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Ethics and Civility

Hometown Legislative Action Day to Spotlight Ethical Decision-Making

Dr. William McCoy

When Dr. William McCoy thinks of the American relationship with civility, he draws attention to the history of the United States — "a nation founded on challenging the status quo."

"That has helped us to be described — by nations that have been around longer than we have — as scrappy, kind of a rowdy and uncivil group," he said. "If you think about some of the things that have happened in our history, it's not hard to see that."

But even with this kind of background, civility plays a critical role in cooperative work, like that of a city council, or a city government and its residents. McCoy contends

that ethics — an agreed-upon standard of good and bad behavior — is the key to making civility work.

"The foundation of civility really is ethics and helping people understand that a 'right' and a 'wrong' yet exist. You just have to help point it out to people and then hope that they grasp onto it and understand the reasoning behind it."

McCoy will address ethics and civility during the opening session of the Municipal Association's Hometown Legislative Action Day on February 7.

Since 2018, McCoy has served as the director of Clemson University's Rutland Institute for Ethics, where he has worked to emphasize ethical decision-making within the university environment and among outside organizations.

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He noted that the definition of ethics can be "somewhat nebulous."

"You open up four or five books and they will all say something different about ethics," he said. "The way I define it, and I put it in very rudimentary terms, is the acceptance and standard of societal right and wrong."

Culture and perspective can influence the differences between individual views on ethics. Even so, McCoy said, some ethical questions should have consistent answers no matter a person's background, and not just for major issues, like the idea that murder is wrong. An example that he uses in the classroom is to ask his students to imagine purchasing a heavy load of groceries, and placing a pack of bottled water in the bottom of the grocery cart, and then discovering they accidentally carried it to the parking lot without paying for it.

"There is no dilemma here," he said. "The only dilemma is, 'how quickly can I get back in there and pay for that?'"

Some of the challenges for elected officials, McCoy said, include a tendency for the public to hold them to a higher standard of conduct, meaning that they are expected to take a measured approach to an exchange even if they are being aggressively attacked. Other major challenges have emerged recently, such as social media giving people an opportunity to more easily engage in public attacks.

"What I've learned is the more balanced that I am, the more that I can remove myself, the more that I can distance myself from mimicking and mirroring behaviors that I don't want . . . to exhibit," he said, adding that this kind of approach can inspire others to take the same calm approach to a situation.

Concurrent sessions

Later during Hometown Legislative Action Day, attendees may choose to attend concurrent sessions, including these:

- **Understanding SC's New Law Enforcement Reform Act** – In May 2022, the South Carolina General Assembly passed legislation that directly affects law enforcement policies and procedures. This session will feature SC Criminal Justice Academy Director Jackie Swindler discussing what municipal police departments need to know about the new requirements.

- **Different Cities, Different Solutions for Short-term Rentals** – Cities and towns in South Carolina are different and require different solutions to short-term rental regulation. In this session, several mayors discuss why their cities created their unique short-term rental ordinances, the lessons they have learned and their suggestions for other municipalities considering these regulations.

- **Field Services Roundtable** – Ask questions on any number of issues important to cities and towns of the Municipal Association's field services managers, Charlie Barrineau, Ashley Kellahan and Jeff Shacker.

Find all agenda details for Hometown Legislative Action Day at www.masc.sc (keyword: HLAD), as well as the Municipal Elected Officials Institute of Government, taking place the next day on February 8 (keyword: MEO).

FINAL REMINDERS
for 2023 Hometown Legislative Action Day

The Municipal Association's Hometown Legislative Action Day arrives Tuesday, February 7. Here's what attendees need to know:

Municipal Association app

The Municipal Association's app isn't just for events, but it does offer plenty of HLAD information. Through the app users can view the meeting agenda and decide on which of the concurrent sessions they want to attend. The app also gives users information on speakers, attendees and sponsors.

Download the app from either the App Store or Google Play by searching for "Municipal Association of SC."

Parking

The parking garage behind the Marriott, with entrances on Hampton and Sumter streets, will have limited availability. Meeting attendees and hotel guests may not park above level 4-A in this garage or their vehicles will be towed.

Additional parking will be available at the Cannon Garage located at 1200 Taylor St., one block from the hotel. City parking fees will apply.

Shuttle service

The Marriott will provide a shuttle between the hotel and the Cannon Garage on Taylor Street. For HLAD on February 7, the shuttle runs 8 to 10:30 a.m. and 4 to 7:30 p.m. For the Municipal Elected Officials Institute of Government on February 8, the shuttle runs 8 to 10 a.m. and 4 to 5:30 p.m.

Find more information for Hometown Legislative Action Day at www.masc.sc (keyword: HLAD).

NEWS BRIEFS

Apply for a 2023 Achievement Award by February 8

Purpose	Categories	What to Submit	Dates
• Recognize innovative projects, share them with other municipalities and the public • Demonstrate the value of South Carolina's cities and towns	Municipalities with populations of 20,000 or fewer can compete in a population category or a subject category. Municipalities with populations greater than 20,000 can compete in a subject category only: • Communications • Economic Development • Public Safety • Public Service • Public Works	• Completed application form signed by the mayor • Completed responses to the 10 application questions • Supporting material • Three digital photos	**Submission deadline:** **Wednesday, February 8** • Cities competing in subject categories will be assigned an oral presentation time on February 27 or 28 • Award winner recognition during the Annual Meeting in July

For more information and the awards application, visit www.masc.sc (keyword: achievement awards).

Municipal Association of South Carolina

Municipal Association Launches New Look, Website

by Todd Glover, Executive Director, Municipal Association of SC

At the Municipal Association of South Carolina, the number "271" comes up fairly often. It's the number of cities and towns across our state — some located in metropolitan areas of many hundreds of thousands of residents, some located in rural areas with hundreds of people, and everything in between.

The Association holds a deep appreciation for how unique each of the 271 cities and towns are in South Carolina. Each has its own history and economic base, and perhaps most importantly, its own vision for the future of the community. In 1930, municipalities came together to form the Association for the betterment of cities and towns throughout the state, and we've been doing it ever since.

When the Association decided that the time had come to replace its existing mark, a logo which has served us well for the last 20 years, we landed on a visual that speaks to how all South Carolina cities and towns from every background come together to serve the residents of our state.

When you look at our new brandmark, you'll see the crescent that you've seen many times on the state flag, signifying how we are one South Carolina. But above that crescent you'll see some of the visual clues of our diversity. There's tall commercial buildings but also a small storefront with an awning. There's a field with a barn — so many of us are agricultural — and there's an institutional, government-type building, as we have all come to the world of government to make our hometown communities the best they can be.

As we developed this image to encapsulate everything the Association has become in the last nine decades, we decided to launch it at the traditional beginning of our advocacy work at the State House during Hometown Legislative Action Day. We're also taking this moment to launch an improved website, www.masc.sc.

The Association's many services, from its advocacy and education efforts to its affiliate associations and publications, all remain organized much as they have been within the site. Members of the SC Municipal Insurance Trust and SC Municipal Insurance and Risk Financing Fund will find that the Association's Risk Management Services resources have moved to their own tab in the navigation. Beyond that, simple changes to improve flow and search functions will make for an overall improved experience.

Our visual messaging and website are important ways for the Association to convey who we are and how we can help. Our staff has worked hard to bring these projects to fruition, and I'm confident the updates will benefit our collective dedication to the cities and towns of South Carolina for years to come.

Municipal Association of South Carolina

City Brands Capture Community Character, Aspirations

Simpsonville's branding is distinguished by the three diamonds as well as variants of the "Simply Home" tagline. Photo: City of Simpsonville.

Before adopting its current branding, the City of Simpsonville's logo had several design elements that were seen on many city logos of that era — a streetlamp, a water tower, a row of storefronts.

One of the images, however, contains a true symbol of Simpsonville: the brick clock tower, situated downtown along Main Street. The faces of the clock have a diamond shape as part of the construction, and those diamond shapes turn up in many other buildings around the city. They became a part of the new City of Simpsonville brand, which features three diamonds across the top of the word "Simpsonville."

The design is simple, but it connects to the community in a real way. As Simpsonville Community Relations Specialist Justin Campbell notes, that kind of authenticity is necessary in a city brand, and it's necessary to truly believe in the brand. The public, he said, understands when city officials have no passion for it.

"If you're not proud of it, they're certainly not going to be proud of it," he said.

For many cities and towns, a brandmark can appear on everything from the welcome sign to the side of a garbage truck to the clothes worn by staff. They're often the product of a consulting firm and a wide-ranging community survey process.

Campbell was tasked with overseeing a rebranding process when he entered into his position. He said that the city council expressed concerns during the process that the brand might be too generic, but he advocated for the versatility of it. In addition to the full logo, the branding scheme uses a simpler icon for contexts where the full logo does not fit — the "S" superimposed on the diamond.

The theme of simplicity also carried into the very brief tagline — "Simply Home" — and the true versatility of the branding lies in that phrase. Simpsonville uses seemingly endless variants of it as a tagline and hashtag for different contexts: "Simply Historic," "Simply Connected" and "Simply Musical," among others. For example, the ribbon cutting of a new restaurant might use "Simply Delicious" as a banner in the photo, while advertisements for the city's Christmas events use "Simply Joyful" and "Simply Bright."

From the time the branding launched in 2019, Campbell said the city worked to make heavy use of it — only when the brand feels familiar can it truly work as a symbol of the city.

"When you're working with a brand, it's psychological," he said. "If they feel like you're forcing something on them like this, they will shy away from it."

In the City of Florence, the current branding dates to 2017, which as Marketing, Communications and Municipal Services Director Amanda Pope noted, was a moment in time when many in the city felt encouraged about the city's successes. An ongoing effort to redevelop a struggling downtown district had caught traction and began attracting new businesses and events.

To reflect this sense of progress and optimism, the new brand included an arrow pointing ahead and the tagline "Full Life. Full Forward." The written "brand mission" that was part of the project drew attention to Florence's aim to stand out as an innovative city, reading, "We are a beacon of progress. Our economy and social diversity offer boundless opportunities and enormous assets."

While a brand can connect to a city's economic development efforts and can catch the eye of businesses that may want to move in, Pope said that a brand should also address the existing residents, not just visitors, and promote community pride.

"We want people to reconnect and love their community," she said. "Give people reasons to — when they see that piece of trash — to not just walk over it, but reach down and pick it up, because they're a part of that community."

A good city or town brand can help convey the soul of the community, but Pope described brands as something that need to be aspirational as well.

"Your brand is more than just a tagline, it's a promise," she said. "It's telling your community who you are, who you want to be, what you want to provide."

Florence's branding is used on everything from vehicle wraps to clothing to pole banners. Photo: City of Florence.

Association Highlight:
Municipal Finance Officers, Clerks and Treasurers Association

Many municipal job positions have specific training and networking needs, and the Municipal Association of South Carolina's affiliate associations offer opportunities to meet those needs.

The SC Municipal Finance Officers, Clerks and Treasurers Association offers training programs covering the diverse responsibilities of its members. Training sessions qualify for a combination of continuing education credits for certified municipal clerks, certified public accountants and certified public treasurers. MFOCTA sponsors the Municipal Clerks and Treasurers Institute with the Municipal Association and the College of Charleston's Joseph P. Riley Jr. Center for Livable Communities.

The MFOCTA Spring Academy for 2023 is taking place from February 14 to 17 at the Wild Dunes Resort on Isle of Palms, with keynote speaker Dr. Katrina Hutchins leading a session on leadership and resiliency. Once every five years, South Carolina hosts the International Institute of Municipal Clerks' Region III, including members from Alabama, Florida, Georgia, North Carolina and South Carolina, at its academy, so the upcoming conference will be a joint event with IIMC Region III.

Learn more about MFOCTA at www.masc.sc (keyword: MFOCTA).

American Rescue Plan Report Due by April 30

In 2022, the U.S. Department of the Treasury began requiring local governments receiving the American Rescue Plan's Local Fiscal Recovery Funds to submit a Project and Expenditure Report.

Metropolitan cities in South Carolina that have a population below 250,000, and that had an allocation of more than $10 million in funding are required to submit their report by April 30, 2023. Nonentitlement units of local government in South Carolina with populations of less than 50,000 are also required to submit their reports by April 30.

In September 2022, the Department of Treasury announced that it would no longer provide the administrative support for local governments. As a result, the State and Local Fiscal Recovery Funds call center shut down in October, email response operations were sharply curtailed, and a hiring freeze was put in place which limited the agency's ability to directly engage with recipients.

To ease the burden of this drastic reduction in support services, the Department of the Treasury created a Self-Services Resource to assist recipients with questions about reporting, technical issues, eligible uses of funds and other items. This resource can be found at www.treasury.gov by searching "recipient compliance and reporting responsibilities."

By law, all ARP funds received by cities and towns must be obligated for specific projects by December 31, 2024, and must be spent by December 31, 2026.

The Municipal Association maintains a webpage at www.masc.sc (keyword: American Rescue Plan) connecting officials with extensive guidance on handling federal ARP reporting requirements, including user guides, recorded webinars and presentations. The Association does not have access to the Department of Treasury's ARP reporting portal, but its field services managers, Charlie Barrineau, Ashley Kellahan and Jeff Shacker, can assist local officials as they submit their report.

For general American Rescue Plan questions, contact Municipal Association Legislative and Public Policy Advocate Erica Wright at ewright@masc.sc or 803.354.4793.

To contact your field services manager, visit www.masc.sc (keyword: Request Municipal Assistance).

MEO Municipal Elected Officials Institute of Government

QUIZ
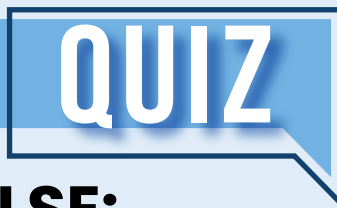
TRUE OR FALSE:

The decision to borrow money happens before the council decides what it needs to fund.

FALSE : The decision of whether to borrow is secondary to the decision of what the municipality wants to purchase or build. After a council determines the community's service and facility needs, it may consider borrowing as one of several available financing options.

Learn more about municipal debt in the *Handbook for Municipal Officials in South Carolina* at www.masc.sc (keyword: officials handbook).

The Municipal Elected Officials Institute of Government offers the required course "Basic Budgeting and Municipal Finance" in person and as an online, on-demand course. After the MEO Institute offers Sessions A and B on February 8 in Columbia, the budgeting and finance course will be offered at the regional councils of governments locations on March 21. The registration deadline for that course will be March 14. Learn more about the MEO Institute at www.masc.sc (keyword: MEO).
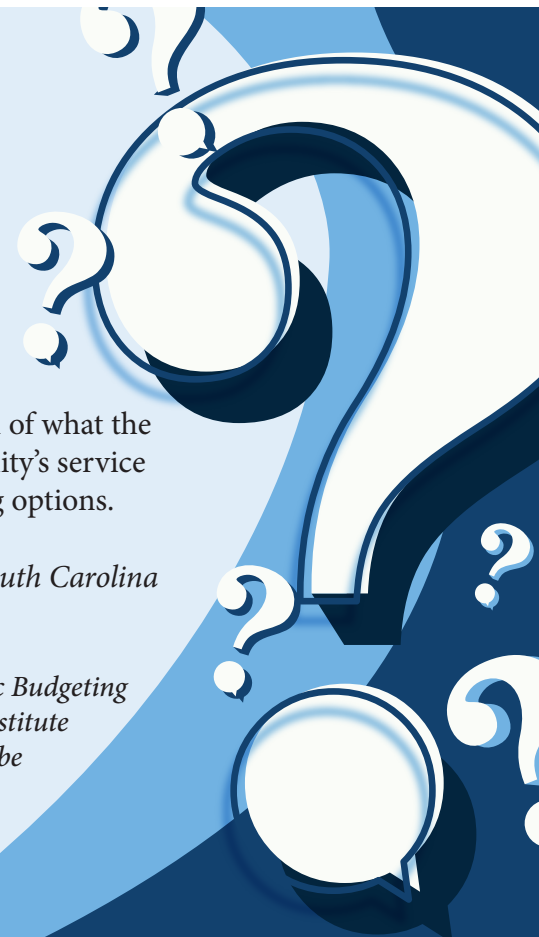
Recognizing Workplace Hazards

In municipal government workplaces, dangers to employee health and wellness can come in many forms – hazardous chemicals or other environmental factors, insufficient personal protective equipment or dangerous machinery.

To keep workers safe, city and town leaders need to know where the dangers exist in their workspaces, and they need to know that written safety plans have been implemented to make the working environment as safe as possible.

To help with this, the Municipal Association's Risk Management Services has created an Onsite Safety Assessment Checklist that shows what types of dangers are present, what the city has done about them, and whether ongoing safety precautions are in place and properly documented. Here are some of the items from the checklist:

First aid kits – Cities should make sure that first aid kits are located in all buildings and vehicles.

Fire extinguishers – Proper fire extinguisher locations are determined by the layout of a building and the class of the fire extinguisher. There should be at least one per floor and one per every 3,000 square feet in the building. For Class A, C or D extinguishers, there should be no more than 75 feet of walking distance from any location to the extinguisher, and for Class B, there should be no more than 50 feet. The extinguishers should be regularly inspected and employees should be trained in their use.

Written materials – Worksites should have postings containing emergency phone numbers and the worksite's address. Appropriate Occupational Safety and Health Administration posters should be posted as well. For example, the OSHA 3165 poster explains worker's rights relating to safety as well as safety-related legal requirements for employers. For worksites with hazardous substances, all such substances should be labeled with appropriate safety data sheets on site.

Plans and trainings – Employers need to develop and use a written comprehensive safety program. They should provide safety-related new hire orientation as well as ongoing hazard communication training and safety meetings. Some hazards need particular training, such as fall protection training for those who work at elevated heights, forklift training, crane or boom operation training, personal protective equipment training or trenching safety training. Training should always be documented.

OSHA 300 form – Cities should maintain an OSHA 300 form, which tracks workplace safety incidents for the annual report to OSHA.

For full details on the safety assessment checklist, contact John Ciesielski, loss control consultant, at jciesielski@masc.sc or 803.354.4752.

For members of the SC Municipal Insurance Trust and SC Municipal Insurance and Risk Financing Fund, Ciesielski conducts hazard recognition training in the form of a mock safety inspection, identifying hazards in the worksite in accordance with OSHA Standard 1910 and 1926. With hazards identified, he develops practical means for reducing the danger involved, as well as strategies for preventing the dangers from reoccurring. Interested members can contact Ciesielski to schedule training.

LAW ENFORCEMENT POLICIES

USE OF FORCE AND RESPONSE TO ACTIVE RESISTANCE

In 2022, the General Assembly, acting with significant input from the law enforcement community, the Municipal Association of SC and other stakeholders, passed Act 218. This legislation codified many law enforcement standards statewide and became part of an ongoing effort to improve best practices and address the risk management needs of police departments.

The law updated and mandated a set of minimum standards that all law enforcement agencies must adopt and implement. The new standards, developed by the SC Law Enforcement Training Council, took effect at the beginning of 2023. Departments may establish additional standards that are more restrictive, but not less restrictive.

Act 218 established a Compliance Division within the Training Council that will use significant enforcement mechanisms for departments that have not adopted the minimum standards. Penalties include fines of up to $1,000 per violation per day. The Training Council may also "hold in abeyance," or temporarily suspend, the certification of every officer working for a department.

The Association's Risk Management Services drafted model policies for each of the standards, available for use by all cities and towns at www.masc.sc (keyword: law enforcement model policies). Those departments that are not SC Municipal Insurance Trust or SC Municipal Insurance and Risk Financing Fund members should reach out to the SC Criminal Justice Academy for guidance on policy questions.

This article is the first in a series looking at each of the model policies, beginning with the "Response to Active Resistance" the "Response to Active Resistance Investigations" policies.

Use of Force and Response to Active Resistance

The policy asserts that the department will protect residents and respect the rights of suspects while balancing these intentions with the need to keep officers safe in circumstances where they must use force to bring an incident under control.

The policy asserts that "reasonable force is only that force which is necessary to accomplish lawful objectives. All uses of force must be objectively reasonable. The department and all officers recognize that the sanctity of human life serves as the guiding principle in use of force decisions."

The policy outlines force options that officers may use in appropriate situations, ranging from command presence — evoking authority through the officer's uniform and appearance — and verbal commands. Beyond these steps, there is "soft empty hand control," or directing the person's movement using hands; to chemical sprays; electronic control devices such as stun guns; "hard hand control," which involves punches and physical strikes; impact weapons such as batons; and canines to bite and hold a suspect.

Deadly force, according to the policy, can be used "only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury."

The policy states that using a chokehold restricting airflow or a carotid hold restricting blood flow is allowed only in cases where the use of deadly force is justified — a specific provision of Act 218. The policy also requires ongoing training for the use of chokeholds and carotid holds.

A "duty to intervene" section requires officers who observe clearly unreasonable use of force to intervene when they can do so safely. Officers must report unreasonable use of force. These policy elements are mandatory under Act 218.

Response to Active Resistance Investigations

This policy requires "an accurate, thorough, fair and impartial investigation of an officer-involved death, or serious bodily injury incident."

It explains the duties of the first uninvolved officer to respond to a scene, those of the on-scene supervisor. It also requires notifying numerous officials of an incident, including the police chief, the deputy chief, investigators and any assistant law enforcement officers, any psychological or peer support personnel, and the representative of the involved officer, if requested.

Learn more about the policies at www.masc.sc (keyword: Act 218).

Staff Resources, Communication Make Annexation Work

Holly Hill Mayor Billy Chavis looks at his town's maps and boundaries, and sees it as a 1,000-piece jigsaw puzzle.

"It boils down to what are your town limits and where do you want to be. It's a big puzzle and we're trying to fit all the pieces together," he said.

Annexation is the key to expanding the town and capturing the growth that's roaring up Interstate 26 from the Charleston area through Goose Creek and Summerville.

"Holly Hill gets a chance to expand. Eastern Orangeburg County has been forgotten. There are a lot of repairs and infrastructure needs that we have to beg, borrow and plead for. Getting money to upgrade can now come from developers and it helps us revitalize and beautify. It lets us complete a lot of things on our wish list a lot faster," he said.

And the people who are being annexed into the town are able to reap the benefits of city services, quicker emergency response times and lower utility rates.

For municipal governments, annexing new land into the city's borders is a complex and sometimes controversial proposition. In South Carolina, there are three methods for annexing land:

100% Petition and Ordinance Method

Requires a petition for annexation submitted and signed by all of the property owners, and then accepted by council without a required public hearing.

75% Petition and Ordinance Method

Requires 75% of the landowners who own 75% of the assessed value of the land to agree and includes other requirements including a 30-day public notice and public hearing. The 75% method requires the completion of a feasibility study.
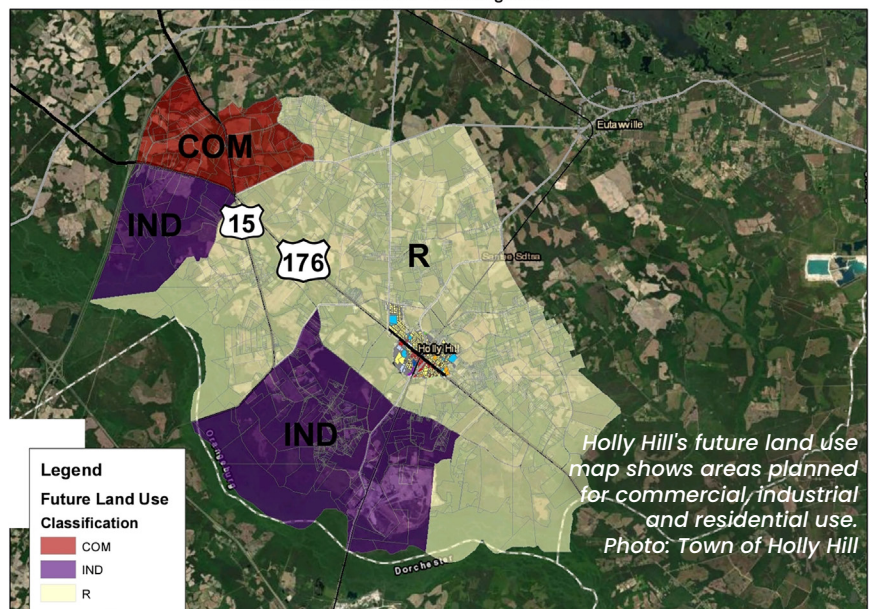
25% Petition and Election Method

Requires a petition signed by 25% of qualified electors who must be residents of the area to be annexed. The county election commission conducts an election, and, if it is successful, the city must then provide public notice and 30 days for public reaction, which may require an additional referendum.

In Holly Hill, all of the recent annexations have used the 100% method, which Chavis said has allowed developers access to city water and sewer service for single-family homes and multi-family townhomes. He said the town also has some annexation covenants, where areas that are not currently contiguous to Holly Hill promise to annex into the town when their property becomes adjacent to its borders.

Chavis' advice for successful annexation projects? Build a great team and get the proper people who can advise you. In Holly Hill, a planner is on contract to the town.

Draft Future Land Use - Planning Area

Legend
Future Land Use Classification
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Holly Hill's future land use map shows areas planned for commercial, industrial and residential use. Photo: Town of Holly Hill

Fire protection is one of the municipal services that can play into a decision for a property owner to annex. Photo: City of Gaffney.

"The planner handles all our annexations. She's the guiding force, our light in the darkness. We're all learning really quickly," he said. "Holly Hill was not equipped. We knew growth was coming, but everyone on the planning and zoning committee have other jobs. It's best to get people who are qualified. Get the best legal advice, the best town planner and come up with a master plan. You've got to build your planning and zoning committee and your board of zoning appeals if you want to see growth."

Gaffney, located in Cherokee County along the fast-growing Interstate 85 corridor, has seen much industrial and residential growth in recent years, including new housing developments. The city annexed 250 acres for an 800-house subdivision in late 2021, another 117 acres for approximately 400 houses in 2022 and the city is in the process of annexing 58 acres for a subdivision with 150 to 200 houses. As it has for at least the past 25 years, Gaffney used the 100% method for annexation.

"Annexation has to be in the best interest of the property owners," said City Administrator James Taylor. "We have to offer a level of service, a better utility rate or some other tangible that makes it advantageous for folks to annex. And that can be fire protection, police protection. It can be the fact that we provide street lights on roads and streets inside the city. It's a combination of things."

In Gaffney, the public-owned utilities offer a lower rate for city residents, making water and sewer rates and tap fees less expensive, which is especially important if an industrial or commercial customer is a large water user, he said. Also, police response time inside the city limits is generally quicker because officers

have less territory to cover than the county sheriff's department. And Gaffney has a professional fire department with 13 members per shift and an excellent Insurance Services Office rating, or ISO rating, of 2.

Taylor said Gaffney leaders have worked to develop a good relationship with developers, offering a courtesy review of preliminary plans and explaining the benefits and timeline for annexation. As the city administrator, he takes the lead in working with potential annexation prospects, with the formal procedure typically taking between 60 and 90 days for approval.

"That initial customer service meeting is very important," he said. "They need to have a good understanding of the procedures and how this will impact their project."

In rapidly growing Greenville, the city has worked on annexation for years, although the structure of special purpose districts in the area has made the process somewhat difficult, said Shannon Lavrin, Greenville's assistant city manager.

The city's emphasis on growing inward, by focusing on redevelopment in downtown and revitalization of existing neighborhoods, has strengthened the city over time. But in 2021, city council listed annexation as one of its goals, and city staff has increased its annexation efforts, completing at least 28 annexations in

2022. The previous modern record was 16 in a year, she said. The city has an annexation team that works on future annexations and processes petitions for annexation. Greenville uses both the 100% and 75% methods.

"Annexation can be both good for the city and for property owners in current unincorporated areas of Greenville County. The city can receive an increase in population, property tax and business license fees. Annexation also allows the city to provide higher development standards and local government investment in areas that surround the city, providing a better built environment for people, businesses and other stakeholders," Lavrin said.

She said many of Greenville's bordering special purpose districts charge more in property tax than the city, so in some instance property owners receive better services at a lower price when they become city residents — better police and fire response times, lower water rates, and lower taxes on vehicles.

"We often receive feedback from property owners, believing their taxes will go up or do not believe the benefits of annexation," she said.

Lavrin said cities should create a "toolbox of benefits" the municipality provides before starting annexation efforts, including services such as emergency response, government investment initiatives or any economic development incentive. A webpage and pamphlets can also be used to help spread the word.
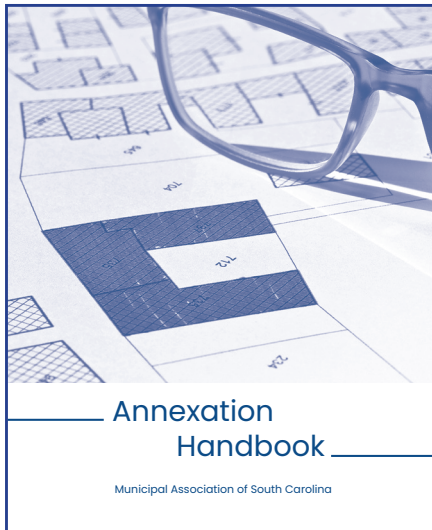
"Local governments should also run the tax analysis for next-door tax districts," she said. "If the municipal taxes happen to be cheaper, approaching property owners within this tax district may be easier than elsewhere."

Greenville's Plush Mill is an example of a redevelopment that took place after an annexation. Photo: City of Greenville.

Planning and Zoning

Updated *Annexation Handbook* Now Available

Annexation of properties into municipal limits is among the most frequently-discussed policy subjects in municipal government. City and town officials often have questions about the eligibility of given properties for annexation into their municipality, how to pursue and properly execute a property annexation, and even whether a proposed annexation is financially feasible. The Municipal Association of SC recently overhauled and updated its guidance document on this critical subject — the *Annexation Handbook*, found at www.masc.sc (keyword: Annexation Handbook).

The handbook covers the three methods of annexation available to municipalities in South Carolina: the 100% petition and ordinance method, the 75% petition and ordinance method and the 25% petition and election method. It provides checklists, includes sample petitions, and explains the other documents to be assembled when enacting an annexation.

Annexation Handbook
Municipal Association of South Carolina

Beyond the processes of annexation, the guide takes a look at many other issues:

Defining and determining "contiguity." Properties can be annexed only when they are contiguous to municipal limits. The handbook provides explanations of the nuance involved in cases where roads, railroads or waterways intervene between a property inside the municipal boundaries and one outside.

Policy considerations. For every annexation, city and town councils should ask whether the annexation is in the best interest of the municipality's current residents. Sometimes, the increased revenue of an annexation does not offset the financial burden of furnishing municipal services to the new area. Other issues include the zoning or rezoning of parcels as they are annexed, the legal issues involved in requiring annexation agreements as a condition for providing services outside the city, as well as creating tax relief or other incentives for annexation.

Rules for annexing certain property types. The laws governing annexation of property owned by the municipality, the county, state or federal government, school district property, corporate property, multicounty parks and others vary. There are also specific issues to consider when annexing cemeteries or church property.

Association Offers Required Planning and Zoning Training

South Carolina law requires every appointee and staff official involved with local planning and zoning to complete mandatory training sessions. When officials do not fulfill this requirement, they can be removed from their position and can open the city or town to legal challenges of the actions taken by a board or commission with untrained members.

For several years now, the Municipal Association has offered an online version of the six-hour orientation course to help officials fulfill the training requirement. There is no charge for the training, and no need for in-person proctors or facilitators. Individuals can complete the training from any laptop, tablet or mobile device with an internet connection at any time.

The South Carolina Planning Education Advisory Committee approved this curriculum, which teaches the tools necessary for officials and staff to perform their duties responsibly and effectively. The online training comes in the form of six, one-hour sessions, and includes video exercises to complete using the *Comprehensive Planning Guide for Local Governments,* knowledge check quizzes and other reinforcement activities. Each of the sessions provides its own completion certificate and the Municipal Association also creates course transcripts for municipal planning officials.

State law also requires officials to complete three hours of continuing education training each year to remain compliant. Several of the Municipal Elected Officials Institute of Government courses can count toward this requirement, including "Forms of Municipal Government," "Municipal Economic Development" and "Freedom of Information Act in SC." The SC Association of Counties developed videos that can count toward the requirement as well.

Learn more about available planning and zoning training, as well as other resources, at www.masc.sc (keyword: planning and zoning training).
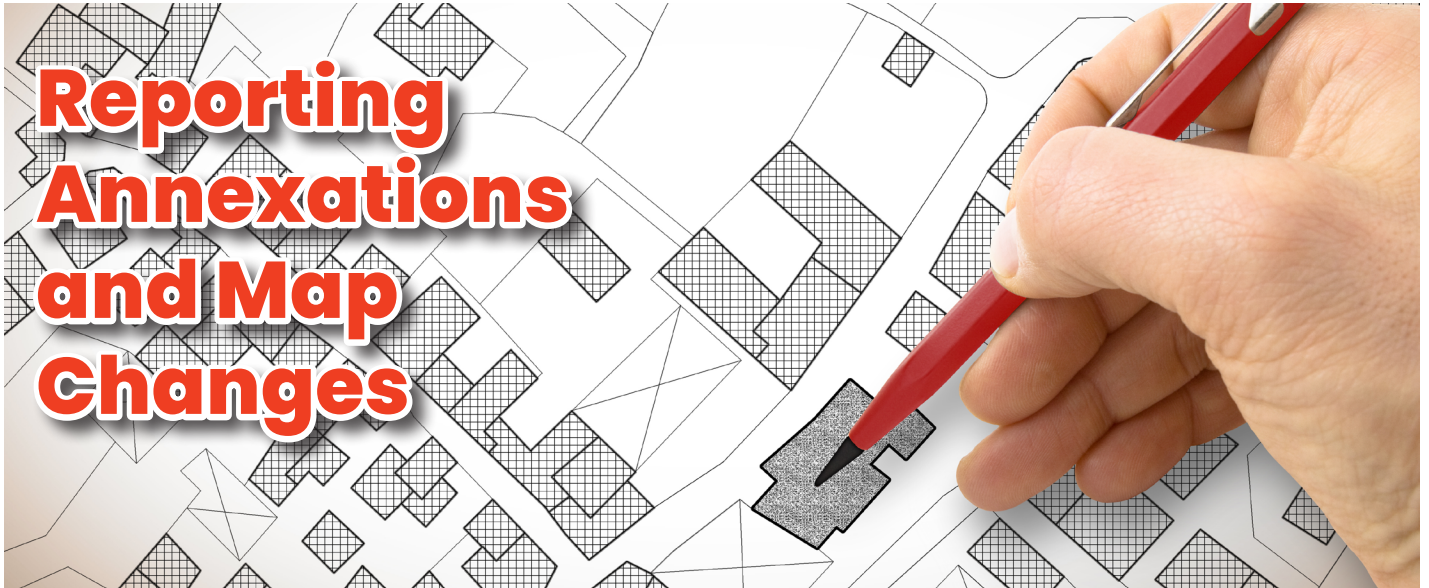
Reporting Annexations and Map Changes

The exact location of municipal boundaries is a critical issue that determines everything from representation on city council to determining which local government is responsible for providing services.

There are many tax considerations as well — is a given business located in the city that collects a business license tax? Was a given online purchase delivered to an address inside a city, and therefore subject to sales tax in that city? Did a ride with a transportation network company, like Uber or Lyft, originate inside the city, meaning that the city should receive a portion of the local assessment fee?

Handling these issues requires correct documentation and reporting of annexations to state agencies and other entities that need to know.

Reporting to the state

State law requires municipalities to notify four entities of every annexation of property:

- The **SC Secretary of State**, which issues certificates of incorporation;

- The **SC Department of Transportation**, which needs information on maintenance responsibility for any given road; The **SC Department of Public Safety**; and

- The **SC Revenue and Fiscal Affairs Office**, which uses the information to draw lines for election districts and to determine Local Government Fund disbursements.

Historically, the Revenue and Fiscal Affairs Office has maintained the most accurate database of GIS boundary mapping in South Carolina. RFA posts its database of city and county boundaries on its website in an accessible format.

To ensure it has accurate data, cities and towns should regularly report to RFA their boundaries, districts and wards, even when annexations do not take place. Municipalities should report boundary information to RFA at least once every year even if the boundaries have not changed.

Reporting locally

Beyond the requirements of state law, reporting annexations to local entities — including within the municipality itself — can help with coordination. Cities should give up-to-date boundary information to all of these groups:

- All municipal departments, preventing incorrect assumptions by any city staff about whether a given property is inside the city;

- The county government, which helps with the proper coordination of services, especially emergency services;

- The county board of voter registration, which allows it to assign election districts to new annexations; and

- Utility franchisees, so that franchise fees can be levied correctly.

Many cities and towns now use their websites to providing boundary maps and zoning maps to help get the available data into the hands of contractors, engineers or members of the public who may need it.

Officials can find the RFA boundaries database at rfa.sc.gov/mapping/tncmaps. For discrepancies or assistance, contact RFA at mapping@rfa.sc.gov or 803.734.3793.

Managing Traffic Growth

As cities and towns throughout the Palmetto State continue to grow, managing traffic to sustain new demands remains a daily concern. Many municipalities, like Lexington, Simpsonville and Aiken, have been innovating solutions to overcome infrastructure growth issues in order to keep traffic flowing.

The Town of Lexington is no stranger to population growth, and traffic. Director of Transportation Randy Edwards noted that the town's traffic issues go as far back as 1980. These days, the town is close to completion of its innovative Adaptive Signalization System project that was outlined in 2012 as part of its Vision Plan. The multifaceted adaptive system includes traffic monitoring by cameras that have the capacity to override signals, adjusting to the volume of traffic at any given time. In addition, "green light tunnels" created by the streetlights allow for synchronicity to encourage greater traffic flow. With funding from the Columbia Area Transportation Study Guideshare Program, Lexington County, Lexington Medical Center and the Town of Lexington successfully funded this $6.6-million project, a winner of the Municipal Association's Achievement Awards in 2020.

"Certainly, the adaptive system takes a long time to design, engineer and fund," said Edwards, who continued that the upside of having new growth is that changes to traffic volumes will be accounted for with the adaptive system. "We certainly see a benefit, because the traffic patterns are not normal anymore post-COVID, and we've seen a lot more volume from 10 a.m. to 3 p.m. than you normally used to."

The goal of the adaptive system is to make traffic flow more efficiently, explained Edwards, with synchronized intersections working together to move large quantities of cars through the entire system.

In addition to the signal upgrades, the Town of Lexington continues to look for new ways to mitigate congestion. Using funding from its hospitality tax program, other capital construction projects have included changing the traffic patterns from two-way to one-way streets and adding node improvements like detail lanes and auxiliary lanes.

"In conjunction with SC Department of Transportation approval, we're able to fund that, get it working, and have changed the flow efficiencies in downtown Lexington pretty significantly," Edwards said.

In Greenville County, the City of Simpsonville's council recently approved plans to implement a counterclockwise traffic pattern. With study data from the SCDOT, the plan includes changes to the traffic patterns along Main Street.

"Simpsonville has had unprecedented growth over the past 20 years," said City Administrator Dianna Gracely.

The town has seen approximately 28% growth between 2010 and 2020, based on the most recent Census data. Rapid growth and the intersecting of two main highways downtown has only added to congestion.

"Because of all of that rapid growth, and because of the fact that these are well-traveled highways, the traffic has just become too much," said Gracely.

As the city was looking at ways to improve congestion in its downtown, the original proposal was to eliminate on-street parking and add left-turn storage, but that was not ideal because of parking shortages in the downtown. Instead, the city considered using some one-way traffic patterns, which is what it ultimately decided to do, said Gracely.

To easily disseminate information to the community about the project and receive feedback during the planning process, a unique public hearing was created where stations were facilitated by city officials, design partners and SCDOT.

SCDOT conducted traffic studies to get the necessary raw data for council to consider.

"[SCDOT] actually conducted the traffic studies for us and they put all of that data, all of the traffic clicks that they took and turning movements, into a simulator that they have and so we were able to look at the traffic flow for the actual number of vehicles and they ran that simulation for morning commuter traffic and evening commuter traffic," said Gracely.

Over the summer, the council voted on the counterclockwise, one-way traffic movement pattern.

Funding for the project included $2 million in county transportation funds by way of the Greenville Legislative Delegation Transportation Committee, as well as a $14 million hospitality and accommodations tax revenue bond.

Still in its initial design phase, the project it is slated to take 18 months to finish.

"It's a complete ground up reconstruction – we're replacing stormwater piping, new gutters, new catch basins, new sidewalks, new streets, new striping pattern, new streetlights, and landscape improvements," said Gracely. "It's a mammoth project."

The City of Aiken has seen its share of growth over the past two decades. To help alleviate some of the strain on the transportation resources, the City of Aiken and Aiken County conducted a joint study in 2006.

"[It] identified the Powderhouse connector, which would connect Whiskey Road to another thoroughfare," said Stuart Bedenbaugh, City Manager for Aiken. "Whiskey Road is a north-south thoroughfare, Pine Log Road is an east-west thoroughfare – [the connector]

would connect the two, and by doing so it would relieve traffic along the heaviest-traveled portions of Whiskey Road up to about 25%."

When Mayor Rick Osbon took office in late 2015, Bedenbaugh recounted that the mayor identified this project as one that the city should actively pursue. Funding for the $37 million project was the biggest issue.

"This is a classic example of utilizing multiple funding streams," said Bedenbaugh. To realize the project, funding is coming from 1% capital project sales tax funds. That said, $7 million has been appropriated as well as $1 million in other city funds.

The City of Aiken also received $8 million in federal funds with the help of Sen. Lindsey Graham. "And, most substantially, the state Transportation Infrastructure Bank in September approved the balance of about $20.8 million," noted Bedenbaugh. "It's going to be a project that when complete, will drastically transform the transportation landscape of the southern side of Aiken."

The multiphase project will take about three and a half years to complete. Bedenbaugh said that the property owners have been significant.

"Some of the large property tract owners have donated their right of way because they see the value that their property is going to achieve through the construction of a road," Bedenbaugh said. "Once the roadway is put in, they'll see some benefits from development, whether it's residential or commercial."

Growing populations can create unprecedented transportation challenges in South Carolina, but careful planning and funding — and some creativity — can revolutionize what city streets can do.

The cameras which feed information into Lexington's Adaptive Signalization System are mounted alongside the town's traffic lights. Photo: Town of Lexington.
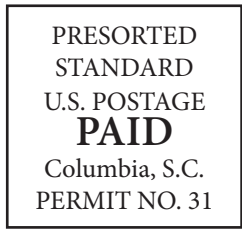
Calendar

For a complete listing of the Association's training opportunities, visit www.masc.sc to view the calendar.

FEBRUARY

7 Hometown Legislative Action Day. Columbia Marriott. Find more information on page 1.

8 Municipal Elected Officials Institute of Government. Columbia Marriott. Topics for Session A include an overview of local government planning and zoning; conducting public meetings; and strategic planning. Topics for Session B include municipal annexation, business license tax administration, and ethics and public accountability. Courses also include Advanced Continuing Education, as well the Advanced MEO Institute topics of public safety policy and administration and municipal utility policy and administration.

14 – 15 Municipal Court Administration Association 101 Session C. Municipal Association of SC, Columbia. Topics include court financials.

14 – 17 International Institute of Municipal Clerks Region III/Municipal Finance Officers, Clerks and Treasurers Association Spring Academy. Wild Dunes Resort, Isle of Palms. Topics include redistricting, virtual meetings and preventing municipal fraud.

28 Risk Management Services Verbal De-escalation Training: Surviving Verbal Conflict. Cooperative Conference Center, Columbia.

MARCH

2 SC Association of Stormwater Managers First Quarter Meeting. Cooperative Conference Center, Columbia.

8 SC Business Licensing Officials Association Spring Academy. Cooperative Conference Center, Columbia.

13 – 15 SC Utility Billing Association Annual Meeting. The Beach House, Hilton Head Island.

23 Municipal Technology Association of SC Spring Meeting. Cooperative Conference Center, Columbia.

APRIL

14 Municipal Court Administration Association of SC Spring Meeting. Cooperative Conference Center, Columbia.

18 Risk Management Services Competent Person Trenching and Excavation Training. Municipal Association of SC, Columbia.

19 – 21 Municipal Clerks and Treasurers Institute, Year 1, Session B. Hilton Columbia Center, Columbia.

27 SC Municipal Human Resources Association Spring Meeting. Cooperative Conference Center, Columbia.

MAY

16 Risk Management Services Law Enforcement Training. Cooperative Conference Center, Columbia.

17 – 19 SC Community Development Association Annual Meeting. Hilton Myrtle Beach Resort.