

Mayor
Elise Partin

Mayor Pro-Tem
James E. Jenkins

Council Members
Phil Carter
Tim James
Hunter Sox

City Manager
Tracy Hegler

Assistant City Manager
Jim Crosland



**City of Cayce
Public Hearing and Regular Council Meeting
Wednesday, March 16, 2022, at 6:00 p.m.**

**Cayce City Council is currently meeting virtually via Zoom.
Please use one of the following methods to attend the Council Meeting:**

Virtual Attendance, click

<https://us02web.zoom.us/j/88966544199?pwd=ZVITQIRxUitISUxZZVJuY0psbFZkQT09>

or

Telephone: 1-929-205-6099

Meeting ID: 889 6654 4199

Passcode: 504809

caycesc.gov

**PUBLIC HEARING ON THE ESTABLISHMENT OF A DEFAULT CONSENT OR FRANCHISE FEE
FOR CERTAIN USES OF PUBLIC STREETS OR PUBLIC PLACES IN THE ABSENCE OF A
CONSENT AGREEMENT OR FRANCHISE AGREEMENT WITH THE CITY**

- I. Opening Statement
- II. Public Testimony
- III. Close Hearing

REGULAR COUNCIL MEETING

I. Call to Order

- A. Invocation and Pledge of Allegiance

II. Public Comment Regarding Items on the Agenda

III. Ordinances and Resolutions

- A. Discussion and Approval of Ordinance 2022-03 to Establish a Consent Fee or Franchise Fee for Certain Uses of Public Streets or Public Places in the Absence of a Consent Agreement or Franchise Agreement with the City – Second Reading
- B. Discussion and Approval of Ordinance 2022-05 Amending Section 2-144 of the City Code so as to Provide for Procurement and Contracts by City Council on a Most Convenient Source or Sole-Source Basis in Certain Circumstances – First Reading
- C. Consideration and Approval of a Resolution Designating Additional Allocations for Funding Received through the American Rescue Plan Act

IV. Items for Discussion and Possible Approval

- A. Discussion and Approval of Hospitality Tax Application from the Cayce Public Safety Foundation for the Cayce Police Department and Special Olympics Pickleball Tournament

V. Committee Matters

- A. Appointments
Municipal Election Commission – One (1) Position

VI. City Manager's Report

VII. Council Comments

VIII. Executive Session

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

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

XI. Adjourn

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

PUBLIC NOTICE AND NOTICE OF PUBLIC HEARING ON THE ESTABLISHMENT OF A DEFAULT CONSENT OR FRANCHISE FEE FOR CERTAIN USES OF PUBLIC STREETS OR PUBLIC PLACES IN THE ABSENCE OF A CONSENT AGREEMENT OR FRANCHISE AGREEMENT WITH THE CITY

Notice is hereby given that members of Council of the City of Cayce will hold a Public Hearing for the purpose of obtaining public comment on a proposed Ordinance setting a default consent or franchise fee for certain uses of public streets or public places in the absence of a consent or franchise agreement.

Date: March 16, 2022

Time: 6:00PM

Cayce City Council is currently meeting virtually via Zoom. Please use the following method to attend the Council Meeting:

Telephone: 1-929-205-6099

Meeting ID: 889 6654 4199

Passcode: 504809

caycesc.gov

The proposed Ordinance is available for inspection at Cayce City Hall and on the City website at www.caycesc.gov.

The general public and other interested parties are encouraged to attend this public hearing via Zoom. Questions regarding this matter and/or review of documents relating to this matter are available for public inspection in the City Manager's Office, City of Cayce.

Second and final reading and vote by the Council on the Ordinance setting a consent or franchise fee for certain uses of public streets or public places in the absence of a consent agreement or franchise agreement with the City will be held immediately following the Public Hearing.

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: March 16, 2022

Subject: Second reading of an Ordinance to establish a consent fee or franchise fee for certain uses of public streets or public places in the absence of a consent agreement or franchise agreement with the City

Issue

Adoption of an Ordinance that amends current Code provisions and sets a "default" consent fee or franchise fee for utilities that use public streets and public places within the City for lines, structures and facilities but do not have a valid consent agreement or franchise agreement with the City.

Discussion

The State Constitution (in Article VIII, section 15) recognizes the right of municipalities to consent to the use by utilities of public streets or public property for lines, mains, and facilities. The "general powers" State statute for municipalities (S.C. Code section 5-7-30) expressly confers upon municipalities the power, among other powers, to "grant franchises for the use of public streets and make charges for them". This Constitutional right and this State statutory power are recognized in our City Code in current sections 12-52 and 12-53, as well as in section 17 of the 2022 Business License Ordinance that is to become effective on May 1, 2022. (Copies of these Code sections, as now worded, are reproduced on page 2.)

Traditionally, the amounts of consent fees or franchise fees to be paid by utilities for the use of public streets and public places for their lines and facilities are established by the terms of mutually agreed upon consent agreements or franchise agreements between utilities and the City (or, as with telecommunication companies and cable providers, are set by State law). However, after several years of negotiations, the City and the electric and natural gas utility providers within the City (SCE&G/Dominion and Mid-Carolina Electric Cooperative) have been unable to agree on the terms of new franchise agreements, and the expiration dates for their current franchise agreements are approaching. Consequently, the City needs to establish the fees by general ordinance in the event the current franchise agreements terminate. The proposed Ordinance sets those "default" fees for electric energy, natural gas, and for the "communication lines and facilities" for unspecified purposes described in the latest franchise agreements presented for negotiation by those utilities. The proposed Ordinance intends to exclude telecommunications and cable television which are subject to franchise fees addressed by other provisions of State law.

Recommendation

Staff and the City Attorney recommend Council give second reading approval to this proposed Ordinance.

COPIES OF CITY CODE SECTIONS

Current City Code sections effective until May 1, 2022

Sec. 12-52. - Permission to use streets required.

It shall be unlawful for any person to construct, install, maintain or operate in, on, above or under any street or public place under control of the Municipality any line, pipe, cable, pole, structure or facility for utilities, communications, cablevision or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees and conditions for use.

Sec. 12-53. - Consent, franchise or business license fee required.

The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.

Business License Ordinance section effective May 1, 2022 (City Code section numbers to be provided by Municode when published)

Section 17. Consent, franchise, or license required for use of streets.

A. It shall be unlawful for any person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the Municipality any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or any purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees, and conditions for use.

B. The annual fee for use of the streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or credited against business license taxes unless specifically provided by the franchise or consent agreement.

STATE OF SOUTH CAROLINA)	ORDINANCE 2022-03
)	
COUNTY OF LEXINGTON)	AN ORDINANCE TO ESTABLISH A CONSENT
)	FEE OR FRANCHISE FEE FOR CERTAIN USES
CITY OF CAYCE)	OF PUBLIC STEEETS OR PUBLIC PLACES IN
)	THE ABSENCE OF A CONSENT AGREEMENT
)	OR FRANCHISE AGREEMENT WITH THE CITY

WHEREAS, the City Council, pursuant to the State statutory and State Constitutional authorities granted to and in favor of municipalities, including but not limited to, Article III, Sections 14 and 17 of the State Constitution and S.C. Code section 5-7-30, desires to establish by Ordinance a consent fee or franchise fee for certain uses of public streets and public places within the City to apply in the absence of a valid consent agreement or franchise agreement,

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

1. Section 17 ("Consent, franchise, or license required for use of streets") of the 2022 Business License Ordinance adopted by the Council by second reading on November 9, 2021, of Ordinance 2021-23, is hereby amended to read as follows:

Section 17. Consent or franchise agreement or fee required for use of streets for certain purposes.

A. It shall be unlawful for any person, business or organization to construct, install, maintain, operate, or continue to operate, in, on, above, or under any public street or public place under control of the City, any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without (1) a valid consent agreement or franchise agreement pursuant to S.C. Code sections 58-9-2230 or 58-12-5 et seq. or issued by the Council by ordinance that prescribes the term, fees, and conditions for such use, or without (2) timely payment of any consent fee or franchise fee that is required in the absence of a valid consent agreement or franchise agreement as described in subsection C of this section or by other ordinance.

B. The fee for use of public streets or public places authorized by a consent agreement or franchise agreement by ordinance shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing consent agreements or franchise agreements shall continue in effect until the expiration dates in the agreements. Franchise or consent fees shall not be in lieu of or be credited against business license taxes unless specifically so provided by the franchise or consent agreement. The consent fee or franchise fee that is required in the absence of a valid consent agreement or franchise agreement by ordinance shall be as provided in subsection C of this section or by other ordinance.

C. (1) Any utility or other person, business or organization providing electric energy service or natural gas service by use of any public street or public place as described in subsection A of this section within the City that does not have a valid consent

agreement or franchise agreement in effect with the City shall pay a consent fee or franchise fee to the City, on a calendar quarterly basis as described below, equal to five (5) percent of its gross revenue (without deductions) from the sale or distribution within the City of electric energy or natural gas to all residential, commercial, and industrial customers, for the preceding calendar quarter. Payment of the fee shall be made within thirty (30) days after the end of each calendar quarter.

(2) Any utility or other person, business or organization providing any service through communication lines and facilities by use of any public street or public place as described in subsection A of this section within the City that does not have a valid consent agreement or franchise agreement in effect with the City shall pay a consent fee or franchise fee to the City, on a calendar quarterly basis as described below, equal to five (5) percent of its gross revenue (without deductions) from the sale or distribution of its service through communication lines and facilities to all residential, commercial, and industrial customers, for the preceding calendar quarter. Payment of the fee shall be made within thirty (30) days after the end of each calendar quarter.

(3) This subsection is reserved.

2. Section 12-52 ("Permission to use streets required") in Article II ("Licenses") of Chapter 12 ("Businesses") of the City Code is hereby amended to read:

Sec. 12-52.- Consent or franchise agreement or fee required for use of streets for certain purposes.

A. It shall be unlawful for any person, business or organization to construct, install, maintain, operate, or continue to operate, in, on, above, or under any public street or public place under control of the City, any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without (1) a valid consent agreement or franchise agreement pursuant to S.C. Code sections 58-9-2230 or 58-12-5 et seq. or issued by the Council by ordinance that prescribes the term, fees, and conditions for such use, or without (2) timely payment of any consent fee or franchise fee that is required in the absence of a valid consent agreement or franchise agreement as described in subsection C of this section or by other ordinance.

B. The fee for use of public streets or public places authorized by a consent agreement or franchise agreement by ordinance shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing consent agreements or franchise agreements shall continue in effect until the expiration dates in the agreements. Franchise or consent fees shall not be in lieu of or be credited against business license taxes unless specifically so provided by the franchise or consent agreement. The consent fee or franchise fee that is required in the absence of a valid consent agreement or franchise agreement by ordinance shall be as provided in subsection C of this section or by other ordinance.

C. (1) Any utility or other person, business or organization providing electric energy service or natural gas service by use of any public street or public place as described

in subsection A of this section within the City that does not have a valid consent agreement or franchise agreement in effect with the City shall pay a consent fee or franchise fee to the City, on a calendar quarterly basis as described below, equal to five (5) percent of its gross revenue (without deductions) from the sale or distribution within the City of electric energy or natural gas to all residential, commercial, and industrial customers, for the preceding calendar quarter. Payment of the fee shall be made within thirty (30) days after the end of each calendar quarter.

(2) Any utility or other person, business or organization providing any service through communication lines and facilities by use of any public street or public place as described in subsection A of this section within the City that does not have a valid consent agreement or franchise agreement in effect with the City shall pay a consent fee or franchise fee to the City, on a calendar quarterly basis as described below, equal to five (5) percent of its gross revenue (without deductions) from the sale or distribution of its service through communication lines and facilities to all residential, commercial, and industrial customers, for the preceding calendar quarter. Payment of the fee shall be made within thirty (30) days after the end of each calendar quarter.

(3) This subsection is reserved.

3. Section 12-53 ("Consent, franchise or business license fee required") in Article II ("Licenses") of Chapter 12 ("Businesses") of the City Code is hereby repealed.

4. If any section, subsection, or clause of this Ordinance shall be deemed or determined to be unconstitutional or otherwise invalid, the validity of the remaining section, subsections, and clauses shall not be affected thereby.

This Ordinance shall become effective upon approval on second and final reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2022.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

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

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: March 16, 2022

Subject: First Reading of an Ordinance Amending Section 2-144 of the City Code so as to Provide for Procurement and Contracts by City Council on a Most Convenient Source or Sole-Source Basis in Certain Circumstances

ISSUE

Council approval is needed for the amendment of Ordinance 2-144.9 (Procurements and Contracts).

BACKGROUND/DISCUSSION

Since the COVID-19 pandemic began, the City of Cayce has experienced supply issues from automobile supplies to electronics. We know that supply-chain bottlenecks -- around the world -- have caused record shortages of many products that American consumers are used to having readily available, from household goods to electronics to automobiles. Not only has this been affecting the City, but based on reports we've been following, the issue may not end soon.

The City would like to amend the City's procurement policy to add the language:

"City council may waive the informal and formal bid procedures when it is to the advantage of the city to acquire goods and/or services on a most convenient source basis or sole-source basis in situations of prolonged supply chain delays or on the basis of a previously awarded bid or contract, and for professional services when the person employed is customarily employed on a fee basis rather than by competitive bidding (such as, by way of example, for an appraiser, attorney or physician)."

This will allow staff to obtain goods and services when they are readily available. The full Ordinance is attached.

RECOMMENDATION

Staff recommends Council approve the amendment to Ordinance 2-144.9 Procurements and Contracts)

Sec. 2-144. Powers and duties.

The city manager shall be the executive officer and head of the administrative branch of the city, subject to approval by a majority vote of the council. He/she shall be responsible to the city council for the proper administration of all affairs of the city, and to that end, subject to the personnel provisions of the city Charter, shall have power and shall be required to:

...

- (9) *Procurements and contracts.* Procure (purchase, rent, lease or otherwise acquire) all materials, supplies, services or equipment for which funds are provided in the budget, but he/she may not procure any item which exceeds any budget appropriation until the council has increased the appropriation, provided that for procurements of more than \$25,000.00, except for emergency services or emergency replacement of essential equipment or except as further provided or allowed herein, the manager shall be required to receive formal, written bids or proposals after due notice inviting bids or proposals. For procurements of more than \$25,000.00 and for all contracts for new construction, he/she shall present such bids or proposals to the council for approval or rejection. He may make procurements or let contracts not in excess of \$25,000.00, necessary in the operation or maintenance of city services, without the approval of the city council, when sufficient funds for such purposes have been appropriated in the budget, but the city council shall authorize procurements or let all contracts for more than \$25,000.00, all contracts for new construction and all procurements or contracts which cannot be consummated with funds provided in the current budget. In the event of a protest concerning the apparent low bidder or the disallowance of a bid at the bid opening, all instructions and procedures shall be explained in writing to the bidders at the opening. The protestor shall have five business days to file with the city manager a written protest specifying all grounds of protest, the decision by the city manager will be communicated within five business days, any appeal from the decision of the city manager shall be to the city council and filed with the city manager within five business days of the date of the decision, and the city council shall hear and decide the appeal at its next regular or special meeting. City council may waive the informal and formal bid procedures when it is to the advantage of the city to acquire goods and/or services on the basis of a previously awarded bid or contract, and for professional services when the person employed is customarily employed on a fee basis rather than by competitive bidding (such as, by way of example, for an appraiser, attorney or physician). The city manager shall advise the council as to whether or not any contract offered is desirable, or which of several contracts offered is most desirable for the city. The city manager or his/her designee will review all city contracts biennially in an effort to review best practices for the current services provided. This review may be completed through a request for proposal (RFP) procedure awarded by council. Pursuant to regulations and procedures approved by the council, the city may enter into cooperative purchasing with other governmental units, sole-source procurements, sole-source contracts, purchases at auction, competitive on-line bidding, fixed price bidding, competitive best value bidding, negotiations after unsuccessful competitive sealed bidding, or design-build contracts. The requirements of competitive bidding shall not apply to the procurement of professional legal, medical, or emergency construction services. The city manager may issue such rules and regulations governing procurements, and governing requisitions and the transaction of the business of purchasing between himself/herself as purchasing agent and the heads of the departments, officers and employees of the city as the council may approve. No contract or procurement shall be subdivided to avoid the requirements of this section.

(Code 1975, § 2-55; Ord. of 12-6-05; Ord. No. 2018-02, 3-21-2018; Ord. No. 2020-23, §§ 1—5, 8-4-2020)

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

ORDINANCE 2022-05

AN ORDINANCE TO AMEND SECTION 2-144 OF THE CITY CODE SO AS TO PROVIDE FOR PROCUREMENT AND CONTRACTS BY CITY COUNCIL ON A MOST CONVENIENT SOURCE OR SOLE-SOURCE BASIS IN CERTAIN CIRCUMSTANCES

WHEREAS, the Council believes it to be in the public interest and in the interest of effective and efficient operation of the City government for City Council to have the specific authority under circumstances of supply chain delays to waive the informal and formal bid procedures provided by current City Code section 2-144(9) so as to arrange for certain procurements and contracts on a most convenient source basis or sole-source basis when it is to the advantage of the City to do so,

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

Subsection (9) ("Procurements and contracts") of Section 2-144 ("Powers and duties") of Division 2 ("City Manager") in Article III ("Officers and Employees") of Chapter 2 ("Administration") of the City Code is hereby amended to add the words "on a most convenient source basis or sole-source basis in situations of prolonged supply chain delays or" in the sixth sentence of the subsection, so that, as amended, the sixth sentence of subsection (9) shall read as follows:

"City council may waive the informal and formal bid procedures when it is to the advantage of the city to acquire goods and/or services on a most convenient source basis or sole-source basis in situations of prolonged supply chain delays or on the basis of a previously awarded bid or contract, and for professional services when the person employed is customarily employed on a fee basis rather than by competitive bidding (such as, by way of example, for an appraiser, attorney or physician)."

This Ordinance shall become effective upon approval on second and final reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2022.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

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

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: March 16, 2022

Subject: Approval of Resolution for the Expenditure of ARPA Funds

ISSUE:

Council approval is need for the approval of a resolution for the expenditure of American Rescue Plan Act (ARPA) Funds for City projects and Capital items.

BACKGROUND/DISCUSSION

The City has received \$3,487,148.02 of the allotted \$6,974,296.03 through the American Rescue Plan Act. City staff have outlined the below partial expenditure list for projects that have resulted from lost revenue. More detail is also provided in the attached resolution.

Minimum Salary Adjustments:

The City of Cayce has ten employees that their salaries are below \$30,000 annually. The City would like to move the ten employees that are assigned to Parks and Sanitation up to the \$30,000 per year threshold. This would also eliminate the 102 and 103 payroll grades for the City. The new starting hourly rate for the 104-payroll grade would be \$14.42 per hour.

SmartCop Reporting Software:

The current software that the Police Department is using is out of date and there are issues with the technical support. This software package has the data for the entire Police Department and Court for the last twenty years and could possibly become irretrievable. The new software package (SmartCop) is cloud based and has many more options and is currently being used by several surrounding jurisdictions to include Lexington Police Department, SC Highway Patrol, and Georgia State Patrol. It will also include compatible software to integrate with Court.

Due to the prevalence of the SmartCop software through South Carolina's Law Enforcement Divisions and its unique configuration, the City of Cayce wishes to contract directly with SmartCop. If approved, this be done as part of an existing agreement that MASC has with them, whereby SmartCop has been vetted for law enforcement application within the state of South Carolina.

Axon Project:

Is an interconnected ecosystem of devices, actions, apps, and people. Currently in use by Lexington County Sheriff's Department, Richland County Sheriff's Department and 5th and 11th Circuit Solicitor's Offices this system will unite officer safety, citizen transparency and efficiency in to one fiscally sound program

Currently the body camera, in-car cameras, tasers, weapons, interview rooms and storage of evidence are past their usefulness, lifecycle, and ability for our officers to perform their duties. It is imperative that we immediately replace our existing systems.

The existing equipment does not “react” when deployed, by the other equipment. For example, the outdated Taser that we carry, does not activate the body camera or in car camera when drawn. The sidearm our officers carry, when drawn, does not activate the body or in car camera systems. The body camera does not activate the in-car camera and vice versa.

We do not have internet capabilities, while out in the field, which restricts officer’s ability to upload camera data and reports, resorting to them sitting at headquarters or the substation for extended periods of time.

Our present camera servers are outdated and need to be replaced. The new system will be cloud based, not server and will be unlimited storage.

The new ecosystem allows for a forensic audit trail of the digital evidence, allows citizens to upload CCTV, ring camera, cell phone video/pictures directly to investigations.

Repairs for all our existing equipment are done in house and piece meal and there are zero technology upgrades included in our original purchases. Our team members are frustrated by the lack of connectivity, usability, and safety.

The new ecosystem will provide full warranty. If one is damaged a replacement is already on site at no cost or mailed to us. There is no hardware to purchase in the future because upgrades come digitally and physically every 2.5 years as part of the program.

Axon is on a State contract, so the City can use its cooperative purchasing policy to contract directly with Axon.

Audio/ Visual Upgrades for City Council Chambers:

The current system in chambers was designed to facilitate audio for in-person council meetings with no accommodations for virtual/hybrid meeting formats using platforms such as zoom, Teams, etc. Only audio is recorded with the current system without any digital processing and it is saved to an SD card on a non-networkable device.

During the COVID-19 pandemic we have repeatedly seen the need to facilitate virtual meetings and in some cases “mixed-mode” or hybrid meetings with some people present and some joining in from a virtual platform. The current set up makes this an extremely tedious and sometimes impossible task that, even when it works, does not work well and leads to audio feedback and looping requiring constant adjusting of the sound system and individual devices. This is to be expected as the current system was designed with a single purpose and we are now asking it to serve multiple purposes.

ACS is our preferred vendor for this project as they built, designed, and maintained the current system for us. As this is an upgrade/add-on of the current system that they have direct knowledge of all previous work and layout of the equipment being upgraded. They have provided us a quote of \$40,000 to include new recording equipment, microphones, and projection that will all sync together.

Audio/ Visual Upgrades for Courtroom/ Offices:

The current recording system in the court room is out of date and broken. It originally came with four microphones and a four-channel recorder that allowed for capturing all courtroom audio and mixed the channels into one audio file. Over the last two years two of the microphones have broken and we have not been able to replace them. The mixing function also no longer works, and staff has been using a free/open source software tool to manually combine the files when needed requiring additional work to provide recordings when requested. The current system also records to an SD card and is not networkable requiring the SD cards to be saved and frequently copied over to network storage to ensure retention.

The proposed system will address the issues above as well as provide several other improvements. All recordings will now be made using digital signal processing to mix them and will save to a networkable storage device to allow integration into our existing backup and disaster recovery appliance. This provides better retention and safeguarding with less work

on the part of court staff. The system also moves the microphones from the desktops to the ceilings which puts them up and out of the way and gets rid of the cords run across the floor for the existing equipment. It will also include a camera with audio and video feed of the courtroom into the clerk's office to allow personnel in the office to monitor court while in session.

As stated from the upgrades to the Council chambers, ACS is our preferred vendor for this project as they built and designed the system. As this is an upgrade/add-on of the current system that they have direct knowledge of all previous work and layout of the equipment being upgraded. They have provided us with a quote of \$35,000 which includes new microphones, monitors, and recording equipment that will all sync together.

RECOMMENDATION:

Staff recommends Council approve the Resolution for the listed expenditures using the allotted funds from the American Rescue Plan. Staff also recommends waiving the procurement policy or utilize cooperative purchasing agreements for the SmartCop Reporting Software, Axon Project and audio/visual upgrades through ACS due to the reasons listed above.

A RESOLUTION DESIGNATING ADDITIONAL ALLOCATIONS FOR FUNDING RECEIVED THROUGH THE AMERICAN RESCUE PLAN ACT

WHEREAS, the City Council has been informed that the City has received \$6,974,296.03 through the American Rescue Plan Act ("ARPA") and its State and Local Fiscal Recovery Funds, with \$3,487,148.02 received as of October 22, 2021; and

WHEREAS, the purposes for which such funds can be used are limited by the ARPA to certain broad categories related to the impact of the COVID-19 pandemic and resulting economic losses to the City government and the public; and

WHEREAS, the Council desires to maximize the public benefit and to adhere to the public purposes for any allocations of funds, with attention to durable projects with a longer life span and limited maintenance, and to the enhancement of existing programs within existing public structures or public-private structures that would address the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 pandemic; and

WHEREAS, the Council has considered the various competing demands and interests for appropriate additional allocations within the allowable categories and has determined that the public interest is best served by the designation of additional allocations of funding as further described below; and

WHEREAS, the Council, for planning and budgeting purposes, desires to designate any remaining allocations and the remaining funding as soon as feasible,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby designates the following additional allocations and amounts of funding for the City through the American Rescue Plan Act proceeds:

- | | |
|--------------------------------------|----------|
| 1. <i>Minimum Salary Adjustments</i> | \$17,175 |
|--------------------------------------|----------|

The City of Cayce has ten employees that their salaries are below \$30,000 annually. The City would like to move the ten employees that are assigned to Parks and Sanitation up to the \$30,000 per year threshold. This would also eliminate the 102 and 103 payroll grades for the City. The new starting hourly rate for the 104-payroll grade would be \$14.42 per hour.

- | | |
|--|-----------|
| 2. <i>New Software for the Police Department</i> | \$365,000 |
|--|-----------|

The current software that the Police Department is using is out of date and there are issues with the technical support. This software package has the data for the entire Police Department and Court for the last twenty years and could possibly become irretrievable. The new software package (SmartCop) is cloud based and has many more options and is

currently being used by several surrounding jurisdictions. It will also include compatible software to integrate with Court.

3. *Police Department Axon Project* \$215,000

The Axon Project consist of all new software and equipment for the Police Department. The Police Department has been using Axon for many years for their Tasers and have the only patent for that less than lethal option. Axon also offers in car cameras, new Tasers, evidence management software, cloud storage, and cradle points for cars. Purchasing the package option would eliminate the need for servers, improve public transparency and improve officer safety.

4. *Audio/visual Upgrade for Courtroom/ Offices/ Furniture* \$35,000

The City Municipal Court’s audio and visual systems are completely outdated and have been pieced together for many years. This upgrade will include new microphones, monitors, and recording equipment that will all sync together.

5. *Audio/ Visual Upgrades for City Council Chambers* \$40,000

The City’s Council Chamber’s audio and visual components are outdated and have been pieced to together for many years. The new system will include new recording equipment, microphones, and projection that will all sync together. The system will also allow the City to stream meetings virtually.

6. *Premium Pay to Employees (Approved by Council on 11/17/21)* \$624,000

*Premium Pay was distributed to City employees on December 10, 2021

Delayed Purchases	\$672,175
Premium Pay (Already Disbursed)	\$624,000
Total	\$1,296,175
First series of Funds from ARPA	\$3,487,148.02
Non-Allocated Available Funds	\$2,190,973.02

This Resolution shall become effective immediately upon its adoption.

**ADOPTED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF CAYCE,
SOUTH CAROLINA, ON THIS _____ DAY OF _____ 2022.**

CITY OF CAYCE, SOUTH CAROLINA

Elise Partin, Mayor

James E. Jenkins, Mayor Pro Tem

Phil Carter, Councilmember

Tim James, Councilmember

Hunter Sox, Councilmember

ATTEST:

Mendy Corder, City Clerk

Date of Reading

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: March 16, 2022

Subject: Hospitality Tax Request for Cayce Police Department and Special Olympics Pickleball Tournament as requested by the Cayce Public Safety Foundation.

Issue

Council approval is needed to allow Hospitality Tax funds to be allocated for the first ever pickleball tournament in South Carolina with a partnership with Special Olympics SC.

Discussion

The Cayce Police Department is hosting the first event, which will not only benefit Special Olympics, but also include them in a Unified Athletes vs Law Enforcement match. The tournament will be held at the Cayce Tennis and Fitness Center on Sunday, May 1, 2022. The Cayce Public Safety Foundation is requesting Hospitality Funds in the amount of \$5,550 to cover the costs of the event. This request is eligible for H-tax grant funding.

Approximately 50 Pickleball players plus the Special Olympics Athletes and Law Enforcement Athletes will participate. Families and friends of the athletes will also be in attendance. There will be a draw of participants from over a 100-mile radius and their addresses will be documented on the registration form. The Special Olympics athletes will be awarded a custom designed paddle with the Cayce Police Department and City of Cayce logo on them. For the advanced Matches, medals will be awarded for the top 3 finishers in each division. This event will provide community engagement with Cayce Police Officers and further enhance the bond between the Cayce Police Department and Special Olympics.

Food and drinks will be served at the event and City of Cayce Police vehicles will be available for Special Olympics Athletes and families to view. The proceeds from this event will go to Special Olympics of South Carolina.

Press and advertisement of the event will spotlight the City of Cayce, the City's facilities, and its hospitality. The USTA award winning Cayce Tennis and Fitness Center will be showcased as a premier spot to host pickleball tournaments. Swag bags will include coupons for Cayce restaurants and businesses. This is the first year of the event and it is projected to grow into a state and region wide event. For this year, the Special Olympics of South Carolina Coordinator anticipates participants from Columbia, Aiken, Camden, Greenville, and other areas of SC.

Recommendation

Staff recommends Council approve the Hospitality funds in the amount of \$5,550 to cover most of the costs of the event.

**City of Cayce
Hospitality Tax Grant:
Information & Application
Fiscal Year 2022-2023**



City of Cayce
1800 12th Street Extension
P.O. Box 2004
Cayce, SC 29171
803-796-9020
www.caycesc.gov

Information

The City of Cayce, in August 2014, established a local hospitality tax for the purpose of funding the operation and maintenance of current tourism-related facilities and to fund projects and events that promote quality of life, tourism and recreation. As part of this, the City makes grant funding available to nonprofit organizations hosting events within the Cayce city limits.

Grant funding is available to nonprofit organizations through a competitive application process. Applications for funding are accepted annually during the fall for the following calendar year. Grant awards are finalized by City Council in January, to be spent during the remainder of the year. Additional information about the City of Cayce Hospitality Tax, including the grant application, can be found at: <http://www.caycesc.gov/htax.asp>.

This document includes all information necessary to learn about and apply for a Hospitality Tax grant. Please review the information carefully prior to submitting a grant application.

I. Hospitality Tax Law

According to the South Carolina Local Hospitality Tax Act, the revenue generated by the hospitality tax must be used exclusively for the following purposes (Section 6-1-730):

- (1) tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
- (2) tourism-related cultural, recreational, or historic facilities;
- (3) beach access and renourishment;
- (4) highways, roads, streets, and bridges providing access to tourist destinations;
- (5) advertisements and promotions related to tourism development; or
- (6) water and sewer infrastructure to serve tourism-related demand.

NOTE: A **tourist** is defined as a person who does not reside in but rather enters temporarily, for reasons of recreation or leisure, the jurisdictional boundaries of a municipality for a municipal project or the immediate area of the project for a county project. (Section 6-1-760).

II. Eligibility Criteria

Non-profit organizations are eligible to receive grant funding. Applicants must provide a letter from the IRS confirming nonprofit status **OR** confirmation of registration with the South Carolina Secretary of State's Office as a nonprofit organization.

Grant funding is available only for events located within Cayce city limits. There is currently a moratorium on the approval of any requests for events outside of the City of Cayce.

The City of Cayce **WILL NOT** award Hospitality Tax funds to individuals, fraternity or sorority organizations, religious organizations, or organizations that support and/or endorse political campaigns.

III. Funding Guidelines

The primary purpose of the application **MUST** be tourism. Priority will be given to projects that:

- Promote dining at restaurants and other eating/drinking establishments in the City of Cayce.
- Promote and highlight the City of Cayce's historic and cultural venues, recreational facilities, and events.

Promotional materials for the event/project (including, but not limited to, brochures, flyers, advertisements, etc.) must include a statement that “Funding assistance provided by City of Cayce Hospitality Tax Funds.”

IV. Application Process

Nonprofit organizations interested in applying for Hospitality Tax grant funding must complete a formal application and provide required supporting documentation. Applications for grant funding must be submitted on the City’s current Hospitality Tax Grant Application; submissions made on any other form will not be considered. Incomplete applications will not be evaluated. Applications are accepted via email, mail or in-person delivery by close of business on the specified due date.

All applications for funding will be reviewed by City staff and the City Manager. Staff will make recommendations for grant funding to City Council who ultimately make the final determination of grant funding.

Applicants may be required to make a presentation to City Council. Council meetings are normally held on the first Tuesday of each month at 6:00 p.m. in Council Chambers at City Hall. Applicants will be notified if such a presentation is required.

V. Grant Payments

Hospitality Tax grants are reimbursable awards. The City of Cayce issues grant award checks after the submission of a reimbursement request form documenting all related expenses with copies of receipts, invoices and cleared checks. City staff will review all reimbursement requests and documentation against the original grant application and award criteria. Expenses not previously identified in the application will not be reimbursed.

After the reimbursement request form has been approved by the City, a check will be issued to the organization for reimbursement. Project/event vendors will **NOT** be paid by the City of Cayce; checks will be written only to the approved applicant. The approved applicant must submit an IRS Form W-9, Statement of Assurance, and a full budget for the project on file to receive reimbursement. The process of receiving a reimbursement grant check, after receipt and review of reimbursement form, takes approximately 10-15 business days.

If an organization is found to have unspent funding or has spent funding in any other way than as described and approved per the application, the funds must be returned to the City of Cayce. All requests for grant reimbursement must be submitted by June 30, 2021.

VI. Reporting Requirements

Within 30 days following completion of the project or event, the applicant must submit a final project report. The report must include:

- Number of people that attended the event
- Number of attendees from outside the City of Cayce
- How the attendance number was determined (i.e. sign-in log, zip code request, etc.)
- Final budget, including both income and expenses
- Copies of all advertisements or promotional materials associated with project
- Up to five photographs of the project/event, including one photo exhibiting acknowledgment of the City of Cayce through receipt of Cayce Hospitality Tax Funds



FY22 Hospitality Tax Application

Applications must be received by 5:00 p.m. Friday, April 23, 2022

Please review the full FY20 Hospitality Tax Grant Information and Application packet prior to submitting an application. To apply for a grant:

- 1. Complete and sign the Hospitality Tax Application.**
Incomplete applications will not be evaluated.
- 2. Provide the following required attachments:**
 - Letter from IRS confirming nonprofit status OR confirmation of registration with the South Carolina Secretary of State as a nonprofit organization
 - List of current board of directors
 - Copy of liability insurance
 - Copies of financial statements for the last three years or for the period of time for which the organization has been in operation
- 3. Provide the following optional attachments:**
 - One additional page for project description
 - One additional page for budget justification of grant expenditures
- 4. Submit three copies of the application and attachments:**
 - Secure each application with a paper or binder clip (no report folders, please)
 - Email, mail or hand deliver the application:
 - E-mail: sharris@caycesc.gov
 - Mail: City of Cayce
Hospitality Tax Grant Application
PO Box 2004
Cayce, SC 29171
 - Hand deliver: Cayce Municipal Complex, 1800 12th Street

**For questions regarding the application process, please contact Sarah Harris:
803-550-9545 or sharris@caycesc.gov**

FY20 City of Cayce Hospitality Tax Grant Application

Project Information	
Project Name: Cayce Police Pickleball Partnership	
Project Address/Location: 1120 Fort Congaree Trail Cayce, SC 29033	
Project Date(s): May 1, 2022	Amount Requested: \$5,550

Organization Information	
Organization: Cayce Public Safety Foundation	
Mailing Address: PO Box 5422	
City/State/Zip: Cayce, SC 29033	
Phone: 803-546-2121	Alternate Phone: 803-550-9529
Fax:	E-Mail: khutchinson@caycesc.gov
Executive Director: Pamme Eades	
Contact Person (if other than Executive Director): Kay Hutchinson	
How many years has this organization existed? 12	

Project Description
<p>The Cayce Police Department is hosting its first pickleball tournament that will not only benefit Special Olympics, but also include them in a unified Athletes vs Law Enforcement match! It will be held at the Cayce Tennis and Fitness Center. Approximately 50 players plus the Special Olympics athletes and Law Enforcement Athletes will participate. Families of the athletes will also be in attendance. There will be a draw of participants from over a 100 mile radius and their addresses will be documented on the registration form. The Special Olympics athletes will be awarded a custom designed paddle with the Cayce Police Department and City of Cayce logo on them. For the advanced Matches, medals will be awarded for the top 3 finishers in each division. This event will provide community engagement with Cayce Police Officers and further enhance the bond between the Cayce Police Department and Special Olympics.</p> <p>Food and drinks will be served at the event and City of Cayce Police vehicles will be available for Special Olympics Athletes and families to view. The proceeds from this event will go to Special Olympics of South Carolina.</p>

Tourist Information

Estimated number of **total attendees** to be attracted by this project: 100

Estimated number of attendees **from outside of Cayce** to be attracted: 75

Explain how the number of tourists will be calculated (surveys, forms, license plates, etc.):

Registration and possible raffle tickets with zip codes on them.

Explain how the requested dollars will increase tourism, financially impact tourism-related businesses in the City of Cayce, and how this impact is being determined:

Press and advertisement of the event will spotlight the City of Cayce, its facilities and its hospitality. The USTA award winning Cayce Tennis and Fitness Center will be showcased as a premier spot to host pickleball tournaments. Swag bags will include coupons for Cayce restaurants and businesses. This is the first year of the event and it is projected to grow into a state and region wide event. For this year, the Special Olympics of South Carolina Coordinator anticipates participants from Columbia, Aiken, Camden, Greenville and other areas of SC.

Total Project Costs	
Itemize Total Project Expenses Below	Amount
Court Fees and Balls and Paddles	300
Medals	300
T-Shirts	900
Food and Drinks	500
Custom Paddles	2000
Supplies	200
Advertising	1000
Insurance	350
Total Project Cost	5550

Hospitality Tax Grant Project Costs	
Itemize Hospitality Tax Grant Expenses Below	Amount
Court Fees and Balls and Paddles	300
Medals	300
T-Shirts	900
Supplies	200
Insurance	350
Advertising	1000
Custom Paddles	2000
Food and Drinks	500
Amount Requested (must equal Amount Requested on first page of application)	5550

All Sources of Project Funds		
Source of Funds	Status of Funds (Proposed, Requested, Received)	Amount
Registration	Proposed	1500
Sponsorships	Proposed	1000
Walmart Grant	Received	500
	Total	3000

Statement of Assurances/Certification

The applicant has reviewed the full FY21 Cayce Hospitality Tax Grant Information and Application document and understands the hospitality law, eligibility criteria, funding guidelines, application process, payment process and reporting requirements set forth. The applicant hereby certifies that the information submitted as part of this application is accurate and reliable. Any change/and or variation must be reported immediately, otherwise funding may be withheld.

If awarded, the applicant agrees:

- Promotional materials for the project (including, but not limited to: brochures, flyers, advertisements, etc.) must include a statement that "Funding assistance provided by City of Cayce Hospitality Tax Funds."
- Revenue generated by the project must benefit a community or organization within the Cayce city limits.
- Financial records, support documents, statistical records, and all other records pertinent to Hospitality Tax funding shall be retained for a period of three years. All procurement transactions, regardless of whether negotiated or advertised, shall be conducted in a manner that provides maximum competition. The grant recipient shall establish safeguards to prohibit employees from using their positions for a purpose that has the appearance of being motivated by a desire for private gain for themselves or others. All expenditures must have adequate documentation. All accounting records and supporting documentation shall be available for inspection by the City of Cayce upon request.
- Unspent funding or funding that has spent in any other way than as described and approved per the application must be returned to the City of Cayce.
- No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by Hospitality Tax funds.
- Employment made by or resulting from Hospitality Tax funding shall not discriminate against any employee or applicant on the basis of handicap, age, race, color, religion, sex, or national origin.
- None of the funds, materials, property, or services provided directly or indirectly under Hospitality Tax funding shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.
- That the organization carries liability insurance in the amount of \$_____ and agrees to include the City of Cayce as a named insured for purposes of this project. The organization assumes full legal responsibility for any suit or action at law or equity, and any or all claims arising from this project/activity, and do hereby indemnify and hold harmless the City of Cayce and its staff from any liability in any action at law or equity associated with its support for this project/activity.
- A Final Report of the project will be submitted upon project conclusion including the items as outlined in section VI of the FY21 Information and Application document.

Board Chairperson Signature:

Board Chairperson Name (printed):

Date:

Executive Director Signature:

Pammy L Eads

Executive Director Name (printed):

Pammy L Eads

Date:

2/14/22

COUNCIL ACTION REQUIRED

MUNICIPAL ELECTION COMMISSION – ONE (1) POSITION

The Cayce Municipal Election Commission currently has one (1) open position. The City received a potential member application from Ms. Dara Brown on March 2, 2022. The City has received no other applications for this position. Ms. Brown's application is attached for Council's review.

NO COUNCIL ACTION REQUIRED

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

PUBLIC SAFETY FOUNDATION – TWO (2) POSITIONS

This Foundation is a 501(c) (3) organization that raises funds to provide the members of Cayce Public Safety with equipment and resources to make their jobs and the community safer. There are no recommendations at this time.

STANDARD TECHNICAL CODES BOARD OF APPEALS – TWO (2) POSITIONS

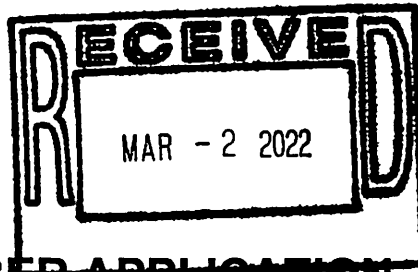
Reviews citizen appeals to ensure building codes, property maintenance codes and fire codes are properly interpreted and implemented fairly. Members who serve on this Board must be either an Engineer, Contractor, Architect or Design Professional. There are no recommendations at this time.

APPOINTMENT PROCESS

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

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

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



CITY OF CAYCE POTENTIAL MEMBER APPLICATION

Name: Dara Brown Date: March 2, 2022
 Home Address: Sedgefield Street City, State, Zip Cayce, SC 29033
 Telephone: (803) E-Mail: _____
 Resident of Cayce: Yes No Number of Years: 18 years

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

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

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

Yes No If yes, specify below.

Work Address

Company: Brookland-Lakeview Empowerment Center Position: Sr. Community Health Coordinator
 Address: 1218 Batchelor Street City, State, Zip West Columbia, SC 29169
 Telephone: (803) 744-1969 E-Mail: dbrown@brookland.cc

Work Experience: 25 years working in public and community health - physical activity, diabetes, breast cancer, disability health, minority health

Educational Background: Masters in Public Health - 2001, Uof SC, Bachelors in Human Services - 1998, Kennesaw State University

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

South Carolina Community Health Worker Association, National Association of Community Health Workers

Volunteer Work: SC Spinal Cord Injury Association Board Member (Secretary & Governance Committee Chair), ABLE SC Board Member, Cayce Neighborhood Leader (Glenwood Estates)

Hobbies: Reading, Running, Cooking, Hiking

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