had no comment.
Mayor Pro TemO'Neal had no comment.
Mayor Sheppard thanked those who came to the meeting.

**ITEM 9 Executive Session**

A. Legal Advice Pursuant to Contractual Matters regarding Purchase of Property

**MOTION**

Mayor Sheppard motioned to move into Executive Session to obtain legal advice pursuant to contractual matters regarding purchase of property, seconded by Mayor Pro Tem O'Neal and approved unanimously.

*Council exited Executive Session at 8:20 p.m. and returned to open session. Mayor Sheppard noted only those items on the agenda were discussed and no votes were taken other than to return to open session.*

**ITEM 12 ADJOURNMENT**

**MOTION**

There being no further business, Councilmember Richard motioned to adjourn the meeting, seconded by Councilmember Hersey and approved unanimously.

*The meeting was adjourned at 8:53 p.m.*

Respectfully Submitted,

[SEAL]

_____
Sylvia Szymanski, Municipal Clerk

APPROVED:

_____
George Sheppard, Mayor

APPROVAL DATE: May 16, 2016

**ORDINANCE NO. _____**

| | | |
|---|---|---|
| **CITY OF TEGA CAY** | **)** | **TO PROVIDE FOR THE ISSUANCE AND SALE OF THE GENERAL OBLIGATION BOND OF 2016 OF THE CITY OF TEGA CAY, SOUTH CAROLINA IN THE PRINCIPAL AMOUNT OF ONE MILLION NINE HUNDRED EIGHTY-TWO THOUSAND DOLLARS ($1,982,000); TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED; TO PROVIDE FOR THE PAYMENT THEREOF; AND OTHER MATTERS RELATING THERETO.** |
| **COUNTY OF YORK** | **)** | |
| **STATE OF SOUTH CAROLINA** | **)** | |

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEGA CAY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:**

As an incident to the enactment of this Ordinance and the issuance of the bonds provided for herein, the City Council of the City of Tega Cay, South Carolina (hereinafter called the City Council), the governing body of the City of Tega Cay, South Carolina (hereinafter called the City), finds that the facts set forth herein exist and the statements made with respect thereto are true and correct.

**WHEREAS**, by virtue of the Municipal Bond Act (Article 5, Chapter 21, Title 5 Code of Laws of South Carolina 1976, as amended), as amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended (the Municipal Bond Act, as so amended and continued, being hereinafter called the Enabling Act), the City Council is authorized to issue general obligation bonds of the City for any purpose which is a public purpose and a corporate purpose of the City in any amount not exceeding the constitutional debt limit applicable to the City; and

**WHEREAS**, pursuant to the authorizations of Article X of the South Carolina Constitution and the Enabling Act, the City Council desires to obtain funds for the purpose of defraying a portion of the costs, including costs of issuance, of acquiring, designing, constructing, improving, expanding, renovating, surveying and equipping various City improvements, including without limitation a new fire station within the City (collectively, the Project); and

**WHEREAS**, to obtain such funds the City intends to issue its $1,982,000 General Obligation Bond of 2016 (the Bond).

**NOW, THEREFORE**, on the basis of the foregoing authorizations and for the purpose of raising the sum of One Million Nine Hundred Eighty-Two Thousand ($1,982,000) Dollars to be expended for the purposes set forth above, the City Council enacts this Ordinance to effect the issuance and sale of the City's $1,982,000 General Obligation Bond of 2016.

## ARTICLE I

## DEFINITIONS

Section 1 Defined Terms.

The terms defined in this Article (except as herein otherwise expressly provided or unless the context otherwise requires) for all purposes of this Ordinance shall have the respective meanings specified in this Article.

"Authorized Investments" shall mean and include investments permitted by Section 6-5-10, Code of Laws of South Carolina 1976, as amended, and shall also include the South Carolina Investment Fund established at Sections 6-6-10 to 6-6-40, Code of Laws of South Carolina 1976, as amended.

"Bond" shall mean the General Obligation Bond of 2016 of the City authorized to be issued hereunder in the principal amount of One Million Nine Hundred Eighty-Two Thousand ($1,982,000) Dollars.

"Bond Registrar" shall mean the Original Purchaser.

"Books of Registry" shall mean the registration books maintained by the Bond Registrar in accordance with Section 7 of Article II hereof.

"City" shall mean the City of Tega Cay, South Carolina, a body politic and corporate and a municipal corporation under the laws of the State of South Carolina.

"City Council" shall mean the City Council of the City and any successor governing body of the City.

“City Manager” shall mean the City Manager of the City, or in his absence the acting City Manager.

"Clerk" shall mean the Clerk of Council of the City, or in her absence the acting Clerk of Council.

"Closing Date" shall mean the date upon which there is an exchange of the Bond for the proceeds representing the purchase of the Bond by the Original Purchaser.

"Code" shall mean the Internal Revenue Code of 1986, as amended.

"Construction Fund" shall mean the Series 2016 Bond Construction Fund established pursuant to the provisions of Section 2 of Article IV hereof.

"Enabling Act" shall mean the Municipal Bond Act (Article 5, Chapter 21, Title 5, Code of Laws of South Carolina 1976, as amended), as amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended.

"Interest Payment Date" shall mean any April 1 or October 1 commencing October 1, 2016.

"Ordinance" shall mean this Ordinance as from time to time amended or supplemented by one or more supplemental ordinances enacted in accordance with the provisions of Article VII hereof.

"Original Purchaser" shall mean the first purchaser of the Bond from the City.

"Paying Agent" shall mean the Original Purchaser.

"Private Business Use" shall mean use directly or indirectly in a trade or business carried on by a natural person or in any activity carried on by a person other than a natural person, excluding, however, use by a state or local governmental unit and use as a member of the general public.

"Project" shall mean the acquiring, designing, constructing, improving, expanding, renovating, surveying and equipping various City improvements, including without limitation a new fire station within the City.

Section 2 General Rules of Interpretation.

Except as otherwise expressly provided or unless the context otherwise requires, words importing persons include firms, associations, and corporations and the masculine includes the feminine and neuter.

## ARTICLE II

## ISSUANCE OF BONDS

Section 1 Authorization of Bonds, Denominations and Maturities.

Pursuant to the provisions of the Enabling Act and for the purposes set forth above, there shall be issued the One Million Nine Hundred Eighty-Two Thousand ($1,982,000) Dollars General Obligation Bond of 2016 of the City of Tega Cay. The Bond shall be originally dated the date of its delivery and shall be in fully-registered form. The Bond shall mature on April 1 in annual series or installments, as follows:

| Year | Principal Amount |
|---|---|
| 2020 | $140,000 |
| 2021 | 144,000 |
| 2022 | 148,000 |
| 2023 | 152,000 |
| 2024 | 157,000 |
| 2025 | 162,000 |
| 2026 | 167,000 |
| 2027 | 172,000 |
| 2028 | 177,000 |
| 2029 | 182,000 |
| 2030 | 188,000 |
| 2031 | 193,000 |

Section 2 Optional Prepayment of Bond.

The Bond shall be subject to prepayment at the option of the City in whole or in part (but if in part, in inverse order of maturity or in such other method as shall be agreed upon by the City and the Original Purchaser) on any April 1 beginning April 1, 2026, at the price of par plus accrued interest to the date fixed for redemption.

Section 3 Interest Rate on Bond.

The Bond shall bear such rate of interest, payable on the Interest Payment Dates, beginning October 1, 2016, as shall, at the sale of the Bond, reflect the lowest net interest cost to the City, at a price of not less than par and accrued interest to the date of delivery, but any premium offered must be paid in cash as a part of the purchase price.

For the purposes of this Section 3, interest cost shall mean the aggregate of interest on the Bond from the dated date of the Bond, less any sum named by way of premium.

Section 4 Medium of Payment.

Both the principal of and interest on the Bond shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for the payment of public and private debts.

Section 5 Place of Payments.

Principal of and interest on the Bond, when due, shall be payable at the principal office of the Paying Agent.

Section 6 Execution of Bond.

The Bond shall be executed in the name of the City by the City Manager, by his manual signature, and attested by the Clerk, by her manual signature, and the seal of the City shall be

impressed or reproduced on the Bond. The Bond shall be executed in respect of any manual signature by the person or persons holding office when the Bond is ready for delivery. The execution of the Bond in this fashion shall be valid and effectual notwithstanding changes in the personnel of any of the above offices subsequent to their execution. No authentication of the Bond is required.

Section 7 Form of Bond; Designation of Bond Registrar.

(a) The Bond shall be issued in fully registered form, and all principal and interest due thereunder shall be payable only to the registered owner thereof. City Council hereby directs the Bond Registrar to maintain, at the City's expense, the Books of Registry for the registration or transfer of the Bond.

(b) The form of the Bond and assignment provisions to be endorsed thereon shall be substantially as set forth in Exhibit A attached hereto and made a part of this Ordinance.

(c) A copy of the approving legal opinion to be rendered may be attached to the back of the Bond, and preceding the same, a certificate of authentication shall appear, which shall be signed on behalf of the City by a facsimile of the signature of the Clerk. Such certificate of authentication shall be in form substantially as follows:

**IT IS HEREBY CERTIFIED** that the following is a true and correct copy of the complete legal opinion of Messrs. Haynsworth Sinkler Boyd P.A., Attorneys and Counselors at Law, Charleston, South Carolina, the original of which was manually executed, dated, and issued as of the date of the delivery of and payment for the Bond, and a copy of which is on file with the Paying Agent.

CITY OF TEGA CAY,
SOUTH CAROLINA

By:_____
Sylvia Szymanski, Municipal Clerk
Tega Cay, South Carolina

Section 8 Registration and Transfers of Bond; Persons Treated as Owners.

(a) The Bond shall be fully-registered and may not be transferred except by the registered owner thereof in person or by his attorney duly authorized in writing, upon surrender thereof together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner of his duly authorized attorney. Upon the transfer of such registered Bond, the City shall execute and deliver, subject to the provisions of Section 10 of this Article, in the name of the transferee, a new registered Bond of the same aggregate principal amount as the unpaid principal amount of the Surrendered Bond.

(b) Any bondholder requesting any transfer shall pay any tax or other governmental charge required to be paid with respect thereto. Any purported assignment in contravention of the foregoing requirements shall be, as to the City, absolutely null and void. The person in whose name the Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of and interest on the Bond shall be made only to or upon the order of the registered owner or his legal representative. All such payments shall be valid and effective to satisfy and discharge the liability of the City upon such Bond to the extent of the sum or sums so paid. No person other than the registered owner shall have any right to receive payments, pursue remedies, enforce obligations or exercise or enjoy any other rights under the Bond against the City. Notwithstanding the foregoing, nothing herein shall limit the rights of a person having a beneficial interest in the Bond as against a person (including the registered owner) other than the City, as in the case where the registered owner is a trustee or nominee for two or more beneficial owners of an interest in the Bond.

(c) Except as set forth herein the Bond may not be exchanged.

Section 9 Mutilated, Lost or Stolen Bond.

In the event the Bond is mutilated, lost, stolen or destroyed, the City may execute a new Bond of like date, maturity, interest rate, as that mutilated, lost, stolen or destroyed; provided that, in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the Paying Agent, and in the case of any lost, stolen or destroyed Bond, there shall be first furnished to the City and the Paying Agent evidence of such loss, theft, or destruction satisfactory to the City and the Paying Agent, together with indemnity satisfactory to them, provided that in the case of a holder which is a bank or insurance company, the agreement of such bank or insurance company to indemnify shall be sufficient. In the event the Bond shall have matured, instead of issuing a duplicate Bond, the City may pay the same without surrender thereof. The City and the Paying Agent may charge the holder or owner of such Bond with their reasonable fees and expenses in this connection.

Section 10 Regulations with Respect to Transfers.

In all cases in which the privilege of transferring the Bond is exercised, the City shall execute and deliver the Bond in accordance with the provisions of this Ordinance. Any Bond surrendered in any such transfers shall forthwith be cancelled by the Paying Agent. There shall be no charge for such transfer of the Bond except that the Paying Agent and the Bond Registrar may make a change sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such transfer.

## ARTICLE III

## SECURITY FOR BOND

Section 1 Pledge of Full Faith, Credit, and Taxing Power.

For the payment of the principal of and interest on the Bond when due, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the City are irrevocably pledged, and there shall be levied and collected annually by the Treasurer of York County, in the same manner as other City taxes are levied and collected, a tax, without limit, on all taxable property in the City, sufficient to pay the principal and interest of the Bond when due, and to create such sinking fund as may be necessary therefor.

Section 2 Levy and Collection of Taxes.

The Auditor and Treasurer of York County, South Carolina, shall be notified of this issue of the Bond and directed to levy and collect, respectively, upon all taxable property in the City, an annual tax, without limit, sufficient to meet the payment of the principal of and interest on the Bond when due, and to create such sinking fund as may be necessary therefor.

## ARTICLE IV

## SALE OF BOND; DISPOSITION OF PROCEEDS OF SALE

Section 1 Sale of Bond.

The Bond shall be sold at public sale at not less than par. Bids shall be received until such time and date at such place as may be selected by the City Manager. The Bond shall be advertised for sale in THE STATE, a newspaper published in the City of Columbia, South Carolina, and having general circulation in the State of South Carolina, which shall appear at least once, not less than seven days before the date set for such sale. In addition, a notice of sale to potential bidders, in substantially the form set forth in Exhibit B attached hereto, is hereby approved.

Section 2 Disposition of Proceeds of Sale of Bond.

(a) There is hereby created a separate account to be named the "Series 2016 Bond Construction Fund" (the Construction Fund) to be held by the City or its designee.

(b) The proceeds derived from the sale of the Bond issued pursuant to this Ordinance shall be deposited with the City and shall be expended and made use of by the City Council as follows:

(i) Any premium shall be applied to the payment of the first installment of principal of the Bond; and

(ii) The remaining proceeds shall be deposited in the Construction Fund to be used to defray the cost of issuing the Bond and to pay the cost of the Project. Moneys in the Construction Fund shall be invested in Authorized Investments until expended.

(c) No purchaser or holder of the Bond shall be liable for the proper application of the proceeds thereof.

## ARTICLE V

## TAX EXEMPTION OF BOND

Section 1 Exemption from State Taxes.

Both the principal of and interest on the Bond shall be exempt from all state, county, municipal, school district and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer or certain franchise taxes.

Section 2 Federal Guarantee Prohibition.

The City shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause the Bond to be "Federally guaranteed" within the meaning of Section 149(b) of the Code and the Regulations promulgated thereunder.

Section 3 Private Business Use Limitation.

The City shall assure that (i) no portion of the proceeds of the Bond in excess of ten percent (10%) of the proceeds of the Bond is used for Private Business Use if, in addition, the payment of more than ten percent (10%) of the principal or ten percent (10%) of the interest due on the Bond during the term thereof is, under the terms of the Bond or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for a Private Business Use or in payments in respect of property used or to be used for a Private Business Use or is to be derived from payments, whether or not to the City, in respect of property or borrowed money used or to be used for a Private Business use; and (ii) in the event that both (a) in excess of five percent (5%) of the proceeds of the Bond are used for a Private Business Use, and (b) an amount in excess of five percent (5%) of the principal or five percent (5%) of the interest due on the Bond during the term thereof is, under the terms of the Bond or any underlying arrangement, directly or indirectly, secured by any interest in property used or to be used for such Private Business Use or in payments in respect of property used or to be used for such Private Business Use or is to be derived from payments, whether or not to the City, in respect of property or borrowed money used or to be used for such Private Business Use, then such excess over such five percent (5%) of the proceeds of the Bond used for a Private Business Use shall be used for a Private Business Use related to the governmental use of the facilities financed with the proceeds of the Bond.

Section 4 Private Loan Limitation.

The City shall assure that no portion of the proceeds of the Bond in excess of five percent (5%) of the net proceeds of the Bond is used, directly or indirectly, to make or finance a loan to persons other than state or local government units.

Section 5 No Arbitrage.

The City shall not take, or permit or suffer to be taken, any action with respect to the proceeds of the Bond which, if such action had been taken, or had been deliberately and intentionally taken, on the Closing Date would have caused the Bond to be an "arbitrage bond" within the meaning of Section 148(a) of the Code and regulations promulgated thereunder.

Section 6 Tax Exemption of Bond.

The City makes the following findings with respect to the Bond:

(a) The Bond is not a private activity bond as defined in Section 141 of the Code.

(b) The City does not reasonably anticipate the amount of "qualified tax exempt obligations" (other than private activity bonds which are not qualified 501(c)(3) bonds as defined in Section 145 of the Code) which will be issued by the City during the calendar year ending December 31, 2016 to exceed $10,000,000.

(c) No other obligations of the City have been designated as "Qualified Tax-Exempt Obligations" by the City during the calendar year ending December 31, 2016.

(d) For purposes of this Article V, the City and all subordinate entities thereof are treated as a single issuer.

On the basis of the foregoing, the City hereby designates the Bond as a "Qualified Tax-Exempt Obligation" within the meaning of Section 265(b)(3)(B) of the Code.

## ARTICLE VI

## DEFEASANCE

Section 1 Release of Ordinance.

(a) If the Bond shall have been paid and discharged, then the obligations of the City under this Ordinance, and all other rights granted thereby shall cease and determine. The Bond shall be deemed to have been paid and discharged within the meaning of this Article under each of the following circumstances:

(i) If the Paying Agent shall hold, at the stated maturity of the Bond, in trust and irrevocably appropriated thereto, moneys for the full payment thereof; or

(ii) If default in the payment of the principal of the Bond or the interest thereon shall have occurred, and thereafter tender of such payment shall have been made, and the Paying Agent shall hold, in trust and irrevocable appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or

(iii) If there shall have been deposited with the Paying Agent, in an irrevocable trust, either moneys in an amount which shall be sufficient, or direct general obligations of the United Sates of America the principal of and interest on which, when due, will provide moneys which, together with the moneys, if any, deposited with the Paying Agent at the same time, shall be sufficient to pay, when due, the principal and interest due and to become due on the Bond through and including the maturity thereof.

(b) In addition to the above requirements of payments (i), (ii), or (iii), in order for this Ordinance to be discharged, all other fees, expenses and charges of the Paying Agent and the Bond Registrar have been paid in full at such time.

(c) Notwithstanding the satisfaction and discharge of this Ordinance, the Paying Agent shall continue to be obligated to hold in trust any moneys or investments then held by the Paying Agent for the payment of the principal of and interest on the Bond, to pay to the owners of Bond the funds so held by the Paying Agent as and when such payment becomes due.

(d) Any release under this Section shall be without prejudice to the right of the Paying Agent and the Bond Registrar to be paid reasonable compensation for all services rendered under this Ordinance and all reasonable expenses, charges and other disbursements and those of their respective attorneys, agents and employees, incurred on and about the administration of trusts by this Ordinance created and the performance of the power and duties under this Ordinance of the Paying Agent and the Bond Registrar.

Section 2 Deposit of Moneys.

Any moneys which at any time shall be deposited with the Paying Agent by or on behalf of the City for the purpose of paying and discharging the Bond shall be and are hereby assigned, transferred, and set over to the Paying Agent in trust for the holder of the Bond, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. If, through lapse of time or otherwise, the holders of such bonds shall no longer be entitled to enforce payment of their obligations, then, in such event, it shall be the duty of the Paying Agent to transfer such funds to the City.

Section 3 Notice of Release of Ordinance.

(a) The City shall give the Paying Agent irrevocable instructions to mail, as soon as practicable, a notice to the owner of a defeased Bond that (i) the deposit required by subparagraph (a) (iii) of Section 1 of this Article has been made with the Paying Agent and (ii)

the Bond is deemed to have been paid in accordance with this Article and stating such maturity dates upon which moneys are to be available for the payment of the principal of and interest on such Bond.

(b) The City covenants and agrees that any moneys which it shall deposit with the Paying Agent shall be deemed to be deposited in accordance with, and subject to, the applicable provisions of this Article.

## ARTICLE VII

## AMENDING AND SUPPLEMENTING OF ORDINANCE

Section 1 Amending and Supplementing of Ordinance Without Consent of Holder of Bond.

(a) The City, from time to time and at any time and without the consent or concurrence of any holder of the Bond, may enact an ordinance amendatory hereof or supplemental thereto, if the provisions of such supplemental ordinance shall not materially adversely affect the rights of the holder of the Bond, for any one or more of the following purposes:

1. To make any changes or corrections in this Ordinance as to which the City shall have been advised by counsel that the same are verbal corrections or changes or are required for the purpose of curing or correcting any ambiguity or defective or inconsistent provisions or omission or mistake or manifest error contained in this Ordinance, or to insert in this Ordinance such provisions clarifying matters or questions arising under this ordinance as are necessary or desirable;

2. To add additional covenants and agreements of the City for the purpose of further securing the payment of the Bonds;

3. To surrender any right, power or privilege reserved to or conferred upon the City by the terms of this Ordinance;

4. To grant or confer upon the bondholders any additional right, remedies, powers, authority or security that lawfully may be granted to or conferred upon them; or

5. To make such addition, deletions or modifications as may be necessary to assure compliance with Section 148(f) of the Code relating to required rebate to the United States or otherwise as may be necessary to assure exemption from federal income taxation of interest on the Bond.

(b) The City shall not enact any supplemental ordinance authorized by the foregoing provisions of this Section unless in the opinion of counsel (which opinion may be combined with the opinion required by Section 4 hereof) the enactment of such supplemental ordinance is permitted by the foregoing provisions of this Section and the provisions of such supplemental ordinance do not adversely affect the rights of the holder of the Bond.

Section 2 Amending and Supplementing of Ordinance With Consent of Holder of Bond.

(a) With the consent of the holder of the Bond the City Council from time to time and at any time may enact an ordinance amendatory hereof or supplemental hereto for the purpose of adding any provisions to, or changing in any manner or eliminating any of the provisions of, this Ordinance, or modifying or amending the rights and obligations of the City under this Ordinance, or modifying or amending in any manner the rights of the holder of the Bond; provided, however, that without the specific consent of the holder of the Bond, no supplemental ordinance amending or supplementing the provision hereof shall change the fixed maturity date of the Bond or reduce the principal amount of the Bond or the dates for the payment of principal and interest thereon or the terms of the redemption thereof. Nothing in this paragraph contained, however, shall be construed as making necessary the approval of the holder of the Bond of the enactment of any supplemental ordinance authorized by the provisions of Section 1 of this Article.

(b) It shall not be necessary that the consent of the holder of the Bond approve the particular form of wording of the proposed amendment or supplement or of the supplemental ordinance affecting such amending or supplementing hereof pursuant to this Section. The City shall mail a notice at least once, not more than thirty (30) days after the effective date of such amendment or supplement of such amendment or supplement postage prepaid, to the holder of Bond at his address, if any, appearing upon the Books of Registry and to the Paying Agent, but failure to mail copies of such notice to the holder shall not affect the validity of the supplemental ordinance effecting such amendments or supplements or the consents thereto. Nothing in this paragraph contained, however, shall be construed as requiring the giving of notice of any amendment or supplement of this Ordinance authorized by Section 1 of this Article. No action or proceeding to set aside or invalidate such supplemental ordinance or any of the proceedings for its adoption shall be instituted or maintained unless such action or proceeding is commenced within sixty (60) days after the mailing of the notice required by this paragraph.

Section 3 Effectiveness of Supplemental Ordinance.

Upon the enactment (pursuant to this Article and applicable law) by the City Council of any supplemental ordinance amending or supplementing the provisions of this Ordinance and the delivery to the Paying Agent and the City of an opinion of bond counsel that such supplemental ordinance is in due form and has been duly enacted in accordance with the provisions hereof and applicable law and that the provisions thereof are valid and binding upon the City, or upon such later date as may be specified in such supplemental ordinance, (a) this Ordinance and the Bond shall be modified and amended in accordance with such supplemental ordinance, (b) the respective rights, limitations of rights, obligations, duties and immunities under this Ordinance of the City, the Paying Agent, and the holder of the Bond shall thereafter be determined, exercised and enforced under this Ordinance subject in all respects to such modifications and amendments, and (c) all of the terms and conditions of any such supplemental ordinance shall be a part of the terms and conditions of the Bond and of this Ordinance for any and all purposes.

Section 4 Supplemental Ordinance Affecting Paying Agent or Bond Registrar.

No supplemental ordinance changing, amending or modifying any of the rights, duties and obligations of any Paying Agent or Bond Registrar appointed by or pursuant to the provisions of this Ordinance may be enacted by the City Council or be consented to by the holders of the Bond without written consent of such Paying Agent or Bond Registrar affected thereby.

## ARTICLE VIII

## MISCELLANEOUS

Section 1 Execution of Closing Documents and Certificates.

The City Manager and the Clerk are fully authorized and empowered to take such further action and to execute and deliver such closing documents and certificates as may be necessary and proper in order to complete the issuance of the Bond herein authorized, and the action of either such officer in executing and delivering any of such documents, in such form as he or she shall approve, is hereby fully authorized.

Section 2 Benefits of Ordinance Limited to the City and Holder of the Bond.

With the exception of rights or benefits herein expressly conferred, nothing expressed or mentioned in or to be implied from this Ordinance or the Bond is intended or should be construed to confer upon or give to any person other than the City and the holder of the Bond, any legal or equitable right, remedy or claim under or by reason of or in respect to this Ordinance or any covenant, condition, stipulation, promise, agreement or provision herein contained. This Ordinance an all of the covenants, conditions, stipulations, promises, agreements and provisions hereof are intended to be an shall be for and inure to the sole and exclusive benefit of the City and the holder from time to time of the Bond as herein and therein provided.

Section 3 Ordinance Binding Upon Successors or Assigns of the City.

All the terms, provisions, conditions, covenants, warranties and agreements contained in this Ordinance shall be binding upon the successors and assigns of the City and shall inure to the benefit of the holder of the Bond.

Section 4 No Personal Liability.

No recourse shall be had for the enforcement of any obligation, covenant, promise or agreement of the City contained in this Ordinance or the Bond, against any member of the City Council, any officer or employee, as such, in his or her individual capacity, past, present or future, of the City, either directly or through the City, whether by virtue of any constitutional provision, statute or rule of law, or by the enforcement of any assessment or penalty or otherwise, it being expressly agreed and understood that this Ordinance and the Bond are solely

corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member, officer or employee as such, past, present or future, of the City, either directly or by reason of any of the obligations, covenants, promises or agreements entered into between the City and the bondholder or to be implied therefrom as being supplemental hereto or thereto, and that all personal liability of that character against every such member, officer and employee is, by the adoption of this Ordinance and the execution of the Bond, and as a condition of, and as a part of the consideration for, the adoption of this Ordinance and the execution of the Bond, expressly waived and released. The immunity of member, officers and employees of the City under the provisions contained in this Section shall survive the termination of this Ordinance.

Section 5 Effect of Saturdays, Sundays and Legal Holidays.

Whenever this Ordinance requires any action to be taken on a Saturday, Sunday, legal holiday or bank holiday in the State of South Carolina, such action shall be taken on the first business day occurring thereafter. Whenever in this Ordinance the time within which any action is required to be taken or within which any right will lapse or expire shall terminate on a Saturday, Sunday, legal holiday or bank holiday, in the State of South Carolina, such time shall continue to run until midnight on the next succeeding business day.

Section 6 Partial Invalidity.

(a) If any one or more of the covenants or agreements or portions thereof provided in this Ordinance on the part of the City or any Paying Agent to be performed should be determined by a court of competent jurisdiction to be contrary to law, then such covenant or covenants, or such agreement or agreements, or such portions thereof, shall be deemed severable from the remaining covenants and agreement or portions thereof provided in this Ordinance and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance or of the Bond, but the holders of the Bond shall retain all the rights and benefits accorded to them hereunder and under any applicable provisions of law.

(b) If any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

Section 7 Law and Place of Enforcement of the Ordinance.

This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina, and all suits and actions arising out of this Ordinance shall be instituted in a court of competent jurisdiction in such State.

Section 8 Effect of Article and Section Headings and Table of Contents.

The heading or titles of the several Articles and Sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this Ordinance.

Section 9 Repeal of Inconsistent Resolutions and Ordinances.

All ordinances and resolutions of the City Council, and any part of any resolution or ordinance, inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 10 Continuing Disclosure.

The City hereby covenants to file with a central repository for availability in the secondary bond market when requested;

(a) An annual, independent audit, within thirty (30) days of the City's receipt of the audit; and

(b) Event specific information, within thirty (30) days of and event adversely affecting more than five (5%) percent of revenue.

Section 11 Filing of Copies of Ordinance

Copies of this Ordinance shall be filed in the office of City Council, the offices of the Clerk of Court for York County (as a part of the Transcript of Proceedings) and at the offices of the Paying Agent and Registrar.

Section 12 Notice of Enactment of Ordinance.

Upon enactment of this Ordinance, as authorized by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended, notice, substantially in the form attached hereto as Exhibit C, of the enactment of this Ordinance shall be published once in The Herald, a newspaper of general circulation in the City.

**THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING.**

**SIGNED, SEALED, AND DELIVERED AS OF THIS _____ DAY OF _____, A.D., 2016.**

**FIRST READING:** **May 16, 2016**
**SECOND READING:** _____

*Enacted this __ day of _____, 2016, by a majority vote of the duly elected City Council of the City of Tega Cay, South Carolina.*

**SIGNED:** **CITY OF TEGA CAY**

_____
George C. Sheppard, Mayor

[SEAL]

_____
David L. O'Neal, Mayor Pro Tempore

_____
Dottie Hersey, Council Member

_____
Ryan Richard, Council Member

_____
Jennifer Stalford, Council Member

**ATTEST:**

_____
Charlie Funderburk, City Manager

*Certificate of Adoption*

*I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the ____ day of _____, 2016.*

_____
*Sylvia Szymanski, Municipal Clerk*

**EXHIBIT A**

**UNITED STATES OF AMERICA**
**STATE OF SOUTH CAROLINA**
**CITY OF TEGA CAY**
**GENERAL OBLIGATION BOND OF 2016**

**NO. R-1**

INTEREST RATE ORIGINAL ISSUE DATE

REGISTERED HOLDER:

PRINCIPAL AMOUNT: One Million Nine Hundred Eighty-Two Thousand ($1,982,000) Dollars

**KNOW ALL MEN BY THESE PRESENTS**, that the **CITY OF TEGA CAY, SOUTH CAROLINA** (hereinafter called the City), a body politic and corporate and a municipal corporation under the laws of the State of South Carolina, is justly indebted, and, for value received, hereby promises to pay to the Registered Owner or registered assigns hereof the Principal Amount set forth above, payable on April 1 in the years and amounts set forth in Schedule A attached hereto, and to pay interest (computed on the basis of a 360 day year consisting of twelve 30 day months) on the unpaid balance of such Principal Amount from the most recent April 1 or October 1 to which interest shall have been paid, or if no interest shall have been paid, from the date hereof, such interest being payable to the maturity hereof on the first days of April and October of each year (such dates being hereinafter referred to as the Interest Payment Dates), commencing October 1, 2016, at the Interest Rate per annum specified above, until payment of such Principal Sum. The principal of and interest on this bond, when due, shall be payable at the principal office of the Paying Agent, in the City of _____, State of _____. Both the principal of and interest on this bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for the payment of public and private debts. For the prompt payment hereof, both principal and interest, as the same shall become due, the full faith, credit, and taxing power of the City are irrevocably pledged.

**THIS BOND** and the interest hereon are exempt from all state, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer or certain franchise taxes. This bond has been designated by the City as a "Qualified Tax-Exempt Obligation" pursuant to the provisions of Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended.

**THIS BOND** is issued pursuant to and for purposes authorized by the Municipal Bond Act (Article 5, Chapter 21, Title 5, Code of Laws of South Carolina 1976, as amended), as amended and continued by Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended, and an Ordinance (the Ordinance), duly enacted by the City Council of the City of Tega Cay, South Carolina, in order to obtain funds with which to defray the costs, including costs of issuance, of acquiring, designing, constructing, improving, expanding, renovating, surveying and equipping various City improvements, including without limitation a new fire station within the City (collectively, the Project).

**THE BOND** shall be subject to prepayment at the option of the City in whole or in part (but if in part, in inverse order of maturity or in such other method as shall be agreed upon by the City and the Original Purchaser) on any April 1 beginning April 1, 2016, at the price of par plus accrued interest to the date fixed for redemption.

**THIS BOND** is transferable by the Registered Owner in person, or by his legal representatives, successors, or assigns, on the Books of Registry of the City to be kept for that purpose, at the office of the Paying Agent as Bond Registrar.

**ALL PRINCIPAL**, interest or other amounts due hereunder shall be payable only to the Registered Owner hereof. This bond may not be transferred except by the Registered Owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the Registered Owner of this bond at any time. Any purported assignment in contravention of the foregoing requirements shall be, as to the City, absolutely null and void. The person in whose name this bond shall be registered shall be deemed and regarded as the absolute owner hereof for all purposes, and payment of the principal of and interest on this bond shall be made only to or upon the order of the Registered Owner or his legal representative. All such payments shall be valid and effective to satisfy and discharge the liability of the City upon this bond to the extent of the sum or sums so paid. No person other than the Registered Owner shall have any right to receive payments, pursue remedies, enforce obligations or exercise or enjoy any other rights under this bond against the City. Notwithstanding the foregoing, nothing herein shall limit the rights of a person having a beneficial interest in this bond as against a person (including the Registered Owner) other than the City, as in the case where Registered Owner is a trustee or nominee for two or more beneficial owners of an interest in this bond.

**THE ORDINANCE** contains provisions defining terms; sets forth the terms and conditions upon which the covenants, agreements and other obligations of the City made therein may be discharged at or prior to the maturity of this bond with provisions for the payment thereof in the manner set forth in the Ordinance; and sets forth the terms and conditions under which the Ordinance may be amended or modified with or without the consent of the owner of this bond. Reference is hereby made to the Ordinance, to all the provisions of which any owner of this bond by the acceptance hereof thereby assents.

**THE BOND REGISTRAR** shall not be required to transfer this bond for the period beginning on the Regular Record Date and ending on the next succeeding Interest Payment Date.

**IT IS HEREBY CERTIFIED AND RECITED** that all acts, conditions, and things required by the Constitution and Laws of the State of South Carolina to exist, to happen, and to be performed precedent to or in the issuance of this bond exist, have happened, and have been done and performed in regular and due time, form, and manner; that the total indebtedness of the City, including this bond, does not exceed any constitutional or statutory limitation thereon; and that provision has been made for the levy and collection of sufficient annual taxes, without limit, for the payment of the principal and interest hereof, as the same shall fall due.

**IN WITNESS WHEREOF, THE CITY OF TEGA CAY, SOUTH CAROLINA,** has caused this Bond to be signed in its name by the City Manager of the City of Tega Cay, by his manual signature, attested by the Clerk of the City Council of the City of Tega Cay, by her manual signature, under the Seal of the City of Tega Cay impressed or reproduced hereon, and this Bond to be dated the _____ day of _____, 2016.

**CITY OF TEGA CAY,**
**SOUTH CAROLINA**

**(SEAL)**

By:_____
Charlie Funderburk, City Manager
City of Tega Cay

**ATTEST:**

_____
Sylvia Szymanski, Municipal Clerk
City Council of the City of Tega Cay

**SCHEDULE A**

| Year | Principal Amount |
|---|---|
| 2020 | $140,000 |
| 2021 | 144,000 |
| 2022 | 148,000 |
| 2023 | 152,000 |
| 2024 | 157,000 |
| 2025 | 162,000 |
| 2026 | 167,000 |
| 2027 | 172,000 |
| 2028 | 177,000 |
| 2029 | 182,000 |
| 2030 | 188,000 |
| 2031 | 193,000 |

EXHIBIT B

# OFFICIAL NOTICE OF SALE

**$1,982,000**
**CITY OF TEGA CAY, SOUTH CAROLINA**
**GENERAL OBLIGATION BOND OF 2016**

**SEALED PROPOSALS**, addressed to the undersigned, will be received by the City Manager of the City of Tega Cay until 12:00 noon, local time, _____, 2016, at which time said proposals will be publicly opened within the City Hall of the City of Tega Cay, South Carolina, for the purchase of the ONE MILLION NINE HUNDRED EIGHTY-TWO THOUSAND AND no/100 DOLLARS ($1,982,000) CITY OF TEGA CAY, SOUTH CAROLINA, GENERAL OBLIGATION BOND OF 2016. The Bond shall be issued as a single fully registered bond and shall be dated as of the date of its delivery. The Bond shall be payable on April 1, in annual series or installments, as follows:

| Year | Principal Amount |
|---|---|
| 2020 | $140,000 |
| 2021 | 144,000 |
| 2022 | 148,000 |
| 2023 | 152,000 |
| 2024 | 157,000 |
| 2025 | 162,000 |
| 2026 | 167,000 |
| 2027 | 172,000 |
| 2028 | 177,000 |
| 2029 | 182,000 |
| 2030 | 188,000 |
| 2031 | 193,000 |

**THE BOND** will bear interest at a single rate of interest to be named by the successful bidder, payable on April 1 and October 1 of each year, commencing October 1, 2016. Both principal and interest will be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for the payment of public and private debts. Principal of and interest on the Bond, when due, shall be payable at the designated office of the successful bidder as Paying Agent.

**THE BOND** shall be subject to prepayment at the option of the City in whole or in part (but if in part, in inverse order of maturity or in such other method as shall be agreed upon by the City and the Original Purchaser) on any April 1 beginning April 1, 2026, at the price of par plus accrued interest to the date fixed for redemption.

**BIDDERS** are invited to name a single rate of interest which the Bond is to bear, and, unless all bids are rejected, the Bond will be awarded to the bidder offering to take it at the lowest net interest cost to the City, provided that any premium offered must be paid in cash as a part of the purchase price.

**INTEREST COST** will be determined by deducting premium, if any, from the aggregate of interest on the Bond from the date of its delivery (assumed, for purposes of this calculation, to be _____, 2016). Bidders are requested to present tabulations showing aggregate interest cost in dollars and cents, but such tabulations are not required, and will not be regarded as a part of the bid. The right is reserved to reject all proposals, but no auction sale will be conducted. The right is reserved to waive irregularities in any bid. Bids will be accepted or rejected by 3:00 p.m. (prevailing local time) on the day of the sale.

**THE BOND** is to be issued in fully registered form and may be transferred only on registration books of the City maintained by the Paying Agent as Bond Registrar at the expense of the City, all as more fully set forth in the Ordinance authorizing the issuance of the Bond.

**NO PROPOSAL** for the purchase of less than the entire Bond, or at a price of less than par and accrued interest to the date of delivery, will be considered.

**THE BOND** will be a general obligation bond of the City, payable, both as to principal and interest, from an ad valorem tax upon all taxable property in the City, without limitation as to rate or amount.

**THE BOND** will be designated "bank-qualified", that is a "qualified tax exempt obligation" as defined in Section 265(b) of the Internal Revenue Code of 1986, as amended (the Code) and therefore will be eligible for the deduction of certain carrying costs by certain financial institutions.

**PURCHASERS** will be furnished with the printed Bond and (i) an opinion of Haynsworth Sinkler Boyd P.A., Attorneys and Counselors at Law, Charleston, South Carolina, concerning (a) the valid and binding nature of the Bond and (b) the exemption of interest on the Bond from Federal and South Carolina taxation on the date of such opinion, a copy of which opinion will be attached to the Bond, and (ii) with the usual closing proofs, which will include (a) a certificate that there is no litigation threatened or pending to restrain the issuance or sale of the Bond.

**EACH BID must include a statement by the bidder stating that the bidder intends to purchase the Bond for its own portfolio and not with the present intent of reoffering the Bond to the general public.**

**EACH BID** shall be enclosed in a sealed envelope and marked **"PROPOSAL FOR CITY OF TEGA CAY GENERAL OBLIGATION BOND"** and be directed to the undersigned. No good faith check is required. **Facsimile bids will be accepted, at the risk of the bidder, and may be directed to the attention of the undersigned at (803)548-1400**. The City will not be responsible for the confidentiality of bids submitted by facsimile transmission,

but does agree to place such bids in an envelope upon receipt. Any delay in receipt of a facsimile bid, and any incomplete or illegible portions of such bid, are the responsibility of the bidder.

**THE BOND** is being offered by the City, when, as, and if issued, and subject to the delivery of the approving opinion as to legality of Haynsworth Sinkler Boyd P.A., Charleston, South Carolina, as Bond Counsel. It is anticipated by the City that the Bond will be available for delivery within fourteen days after the occasion of its award against payment in federal or other immediately available funds.

**THERE IS** no official bid form.

**EACH BID** shall be conditioned in accordance with this Notice of Sale.

Charlie Funderburk, City Manager
City of Tega Cay, South Carolina

**EXHIBIT C**

**NOTICE OF ENACTMENT OF ORDINANCE AUTHORIZING ISSUANCE OF $1,982,000 GENERAL OBLIGATION BOND OF 2016 OF THE CITY OF TEGA CAY.**

Notice is hereby given that the City Council of the City of Tega Cay has enacted an Ordinance authorizing the issuance of the One Million Nine Hundred Eighty-Two Thousand ($1,982,000) Dollars General Obligation Bond of 2016 of the City of Tega Cay secured by a pledge of the full faith, credit, and taxing power of the City of Tega Cay.

This notice is being given pursuant to subsection 8 of Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended, which provides that the initiative and referendum provisions contained in Chapter 17, Title 5, Code of Laws of South Carolina 1976, as amended, should not be applicable to the aforesaid Ordinance unless a notice, signed by not less than five (5) qualified electors, of the intention to seek a referendum, be filed within twenty (20) days following the publication of this notice in the Office of the Clerk of Court for York County and the office of the Clerk of Council of the City of Tega Cay.

By order of the City Council of the City of Tega Cay, South Carolina.

| | | |
|---|---|---|
| **STATE OF SOUTH CAROLINA** | **)** | |
| | **)** | |
| **COUNTY OF YORK** | **)** | **ORDINANCE _____** |
| | **)** | |
| **CITY OF TEGA CAY** | **)** | |

**AN ORDINANCE TO AMEND THE FY2015-2016 UTILITIES BUDGET FEE SCHEDULE**

**WHEREAS,** the City Council did approve Ordinance 491 as it relates to the FY2015-2016 Utilities budget on September 21, 2015; and

**WHEREAS,** the City of Tega Cay does have a water purchase agreement with the Town of Fort Mill and a Waste Water Transportation and Treatment Agreement with the City of Rock Hill; and

**WHEREAS,** the City of Tega Cay has received notification from the City of Rock Hill and the Town of Ft. Mill that their rates to the City of Tega Cay will be increased effective July 1, 2016.

**NOW, THEREFORE, BE IT ORDAINED THAT,** the Mayor and Council of the City of Tega Cay, duly assembled, do hereby approve the amendment to the FY15-16 Utility Budget rate schedule attached hereto.

*Enacted this ___ day of ___, 2016, by a majority vote of the duly elected City Council of the City of Tega Cay, South Carolina.*

**FIRST READING:** **May 16, 2016**
**SECOND READING:** **_____**

*[Signatures on Following Page]*

**SIGNED:** **CITY OF TEGA CAY**

_____
George C. Sheppard, Mayor

[SEAL]

_____
David O'Neal, Mayor Pro Tempore

_____
Dottie Hersey, Council Member

_____
Jennifer Stalford, Council Member

**ATTEST:**

_____
Charlie Funderburk, City Manager

_____
Ryan Richard, Council Member

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the ____ day of _____, 2016.

Sylvia Szymanski

_____
Municipal Clerk

**City of Tega Cay**
**Utility Department**
**Fee Schedule**
Effective ~~October 1~~June 20, ~~2015~~2016

| | Domestic / Irrigation Tap Fees | | Sewer Connection Fees | |
|---|---|---|---|---|
| RESIDENTIAL AND COMMERCIAL | ¾” | $1,250/ $800 | 4” | $1,500 |
| | 1” | $2,000/ $1,750 | 6” | $2,000 |
| | 1½” | $3,000/ $2,750 | Others | Cost + 10% |
| | 2” | $3,500/ $3,250 | | |
| | Others | Cost + 10% | | |
| | Sidewalk / Drive Bore | | Cost + 10% | |
| | Street Bore | | Cost + 10% | |

| | | |
|---|---|---|
| RESIDENTIAL ONLY | Service Activation Fee | $50 |
| | Service Reconnection Fee | $50 |
| | Returned Check Fee | $25 |
| | Administration Fee Deposit (account credited after two years of acceptable payment history) | $100 |

| | | |
|---|---|---|
| SERVICE CHARGES | Water Service Base for TCUD-I | $7.60/month *(In City Rate)*<br>$15.00/month *(Out of City Rate)* |
| | Water Service Base for TCUD-II | $11.81/month |
| | Water Service Usage for TCUD-I | $~~4.57~~4.75/1,000 gallons *(In City Rate)*<br>$~~9.04~~9.50/1,000 gallons *(Out of City Rate)* |
| | Water Service Usage for TCUD-II | $~~5.97~~5.98/1,000 gallons |
| | Sewer Service Base for TCUD-I | $7.60/month *(In City Rate)*<br>$15.00/month *(Out of City Rate)* |
| | Sewer Service Usage for TCUD-I | $~~4.79~~5.40/1,000 gallons *(In City Rate)*<br>$~~9.04~~10.80/1,000 gallons *(Out of City Rate)* |
| | Sewer Service Usage for TCUD-II | $52.95/month |
| | Irrigation Service Base for TCUD-I | $7.60/month *(In City Rate)*<br>$15.00/month *(Out of City Rate)* |

| | | |
|---|---|---|
| OTHER | Hydrant Permit | $125 Monthly or $1,250 Annually + Usage |
| | Hydrant Meter Deposit (refundable) | $1,000 |
| | Meter Box Replacement | $1,000 |
| | Sewer Clean-Out | $100 + Costs |
| | Commercial Hydrant Flow Test | $150 |
| | Residential Pressure Test | $25 |
| | Discharge to Sewer by Septic Company | Double Current Sewer Rate |
| | Inaccessible / Obstructed Water Valve, Meter or Manhole | $100 + Costs |
| | Meter Tampering | $150 |
| | Annual Grease Discharge Permit<br>• First Reinspection (Violation)<br>• Each Reinspection (Violation) | $50/Customer<br>$300<br>$500/occurrence |

*TCUD-I Water Rates*

| | RH Rate to FM | FM Rate to TC | TC Rate | Margin |
|---|---|---|---|---|
| YE 2016 | $ 1.43 | $ 1.73 | $ 4.57 | $ 2.84 |
| YE 2017 | $ 1.61 | $ 1.91 | $ 4.75 | $ 2.84 |
| YE 2018 | $ 1.80 | $ 2.10 | $ 4.94 | $ 2.84 |
| YE 2019 | $ 2.00 | $ 2.30 | $ 5.14 | $ 2.84 |
| YE 2020 | $ 2.18 | $ 2.48 | $ 5.32 | $ 2.84 |
| YE 2021 | $ 2.18 | $ 2.48 | $ 5.32 | $ 2.84 |

*TCUD-II Water Rates*

| | RH Rate to FM | FM Rate to TC | TC Rate | Margin |
|---|---|---|---|---|
| YE 2016 | $ 1.43 | $ 1.90 | $ 5.97 | $ 4.07 |
| YE 2017 | $ 1.61 | $ 1.91 | $ 5.98 | $ 4.07 |
| YE 2018 | $ 1.80 | $ 2.10 | $ 6.17 | $ 4.07 |
| YE 2019 | $ 2.00 | $ 2.30 | $ 6.37 | $ 4.07 |
| YE 2020 | $ 2.18 | $ 2.48 | $ 6.55 | $ 4.07 |
| YE 2021 | $ 2.18 | $ 2.48 | $ 6.55 | $ 4.07 |

*TCUD-I Sewer Rates*

| | RH Rate to TC | TC Rate | Margin |
|---|---|---|---|
| YE 2016 | $ 3.22 | $ 4.79 | $ 1.57 |
| YE 2017 | $ 3.83 | $ 5.40 | $ 1.57 |
| YE 2018 | $ 4.11 | $ 5.68 | $ 1.57 |
| YE 2019 | $ 4.19 | $ 5.76 | $ 1.57 |
| YE 2020 | $ 4.27 | $ 5.84 | $ 1.57 |
| YE 2021 | $ 4.36 | $ 5.93 | $ 1.57 |

Currently TCUD-I purchases water from the Town of Ft. Mill and pays the City of Rock Hill for the transporation and treatment of sewer for that system. TCUD-II currently purchases water from York County, but will begin purchasing water from the Town of Ft. Mill by the end of May 2016. TCUD-II sewer is treated by Tega Cay. Per contract, TC charges FM 30 cents more per 1,000 gallons than RH charges TC. Per contract, FM charges TC 30 cents more per 1,000 gallons than RH charges FM. ***Average TCUD-I utility bill for 2015 is $66.20. With the new rates, the average bill would increase by $4.30/month to $70.50.***

# Eddie Smith & Sons Paving Inc.

2112 Carolina Place • Fort Mill SC 29708
SC Phone 803.548.4035 • NC Phone 704.535.7744
Fax 803.548.4052
e-mail eddiesmith@comporium.net
www.eddiesmithandsonspaving.com


**CONTRACT**

April 26, 2016

City of Tega Cay
7725 Tega Cay Dr
Tega Cay SC 29708

Work to Be Performed At:
Pedestrian Path
Trail Head

We hereby propose to furnish all the materials and perform all the labor necessary to:

- Excavate approx. 69' X 8' of existing walking trail and cut sub-grade to match at the designated match lines and haul off the debris **$3,240.00**
- Construct key stone walls on each side approx. 5' total height at the crest and tapered to grade and approx. 50' long on each side **$7,960.00**
  **Note:** Tega Cay to have their engineer to handle the engineering process
- Repave 69' X 8' with 4" stone base and 2" surface mix asphalt **$3,385.00**

All material is guaranteed to be as specified and completed in a substantial workmanlike manner for the sum of: **Fourteen thousand five hundred eight five and 00/100 dollars ($14,585.00) to be paid in full upon completion.**

Any alteration or deviation from above specifications will be an extra charge over and above estimate. All agreements are contingent upon strikes, accidents, or delays beyond our control.

- **Note: Pricing is based upon today's cost of materials. Price may increase due to increased cost of material and fuel prices depending upon cost when the work is performed.**

**Please see our web site for more information about our company**

Sincerely,

Eddie Smith – President

We may withdraw this contract if not accepted within 30 days

**ACCEPTANCE OF CONTRACT**

The above prices, specification, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Accepted By: _____ Date: _____

# Eddie Smith & Sons Paving Inc.

2112 Carolina Place • Fort Mill SC 29708
SC Phone 803.548.4035 • NC Phone 704.535.7744
Fax 803.548.4052
e-mail eddiesmith@comporium.net
www.eddiesmithandsonspaving.com


**CONTRACT**

December 4, 2015

City of Tega Cay
7725 Tega Cay Dr
Tega Cay SC 29708

Work to Be Performed At:
Across from City Offices

We hereby propose to furnish all the materials and perform all the labor necessary to:

- Cut and excavate the curb and gutter at (2) access points and install handicap access and 210' X 5' of 4" thick concrete walk **$8,500.00**

- Install (2) South Carolina spec piano key style thermoplastic crosswalk striping including traffic control **$5,975.00**

All material is guaranteed to be as specified and completed in a substantial workmanlike manner to be paid in full upon completion. Any alteration or deviation from above specifications will be an extra charge over and above estimate. All agreements are contingent upon strikes, accidents, or delays beyond our control.

- **Note: Pricing is based upon today's cost of materials. Price may increase due to increased cost of material and fuel prices depending upon cost when the work is performed.**

**Please see our web site for more information about our company**

Sincerely,

Eddie Smith – President

We may withdraw this contract if not accepted within 30 days

**ACCEPTANCE OF CONTRACT**

The above prices, specification, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Accepted By: _____ Date: _____