UPTOWN

MASC Municipal Association of South Carolina

a publication of the municipal association of south carolina

Court cases stir discussion

Several cases the U.S. Supreme Court and the SC Supreme Court have recently considered may impact city operations.

In January of last year, the U.S Supreme Court issued its opinion in *Reed v. Town of Gilbert*, striking down the City of Gilbert, Arizona's sign ordinance. The Court did so on the grounds that the city's restrictions on size, location and duration of temporary directional signs amounted to unconstitutional content-based restrictions on speech. The Municipal Association addressed this case in a November 2015 *Uptown* article, citing the Court's determination that Gilbert's sign code was "hopelessly underinclusive."

Many municipal attorneys agree that *Reed* does not impact restrictions on commercial speech, which has historically enjoyed less protection. But broader questions remain. The International Municipal Lawyers Association led a collaborative effort to create a model ordinance in response to *Reed*. The Municipal Association will share the model ordinance when IMLA releases it.

In the 2015 SC Supreme Court case of *Azar v. City of Columbia*, the Court raised concerns for local governments regarding fund transfers the City of Columbia made between its water and sewer enterprise fund and the city's general fund. The SC Supreme Court returned the case to the circuit court for it to make factual determinations related to the nature of those transfers.

Two recent cases referenced the Freedom of Information Act. First, in last year's *Donohue v. City of North Augusta*, the SC Supreme Court reminded public bodies of the need to be more specific when a body gives its reason for entering executive session. Second, this year,

In This Issue

in *Brock v. Town of Mt. Pleasant*, the Court weighed in on the related topic of whether public officials are allowed to take action after they emerge from an executive session.

In *Brock*, the Court determined that the town had violated the Freedom of Information Act when, without notice, it took action on matters discussed in executive session after leaving the closed portion of a special meeting. In light of this opinion, the Municipal Association recommends the following statement be included on agendas containing an executive session item: "Upon returning to open session, council may take action on matters discussed in executive session."

Earlier this year, the 1999 case of *Garris v. Board of Governors of SC Reinsurance Facility* raised questions among some municipal attorneys as to whether the SC Supreme Court's analysis in this case leads to the conclusion that for-cause recusals or disqualifications of a public body's voting members might leave officials without a quorum.

In *Garris*, a nonprofit entity's adopted rules required a quorum of the board be present in order to take action. While the Supreme Court agreed with the determination that a quorum was present, it disagreed with the lower court's position that the council could reach a quorum by counting the board's non-voting members.

For municipal councils, Section 5-7-160 of the SC Code of Laws says that to transact council business, there must be a quorum, which the Legislature described as a majority of the total membership of the council.

If the *Garris* logic holds true, a councilmember's recusal or disqualification may destroy the quorum and potentially invalidate council's action on the disqualifying item.

These cases will be discussed in detail at a breakout session at the Annual Meeting on July 15 at 2:30 p.m.
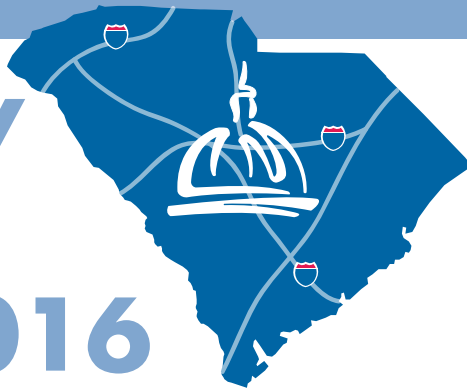

Easley, Greenwood linemen dominate competition

Linemen for Easley Combined Utilities won all but one event during the 2016 South Carolina Association of Municipal Power Systems Lineman Training Competition. Linemen from the Greenwood Commissioners of Public Works won the speed climbing competition.

Advocacy meetings set for 2016

Municipal officials will have 10 opportunities to attend a Regional Advocacy Meeting this summer and fall to get involved in the Association's advocacy efforts. The sessions for elected officials and city staff will feature discussions about bills that passed the General Assembly this session and how they affect cities and towns, plus a look at what is on the horizon for 2017.

This year, local House and Senate delegation members will join municipal officials for a panel discussion on top issues facing the General Assembly in 2017. This is in addition to our regular updates on important legislative issues, such as business licensing and annexation.

The meetings will be held from 11 a.m. until 1 p.m. with lunch included. The locations are organized by council of governments region, but officials may attend any session that is convenient. There is no charge for the meetings, but the Association needs an accurate head count for lunch and handouts.

- **August 16 - Waccamaw COG** – Dick M. Johnson Civic Center, Surfside Beach
- **August 18 - BCD COG** – Moncks Corner Depot, Moncks Corner
- **August 23 - Lower Savannah COG** – Blackville Community Center, Blackville
- **August 24 - Santee- Lynches COG** – Clyburn Transportation Building, Sumter
- **August 30 - Pee Dee COG** – Darlington Speedway, Darlington
- **August 31 - Lowcountry COG** – City Hall, Beaufort
- **September 1 - Upper Savannah COG** – Inn on the Square, Greenwood
- **September 7 - Appalachian COG** – Mauldin Cultural Center, Mauldin
- **September 14 - Catawba COG** – Rock Hill Operations Center, Rock Hill
- **September 15 - Central Midlands COG** – Municipal Association Training Room, Columbia

NEWS BRIEFS

Columbia, Greenville, Marion, North Charleston, Rock Hill and Spartanburg were each named a "Playful City USA" community by KaBOOM!, the national nonprofit dedicated to play for America's children. KaBOOM! created "Playful City USA" in 2007 to help local governments address the "play deficit" by ensuring children have the time and space they need to play.

The **City of Hartsville** won the SC Community Development Association's 2016 Award of Excellence for the city's downtown revitalization efforts.

Members of the **SC Community Development Association** recently elected their 2016-17 officers and board of directors. President Allison Harvey, Town of Clover; Vice President Carolet Thomas, City of Sumter; Secretary Shannon Munoz, Pee Dee Regional Council of Governments; Member at Large Councilmember Teresa Myers Ervin, City of Florence; Member at Large Keely McMahan, SC Department of Commerce; Member at Large Imma Nwobodu, Greenville County Redevelopment Authority; Member at Large Dirk Reis, Appalachian Council of Governments; Member at Large Jeff Derwort, Lower Savannah Council of Governments; and Member at Large Jessie Walker, Waccamaw Council of Governments.

Mary Brantner, long-time communications manager for the Municipal Association who retired in May, received the Association's Retirement Service Award. The Association established the award in 2013 to recognize Municipal Association employees retiring with more than 28 years of service.

The SC chapter of the Public Relations Society of America recognized the **Municipal Association of South Carolina** with first place awards for its history book and website.
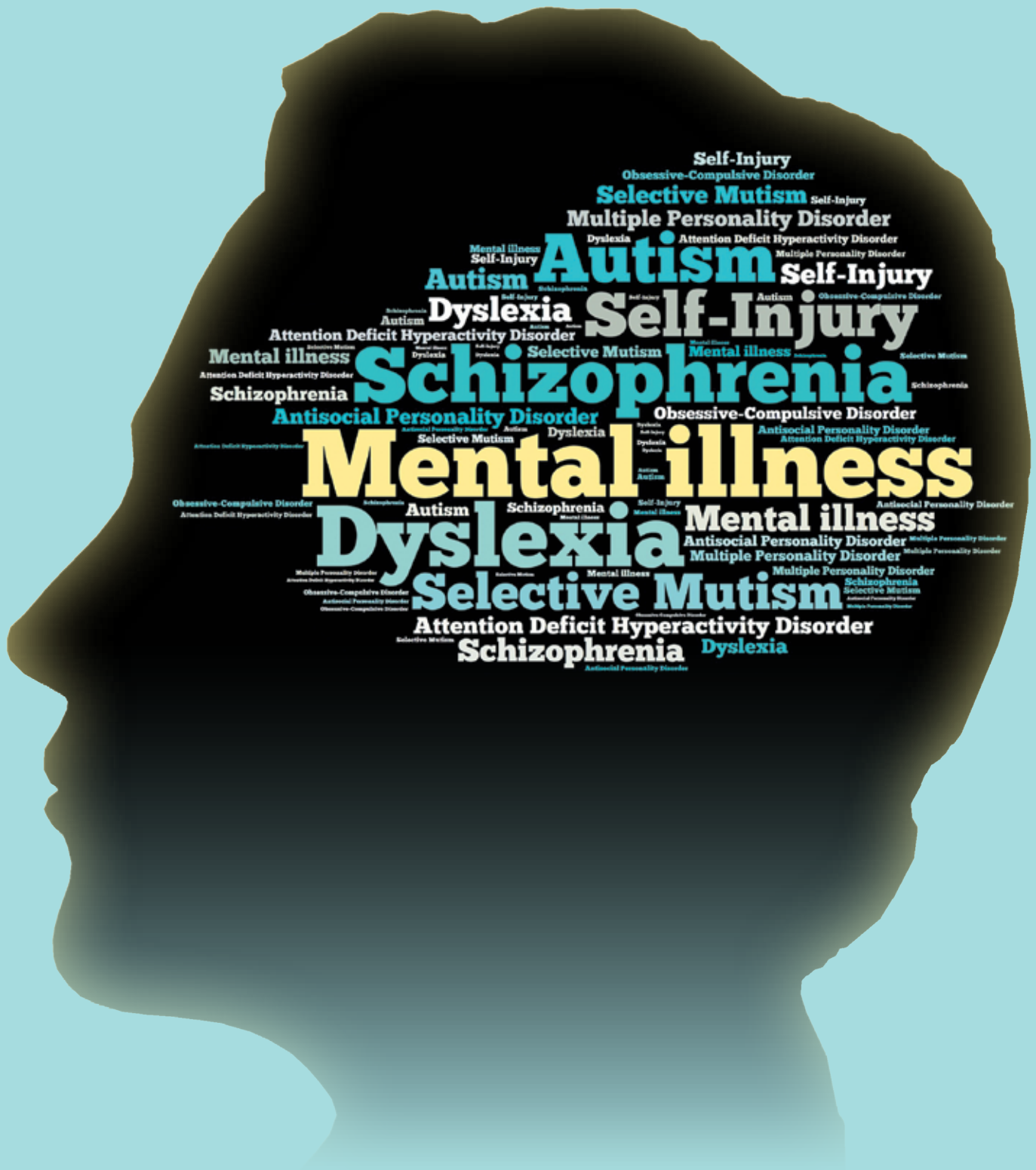
One in four people is affected by mental illness. Each year, 40 million Americans experience some type of mental illness, such as major depression, bipolar disorder, schizophrenia, and obsessive-compulsive disorder or anxiety disorders, according to the National Alliance on Mental Illness.

First responders and municipal staff have frequent interactions with the public, and odds are they will encounter an individual who is mentally ill. Municipal employees need to learn to recognize signs of mental illness, how to handle encounters and where to get help.

Law enforcement officers receive training at the Criminal Justice Academy on how to deal with mentally ill people. Often, when a mentally ill individual sees a police officer, he may panic or get physical because he is afraid of being taken to jail or the hospital. The Academy instructs officers to observe the individual and talk to him to successfully deal with the encounter, said Fred

Special care for residents with mental illness

Riddle, director of Crisis Intervention Training for NAMI SC.

"If you have the opportunity and the time—sometimes there's no time to converse—talk to that individual," Riddle said. "Ask them, 'how much sleep have you had? When is the last time you've eaten?' Every time they answer a question, that de-escalates the situation."

Riddle, a former police officer, said some officers respond too aggressively when dealing with the mentally ill.

"Even if they handcuff that individual, it makes the situation more difficult," he said. "We try to let police officers know that other resources are available. Jail is not the best place to put our customers."

Once in jail, mentally ill people often don't receive the treatment they need and end up getting worse, according to NAMI. After leaving jail, many no longer have access to needed healthcare and benefits, and find it hard to get a job or housing. Many individuals become homeless or end up back in jail.

People with mental health issues typically do not pose a risk of immediate danger to themselves or others, Riddle said. In fact, in about 97 percent of their interactions with the police, these individuals disclose being victimized or taken advantage of in some way in the past, he said.

A recent ruling by the Fourth Circuit Court of Appeals led many police departments around the state to change their policies and retrain officers on the use of stun guns such as Tasers, especially when they are dealing with the mentally ill.

This ruling resulted from an incident in Pinehurst, NC, where police used a Taser on a man who was about to be involuntarily committed for mental health issues. He died at the scene, and his estate accused officers of using excessive force. The court ruled in the estate's favor. After the ruling, many departments moved to only use Tasers when there is a serious, imminent threat to the officer, suspect or public, and instead focus on de-escalating the situation.

Law enforcement officers are not the only ones encountering the mentally ill. City staff also should have training to deal with individuals who have mental health issues, according to Meredith Kaiser, loss control consultant for the Municipal Association.

"Often, folks at city hall encounter these folks when they come to pay a water bill or inquire about city services," Kaiser said. "Also, public works employees encounter folks who are mentally ill while they are reading meters or working on streetscaping projects or sanitation routes."

For law enforcement, cities should send their officers to critical intervention training, and departments should have a policy on dealing with persons of diminished capacity, Kaiser said. The Association's liability insurance program has a model policy for SCMIRF members addressing this, she added.

For staff, Kaiser recommends that HR identify a resource to provide an employee assistance program. Services would include a place to refer an employee who needs substance abuse counseling, individual counseling, family and couples counseling, financial counseling, stress management or anger management. Cities' health insurance providers may also be a resource for addiction treatment, smoking cessation, nutrition counseling or chronic disease management (including pain management).

For cities without the financial resources to offer these programs, a recommended practice is to develop a list of agencies which provide similar services in case a need arises. For instance, the Lexington/Richland Alcohol and Drug Abuse Council is the Midlands' state agency for substance abuse treatment, and it is one of 33 county alcohol and drug abuse authorities recognized by the state of South Carolina. Fifty percent of American adults with a substance use disorder have a co-occurring mental illness, according to NAMI.

"Respecting employees' privacy, treating them with respect and dignity, and having a working knowledge of ADA and HIPAA laws are critical for employers," Kaiser said. "Working closely with a labor attorney in these matters is highly recommended."

Closing the infrastructure funding gap

A study from the American Society of Civil Engineers says that the condition of many wastewater treatment systems nationwide is poor, with aging pipes and inadequate capacity causing an estimated 900 billion gallons of untreated sewage to be discharged each year. The May report also projects that water and wastewater infrastructure needs are on track to be funded at 30 percent, leaving a significant investment gap.

South Carolina is not immune to the infrastructure challenge, but it may be better prepared than some states to assist with funding these projects. The SC Rural Infrastructure Authority was created to help close that gap and improve the infrastructure, not only to support and encourage economic development but also to protect the public's health and the environment.

The RIA is now offering grants statewide to improve community sustainability and enhance competitiveness for economic development. Overall, the RIA will make about $25 million available in the next fiscal year for water and wastewater infrastructure. Last year, the cities of Darlington and Georgetown were funded to address significant drainage and flooding problems in local neighborhoods. The City of Walterboro will be making upgrades to its wastewater treatment plant, and the Town of Jonesville will improve its water distribution lines.

In addition, the RIA's Office of Local Government provides loan financing

Drainage issues in Georgetown.

through the State Revolving Fund in partnership with the SC Department of Health and Environment Control. Large and small communities that are making significant infrastructure investments can turn to the SRF for water and sewer projects that include improvements to water treatment plants, stormwater projects and the relocation of lines due to road widening projects.

The SRF offers long term, low interest rate financing to qualified borrowers. Interested municipalities should complete a project questionnaire and submit it to DHEC's SRF section.

For the City of Lancaster, grants and loans from a combination of funding sources will be critical as officials work toward resolving a federal consent order for sanitary sewer overflows, estimated to cost $20 million. Last year, the city was

awarded grants from RIA and the state commerce department's Community Development Block Grant program. Now officials are working to secure a loan from the State Revolving Fund to upgrade and replace gravity sewer lines. Officials with the city continue to work with multiple funding agencies to address what will ultimately be a multi-year project.

"Our ability to address these significant system challenges was facilitated by the working relationship that was developed with RIA, SRF and CDBG in helping us secure funding for improvements," said Steven "Flip" Hutfles, Lancaster city administrator.

"The success stems in part from being able to get all the players in the same room and develop creative solutions to meet the financial demands of the project."

A workshop focusing on RIA grant guidelines and funding availability will be held Tuesday, July 19, 2016, at the Columbia Metropolitan Convention Center. To register or to learn more, contact the RIA at 803.737.0390 or info@ria.sc.gov.

Grant and loan information can also be found at www.ria.sc.gov.

> **RIA grant applications are considered on a competitive basis in two funding cycles with applications due: September 12, 2016 and March 13, 2017**

Two-year legislative session ended June 2

The second half of the 2015-2016 regular session of the 121st General Assembly was gaveled to a close on Thursday, June 2, at 5 p.m. However, legislators returned to Columbia later in June to handle conference reports and the budget vetoes.

The 2016 session ended with no action on any business license reform legislation. Several legislators introduced bills during the course of the 2015-2016 session that did everything from eliminating the tax, to changing the definition of income, to reforming the process of paying the tax. A special subcommittee of the House Labor, Commerce and Industry Committee heard testimony from stakeholders on one of the bills but took no action.

The Municipal Association and the SC Chamber of Commerce plan to work through the summer and fall to draft a bill to introduce in the 2017 session. The goal is to draft legislation that reforms and streamlines the process of paying business license taxes.

House and Senate versions of the Dilapidated Buildings Act made progress, but neither passed both bodies. The DBA would give cities another tool for dealing with dilapidated and unsafe buildings after all other options for remedying the situation have been exhausted. S194 stalled in the Senate Judiciary Committee and was eventually sent back to the subcommittee in April. H3039 made it out of the House Judiciary Committee but failed to receive second reading on the floor.

Rep. Mary Tinkler (D-Charleston) introduced The Local Government Efficiency Act that would allow cities and towns to annex, by ordinance, property that is 25 acres or less that has been completely surrounded by the municipality for at least five years. That bill was passed by the House Judiciary Special Laws subcommittee but stalled in the full House Judiciary Committee.

The House and Senate came to an agreement in the final days of the session on restructuring the SC Department of Transportation and the State Infrastructure Bank to fix the state's roads and bridges. The Senate Judiciary Committee passed S429 modifying the requirements of workers' compensation claims to include mental illness. A minority report placed the bill directly on the Senate contested calendar. It then stalled.

The House and Senate passed the budget bill the last week of the session. Included in the budget is funding for beach renourishment, flood recovery and $10.6 million additional dollars for the Local Government Fund. The General Assembly returned to Columbia on June 15 after the primary elections to address Gov. Nikki Haley's vetoes and other conference reports.

Attempts to create an Office of Freedom of Information Act Review failed in the last days of the session. This would hear concerns from people who believed their FOIA requests weren't being handled in a timely manner. Governments would have also appealed to the Office of Freedom of Information Act Review with concerns about harassing FOIA requests. The House passed this legislation, however, the bill became stuck in the Senate at the end of the session.

The Municipal Association tracked more than 548 bills during the 2015-2016 legislative session. For a complete list of passed bills impacting cities and towns, visit www.masc.sc (keyword: legislative tracking).

The Association's year-end legislative report recapping the 2016 session activities will be available at the Annual Meeting and online at www.masc.sc (keyword: yearend review).
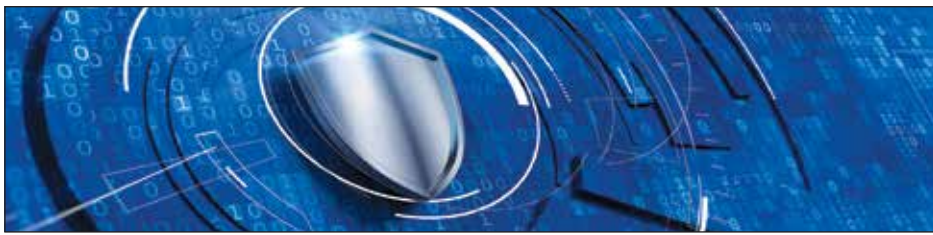
Tech Talks feature trends, devices and security

2016 Annual Meeting

Throughout the Annual Meeting, the Municipal Association with its technology partner, VC3, will offer a series of brief technology sessions called Tech Talks. These sessions are designed specifically for elected officials. During these sessions, attendees can learn about a wide range of technology topics in a short amount of time.

Protecting Law Enforcement Data

All law enforcement agencies that access the federal Criminal Justice Information Services data must have extensive technology safeguards in place. Learn more about CJIS, what city officials must do to protect and secure the federal data, and how those responsibilities will impact the city's budget.

The Future of Voice Communication

The days of the desktop touch tone phones are long gone, and there are many new digital options available for voice communication. Learn about the emerging trends in voice communication and how digital devices are changing the landscape.

Maximizing Mobile Devices

Is that smartphone just a little too smart sometimes? While mobile devices have almost overwhelming capabilities, figuring out how to use them can be a challenge. Learn how to harness the power of smartphones.

Engaging Residents With City Websites

A city's website can be a valuable extension of city hall beyond just being a good source of information. Websites can also encourage feedback and interaction with both residents and business owners. Learn how to ensure the process works well on a computer, tablet or phone.

Disaster Recovery and Business Continuity: The Differences and Why Both Are Needed

Disaster recovery and business continuity are closely related, but they are not the same thing. Learn more about each and how to put both essential processes in place.

Body-Worn Cameras

A body-worn camera program is more than just equipping officers with cameras. Learn more about the technology available to secure and store data from the cameras.

SIEM: What It Is and Why It Matters

Security Information and Event Management is an approach to security management that takes a holistic view of the city's IT security. Learn about the importance of security management and why SIEM may be a city's most practical option.

Microsoft Office 365

Microsoft's Office 365 is a dramatically different approach to providing city staff with the Microsoft Office tools they need to function efficiently. Learn about the collaboration, mobility and storage components that Office 365 can offer cities.

Annual Meeting app

2016 Annual Meeting

Don't leave home without it

The Association's app is a one-stop shop for all things related to the Annual Meeting.

With the app, attendees can read about each session, create a personalized schedule and set reminders for each item. They can access contact information and communicate directly with speakers, exhibitors and patrons. The app also has speaker bios, a listing of all attendees and information about shuttle service.

New this year is an easy way to take notes in the app and export them after the meeting. Note taking has been one of the most requested features by app users since the Association began offering the app in 2013.

Download the Annual Meeting app at https://hub.attendify.com/shares/7sx-lso/. Anyone who downloaded the app previously does not need to do so again. It automatically updates with 2016 Annual Meeting information when launched again. There is also a limited function web version available at mobileapp.masc.sc.

To learn more about the app, contact Sarita Chourey at 803.933.1206 or schourey@masc.sc. Additionally, Association staff will be available at the Annual Meeting to provide assistance.

How driverless cars
may change city design

Technology's effects on the taxi cab industry continue to grab attention. Now the bigger question is how driverless cars will change transportation and the design of our cities.

It's been a year since South Carolina passed a law permitting ride-booking companies to operate in the state. Such companies partner with local drivers to provide rides to customers who hail them from a smartphone app. Drivers use their own cars to pick up riders.

But changes to how people reach their destinations appear inevitable. For instance, Uber has invested in autonomous vehicle research and indicated that consumers can expect a driverless fleet by 2030.

The technology already exists. Last year, a modified Audi completed a 3,400-mile cross-country trip in which it drove itself 99 percent of the time. Some major car manufacturers already sell vehicles with features such as automated braking, self-parking and lane departure warning. What doesn't exist is the transportation infrastructure that would allow autonomous vehicles to be functional and safe.

Self-driving cars will impact society in a number of ways, whether as an individually owned vehicle or one that riders only summon as needed. The vehicles will expand mobility for people who cannot drive a car, including children and the elderly. For now, it's difficult to predict what effects the future automotive changes will have on traffic congestion and harmful vehicle emissions.

One thing that seems certain is that self-driving cars will change the way public spaces are planned and designed, according to Wayne Shuler, director of planning and zoning for the City of West Columbia.

Because autonomous vehicles are more precise, roads wouldn't need to be as wide - they could be redesigned with smaller, narrower lanes, Shuler said. Intersections would have to be redesigned for pedestrian safety. Bike lanes and pedestrian walkways might have to be separated from the roads to avoid conflicts with autonomous vehicles.

The street signs we have become accustomed to - visual cues geared toward pedestrians - would have to be changed, Shuler said. Traffic signals may have to communicate wirelessly with vehicles, requiring cities to increase and maintain their wireless bandwidth capacity.

An autonomous vehicle likely will be programmed to drop off riders at a designated spot and then drive itself to an off-site parking location when not in use. This means vast parking lots at shopping centers and on-street parking meters could become a thing of the past, replaced by large drop-off lanes. Parking garages would no longer need to accommodate drivers, so there would be no need for stairways or elevators, Shuler said. Developments could be designed with more green space in the city center, with parking provided at remote locations.

The move toward autonomous vehicles could reduce the numbers of privately-owned vehicles, as people make the shift. A growing number of millennials, especially those in urban centers, don't want the expense or burden of an automobile, said Ernie Boughman, president of the SC Chapter of the American Planning Association.

In the meantime, there would be a transition period as human-operated and autonomous vehicles use roads at the same time, Shuler said. That means municipal codes will need to address the issues of potentially chaotic drop-off zones, by determining where they can be located and the queuing length of cars, for instance.

As autonomous vehicles become more commonplace over the next few decades, experts say municipalities would be wise to start paying attention to the technology and how to update regulations or pay for infrastructure changes that could be on the horizon.

"There are a lot of benefits and consequences to autonomous vehicles that we can't even see yet," Boughman added.

Little homes may bring big changes

Call them tiny houses, elder cottages or mother-in-law apartments, these little buildings officially known as accessory dwelling units are becoming big news—and causing municipalities around the country to figure out if, and where, they belong.

It's a simple idea that's been around awhile—having a small second dwelling, complete with kitchen, bathroom, bedroom and living area, on the same property as your single-family home. But the interest has been growing in recent years and can be traced to a variety of sources. Among them:

• **Aging parents and boomerang children.** Homeowners interested in having their parents close to them but not under the same roof are building small apartments in the backyard. It also works for adult children who have moved back to their childhood home to save money or because they can't yet afford to live on their own.

• **Rental income.** Some long-time residents have seen home values in their neighborhood increase beyond their means, especially in hot tourism markets near the coast or near lake and mountain resorts. Adding an accessory dwelling unit in the backyard provides rental income to defray the increased cost of living.

• **Older homeowners.** As children move out, some seniors are left with a large home with amenities they no longer need or want. They may not want to leave the neighborhood – or a resort location – but they want a one-story home with less upkeep. A small house on the property can become their new home, while they rent their original home to someone who wants a larger residence.

• **Affordable housing.** Tiny houses can provide safe, affordable places to live in neighborhoods that are out of reach for low- or middle-income people. This is often the case for

Tiny houses is a trend coming to South Carolina, where cities are grappling with whether to allow them and how to regulate them in neighborhoods.

service industry workers who can't afford to live in the resort towns where they work.

• **HGTV.** The home and garden network is home to four programs showing off what is possible in small living spaces. These shows—"Tiny House, Big Living," "Tiny House Hunters," "Tiny House Builders" and "Tiny Luxuries"—sell the fun and functional lifestyle of living in a home as small as 100 square feet.

It's a trend that is coming to South Carolina where cities from Myrtle Beach and Hilton Head Island to Upstate communities are grappling with whether to allow the tiny houses, and how to regulate them in city neighborhoods.

"The question local governments need to ask is, 'What's your end goal? Where does this come from? Is it because it's trendy? Or is it addressing a real need? Is affordability the catalyst?'" said Josh Stevens, Oconee County's deputy director of community development.

Stevens said the needs and questions may be different in high-growth areas like Charleston and Mount Pleasant compared to smaller cities like Walhalla, but the issue will continue to surface throughout the state.

"All of it goes to the need for your community. Is there a need and is this a tool to address it?" Stevens said. He suggests looking at what has been done in cities such as Asheville, North Carolina and Portland, Oregon—where the city governments have been addressing the ADU issues for awhile—learning from them and adapting those lessons to individual communities.

Stevens said allowing small houses on existing residential lots can make economic sense for cities. While there may be an increase in the need for services such as water and sewer, it's less expensive to increase capacity than it is to run new lines to new neighborhoods.

But planners also point out the cons, including the possibility of destroying the character of established neighborhoods, increasing traffic, safety and parking concerns, and complaints from neighbors

who moved to the area with a promise of tranquility and privacy.

Around the country, some cities have looked at limiting the size of a second building on a lot to 500, 800 or 1,000 square feet, and requiring a setback of 6 to 10 feet from the property line. Others place height restrictions on units, making sure they aren't more than 25- to 30-feet tall, while requiring the buildings to be put at the back of the property so they can't be seen from the road. Most communities require one additional parking place per ADU in addition to what has been there for the original home.

On Hilton Head Island, ADUs are seen as another way to rent beach property, allowing homeowners an additional rental income. The buildings also could be useful as rental property for workers in the food and beverage industry, said Terri Lewis, Hilton Head's land management ordinance official.

Hilton Head officials looking to adapt their ordinances to address ADUs struggled with how to regulate density, along with issues including parking and aesthetics, Lewis said. The town worked with a consultant and considered making changes but decided to hold off.

"Even with the conditions our consultants were recommending, we couldn't get comfortable with it," she said.

Up the coast in Myrtle Beach, planners received an application for a tiny house development last summer. While the city doesn't have a minimum square foot requirement on houses, it does have minimum lot sizes. The developer wanted to subdivide the single-family lots to allow for many smaller lots. The city denied the request.

"In essence, we allow tiny houses, but not tiny lots. If he was in a district that allowed multifamily housing, we would have allowed it," said Kelly Mezzapelle, planner with the City of Myrtle Beach. "It was not zoning regulations that prohibited it, it was subdivision regulations."

She said the developer could have put a tiny house development in the city's five zoning districts that allow multifamily developments.

"Our concerns were tourism-related." Mezzapelle said. "The proposed project was within a couple of blocks from the beach, and we envisioned investors buying them to rent by the night or the week to tourists intrigued by the 'cute little houses.'"

That would quickly lead to parking issues, she said. It's still too early to know if the mini structures are merely a fad or here for good.

"I think it's a media trend," said Mezzapelle.

Church Street, Existing

Town of Lexington Vision Plan

Master plans

Master plans and comprehensive plans are both important planning documents, yet they are different tools that fulfill different needs for a city.

While a comprehensive plan is an essential first phase in a municipality's planning process, it is typically used to broadly state a community's goals and offer a baseline for regulation. For example, it may offer advice for how the city should grow, but it gives few specific ideas for actual development.

"State law requires a comprehensive plan. It's a document that sets future land use of a community. But it's very broad," said Eric Budds, deputy executive director of the Municipal Association of South Carolina.

All municipalities that have planning and zoning regulations must conform to the state Comprehensive Planning Act, which requires a comprehensive plan to give planning commissioners, municipal officials and residents the opportunity to map out the community's future. To ensure the plan continues to reflect the community's values, the council must re-evaluate it every five years and update it every 10 years.

"A comprehensive plan looks at jurisdiction-wide issues," said Robert Moody, senior planner with the Catawba Regional Council of Governments in Rock Hill.

State law also defines nine elements that a comprehensive plan must address, including: population, economic development, natural resources, cultural resources, community facilities, housing, land use, transportation and priority investment.

The other type of planning document cities use is a master plan. "You can't get specific in a comprehensive plan. Cities choose to do master plans to focus on a specific area and to guide development in a much more specific manner," Budds said.

Generally, the tighter the scope of the master plan, the better and more useful the plan will be. In smaller cities, an entire downtown district could be addressed in one plan, while larger cities might need a plan to focus on a specific neighborhood.

Cities can do master plans in-house, possibly contract with their council of governments or hire an outside firm to develop the plan. The approach would depend on the municipality's size and needs.

Randy Wilson is president of Community Design Solutions in Columbia, a firm that develops master plans for cities. He said there are two main benefits from master plans: A city receives a definite target to shoot for as it develops over the next five or 10 years; and the plan makes it clear what a city should not do.

"Our cities are so strapped for cash that there is a tendency to say yes to all economic opportunities. But if you put the wrong use in the wrong location, it's there for a generation. It's imperative that you get it right," he said.

Wilson offered these best practices for cities getting ready to take on a master plan:

• **Involve the public.** If a plan for a downtown district or a specific neighborhood affects citizens, city officials should encourage their voices. Often, people who are going to be directly impacted by the plan can offer strong ideas.

• **Make the plan holistic.** A master plan should not only address the buildings and physical structures in a town or district; but it must also include market analysis, branding and marketing, planning and design, and implementation strategies, including identifying possible funding sources.

• **Paint a picture.** A master plan needs to be "highly illustrative," casting a vision and showing the city leaders and residents a picture of what can be accomplished.

Wilson said the cost of a master plan depends on its size and scope. A small, more rural town should expect to pay an outside consulting firm about $35,000 to $60,000 for a master plan, while a large urban city could expect to pay $75,000 to $200,000, he said. A smaller-concept plan would take about two to three months to complete, while a full plan will take four to eight months.

Both the master plan and the comprehensive plan are critical to a city's success. The key is using each appropriately.

Zoning evolves to meet tech, trends

South Carolina cities and counties use zoning to achieve the land use vision laid out in their comprehensive plan. The objective of zoning is to balance an individual's property rights with the community's need to promote a healthy, safe, moral and orderly environment. Since a community's vision changes over time, its zoning must also be fluid and adapted to new growth and development needs.

In 1916 New York City passed the first zoning law in the country, regulating the shape of skyscrapers. And today municipalities continue to face trends and challenges in modern zoning that require them to protect the integrity of their communities while staying friendly to businesses.

As technology changes, zoning ordinances have been forced to keep up. Ordinances are regulating things that did not even exist a decade or two ago, said Shaun Greenwood, assistant city manager for the City of Cayce.

For example, if a municipality has not updated its zoning code since the 1990s, its code probably has nothing to address digital signs. There also are new businesses such as hookah shops and e-cigarette stores.

In today's sharing economy, it is not uncommon for multiple businesses to work from one location in a coworking building. Questions can arise about parking spaces or signage for those businesses. Old ordinances would regulate a certain number of parking spaces for a business. But if multiple businesses share a building, and one is only open at night while the other is open in the daytime, does the ordinance still require enough parking spaces for two businesses? A standard ordinance from the '90s would say so, Greenwood suggested.

"Changing times and changing types of businesses require getting away from templates that we used in the early '90s," Greenwood said. "By keeping the ordinances updated and minimizing gray areas, it greatly reduces the dependence on staff interpretations and the opportunities for mistakes."

How to manage sprawling communities is another challenge that municipalities must consider. The cost of growth, and specifically how to finance capital improvements to serve a growing population, is a challenge the Town of Fort Mill faces, according to Planning Director Joe Cronin. It's also difficult attempting to balance residential and commercial growth, and the issue of a moratorium has been a hot topic in Fort Mill and in other rapidly growing communities, he said.

Affordable and workforce housing (the average new home permit has been about $375,000 to $400,000 for the last few years) and planning for an aging population are other issues that Cronin cites. The town recently brought online a new 730-home, age-restricted Del Webb subdivision. Cronin also reported a lot of interest in new age-restricted, age-targeted and continuum of care development.

Staff training, too, must keep pace with growth and technological changes.

Officials must fulfill continuing education requirements each year (see article on p. 15), and the SC Chapter of the American Planning Association is working to modernize the training and offer it in a web-based format.

Overall, municipalities and counties are trying to do more online to streamline their zoning and permitting processes, according to Ernie Boughman, president of SCAPA and regional office director for Toole Design Group. In most communities, the paper plans that once covered a planner's desk have been replaced by digital versions where planners can type comments to developers.

Many city councils have placed an emphasis on development approvals moving at a quicker pace, and cities are streamlining the process and moving to customer-service based offerings to allow developers to make one stop, Boughman said.

Planning and zoning trends will continue to change as the public's needs and wants shift.

Today communities are encouraging the development of mixed-use spaces, where residents can walk to work, restaurants or shopping. Public transit and walking and biking paths are very important. Planned developments with walking trails and land set aside for libraries and schools also are becoming commonplace, Boughman said.

Crossing lines
for better coordination

City planners understand that issues such as traffic congestion, water quality or growth management don't stop at a municipality, county or state border.

"Everyone in our jurisdictions has a stake in those issues. Those issues don't respect political boundaries. It forces us and it gives us the opportunity to come together," said Joseph Cronin, planning director for the Town of Fort Mill.

As his Tega Cay counterpart Susan Britt says, "Planners work with the human condition and connect humans to the environment. We understand that we are not bound by the constraints of our city limits. We have to understand the regional context."

That context is easy to understand in a place such as York County, one of the fastest growing regions in the state and nation. Fort Mill officials find themselves working every day with other cities in the county,

such as Rock Hill and Tega Cay, along with unincorporated York and Lancaster counties, the Catawba Indian Nation and area school districts. It's a region that illustrates the need for multi-jurisdictional planning and understands the importance of the communication and cooperation necessary to accomplish it.

"It's important that policy makers are coordinating, coming to an understanding and having a coordinated response," said Britt, the Tega Cay planning and development manager.

The importance of that cooperation has become move obvious as the area has grown. When Cronin started working in Fort Mill in 2009, a sluggish economy meant there wasn't much construction going on in the region. "Fast forward five or six years and somebody blew the lid off. We had 500 new home permits last year," he said.

That residential growth clearly translates into the need to work together, particularly with the area's school district. It's important, Cronin said, for the town to make sure the school district knows where the growth is expected, as it plans new schools and draws attendance lines.

"Those new homes mean a heck of a lot of kids the school district has to educate," he said. "There are 5,000 new residences in the pipeline over the next 10 years. That could double the size of our town."

Working with school districts is just one example of multi-jurisdictional coordination in the region. Cronin and Britt also mentioned:

•**Joint training for boards and commissions.** Tega Cay and Fort Mill provide joint quarterly courses for members of each municipality's boards and commissions. The two towns

consider issues that are important for the area and tailor the training to fit those needs. Recent topics included a session on regional planning, using utilities as an annexation tool and the impact of residential growth on local schools. The classes are submitted to the SC Planning Education Advisory Committee for approval for continuing education credit, and they are offered at little to no cost to the municipalities.

• **Joint council meetings.** Last year, the Tega Cay City Council, Fort Mill Town Council and York County Council held the first-ever joint meeting to talk about topics that affect all three jurisdictions, including transportation planning, emergency management, and parks and recreation. "We have common concerns; it's imperative that we work together. We're not always going to agree, but there's a benefit in working together," Cronin said.

• **Communication among staffs.** Cities, school districts and county governments regularly share agendas and staff reports with each other. Fort Mill, for example, shares copies of any rezoning or annexation requests with the school district.

"It's important that policy makers are coordinating, coming to an understanding and having a coordinated response."

Susan Britt, Tega Cay planning and development manager.

Smaller annexation projects are shared with neighboring jurisdictions that may be affected by the development. They are asked for feedback

as the project makes its way through the approval process. "Sometimes we disagree, but that's OK. We're all part of the process," Cronin said.

• **Long-term planning.** As any jurisdiction begins work to update its comprehensive plan, it reaches out to all the other stakeholders in the area, including Rock Hill, Lancaster and York counties, Tega Cay, Fort Mill and the area school districts.

"We share comprehensive plans and work with each other to develop land-use goals that reflect each other," Britt said.

• **Informal talks.** Planners from the counties, municipalities and the Catawba Regional Council of Governments meet informally, usually for lunch, each month to network and discuss issues and ideas.

A simple oversight can create big problems

The responsibilities of municipal elected officials are broad in scope, so it is easy to overlook one of the many responsibilities of cities. This is especially true for a municipality with little to no staff. But even the oversight of obscure requirements can have serious consequences.

One example is the failure of city officials to comply with the mandatory training requirements under the Comprehensive Planning Act of 2003.

The law requires members of the planning commission, the board of zoning appeals and architectural review board, as well as staff who directly or indirectly work with these boards and commissions,

to complete six hours of orientation training within 365 days of their appointment. These individuals must also attend at least three hours of continuing education training each successive year of service.

The consequences for not meeting the training requirements are severe. An appointed official can forfeit his office, and a professional employee can be suspended or dismissed. It could also be grounds to invalidate actions taken by a non-compliant staff member or board/commission member and seriously jeopardize a town's planning and zoning efforts.

The Municipal Association encourages councils to adopt the following best practices to support training compliance:

• Make sure prospective appointees to the planning commission, the board of zoning appeals and architectural review board understand and agree to comply with the mandatory educational requirements as a condition of appointment and continued service.

• Send a written notice by December 31 each year to the affected board and

commission members clearly stating the training requirements and providing a calendar of available training options.

• Remind board and commission members each year, no later than their appointment/employment anniversary date, of the requirement to file a certification of training compliance with the municipal clerk, who by law, is responsible for maintaining certification records.

• Review training records of planning officials at least annually. Take immediate corrective actions if necessary to ensure that officials satisfy the orientation and continuing education requirements.

The Association offers the only approved training program for municipal/ county officials and employees. Approved facilitators provide the training using pre-approved materials and DVDs produced specifically to meet the requirements outlined in state law. For more information on training requirements, approved training resources and facilitators, visit www.masc.sc (keyword: planning training).

Planning / Land Use

Calendar

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

JULY

14-17 Municipal Association of SC Annual Meeting. Charleston Place Hotel. See related article on page 8.

20-22 Main Street South Carolina. Economic Development on Main Street. The Mantissa Executive Suites, Hartsville.

AUGUST

2 SC Business Licensing Officials Association Accreditation in Business Licensing Exam. 1411 Gervais St., Columbia.

16 SCMIT and SCMIRF Joint Training Session - Walking the Narrow Road of Leadership: Leadership Principles for Public Safety Personnel and Managers. Columbia Conference Center, 169 Laurelhurst Ave., Columbia, SC 29210

23 Setoff Debt Collection Program – Mandatory Training Session for New Participants. 1411 Gervais St., Columbia.

25 Setoff Debt Collection Program – Mandatory Training Session for Current Participants' New Employees. 1411 Gervais St., Columbia.

31-September 2 Municipal Court Administration Association Annual Meeting. Francis Marion Hotel, Charleston. Topics include court financials, sovereign citizens, records retention, internal controls and Pretrial Intervention programs.

SEPTEMBER

8 SC Association of Stormwater Managers Third Quarter Meeting. Columbia Conference Center. Topics include construction and post-construction discussions.

14-16 Municipal Clerks and Treasurers Institute: Year 1, Session B. Hyatt Place Columbia/Downtown. Topics include forms of government, meeting administration and the municipal clerk, financial management and business license administration.

15 SC Municipal Elected Officials Institute of Government. Council of Governments' offices. Courses offered are "Municipal Economic Development" and "Forms of Municipal Government." The courses are also offered on demand from the Association's website at www.masc.sc (keyword: MEO).

21-23 Municipal Technology Association of SC Annual Meeting. Hyatt Regency Greenville. Topics include GIS use for emergency management, cybersecurity, Smart Cities, app creation by municipalities, and storage and retention of data from body-worn cameras.

30 Managers/Administrators Fall Forum. Columbia Conference Center.