

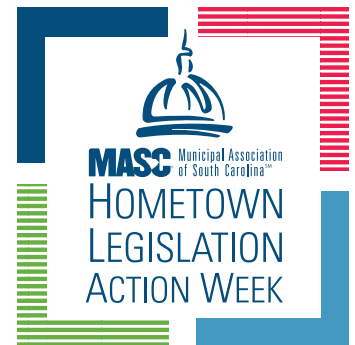


UPTOWN

a publication of the municipal association of south carolina

Hometown Legislative Action Week: February 1 – 5

Hometown Legislative Action Week will provide a full week of virtual content, information, tips and valuable insight into the 2021 legislative session. Those interested should register through www.masc.sc so they will be the first to receive the videos and other content by email each day during the week. There is no fee to register. The videos will be available through the Association’s website, and through its social media platforms — <https://www.facebook.com/MuniAssnSC>, StrongSCcities and www.twitter.com/MuniAssnSC.



Here’s the schedule of videos, featuring Municipal Association of SC staff and lawmakers:

Monday, February 1	Tuesday, February 2	Wednesday, February 3	Thursday, February 4	Friday, February 5
<p>Welcome and Mayor Roll Call Cornelius Huff, Mayor, City of Inman, President, Municipal Association of SC</p> <p>Todd Glover, Executive Director</p> <p>Setting the Stage Scott Slatton, Director of Advocacy and Communications; Casey Fields, Manager for Municipal Advocacy</p> <p>Message from Legislators</p>	<p>The State Budget Casey Fields, Manager for Municipal Advocacy; Joannie Nickel, Legislative and Public Policy Advocate</p> <p>Law Enforcement Reform Erica Wright, Legislative and Public Policy Advocate</p> <p>The SC Textiles Communities Revitalization Act Scott Slatton, Director of Advocacy and Communications; Joannie Nickel, Legislative and Public Policy Advocate</p>	<p>The SC Abandoned Buildings Revitalization Act Joannie Nickel, Legislative and Public Policy Advocate</p> <p>Message from Legislators</p> <p>Municipal Enclaves Scott Slatton, Director of Advocacy and Communications</p>	<p>Code Enforcement Liens Scott Slatton, Director of Advocacy and Communications</p> <p>Message from Legislators</p> <p>Naloxone Expansion Joannie Nickel, Legislative and Public Policy Advocate; Erica Wright, Legislative and Public Policy Advocate</p>	<p>Broadband Internet Expansion Federal Update Rep. Jim Clyburn (D-SC)</p> <p>Broadband Internet Expansion Federal Update Rep. Jeff Duncan (R-SC)</p> <p>Broadband Internet Expansion Staff Update Scott Slatton, Director of Advocacy and Communications; Erica Wright, Legislative and Public Policy Advocate</p>

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15 Graduate From Risk Management Institute

The South Carolina Municipal Insurance Trust and South Carolina Municipal Insurance and Risk Financing Fund recognized 15 graduates of the Risk Management Institute. SCMIT provides self-funded workers' compensation coverage to its member cities. SCMIRF provides all lines of property and casualty coverage, including tort liability and automobile coverage for its members. The Municipal Association sponsors both programs.

The institute is a continuing education program for municipal staff who have risk management responsibilities and work for cities and towns that are SCMIT and SCMIRF members. Its goal is to give employees who are responsible for risk management an opportunity to gain an understanding of their responsibilities, broaden their skills, expand their peer network and identify resources to help solve local challenges.

To complete the institute, attendees must attend eight classes — four core courses and four electives — within three program years. Course topics include defensive driving, crisis communities, employment liability, the basics of risk management, public works risk management and leadership.

The institute offers classes throughout the year. Based on the complexity of topics,

attendees experience a mix of half-day seminars along with full-day workshops.

The recent graduates, recognized during the virtual Risk Management Services Annual Member Meeting, are Chantay F. Boulter, finance director, Town of Fort Mill; Chuck Denson, public works director, City of Goose Creek; Julie Emory, administrative coordinator, Town of Blythewood; Patrick N. Fortenberry, lieutenant, City of Greer; Larry Hall, equipment services manager, City of West Columbia; Debbie Hardin, human resources specialist, Town of Fort Mill; Dana Henderson, risk manager, Town of Mount Pleasant; J.D. "Jake" Mahoney, lieutenant, City of Aiken; Jacob McCauley, manager of human resources, City of North Augusta; Kevin L. Otte, fire chief, Town of Surfside Beach, Angela Robertson, human resource specialist, City of Walterboro; Thomas Smith, deputy chief, Town of Hampton; Troy E. Spann, safety and compliance officer, City of Aiken; Ross Vezin, battalion chief of training/education, City of Beaufort; and William Willis, police chief, Town of McCormick.

There is no fee for SCMIT and SCMIRF members to participate in the institute. For more information and to register, visit www.masc.sc (keyword: Risk Management Institute).

Risk Management Services Awards Honor 6 Cities

Every year, the board of trustees of the SC Municipal Insurance Trust and the board of trustees of the SC Municipal Insurance and Risk Financing Fund recognize member municipalities who have reduced their total costs and kept employees safe while delivering better public services.

The awards program determines winners based on municipalities' loss experience for the current year and the previous three years. There are three population divisions, with one winner in each division.

Six cities received recognition during the virtual presentation for the 2020 Risk Management Services Annual Members

Meeting. The award winners received a plaque and a \$2,500 monetary award.

South Carolina Municipal Insurance Trust

- Division I – Town of Lake View
- Division II – Town of Sullivan's Island
- Division III – City of West Columbia

SC Municipal Insurance and Risk Financing Fund

- Division I – Town of Hemingway
- Division II – City of Mullins
- Division III – City of Spartanburg

Learn more about the SCMIT and SCMIRF programs at www.masc.sc (keyword: Risk Management Services).

Business License Standardization First Steps

Act 176, the South Carolina Business License Tax Standardization Act, requires the state's cities and towns to use standard methods of administering the business license tax by January 1, 2022. Standardization will be ongoing throughout 2021, and Municipal Association staff will assist municipalities throughout the year as they work to comply with the law.

Cities and towns should be working now on the initial steps toward compliance with Act 176: analyzing their business license data and setting new business license rates. For some cities and towns these efforts may be the most difficult steps toward compliance, but they are important to ensure a smooth transition to the new law.

Here are three key steps to take now:

1. Assign North American Industry Classification System codes to each business license

The law requires cities and towns to assign businesses into classes using a standardized class schedule. That schedule uses the latest six-digit NAICS codes to determine the class to which each business is assigned.

Cities and towns should ensure that each business license in its licensing system has the correct six-digit NAICS code assigned to it.

Find the 2017 edition at www.census.gov/eos/www/naics/.

2. Assemble business license records

After assigning the correct NAICS codes to all of their business licensees, municipal staff should review the records and correct problems they find. Potential problems could include transposed numbers, formatting errors or unusual gross income amounts. To conduct this review, municipal staff may use a standardized Excel spreadsheet template, available from the Municipal Association's Melissa Harrill at mharrill@masc.sc.

3. Review data to prevent windfalls

In the first year of implementation, Act 176 prohibits taxing jurisdictions from



receiving a revenue windfall as a result of transitioning to the standard class schedule. Because of this prohibition, municipal staff need to carefully analyze their cities' business license data to determine the tax rates for each class, making sure that the municipality does not gain a revenue windfall during the first year. After 2022, city and town councils will be allowed to set business license tax rates to meet their fiscal needs.

The Association's staff have developed training materials and tools to help municipal staff members conduct these analyses themselves. However, for those who are unable to conduct the analyses, Association staff can assist.

Later in 2021

Assigning NAICS codes and analyzing business license data now will lay a solid foundation for compliance with Act 176, but there will be additional steps to take this year as well.

- **Adopt a new ordinance.** Every city and town will need to adopt a new business license ordinance that complies with the law. The Association strongly recommends that councils adopt its model business license ordinance before December 31, 2021.
- **Communicate with businesses.** Businesses need to understand that Act 176 is bringing changes to the licensing process. If requested, the Association can help with templates and messaging.
- **Direct staff to the Association's training.** The Association is conducting ongoing training on the compliance process and NAICS codes.
- **Prepare for the online portal — the Local Business License Renewal Center.** The law establishes an online

NEWS BRIEFS

The National League of Cities named **Lexington Councilmember Kathy Maness** as its new president in November. Maness' selection makes her the first NLC president from South Carolina.

The U.S. Global Leadership Coalition selected **Columbia Mayor Steve Benjamin** as the co-chair of the U.S. Global Leadership Board, the education arm of the USGLC. Benjamin is the first sitting mayor to serve on this board.

Two South Carolina officials earned the Master in Business Licensing designation after successfully completing the Accreditation in Business Licensing designation and then earning 50 experience points within the following seven years. The officials were **Goliath Brunson**, business license supervisor, City of Columbia; and **Karine Thomas**, business license director, City of Hartsville.

business license renewal portal, hosted and managed by the SC Revenue and Fiscal Affairs Office, although it does not set a deadline for jurisdictions to begin using it. Cities and towns that may be ready to use it should have their primary business license official contact the Municipal Association's Fran Adcock, collections analyst, at fadcock@masc.sc or 803.933.1201.

Learn more at www.masc.sc (keyword: standardization), or by contacting Melissa Harrill at mharrill@masc.sc or 803.933.1251; or Caitlin Cothran at ccothran@masc.sc or 803.354.4786.

Main Street SC Members Advance to New Levels

As a leader in grassroots economic development, Main Street South Carolina continues to expand partnerships across the state. Designated as the state Main Street coordinating program of the National Main Street Center, Main Street SC is a program of the Municipal Association of SC. It provides its participating downtown development organizations with the training, tools, and networking needed to strengthen revitalization efforts.

Currently, 28 communities participate in the Main Street SC program: Aiken, Beaufort, Bennettsville, Camden, Central, Cheraw, Clinton, Dillon, Florence, Forest Acres, Fountain Inn, Gaffney, Greenwood, Hartsville, Kingstree, Lancaster, Laurens, Lyman, Manning, Moncks Corner, Newberry, North Augusta, Olanda, Orangeburg, Pageland, Sumter, Walhalla and Williamston.

The structure of each community's program varies depending on local resources and funding, with some functioning as nonprofit organizations and several working as departments within city government. The Main Street SC network includes four membership levels to provide opportunities for communities in all stages of downtown development. The ultimate goal is for communities to pursue and maintain national accreditation from the National Main Street Center.

Accredited programs meet rigorous national standards of performance. They have a proven record of success in planning, implementing and measuring results that align with the Main Street Four Point Approach.

Classic programs have a full-time Main Street Director and active volunteers.

Aspiring communities complete a three-year asset-based strategic planning process to integrate the Main Street Approach into their district, which includes developing communication and action plans.



Main Street Walhalla is now an Aspiring Main Street community. Photo: Main Street Walhalla.

Friends are just starting a downtown revitalization effort and wish to learn more about using the Main Street Approach.

Walhalla has advanced to the Aspiring level, where it will receive three years of hands-on guidance to help build a strong organization focused on diversifying its downtown economic base. Selection at this level is a competitive process with limited spots available each year. Interested cities must submit an application.

"Downtown Walhalla is on the cusp of transforming into a thriving business and cultural community," said Libby Imbody, Main Street Walhalla's program director. "Having the support of Main Street South Carolina will enable us to take advantage of the structural and organizational tools needed to guide our growth and ensure the success of our long-term goals."

Four other Main Street SC communities have received recognition for their effective programs. The Aiken Downtown Development Association, Main Street Hartsville, Main Street Laurens and Uptown Greenwood have all received national accreditation — a prestigious



mark of distinction. During an annual review process required by National Main Street, communities showcase their successes, address their challenges and highlight their future plans.

"Main Street SC equips communities with the tools they need to revitalize their historic districts and make them the economic and cultural heart of their community," Jenny Boulware, Main Street SC manager, said. "Walhalla's transition to an Aspiring program shows it's ready for the next level. For Aiken, Greenwood, Hartsville and Laurens, achieving accredited status demonstrates that they are building comprehensive and sustainable revitalization efforts."

Jonathan Irick, executive director of Main Street Laurens, described national and state accreditation as an important benchmark for the program's work.

"Accreditation recognizes that our organization continues to build upon the success of past years and is one of the premier community revitalization organizations in the country," he said.

The primary purpose of a local Main Street program is to ensure the long-term success of a city's downtown by creating and continually training a comprehensive, professional, volunteer-based downtown revitalization organization. With a focus on locally-driven, incremental change, Main Street SC communities are committed to creating communities where people want to live, work, and invest.

To learn more about Main Street SC, visit www.masc.sc (keyword: Main Street) or contact Jenny Boulware at jbowlare@masc.sc or 803.354.4792.

Association Highlight

SC Association of Municipal Power Systems

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 Association of Municipal Power Systems focuses on legislative initiatives, mutual aid and provides training for elected officials, management staff and operational personnel of the electric cities in the state. Twenty of South Carolina's municipal electric utilities are SCAMPS members. Originally,

the organization existed solely for its members to help one another during times of disaster. Mutual aid remains the backbone of the organization even as its scope has grown to include training and advocacy.

SCAMPS offers an Annual Meeting for its members and a listserv for sharing best practices and connecting with colleagues around the state. Each spring, SCAMPS hosts a Lineman Training Competition.

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



Test yourself monthly quiz

True or False: Voting on a budget item provides city and town councils with an acceptable reason to call for an executive session, or “closed meeting.”

Answer: False.

A council may vote to go into an executive session to discuss only a handful of items listed in SC Code Section 30-4-70: personnel issues, contract negotiations, security issues, criminal investigations or economic development contracts. Voting on any budget questions must be done in an open session.

Additionally, council may not call an executive session without first convening a properly noticed public meeting. Before going into executive session, the council must



vote in open session to enter executive session, and state the specific purpose and open-meeting exception for the closed-door meeting.

The Municipal Elected Officials Institute of Government offers online courses. In-person classes will resume when COVID-19 activity drops to safe levels. To register for the on-demand courses, go to the Municipal Association's website at www.masc.sc and log in with your user identification number and password. The on-demand courses can be accessed 24/7 from any computer, tablet or mobile device that has internet connection and may be taken in any order.

Redeveloping

With Abandoned Buildings Credits

Built as the First National Bank of Camden at the start of the 20th century, the structure at 1025 Broad St. in Camden, struggled to survive as the decades passed. Windows were bricked in, upper floors fell into disuse, and the roof started to fail.

In 2019, Wes and Laurie Parks bought the building, with Laurie envisioning it as a self-serve wine bar. Their rehabilitation has divided it up for multiple functions, including the bar, an office and apartments, and made use of multiple tax credits, including the South Carolina Abandoned Buildings Revitalization Act. The tax credit offered by the abandoned buildings act, Wes Parks said, can help make projects like this bank revitalization possible.

“Many of these properties are so dilapidated that the appraisal won’t meet what the rehab costs are. That’s the case in this situation,” he said. “If we didn’t have the tax incentives to do the project, it wouldn’t be financially feasible, so the banks wouldn’t have loaned money.”

The credit requires 66% of a building to be abandoned for five years to be eligible. A developer can choose to use a state income tax credit or a property tax credit with the consent of the affected taxing entities. The taxing entity, such as a city council, also has to approve a resolution certifying that the structure meets the five-year requirement before work begins.

With the abandoned buildings tax credit, buildings can be divided up by floor for eligibility, as happened in

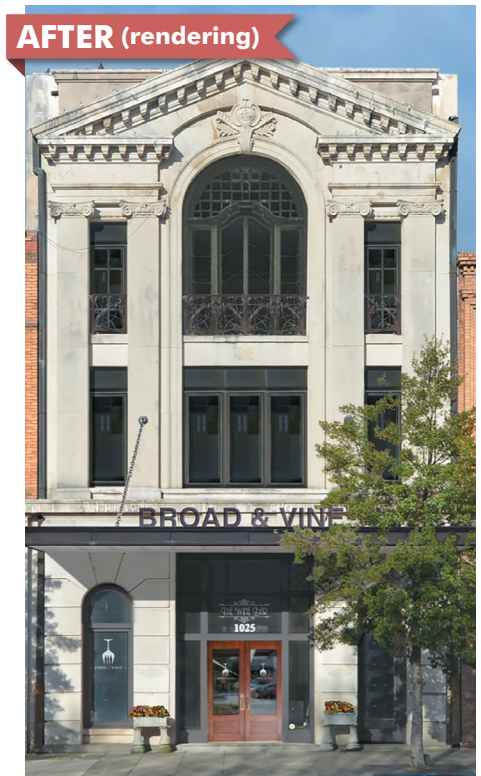


This photo shows the previous state of 1025 Broad Street, while the rendering shows its appearance after renovation. Photos: P&P Investment Partners, LLC.

the case of 1025 Broad St. Up to seven separate floors can be considered seven separate projects eligible for the credit. To be eligible for the credit, projects must redevelop these separated-out floors for exclusive use as a residential apartment or apartments.

For much of the interior of the structure, Parks said, they wanted “to have that historical feel, like I’m still in that bank.”

Original tilework discovered in the building provided an opportunity for the renovation to use matching, authentic tiles. The renovation included



custom-built windows on the upper floors to match the historic design.

In historic downtowns, two- and three-floor buildings with the upper windows bricked in are a common sight, said Camden’s Director of Planning Shawn Putnam.

A renovation such as the one at 1025 Broad St., with the windows restored, “makes such a difference, when you look down the street, to give it that historic feel,” he said.

The city has three incentive efforts, according to Putnam, including a façade

Extending the abandoned buildings credit

The South Carolina Abandoned Buildings Revitalization Act, first created in 2013, will sunset in 2021. The Municipal Association of SC has included the extension of this credit, which has demonstrated success for cities, towns and developers in attracting new projects, through 2026, as one of its Advocacy Initiatives for the new legislative session.

Learn more about all the initiatives at www.masc.sc (keyword: advocacy initiatives), or by contacting Casey Fields at 803.933.1256 or cfields@masc.sc.



The top floor appears with a bricked-in window before renovation, while the renovated lobby shows its history as a bank. Photos: P&P Investment Partners, LLC.

grant program and a Bailey Bill program, which initially brought the city into a conversation with the Parks for renovation efforts. It also has an Economic Development Incentive Program that allows the city council to approve incentives in the form of fee reimbursements for up to five years.

Tax credits, like the abandoned buildings credit, promote the reuse of existing structures, Putnam said, which can be good for a community's historic fabric and the environment.

"In a historic downtown, you want to preserve as many historic buildings as you can that are feasible," Putnam said. "It's really a win-win program, there's really no downside to either the city or the developer for using these tax credits."

Reminder: Achievement Award Applications Due February 10

The deadline to apply for the Municipal Association's Achievement Awards is Wednesday, February 10. Applications are available at www.masc.sc.

This program celebrates excellence in local government programs and shares project ideas with other cities and towns. Projects need to be largely complete to be eligible, and cities and towns can submit a specific project only one additional time if they do not win.

Municipalities with a population of 20,000 or less may compete in either a population or subject category. Those with a population of greater than 20,000 can compete only in one of the five subject categories.

For cities and towns competing in a subject category, the awards judges will evaluate both the written entry and a virtual, oral presentation. The presentations will take place at an assigned time on March 1 or 2.

Each virtual presentation must last no more than 10 minutes. After each presentation, the judges will have 10 minutes for questions. While developing a presentation, keep these points in mind:

- Cities and towns may use more than one presenter. However, make sure each presenter knows that time limits are strictly enforced. Presenters can be elected officials, municipal staff, project partners or residents. Paid consultants or vendors may not be presenters.
- Audiovisual aids like videos or PowerPoint presentations are allowed during the virtual, oral presentations.

The Association will recognize award winners at the Annual Meeting on Hilton Head Island on July 24.

For more information about the 2021 Achievement Awards, contact Meredith Houck at 803.933.1215 or mhouck@masc.sc.

2021
Achievement
Awards

Municipal Association of SC Patrons

Patron members are those companies and organizations that support the Municipal Association of SC in its work to serve the cities and towns in South Carolina.

Platinum

- Parker Poe Adams & Bernstein LLP
- Utility Partners of America

Gold

- AECOM
- AT&T
- Crowe LaFave, LLC
- Pope Flynn Group

Silver

- AcumenIT
- Lee Electrical Construction, Inc.
- Municode
- Piedmont Municipal Power Agency
- SynTerra Corporation
- Wood Law Group, LLC
- The Wooten Company

Bronze

- Alliance Consulting Engineers, Inc.
- American Engineering Consultants, Inc.
- American Heart Association
- e3 Benefit
- Greene Finney, LLP
- Jackson & Lane Services, LLC
- Palmetto Electric Cooperative, Inc.
- Southern Resource Advisors, LLC
- The Electric Cooperatives of South Carolina, Inc.
- VC3

Maintaining Municipal Cashflow

For cities and towns to operate efficiently, effectively and reliably, they must have sufficient funds to pay for their expenditures as they arise. Revenue inflow, however, is cyclical throughout the year, and many times does not match the timing of expenditures, creating a need for supplemental money to bridge temporary revenue shortages. This concept is known as positive cash flow.

The most common and easiest way to maintain positive cash flow is for city and town leaders to keep a balance of unassigned funds that they can use to bridge temporary current year revenue shortages. If a cash flow challenge arises, then council can advance funds from this unassigned fund balance to cover expenditures until the city receives current year revenues. They can then repay the fund balance. Having such funds available allows the municipality to avoid interest and legal costs associated with borrowing money.

Beyond bridging the revenue shortages they might know about ahead of time, cities might face other expensive emergencies, such as a natural disaster. As a result, those cities that make regular use of fund balance to help with cash flow

should take care to maintain funding levels that would not only cover the anticipated expenses, but can also address unexpected costs as well.

Sometimes a municipality will lack the financial reserves to cover cash flow challenges. When this happens, they may think of a line of credit from a local bank to be a logical option to consider, but state law does not allow this under any circumstances.

There are, however, a few short-term debt instruments they may use until current-year revenue is available. The South Carolina Constitution, in Article X, Section 14, and SC Code Title 11, Chapter 27, outline the types of debt that cities and towns may issue.

Council must adopt these debt instruments by ordinance after two readings and should use a bond attorney to ensure compliance with the law.

Tax anticipation notes

Tax anticipation notes are the most common tool used by cities experiencing a cash shortage. Cities can issue these against anticipated property tax revenue, or business license tax revenue, and the

amount borrowed does not count against the state-mandated debt cap of 8% of the municipality's assessed value.

Once cities issue a tax anticipation note, they must pay the amount back within 90 days of the due date of the revenues that are collected. For example, a city could issue a tax anticipation note against property taxes that are due on January 15. The city would then have to pay back the amount no later than April 15. There is no provision in state law to extend a tax anticipation note's due date beyond the 90-day deadline.

Bond anticipation notes and grant anticipation notes

Bond anticipation notes can allow a city to start a project that will be funded by yet-to-be-issued bonds, while grant anticipation notes fulfill the same function for forthcoming grants. As with tax anticipation notes, cities must repay these within a specific period after receiving the bond or grant funding.

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



Wayfinding Signs Point Visitors 'in the Right Direction'



What are some of the signals that a traveler is entering a city or town with a good wayfinding system?

The first clue is the gateway sign, announcing a city or town.

It can show travelers that the location is more than just a nondescript collection of businesses — it's a real community with unique attractions.

Next come the trailblazer signs for destinations like parks, historic sites or other public places. Then, the street banners, affordable and colorful reinforcements of what the trailblazers announced, mark out districts and slow traffic. Parking and pedestrian-focused signs create the last link in the increasingly detailed wayfinding signage, converting car traffic to people walking and discovering local businesses.

A recent virtual meeting of the SC Community Development Association addressed the development and maintenance of a wayfinding system.

Shawn Terpack, art director for Greenville-based Arnett Muldrow & Associates, described wayfinding as “a way to curate the [city] experience for visitors, for residents, motorists, even cyclists and pedestrians, within communities.”

“If there is a decision point to be made from the interstate to that parking lot to that restaurant, we want to make sure that every point along the way, that we're pointing them in the right direction.”

Parking signage addresses the complaints of insufficient parking common to many cities, according to Terpack. When working with communities, he often uses satellite images to show that pedestrians can walk throughout a downtown using the same number of footsteps they would when traveling from a parking space to a shelf in a big box store. The real problem, he said, is parking awareness.

He explained how cities and towns can carefully choose eligible destinations for trailblazer signs while following the stipulations of the *Manual on Uniform*



The presentation from Tee Coker and Shawn Terpack gave Fountain Inn as an example of a city with a wayfinding system installed relatively recently. Photos: City of Fountain Inn.

Traffic Control Devices for Streets and Highways — for example, there should be no private or for-profit destinations.

Tee Coker, Greenville County planning director, described the process of selecting destinations as taking “an inventory of the great things that you have in your community.”

Beyond the need to keep the list limited to places that are public and noncommercial, he said communities should pursue destinations that fit their unique goals for a system.

Funding for signage can come from a city's general fund, accommodations or hospitality tax dollars, or the SC Transportation Alternative Program. Cities can also seek funding partners, such as other cities, counties, foundations, or convention and visitors bureaus.

Once a municipality has a system designed and has easements secured for SC Department of Transportation rights of way, it can pursue sign fabrication.

Finding a reliable fabricator is valuable, Coker said, “because at some point, when you get the signs installed and you cut the ribbons — Saturday night, somebody is going to plow into your beautiful new trailblazers, and you're going to have to figure out how to repair it or how to replace it.”

Communities often grow and evolve in ways that make wayfinding outdated. Coker suggested setting aside 10% to 15% of overall costs during the initial funding for long-term expenditures.

Find video of this and other sessions of the SCCDA Fall Meeting at www.masc.sc (keyword: SCCDA).

Sign Ordinances, Content Neutrality and the First Amendment

In 2015, the U.S. Supreme Court upended the constitutional standards applicable to local sign regulation. The court held unanimously that a sign code in the Town of Gilbert, Arizona, violated the First Amendment because it treated signs differently based on their content.

The case involved a local church that moved its meeting locations from week to week. The church used temporary directional signs to direct members to the current meeting place. The local sign ordinance had special rules for temporary signs including size, duration, and location requirements. Applying this ordinance, the town's sign code compliance manager issued multiple citations against the church and confiscated at least one sign. The resulting disagreement between the church's pastor and the town's government eventually made its way to the Supreme Court.

Content-based regulation

The Supreme Court held that the town's sign code was a content-based regulation of speech. This means that an observer would have to read the text of the sign to know which regulation applied. Under the ordinance, "ideological signs" and "political signs" were subject to different size, location, and duration requirements than were temporary directional signs.

To understand the distinction, consider two signs posted by a charity. One reads, "Silent Auction this Thursday, 6 p.m., at 100 Main St.," while the other says, "Give Generously to Support Those in Need." The Gilbert ordinance would have classified the first as a temporary directional sign, and the second as an ideological sign. It would apply different rules based on these classifications.

Content-based laws are subject to a "strict scrutiny" standard under the First Amendment, which requires that the government must demonstrate that the law has been "narrowly tailored" to serve a "compelling interest." Courts find that content-based rules almost always fail to meet this standard, and are therefore unconstitutional.

The Supreme Court invalidated the Town of Gilbert's ordinance. Assuming that the governmental interests were those of preserving aesthetic appeal and traffic safety, the court noted that the church's signs were no more problematic for aesthetics and safety than ideological or political signs, allowable in unlimited number under the ordinance.

The ruling also specified ways that a government might regulate signage in a content-neutral way, such as establishing restrictions focused on the size, building materials, lighting, moving parts, and portability of the signs.

Implications of *Reed vs. Town of Gilbert*

Content-based issues go beyond signs. The Fourth Circuit recently invalidated a 40-year-old ordinance that applied to tour guides in the City of Charleston. The ordinance required that, before offering paid historic tours of Charleston, guides had to pass an exam on local history and architecture. The court strongly suggested that the regulation was content-based because it applied to only certain kinds of tours, and was therefore subject to strict scrutiny. However, the court did not issue a decision on this matter.

For those crafting local sign regulations, the *Reed* case presents many difficulties. How can they effectively prevent sign clutter without making some rules specifically applicable to temporary signs, such as yard sale and auction signs? As the Charleston tour guide case shows, the impact of the *Reed* decision is not limited to signs alone. Ordinary economic regulations, such as licensing paid tour guides, might raise questions of content neutrality under the First Amendment.

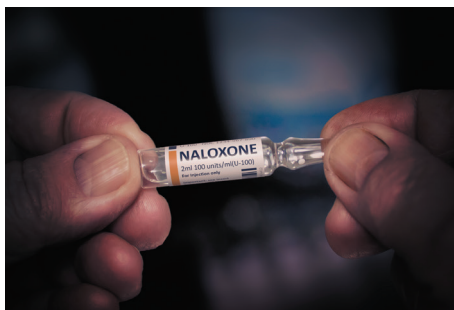
Municipalities must consider the First Amendment before they adopt local regulations. They need to be careful when drafting and amending sign regulations, but they should also know that courts may apply strict scrutiny to other types of content-based regulations that involve constitutionally protected speech.

Advocacy Initiatives Target Naloxone Expansion

Opioid misuse rose considerably after the beginning of the COVID-19 pandemic, with South Carolina experiencing a 49% elevation in suspected opioid overdoses and first responder naloxone treatments over the same period in 2019. The ability for first responders to administer opioid overdose antidotes is crucial for saving lives.

Since 2015, the Law Enforcement Officer Naloxone, or LEON, program has trained and equipped more than 10,000 law enforcement officers across the state in the proper administration of naloxone. This has led to a 28% increase in the administration of opioid antidotes in January – September 2020, compared to the same period in 2019.

Complementary to LEON is the Reducing Opioid Loss of Life, or ROLL, program. Administered by the SC Department of Health and Environmental



Control, ROLL trains fire department personnel to administer the opioid antidote naloxone. The program provides doses of naloxone for free to fire departments that do not provide licensed EMS services. ROLL currently includes more than 1,700 firefighters across the state.

However, fire departments with licensed EMS services cannot access naloxone through ROLL, forcing them to pay \$30 to \$47 per dose. The restriction exists because departments with licensed EMS services can

theoretically charge a patient's insurance to recoup the cost. In reality, overdose victims often don't have insurance. Also, patients often refuse ambulance transport after being revived, preventing costs from being recovered. If there's no transport, there's no chance of recovering costs.

ROLL and LEON receive funding from a \$3.2 million five-year grant from the federal Substance Abuse and Mental Health Services Administration. That funding will run out August 2021. That agency, SCDHEC and the Municipal Association are currently working to identify state funding sources to sustain and expand both programs beyond August 2021.

The Municipal Association's 2021 Advocacy Initiatives include expanding the availability of naloxone to all fire and emergency medical service first responders. Find the full list of Advocacy Initiatives at www.masc.sc (keyword: advocacy initiatives).

Legislative Proposals Address Law Enforcement Procedures

In the summer of 2020, leaders from several statewide organizations — the SC Sheriff's Association, SC Police Chiefs' Association, SC Law Enforcement Officers' Association and SC Fraternal Order of Police developed strategies for the advancement of better law enforcement in the state. These proposals also aimed to build trust and confidence in policing, and improve community partnerships.

The South Carolina Senate Republican Caucus formalized the proposals into the SC LEADS Act for consideration during the 2021 – 2022 legislative session. Here are the areas in discussion, with bill numbers:

Required Standards (S124)

The proposal calls for the creation of required operational standards for all law enforcement agencies by the Law Enforcement Training Council. Standards may address such topics as the use-of-force continuum, vehicle pursuits, an officer's duty to intervene into the actions of other officers, use of "no-knock" warrants, body and car cameras, among others.

State Law Enforcement Division investigations (S125)

The proposal would grant the State Law Enforcement Division exclusive jurisdiction and authority over investigations involving great bodily injury or unexpected death resulting from a law enforcement action. If an investigation involves a SLED officer, the South Carolina Attorney General would appoint a law enforcement agency from a list maintained by the Law Enforcement Training Council.

Officer certification requirements (S126)

This would change existing requirements for law enforcement officer certification so that officers would have to complete an approved field training program with their local agencies after they are certified by the SC Criminal Justice Academy. It would also require that noncertified officers perform enforcement duties only while they are accompanied by a certified officer.

New police chief training (S127)

This would require newly appointed chiefs of police to complete a model training program adopted by the Law Enforcement Training Council.

Duty to Intervene (S128)

The proposal would add "failure of duty to intervene" to the the definition of officer misconduct in state law. It would also require law enforcement agencies to cooperate fully with misconduct investigations.

For more information on legislative action about law enforcement procedures, contact Erica Wright, legislative and public policy advocate, at ewright@masc.sc or 803.354.4793. Find information on all of the Municipal Association's Advocacy Initiatives, including law enforcement reform, at www.masc.sc (keyword: advocacy initiatives).



Building Trust and Building Partnerships

As protests erupted around the country last summer following the death of George Floyd while in police custody, South Carolina municipalities took steps to improve communication, change policies and increase transparency between police departments and the public.

After the release of a video showing a Minneapolis police officer kneeling on Floyd's neck for almost nine minutes while other officers at the scene did nothing to stop him, the Bluffton Police Department decided to take a formal step to ensure nothing similar happened in the Beaufort County town. The department added a duty-to-intervene policy, requiring police officers to step in to stop fellow officers who were using excessive force.

The Bluffton policy also requires on- or off-duty officers who see or hear about inappropriate use of force by another officer to report it to a supervisor or the internal affairs office. Capt. Donald Chandler said Bluffton officers have always had the responsibility to intervene, but codifying that policy reinforces that belief.

"We always believed that duty to intervene was practiced, but realized that it was not actually memorialized in our policies," said Chandler, who is the department's support division commander. "We reviewed our policy and found that it needed to be added in order to truly hold our officers accountable for their actions or their inactions."

Chandler said the change in policy was well received, both by members of the department and the Bluffton community.

"The biggest change so far is that it opened up dialogue between our officers



The Charleston Police Department's community outreach team works for visibility and positive interactions, using events, impromptu basketball games and even setting up its mobile command post RV for tours.

Photo: City of Charleston.

and with our community. It allowed us to have conversations and emphasize what our beliefs are and what we stand for," he said.

Manning is another city that has taken steps to show its commitment to partnering with residents. In June, Manning police officers took the *I Promise Pledge*, making a commitment to citizens, dedicating themselves to doing the right thing and promising to report any wrong

doing of officers that could jeopardize the relationship the department has worked to build with the community.

"I felt it was important to commit to this pledge to show that we are trying to bridge the gap with the community. We want to be transparent in an effort to build any trust that may have been lost as a result of the issues going on around the country," Police Chief Keith Grice said.

In taking the pledge, all Manning policer officers promise

- to serve the community with dignity and respect, treating all citizens equally, regardless of race or socioeconomic backgrounds;
- to do everything to promote a peaceful outcome, using force only when there is no other option;
- to not let the negative actions of a few cloud an officer's judgment about what is right; and
- to do everything in the officer's power to promote peace, knowing that an officers' actions impact everyone.

The final line says, "I promise to continue leading with a servant's heart, so that my badge is one of honor."

The *I Promise Pledge* initiative was created by Mayor Julia Nelson and Jeff Black, a former Manning resident. The two grew up and attended school together, and 50 years later the friends wanted to demonstrate the importance of banding together and building trust.

Grice said Manning's police officers gathered to discuss the meaning of the pledge, while a policy also has been established for the mandatory intervention and reporting of law enforcement misconduct or excessive force. The city created a website, www.promise4peace.org, to spread the word about the initiative.

While many efforts gained momentum last summer, cities have been working on improving the relationship between police and residents for years. In Charleston, steps have been taken to open the dialogue with residents throughout the city and help residents understand the workings of the police department.

"Even before the unrest in the country, we saw a need for communication and to build on our outreach and communications. Since the unrest, we've even gotten better," said Capt. Dustin Thompson, a Charleston police veteran who is the division commander overseeing the city's community-oriented policing.

While the city had long had a community outreach team, in 2019 it created an



entire division committed to community-oriented policing. That division includes a community outreach patrol team, a traffic division and a Citizens Police Advisory Council.

A racial bias audit of the department completed in 2019 brought many issues to the forefront, including the revelation that some officers thought building community partnerships was the sole responsibility of the outreach team. The city has set out to change that mindset, with the idea that all members of the police department are responsible for relationship building.

While reducing crime is the overall goal of any department, Charleston also is committed to pushing and tracking problem solving efforts. For example, the city tracks things such as when an officer is flagged down by a resident who is upset that residential water has been turned off.

"We track whether the officer took the time to help that person. It's important to let the officer know it's okay to spend the time and solve that little problem for that citizen. If you can solve that problem, that person might be a witness you want. Or the next generation may see police in a different light. These are the seeds we are planting," Thompson said.

After the community was rocked by the shooting deaths at Emanuel AME Church in 2015, the city created the Illumination Project to further strengthen

relationships between the residents and police. That project eventually led to forming the Citizen Police Advisory Council. The 18-member council includes representatives appointed from each of the 12 city council districts, along with four appointed by the mayor and two high school seniors.

"I want them to know who to contact at the police department. I want them to know what's going on inside and take it back to their districts, to go to community meetings, meet people, bring new ideas and ask questions," Thompson said.

Another responsibility of the council is to take a "deep-dive look" inside the police department, often through setting up subcommittees to look at specific issues. There are active traffic stop, policy and communications subcommittees, offering advisory council members the chance to learn how officers are trained for traffic stops and other issues.

"They'll do their homework and report back to us. We need those ideas coming in. They may see something different than we do. And those one or two things may be key changes that we don't see because we've been doing it for so long," he said.

The common goal of all these outreach efforts? Build trust and relationships before difficult events create stress in a community.

Fire Marshals Focus on Education

Keeping buildings and business owners, their employees and customers safe is the goal of South Carolina's municipal fire marshals. A key element to their jobs is helping business owners understand what the fire codes are and why they are necessary. Larger cities, or those experiencing growth, have found they need multiple inspectors to keep up with annual inspections of existing buildings and plan reviews and inspections for new construction.

In Moncks Corner, the city has two fire inspectors in addition to Chief Building Official/Fire Marshal Chad Kelly, who also is responsible for making sure new structures meet the requirements of building codes, stormwater and floodplain regulations as well the fire code. The team shares the responsibility for inspecting about 1,000 buildings each year and reviewing plans and inspecting for new commercial construction projects.

"With new construction, it starts at plan review. Throughout the process, we conduct various inspections, to make sure that everything is installed properly," Kelly said. "We're probably out there 20 to 30 times on various inspections and that's not just fire, that's building codes also. But we're looking at everything while we're out there to make sure there are no issues that may come up."

Kelly's office coordinates sprinkler plan reviews through the state fire marshal's office.

"They have fire protection engineers on staff and they are very quick" with plan reviews, he added.

Kelly has been in code enforcement for more than 20 years. He also teaches a



Chris Crosby serves as fire marshal in the City of Walterboro. Photo: City of Walterboro.

fire inspector class through SC State Fire, a division of the SC Department of Labor, Licensing and Regulation that includes the state fire marshal's office and the South Carolina Fire Academy.

For existing buildings in Moncks Corner, Kelly and his team make a plan to inspect every building each year. Annual inspections are important to make sure buildings keep fire extinguishers up to date, exit signs lit and exits clear of obstacles. Kelly also said that alterations that occur when the way a building is used changes, such as putting in or taking out walls or other structural renovations, can lead to increased hazards in a fire.

"We have a route for the fire inspections that starts over every October 1 that gets us completely through town," Kelly said. "We work in geographic areas as we go through — sometimes it's who's available, but most of the time we have somebody assigned to each area."

Education is critical for keeping the inspections on schedule, Kelly said. The more businesses adhere to the regulations, the less need there is for reinspections.

"Once a year, we go through every business and we educate the people on what we found and what the correction is," Kelly said. "Hopefully the next year you don't have those same violations in the same places."

Education outreach, and giving businesses the time they need to make fixes, helps to make fire marshal work run smoothly for Greer Fire Department Deputy Chief of Administration Scott Keeley.

"Our biggest thing is we try to focus on the education side of it," Keeley said. "If we write a citation for court, it's usually for illegal burning in the city. Very seldom do we have to take someone to court for a fire code violation."

That approach leads to less pushback from building owners, and fewer violations means fewer reinspections.

"We don't see a lot of repeat violations. While we can and do write citations, our biggest goal is to educate the business owners and the tenants in those buildings as to why they need to have current fire extinguishers or why they shouldn't be using drop cords in place of permanent wiring," Keeley said. "If you educate them and tell them why, they seem to be more compliant and realize that you're there to help them stay in business. It's really worked well instead of just going in and trying to rule with an iron fist."

Keeley has two deputy fire marshals, but with more than 2,000 structures to inspect and new construction booming,

his team averages about 18 months to get through all routine inspections.

“One thing I am doing as kind of a ‘checks and balances’ is to flip-flop on the reinspections: Inspector A is going to do Inspector B’s reinspections. That way, it gives another set of eyes in there, too,” Keeley said.

Greer’s fire inspection team has worked out of city hall since 2008, helping streamline the inspections process for new construction.

“Basically for everybody who deals with new construction, it’s almost like a one-stop shop,” Keeley said. “We’ve got planning, zoning, stormwater, building department everybody’s down here ... It’s more customer friendly.”

Keeley said a new software program the city began using puts all new construction into one system for permitting and inspections, and allows the whole team to see where projects are in the workflow. Keeley said contractors tell them they appreciate the city’s efforts to coordinate inspections so work has to stop just one time, rather than three or four times for each inspector.

In Walterboro, the city uses an outside contractor for building inspections, which makes it easy for Fire Marshal Chris Crosby to coordinate new construction inspections. His career has included stints as a finance office manager, a police officer and firefighter before he took his current role.

“When a construction team comes in, we generally have a construction meeting before everything gets started and we actually sit at a round table and we all talk and hash out any problems we foresee coming up,” Crosby said.

His office also uses an inspection reporting software that is the same as used on U.S. military bases. That software allows him — as an office of one — to do about 1,200 inspections a year.

On his existing building inspections, Crosby said he sometimes will do as many as 10 in a day, but the program he uses means he can email the business a report within a few minutes of completing his inspection.



Like other fire code enforcement officers, Crosby said helping to educate the building tenant or owner on the front end helps get issues fixed with little fuss.

“Usually when you give somebody a reason, you get the buy-in and they understand,” he said. “But if you just tell them it’s because you’re the big bad fire marshal, you’re automatically going to get kickback from them.”

As with other fire marshals in the state, Crosby said that education efforts have a real effect. He said he has never had to go to court with a building owner over a fire inspection issue.



Top: Greer Fire Department Deputy Chief of Administration Scott Keeley performs an inspection. Photo: City of Greer.

Bottom: Chad Kelly is the chief building official and fire marshal for the Town of Moncks Corner. Photo: Town of Moncks Corner.



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Calendar

Scheduled in-person meetings are subject to change based on COVID-19 restrictions in place at the time of the meeting. Information about events and how members can access the virtual events will be updated on the Association's website.

FEBRUARY

1 – 5 Hometown Legislative Action Week. Virtual event.

2 SC Other Retirement Benefits Employer Trust Annual Member Meeting. Virtual event.

25 SC Municipal Finance Officers, Clerks and Treasurers Association Municipal Clerks and Treasurers Institute: Year 2, Session B. Columbia Conference Center.

MARCH

15 – 17 SC Utility Billing Association Annual Meeting. Embassy Suites Kingston Plantation, Myrtle Beach.

16 uptown: february 2021

25 Municipal Technology Association of SC Spring Meeting. Seawell's, Columbia.

APRIL

4 SC Municipal Finance Officers, Clerks and Treasurers Association Spring Academy. Cooperative Conference Center, Columbia.

16 Municipal Court Administration Association of SC Spring Meeting. Seawell's, Columbia.

20 SCMIT/SCMIRF Hazard and Analysis Mitigation Training. Walterboro Wildlife Center.

21 SCMIT/SCMIRF Hazard and Analysis Mitigation Training. Newberry Fire House Conference Center.

22 SCMIT/SCMIRF Hazard and Analysis Mitigation Training. Dillon Wellness Center.

25 SC Municipal Human Resources Association Spring Meeting. Seawell's, Columbia.

MAY

2 – 5 Building Officials Association of South Carolina Annual Meeting. Embassy Suites Myrtle Beach.

3 – 5 SC Community Development Association Annual Meeting. Sonesta Resort Hilton Head Island.

19 SCMIT/SCMIRF: Fair and Impartial Policing: Understanding Bias and Duty to Intervene. Cooperative Conference Center, Columbia.

20 SC Municipal Finance Officers, Clerks and Treasurers Association Municipal Clerks and Treasurers Institute: Year 2, Session B. Cooperative Conference Center, Columbia.