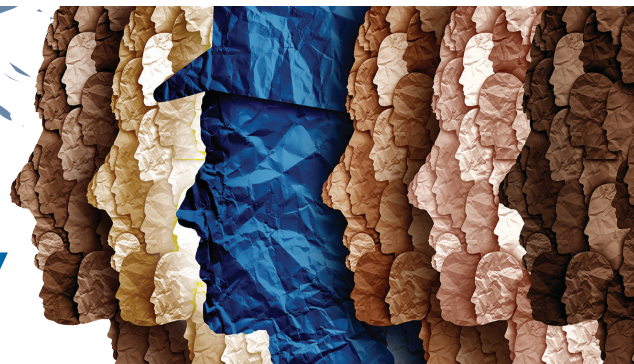




# UPTOWN

a publication of the municipal association of south carolina

## Annual Meeting to Address Deescalation, Police Reform



Civility in governance, as well as the state of police policies and procedures, will be at the core of many of the sessions during the Municipal Association’s Annual Meeting, taking place July 14 – 17 in Charleston.

The sessions aim to help local officials better understand how to improve the effectiveness of the governing process, and to make encounters between residents and their law enforcement officers safer. The full agenda is available at [www.masc.sc](http://www.masc.sc) (keyword: Annual Meeting), but a few highlights include the session on “Verbal Judo,” and the sessions on current law enforcement practices and requirements.

### Verbal Judo: Tactical Communication in Public Forums



Alex Bromley

The Verbal Judo Institute offers involved coursework to audiences internationally in the skills needed for effective persuasion and conflict resolution. Alex Bromley, one of the institute’s instructors, will provide an overview of the key skills that it teaches during the last general session on July 14. Bromley has a law enforcement background and works as a detective in New Jersey.

Bromley described Verbal Judo classes as valuable for handling arguments or verbal attacks in both professional and personal life. He said the curriculum is useful

for “contact professionals” — anyone who must interact with the general public regularly. He said a common misconception is that the material is useful only for law enforcement or security officers.

“It is really for anybody that deals with the public, and anybody that can be in a position where they face conflict and may need to deescalate and then come to an appropriate resolution,” he said.

Bromley’s students have included many government officials, both elected officials and staff, and city building inspectors stand out as a category where conflict is part of the work. Purposeful and skilled communication, he said, is critical in the government sector.

“If we are public employees and we’re struggling to effectively communicate, there could be major issues within a community — definitely at the governmental level where they’re the decision makers,” he said.

Communication technology and public expectations have made government officials more accessible than ever, and Bromley noted that they need to have their communication skills as sharp as possible.

“If they’re not, he said, “you’re looking at a tumultuous relationship between the citizens of the community and their elected officials.”

Other civility-related sessions at the Annual Meeting include Matt Lehrman of Social Prosperity Partners, who will deliver both the keynote and a preconference session on how to pursue

[Deescalation, page 2 >](#)

### In This Issue

**Defensive Driving Helps Reduce Top Cause of Workplace Fatalities**

Page 4

**Regional Advocacy Meetings Coming Back in September**

Page 7

**Special Section: Economic Development**  
**Homes for All: Cities Drive Attainable and Workforce Housing**

Page 10

**Development Impact Fees Require Justification**

Page 15

# In this *ISSUE*

Tech Talks Return to the Annual Meeting .....	3
News Briefs .....	3
Defensive Driving Helps Reduce Top Cause of Workplace Fatalities.....	4
Prepare for Dangers to the City With These Third-Quarter Risk Management Tips .....	5
Business Licensing Essentials: NAICS Code Update.....	5
Resident Business or Nonresident Business? .....	6
Download the Municipal Association's App Before the Annual Meeting.....	7
Regional Advocacy Meetings Coming Back in September .....	7
Hometown Economic Development Grant Applications Open in July .....	8
Municipal Elected Officials Institute of Government Monthly Quiz .....	9
Association Highlight: Listserves.....	9

## Special Section:

### Economic Development

Homes for All: Cities Drive Attainable and Workforce Housing .....	10
A Day in the Life of a Grants Administrator .....	12
Development Impact Fees Require Justification.....	15

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*Deescalation, from page 1 >*

the difficult conversations that can defuse conflict. Another session will delve into the communication pitfalls that elected officials can face when using social media.

### Policing in the Reform Movement: What Councils Need to Know

The 2020 killing of George Floyd by Minneapolis police when an officer knelt on his neck for more than nine minutes led to nationwide conversations about the role of force in law enforcement work, as well as widespread unrest and reform efforts.

In South Carolina, the General Assembly passed a law enforcement reform bill at the end of the 2022 session. Among other requirements, the law requires the SC Law Enforcement Training Council to develop training on chokeholds and carotid holds. It also requires minimum standards for all law enforcement agencies, including an officer's duty to intervene in certain actions of other observed officers.

In a concurrent session on July 14, Jack Ryan of the Legal and Liability Risk Management Institute will discuss what city and town councils should know about the state of law enforcement reform.

Ryan has noted that police have not verbalized support for the actions of the Minneapolis officers, and that "there is widespread agreement that the actions of the officers amounted to unreasonable force and the failure to intervene."

His presentations have explained the nature of chokeholds and carotid holds, among the other issues that have come up in the aftermath of the George Floyd case. Choke holds, for example, aim to reduce or stop the flow of oxygen. Because of the danger of fatalities, they are banned by most law enforcement agencies in most cases. Carotid holds, on the other hand, reduce blood flow to the brain, and when properly used can make a person unconscious within seconds.

In terms of the duty to intervene when observing excessive force, Ryan has noted that federal courts have determined for decades that officers have a duty to stop observed violations of a person's constitutional rights. Failing to render aid to a person, even in a case where officers used force reasonably, can also be a violation of constitutional rights.

Law enforcement topics will also feature in the concurrent sessions taking place on the afternoon of July 15 geared toward municipalities of different population sizes. For the cities with populations below 5,000, the "Police Reform Q&A" session will feature Williamston Police Chief Tony Taylor as well as the Association's Director of Risk Management Services Heather Ricard and Loss Control Manager Bethany Pendley. For the cities above 20,000, the Columbia Police Department will present on the safety initiatives of its Hospitality District Task Force.

*Find more details and agenda information about the Annual Meeting at [www.masc.sc](http://www.masc.sc) (keyword: Annual Meeting). All meeting registrations must be complete by July 1.*

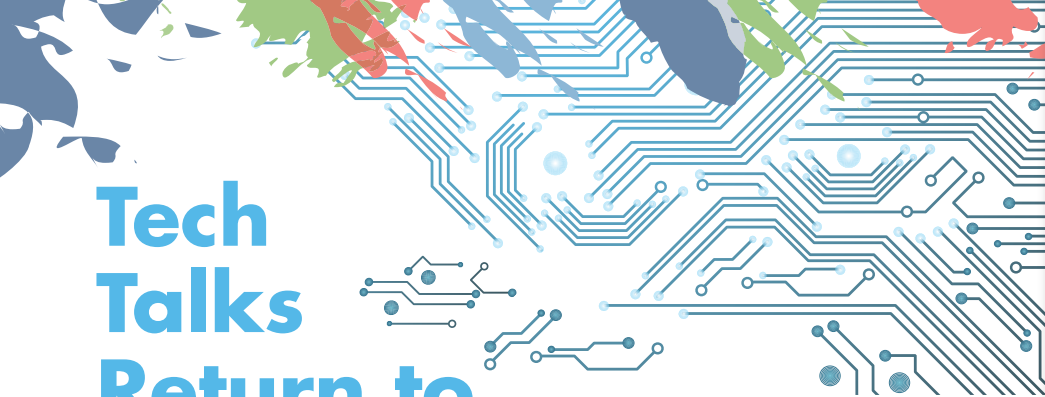
## Annual Meeting Sessions to Feature City Connect Market Contracts

In 2021, the Municipal Association launched the City Connect Market, a cooperative purchasing program partnership with HGACBuy, which allows South Carolina cities and towns to take advantage of volume discounts for many of their purchases. Short sessions taking place throughout the Annual Meeting will give attendees a chance to learn about many of the contracts available.

HGACBuy is a decades-old program that began with the Houston-Galveston Area Council of Texas, but today its staff receives

bids and assists local governments nationwide with purchasing. HGACBuy officials will have a booth at the Annual Meeting so they can have brief sessions explaining many of the available contracts, which can cover everything from fire trucks to ambulances, public works equipment, police officer body cameras and playground equipment. Vendors for the contracts will participate virtually and answer attendee questions. Find the schedule for each of the sessions at [www.masc.sc](http://www.masc.sc) (keyword: Annual Meeting) or on the Municipal Association app.

*Learn more about the program at [www.masc.sc](http://www.masc.sc) (keyword: City Connect Market) or by contacting Jake Broom at 803.933.1270 or [purchasing@masc.sc](mailto:purchasing@masc.sc).*



# Tech Talks Return to the Annual Meeting

Up-to-date knowledge of information technology is more important than ever for cities and towns. For this reason, the Municipal Association of SC and its technology partner, VC3, are offering Tech Talks throughout the 2022 Annual Meeting — quick, 15-minute sessions about critical information for elected officials and municipal staff.

- A Cybersecurity Checklist for Municipalities – Most cities do not have a cybersecurity plan in place, and may not know where to start. Learn about a checklist that can help cities understand its security status, find gaps and create an action plan.
- Take Your City for Cyber Uninsurable to Insurable – Ransomware attacks affect municipalities more than any other industry. Because many do not have basic precautions in place, insurers are increasingly unwilling to insure them. Find out how to navigate the current cyber insurance environment.
- Why Multi-Factor Authentication Is Essential – MFA practices add another layer of authentication, like a code sent to the user's phone, to help prevent cyberattacks. Learn about the basics of MFA, where to apply it, and why it serves as such powerful protection.
- Unpacking Security Awareness Training for City Employees – Cyberattackers are most likely to access a city's systems through phishing emails. Learn about security awareness training like automated phishing tests, and identifying malicious emails.
- IT in a Box: An Instant IT Foundation for Smaller Cities – IT in a Box is a

unique service from VC3 that offers a comprehensive package of technology products and services — from a new website to data backup — tailored to the unique needs of municipalities.

- Where Do I Begin? Building a Strong Data Backup Strategy Step by Step – Many cities lack strong data backup practices. Discover the essential elements of a data backup and disaster recovery plan, including cloud-based solutions.
- Make Your Website ADA-Compliant: Best Practices for Cities – Many cities do not comply with guidelines for making their website content accessible for people with disabilities. Learn best practices to tackle with the help of a website designer and those who create and upload content.
- Are You Hoarding Data? Declutter Through Document Management – Hoarding electronic data adds legal risks, operational burdens and storage burdens to a city. Learn how hoarding tips apply to a city's document management system.
- What's Dark Web Monitoring, and Does My Municipality Need It? – Find out how scouring the dark web can help a city fend off a data breach, and even how monitoring the dark web reveals signs of insider threats.
- The Biggest Hidden Red Flags in a Phishing Email – Many phishing emails now easily mimic a sender's supposed email address and make links and attachments seem safe. Learn about "hidden" red flags—deeper flaws in a scammer's approach where they try to use psychological tactics that trick the user just long enough.

Find more information about the Annual Meeting at [www.masc.sc](http://www.masc.sc) (keyword: Annual Meeting). The meeting schedule is also available on the Municipal Association's app. Download it from the Apple Store or Google Play by searching "Municipal Association of SC."

# NEWS BRIEFS

Members of the SC Community Development Association elected their 2022 – 2023 board of directors. They include President **Shawn Bell**, City of Fountain Inn; Vice President **Emory Langston**, Lower Savannah Council of Governments; Secretary **Doug Polen**, Town of Moncks Corner. New members at large include **Jessi Shuler**, Town of Summerville; **Joe Smith**, Greenville County Redevelopment Authority; **Kimberly Mullinax**, Lowcountry Council of Governments; and **Arlene Young**, Appalachian Council of Governments. Returning members at large are **Stephanie Smith Derwort**, SC Department of Commerce; **Angela Kirkpatrick**, Catawba Council of Governments; and **Frank McClary**, Town of Andrews. The past president is **Jessie Walker** of The Wooten Company.

The Leadership South Carolina Class of 2022 included **Kevin Brown**, Spartanburg Water; **Brian Carter**, City of West Columbia; **Cornelius Huff**, City of Inman; and **Andrew Strickland**, City of Anderson. Leadership SC promotes leadership skills and an understanding of policy issues affecting South Carolina.

In May, **Arthur Littlejohn** of the Spartanburg Police Department received the Storm Thurmond Award for Excellence in Law Enforcement in the city officer category from the SC Law Enforcement Officials Association.

# Defensive Driving Helps Reduce Top Cause of Workplace Fatalities

**A**uto incidents among municipal employees in South Carolina are growing more common and more expensive, according to claims data from the SC Municipal Insurance Trust and SC Municipal Insurance and Risk Financing Fund.

For SCMIT's claims over the last five years, motor vehicle accidents now represent a little more than one in every 10 claims. For SCMIRE, motor vehicle accident claims have increased about 19% in the last five years, and the cost of claims has exploded by 98% during this time, driven primarily by auto physical claims cost increases.

Worse than the damage to a vehicle, wrecks also threaten the safety of any employer's most important resource: their employees. Transportation incidents make up the most fatalities among workers, according to the Bureau of Labor Statistics — 37.3% of the total in 2020, with falls, slips and trips in a distant second.

In the SCMIT data, the single most common cause of an auto claim is the driver rear-ending another vehicle.

"Many of these claims are attributable to distracted driving," said Heather Ricard, director of the Municipal Association's Risk Management Services. "Some claims are unavoidable, such as striking an animal that runs in front of the vehicle, usually a deer. Even so, we receive claims on a daily basis where someone has struck a stationary object, such as a light pole."

Training staff that drives city vehicles helps reduce fatalities and property loss, and one key training topic is distracted driving. Driver distractions can come from anywhere — passengers in the vehicle, eating and drinking or even listening to music. Electronic devices, especially cell phones, are often a major distraction, even when the driver is using them in a hands-free mode, or when the driver is using voice-to-text instead of typing out a text. The National Safety Council reports that the full scope of cell phones contributing

to crashes is not known, since there is no objective test for it and drivers often do not admit to using a cell phone after a crash. Even so, the NSC notes that cell phones can cause a driver to miss seeing as much as half of what is happening around them.

Here are several precautions that can help with the most dangerous driving behaviors, according to the NSC:

- **Speeding** – Drivers must reduce speed when entering work zones, school zones, residential areas and similar locations. If another vehicle is tailgating them, they should slow down and let it pass.
- **Right of way** – Violations include failure to yield, rolling through a stop sign, running a red light and other disregard for traffic signals, blocking an intersection, and failing to yield to a school bus or emergency vehicle. If stopped at an intersection when a light turns green, a driver should count for 2 seconds, scanning left, right, forward and left again, before accelerating.
- **Driving left of center** – Drivers who are considering passing another vehicle should ask themselves, "is this absolutely necessary?" If the answer is yes, only pass when it is safe and legal, and can be done without speeding.
- **Following too closely** – Use the 3-second rule: watch the vehicle in front pass by a fixed object. As its rear bumper passes the object, count "one-thousand and one; one-thousand and two; one-thousand and three." The driver's front bumper should not pass the object until after the count is finished. Otherwise, the driver is following too closely.

*Cities with SCMIT or SCMIRE membership are eligible for a free four-hour defensive driver training offered through the National Safety Council. For more information, contact Bethany Pendley, loss control manager, at 803.933.1210 or bpendley@masc.sc.*



# Prepare for Dangers to the City With These Third-Quarter Risk Management Tips

There are numerous actions for municipal risk management staff to take throughout the year as part of a consistent and proactive effort to reduce liability for the local government.

Here are some key things for risk managers to address in the third quarter of the year:

## JULY

**Review classification codes, estimated payroll and number of employees, including all volunteers and inmate laborers.**

- Review classification codes to ensure that the city is classifying and accounting for payroll expenses properly. Insurance companies use classification codes to determine workers' compensation contribution amounts.
- Conduct payroll audits annually.

**Encourage employees to participate in safety training to help prevent workplace accidents and illnesses.**

- Conduct training either online or in person.
- Use training topics that are relevant to the employee's job responsibilities, so

that they are able to complete their job efficiently and safely.

## AUGUST

**Review auto, property, contents and inland marine schedules, which are the lists of items for which the city has coverage.**

- Classify assets correctly to make sure that insurance contributions are calculated appropriately.
- Schedule properties needing insurance to make sure that coverage will apply in the event of a loss.

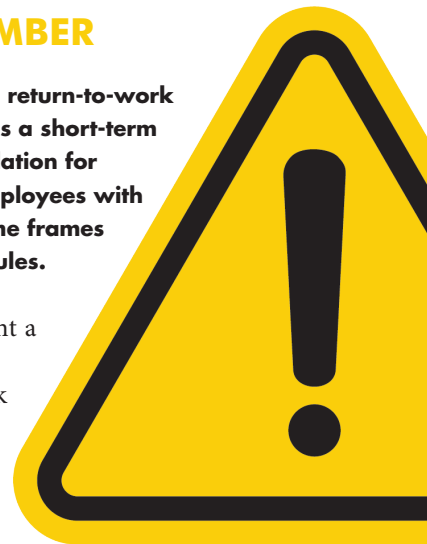
**Review and update the city's mutual aid agreements.**

- Establish a review program to evaluate all mutual aid agreements to make sure the agreements follow the relevant laws.
- Be sure that either the city council has voted to approve all agreements, or that the person who is entering an agreement has proper authorization by a vote of council. There must be a properly executed mutual aid agreement in place for an agency to have jurisdiction when operating outside of its ordinary boundaries.

## SEPTEMBER

**Establish a return-to-work program as a short-term accommodation for injured employees with flexible time frames and schedules.**

- Appoint a return-to-work coordinator to administer the program. The coordinator should have a working knowledge of the South Carolina Workers' Compensation Act.
- Establish written procedures to outline the rights and responsibilities of all parties involved in the return-to-work process. The procedures should include the process for reporting the injury or illness, the medical treatment process and the return-to-work process.



## Business Licensing Essentials: NAICS Code Update

Every month in 2022, the Municipal Association's Local Revenue Services is hosting "Business Licensing Essentials," a series of virtual training sessions on the processes needed to administer business license taxes correctly, efficiently and in a way that makes life easier for those doing business inside a city or town. The session on North American Industry Classification System codes, or NAICS codes, will take place Wednesday, July 13, from 10 to 11:30 a.m. Learn more at [www.masc.sc](http://www.masc.sc) (keyword: business licensing essentials).



Using six-digit numbers, NAICS bundles individual businesses into similar industry groups, and NAICS codes are part of the way that cities calculate a business license tax. The SC Business License Tax Standardization

Act requires all cities and towns to use current NAICS codes. When the state passed this law in 2020, the current NAICS codes were those established in 2017; however, the codes receive updates every five years.

This session will help bring business license administrators up to speed on the changes found in the 2022 NAICS updates.

Find the recordings of past meetings online at [www.masc.sc](http://www.masc.sc) (keyword: business licensing essentials).



# Resident Business or Nonresident Business?

**B**usiness license administrators sometimes face questions about whether a given business counts as a resident business or nonresident business for the purpose of calculating the tax. Here are some key points to consider for this determination.

## **Resident/nonresident rates**

Many cities and towns use higher business license tax rates for those businesses not residing within the municipality. For businesses, a permanent or fixed place of business within the municipal boundaries will generally establish residency, and businesses may have residence in more than one municipality for this purpose.

Higher rates help establish fairness between those businesses that are paying property tax as well as the business license tax, and those businesses that are paying the business license tax only. Both types of businesses are paying for the same city services — utilities, sanitation, police, fire and others — so the higher business license tax rate allows for the nonresident businesses to contribute to these services fairly.

There is no rule on how much higher nonresident rates can be, but court decisions have found that the increased rates cannot be unreasonable. Cities will often double the rates for nonresident businesses.

The Municipal Association of SC offers a model ordinance for business licenses that calls for doubled tax rates for all nonresident businesses and itinerants that have no “fixed principal place of business within the municipality.” The Association strongly recommends that cities and towns use this model ordinance, which helps ensure that business licensing practices comply with the SC Business License Tax Standardization Act, Act 176, which the legislature passed in 2020. Learn more at [www.masc.sc](http://www.masc.sc) (keyword: standardization).

For those cities and towns who are using different rates for resident and nonresident businesses, these two questions can help officials determine the residency of a given business:

### **1. Does the business have a brick-and-mortar operation within the city limits?**

The term “resident” in “resident business” has nothing to do with where the business owner lives. It also has nothing to do with whether the business is a corporation headquartered elsewhere in the state, nation or world. The term indicates that the business has a physical location or facility located inside the city.

Examples of companies who do business in the city that would count as a nonresident business include those that

regularly make deliveries inside the city, or contractors who provide services in the city, so long as these businesses do not have a fixed physical location in the city.

There are exceptions, like a company that delivers merchandise in the city a single time with no expectation of further deliveries. See the discussions on “limited activities” and “tests for doing business” in the *Business License Handbook* at [www.masc.sc](http://www.masc.sc) (keyword: business license handbook).

### **2. Does the business pay property taxes to the city?**

Higher nonresident rates exist in part to counteract the lack of property taxes on a business. If the business pays property taxes on property relating to the business, then paying higher nonresident business license rates might not be appropriate.

*The Municipal Association’s Local Revenue Services is hosting monthly virtual training sessions in 2022 for business licensing officials to learn more and ask questions. Find more information on page 5. Also, during the Municipal Association’s Annual Meeting in July, the Association’s Manager for Local Revenue Services Caitlin Cothran will explain five key questions that city officials should ask their business licensing staff to ensure the city is complying with the law. Learn more at [www.masc.sc](http://www.masc.sc) (keyword: Annual Meeting).*

# Download the Municipal Association's App Before the Annual Meeting

The Municipal Association's newly launched app isn't just for events, but it does offer plenty of event information for the Association's Annual Meeting, taking place in Charleston July 14 – 17.

Through the app, users can plan which of the various concurrent sessions they want to attend through the meeting agenda, which is also available online at [www.masc.sc](http://www.masc.sc) (keyword: Annual Meeting). The app also gives users information on speakers and exhibitors.

Beyond the Annual Meeting, the app offers access to such resources as the Association's training calendar, municipal

directory, staff listing, job openings and *City Quick Connect* podcast.

Anyone who still has the older version of the event app, which was named "MuniAssnSC," on their phones should delete it and download the new app.

Download the app from either the App Store or Google Play by searching for "Municipal Association of SC." To learn more about the app, contact Russell Cox at 803.933.1206 or [rcox@masc.sc](mailto:rcox@masc.sc). Also, Association staff will be available at the Annual Meeting to assist with the app.



## Regional Advocacy Meetings Coming Back in September

After pandemic disruptions pushed the Municipal Association's Regional Advocacy Meetings to a virtual format for the last two years, the meetings are returning as in-person events with locations around the state during September and October.

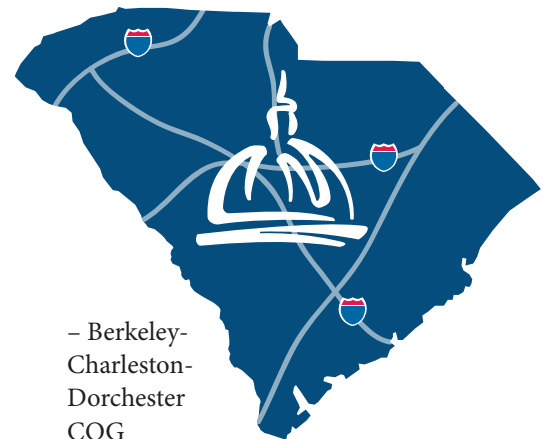
These meetings fulfill several purposes for South Carolina municipal officials: learning about what happened during the last session of the General Assembly, what is likely to happen in the upcoming legislative session; and simply sharing a meal and discuss the legislative needs of cities and towns. The conversations that happen during the Regional Advocacy Meetings play a key role in shaping the Municipal Association's Advocacy Initiatives, and this fall's sessions will serve as a time to plan for the entire 2023 – 2024 two-year legislative session.

Each meeting begins at 11 a.m. and concludes by 1 p.m., with lunch included. The locations are organized to include one session in each council of governments

region, but officials may attend any session even when it is not in their home region. There is no charge for the meetings, but registration is required for an accurate headcount for lunch and handouts.

Here are the dates and locations for each COG:

- September 6 – Rock Hill Operations Center, Rock Hill – Catawba COG
- September 7 – Walterboro Wildlife Center, Walterboro – Lowcountry COG
- September 8 – Manning Fire Department, Manning – Santee-Lynches COG
- September 13 – The Edition at the Hartsville Museum, Hartsville – Pee Dee COG
- October 5 – The Arts Center of Greenwood, Greenwood – Upper Savannah COG
- October 11 – Rollins Edwards Community Center, Summerville



- Berkeley-Charleston-Dorchester COG
- October 12 – C.C. Woodson Recreation Center, Spartanburg – Appalachian COG
- October 13 – Building and Development Building, Conway – Waccamaw COG
- October 19 – Cayce City Hall, Cayce – Central Midlands COG
- October 20 – Lessie B. Price Aiken Senior and Youth Center, Aiken – Lower Savannah COG

To register, visit [www.masc.sc](http://www.masc.sc) (keyword: RAM). For more information, contact Casey Fields at [cfields@masc.sc](mailto:cfields@masc.sc) or 803.933.1256.

# Hometown Economic Development Grant Applications Open in July

For much of the town's history after incorporating in 1907, the Town of Lowrys did not have a town hall. Its council met in several locations over the years, but they felt that the town needed a space to conduct business free of any outside scheduling conflicts.

In 2018, the town sought and received a Hometown Economic Development Grant from the Municipal Association of SC for the town hall.

Lowrys was able to leverage its grant from the program with other funding to make the vision a reality. The effort rebuilt a vacant house, previously a doctor's

office, into a space that not only served the town's needs for office and meeting space, but which also offers display space for artifacts from Lowrys' history.

The project was one of many to receive funding assistance from the Municipal Association's HEDG program, and applications for the 2022 grant cycle will open after the Association's Annual Meeting.

## Applying for a Hometown Economic Development Grant

The 2022 HEDG cycle will award as many as 12 grants of up to \$25,000 each.

HEDG project proposals must make a positive, measurable and sustainable economic impact on a community. Some project types are excluded, as explained in the full eligibility rules on the application.

Those interested should apply online by Friday, September 30 at 5 p.m. The

application and grant awards have several key requirements:

- The council pass a resolution in support of the grant application.
- Cities and towns that receive a grant must provide matching funds.
- Grant recipients must also submit progress reports and provide financial details about how they spent grant funds.

To keep HEDG equitable and effective, the program awards grants among several population categories, with most awards going to cities and towns with populations below 5,000 according to the 2020 census. The population size determines the amount of funding available for recipients.

Beginning in late July, find the HEDG application and sample resolution at [www.masc.sc](http://www.masc.sc) (keyword: hometown grant).

For questions, contact Scott Slatton at [sslatton@masc.sc](mailto:sslatton@masc.sc).



## HEDG by the numbers

These totals reflect HEDG-funded projects from the program's beginning in 2016 to 2022.

### 11 planning documents and studies funded

These range from a study to replace Salley's septic systems with a wastewater system to a Main Street master plan and economic analysis for both Pelzer and West Pelzer — the only joint HEDG recipients to date.

### 14 indoor facility projects funded

These include such efforts as new audiovisual equipment for Saluda's historic Art Deco theater, the development of the Walterboro Wildlife Sanctuary Discovery Center to Beaufort's South Coast Cyber Center, and the renovation of Society Hill's historic library.

### 68

Total number of grants, awarded among a total of 55 cities and towns.

The populations of municipalities that have received HEDG funds range from Troy (83), Sellers (147) and Lowrys (184) all the way up to Conway (24,849), Anderson (28,106) and Spartanburg (38,732).

### \$1.2 million

Total amount of grant funding awarded. The grants along with all matching funds received add up to at least \$1.7 million.

### 15 park projects funded

These range from the Lime Street Park and its trail head to a historic caboose display in Bamberg to the West Columbia Interactive Art Park.

### 8 facade grant programs/historic building maintenance projects, along with 8 farmers market/outdoor event space projects funded

Examples of these outdoor projects include an alleyway event space in Union, an open-air pavilion and farmers market in Lancaster and an upgrade to the community amphitheater in Pacolet.



## ASSOCIATION HIGHLIGHT

# Listserve

The Municipal Association of SC offers a number of listserves for different officials and staff members. Through these listserves, users can connect with colleagues across the state, asking questions and learning about best practices. The platform also allows users to search through past discussion threads, set up polls to ask questions and share documents.

There are individual listserves for the Municipal Association's affiliate organizations, which address the professional needs of court administrators, technology directors, Main Street program directors, municipal power systems, stormwater managers, business licensing officials, community development officials, municipal attorneys, finance directors, clerks and treasurers, human resources directors and utility

billing officials. There are also listserves for planning and zoning officials, city managers and administrators, as well as public information officers.

Everyone with a current affiliate membership is a member of the affiliate's listserve, which they may access through their member home page on the Association's website. To access a listserve for the first time, members should log in to [www.masc.sc](http://www.masc.sc), select "Member Home," then set communication preferences, such as whether they want to receive email notification of posts.

To join other listserves, visit [www.masc.sc](http://www.masc.sc) (keyword: listserves). Under the appropriate listserve, select "request access." After logging in, follow the prompts to sign up for the new listserve. For help, call the helpline at 803.933.1297.



The Municipal Elected Officials Institute of Government offers in-person and online courses. Elected officials who complete all of the required coursework graduate from the institute and are eligible to participate in the Advanced Institute. Register for the September 20 courses "Forms of Municipal Government" and "Municipal Economic Development" at [www.masc.sc](http://www.masc.sc) (keyword: MEO).

**Question: For cities and towns using the council form of government — not the mayor-council form of government — which of these statements about the mayor's powers is false?**

- a. The mayor has no authority beyond that of other members of council.
- b. State law specifies that the mayor serves as the presiding officer during council meetings.
- c. The mayor may exercise informal authority as leader of council and staff and as spokesperson for the city.
- d. The mayor performs administrative duties only if authorized by council.

The answer is below. The council form of government is sometimes called "governance by committee" because of the powers shared among all councilmembers, including the mayor. Information on how all three forms of government operate can be found in the *Forms and Powers of Municipal Government* handbook at [www.masc.sc](http://www.masc.sc) (keyword: forms of government handbook).

**Answer:** B is false. Under the council form, the mayor often presides at meetings, but does so only by tradition. There is no state law requiring this.

*The City of Greenville, Greenville Housing Fund, private developers and other community partners have all worked toward bringing affordable housing in several areas of the city. Photo: City of Greenville.*



# Homes for All

## Cities Drive Attainable and Workforce Housing

**A**n economic boom has brought an influx of jobs and people to the Palmetto State, and it has also intensified the ongoing need for affordable, attainable and workforce housing. Many cities, including Greenville, Spartanburg and North Charleston, are working to find housing solutions amid the surge.

### **Greenville**

The fast-growing City of Greenville maintains its commitment to affordable housing, as evidenced by the sheer number of projects underway. One such development leading the charge is located around Unity Park along the Reedy River just west of downtown, the \$66-million, 60-acre park that recently opened its first phase.

In subsequent stages of development, \$8 million worth of land, nearly six acres, donated by the City of Greenville to the Greenville Housing Fund, will be allocated

for affordable housing projects. The effort will involve 19 parcels of land developed over time, and about half have been transferred over to the Greenville Housing Fund for development, said Rebecca Edwards, Community Development Manager for the City of Greenville.

Two low-income tax credit developments for senior housing are also in the works, one of which will offer 148 units. In addition to the projects under the Greenville Housing Fund, private developers are working on affordable housing projects around Unity Park as well.

Another neighborhood seeing rapid growth in affordable housing developments is Nicholatown. With its access to a large Swamp Rabbit Trail extension and its proximity to Cleveland Park and the Greenville Zoo, developers are paying close attention. Genesis Homes, Habitat for Humanity and the Greenville Housing Authority,

among other community partners, are involved in various projects throughout the neighborhood.

One such example is the Alliance, a project using low-income housing tax credits which will include more than 100 affordable housing units and mixed-used commercial space. Private developer NEG and the Greenville Housing Fund are behind this project currently under construction at the corner of Ackley and Laurens roads, a short distance east of the downtown. Edwards said that it will provide an anchor to that corridor for the neighborhood.

Infill development has continued in the Greenline-Spartanburg neighborhood, with private developer Genesis Homes leading the charge. The Mt. Eustis Corners project, for example, includes 25 rental and for-sale homes. With city-provided funding, homes were sold at a much lower rate



The Fitzgerald, a new development in downtown Spartanburg, has 10% of its units designated for workforce housing. Photo: City of Spartanburg.

than in other areas of Greenville, with price points beginning in the low \$100,000s. Edwards added that most of the homes still belong to their original owners.

### Spartanburg

In nearby Spartanburg, attainable and workforce housing projects are underway, especially in the downtown area where several are in the works. One such project in the downtown that will offer 10% workforce housing units is The Fitzgerald, which is nearing completion. In addition, a second downtown project with 13 workforce housing units out of 55 is slated to open soon, said Christopher George, Communications and Marketing Manager for the City of Spartanburg.

Beyond these developments, another entirely workforce housing project is still in the early stages of the process. That project has yet to be named, as city council recently agreed to transfer the property to the developer, George said.

Land is set aside at the corner of Kennedy and South Converse streets, across from the Spartanburg Community College, that will eventually be transformed into entirely workforce housing. The proposed five-story property will include 55 affordable housing units and will be the first of its kind for the downtown area. According to George, the yet-to-be-named project is awaiting word on its low-income housing tax credit application to be determined later this year.

Outside of downtown lies the Northside neighborhood that has seen several affordable housing projects in the works, most recently with the opening of Northside Station, a 93-unit project that received a low-income housing tax credit. “[The LIHTC] is one of the main tools that we have,” said George.

Economic development has been huge in recent years, and the need for affordable housing is now, George emphasized. Spartanburg is expected to soon see its largest private investment ever — a massive \$75 million project to repurpose and expand on downtown buildings to add more retail and apartment space.

“It’s really a boom time,” said George. “I’m from Spartanburg, so these are really unfamiliar words for me.”

### North Charleston

Another city leading by example is North Charleston, where city employees who are first-time homebuyers and move into North Charleston can receive a \$5,000 forgivable loan that can be applied to closing costs. Any new hire qualifies for the loan after a six-month probationary period. For each year worked, \$1,000 would be forgiven from the loan — a way of alleviating the financial burden of closing costs and the first down payment.

“It’s been very popular,” said Ryan Johnson, who heads the Public Relations and Economic Development department for the city.

Additionally, North Charleston is changing zoning ordinances to encourage higher density, especially along rapid transit routes like those on Rivers Avenue.

“For the entire length of our city, we want to encourage higher density in our transit corridors,” said Johnson.

In order to do so, Johnson said the city is working with every parcel that touches either Rivers Avenue or the Rivers Avenue overlay to encourage higher density, lower parking requirements and to create a more pedestrian-friendly atmosphere. Through these efforts and others, the City of North Charleston hopes to encourage more affordable housing development.

The establishment of the tax-increment financing district, or TIF district, was yet another initiative used by the city to establish more affordable housing development. Johnson said that a smaller TIF district of about 200 units was created to fund the public infrastructure, adding that the new townhomes will sell for less than \$200,000.

Regarding the first-time homebuyer program for city employees, Johnson agreed that there are many good reasons why folks are coming to work for North Charleston, and the program is an added incentive.

As the economic growth continues to fuel the need for affordable, attainable, and workforce housing, cities across the state are looking for creative initiatives to fund those projects, making the dream of owning a home a reality for more South Carolinians.



North Charleston’s Oak Terrace Preserve development has focused on preserving natural beauty and sustainable building, and has become the home of an inclusive playground built by the city. Photo: City of North Charleston.



# A Day in the Life of a *Grants Administrator*

The splash pad at York's City Park was completed with grant funding from the Land and Water Conservation Fund. Photo: Catawba Regional Council of Governments.



Right: Grant funding has helped make the new terminal building for the Anderson Regional Airport possible. Photo: Appalachian Council of Governments.



Economic Development

For municipalities large and small, government-funded grants help provide funding for infrastructure improvements, building updates, recreational facilities and beautification projects. During the past two years, grants have also provided replacement revenue to help cities and towns “keep the lights on” throughout the economic fallout created by the COVID-19 pandemic.

Some cities have their own employees who work to find grant opportunities then administer the funds once the awards are

made. Others use council of governments staff that offer “soup-to-nuts” services from grant application through project completion.

These grant administrators, whether they go by that title officially or not, are diligent record-keepers. After years of experience in applying for and winning grants, they have an almost assembly-line approach to each piece of the process that keeps things running smoothly.

“Just knowing what’s out there is key,” said Rob Wolfe, who is also the Main Street, planning and tourism director for

the Town of Cheraw in addition to his grant administration duties. “The applications themselves aren’t that hard.”

A native of Spartanburg, Wolfe has degrees in history and historic preservation as well as public administration. Even so, he said the bulk of his grant knowledge came from on-the-job experience working for the city.

“I learned from my boss, [Town Administrator] Mike Smith,” Wolfe said. “He’s been the town’s guru grant writer for 30-plus years at this point ... The



Hardeeville used American Rescue Plan funds for workforce training programs providing certifications in welding, forklift operation and commercial driver's licenses. Photo: City of Hardeeville.

number-one piece of advice that he gave me that has worked well so far is don't try to fluff it up and make it something it's not. You say what you're going to do, why you want to do it and why it's important."

One major project the town is working on would create a historic district around the site of the Coulter Academy, which opened in 1881 as a boarding school and junior college for Black students in Chesterfield County. The school closed in 1955, but several buildings remain.

The three-phase project began in 2018 and has been grant-funded the whole way, Wolfe said. Once the area attains historic district designation, people and organizations that own the properties in the district will be able to apply for grants to rehabilitate the buildings.

"We have a long-term plan in place and each phase is grant-funded," he said.

Cheraw also uses state grants to expand the reach of its advertising for its annual SC Jazz Festival.

"We have an advertising budget each year, but this grant money allows us to expand our reach across the Southeast, it acts as a multiplier," Wolfe said.

Getting that multiplier effect is what drives Neil Parsons, administrative services director for the City of Hardeeville.

"We are giving back to these communities that are lacking," Parsons said. "People are getting a lot more than they had before. We are improving the quality of life for people, and that's fantastic."

Hardeeville has used federal grants for everything from creating trails in the Sumter National Forest to providing police officers with bulletproof vests. The city also works with other municipalities and surrounding counties to get a share of grant funds that go to road improvements in the area that thrives on the tourist trade in nearby Hilton Head Island, Beaufort and Bluffton.

More recently, the town has used its American Rescue Plan funds to help workers affected by the pandemic.

Of the \$3.6 million the town received in ARP funds, Hardeeville is using about \$145,000 for workforce training. The city is working with a training partner to provide certifications in welding, forklift operation and commercial driver's

licenses. The training is free to participants, which has included about 100 welding graduates and about 75 commercial driver's licensees, Parsons said.

"Many of these folks have doubled their incomes," he said. "That's how we are using the ARP funds in a positive manner and building back communities."

Hardeeville has also created a nonprofit organization to award grants to small businesses and nonprofit organizations.

"We became the grantors for money coming from ARP," Parsons said.

Sometimes cities and towns need outside help finding, applying for and administering grants and that is where organizations like the Appalachian Council of Governments and the Catawba Regional Council of Governments come into play.

These organizations help cities find funding for their projects and handle all the record-keeping and other requirements that can get very involved, particularly on federally funded projects.

"Our job is to make it as painless as possible," said Grazier Rhea, who

GRANTS, PAGE 14 ►



Grant funding is key to the preservation plans involved in the Town of Cheraw's efforts to create a Coulter Academy historic district. Photo: Town of Cheraw.

**GRANTS, FROM PAGE 13** ►

has worked in grant administration for nearly all her 40 years with the Catawba Regional Council of Governments. “There are just so many rules and regulations.”

For Community Development Block Grants, which primarily help fund construction projects, there are environmental review assessments that must be done, public comment periods and reports to be sent to several federal and state agencies before work even begins.

Next, the grant administrator checks every employee of every contractor to be sure federal labor laws are being followed and that payrolls are being handled appropriately. All reimbursements must be documented and all matching funds accounted for. Sometimes the grants allow for administrator fees, and sometimes the towns pay for administrator services.

The Catawba Regional Council of Governments had about 35 active grants in mid-2022 — significantly more than their usual 15 to 20 grants open at any one time — and an additional 19 were in the application process.

Rhea said much of the increase came from the Coronavirus Aid, Relief and Economic Security, or CARES, Act that was passed in 2020 to help businesses, municipalities and other organizations recover from the economic effects of the pandemic. Her organization has a lead administrator on each grant and some team members specialize in the highly technical areas of environmental review or payroll. On any given day, an individual administrator could have projects in every phase from grant proposal writing to final check writing.

It is that variety of daily tasks that makes the job interesting, said Arlene

Young, grant services director for the Appalachian Council of Governments.

“It’s a lot of moving parts,” Young said. “We work on several different projects in a day.”

Young said cities, counties and nonprofit and educational organizations will come to them with a list of needs and her team’s job is to help find a funding source.

“It’s fun and it’s challenging,” she said. “It’s like putting a puzzle together. Our clients bring to us one piece of the puzzle and we have to find other pieces to put together.”

Grants are the catalyst for innumerable local government projects, and grants administrators are often the ones helping to make them possible. The work requires diligence and attention to detail, but it has the potential to transform communities.



# Development Impact Fees Require Justification

New development creates new costs for local governments. For every new development coming in, a city or town must consider the costs of providing it with utilities, solid waste and recycling services, roads and streets, stormwater transmission and flood control, recreational and educational facilities, and public safety. Historically, municipalities have paid the costs of these facilities and services upfront through property taxes as well as federal and state grants. Public resistance to taxes has grown, however, and outside support for local governments has declined, leaving local governments to turn to other options.

One increasingly important option — used in at least 29 states and in 59% of communities with more than 25,000 inhabitants — is the development impact fee. The fee seeks to recover the financial “impact” of new development for the local government.

Typically, development impact fees are required to be

- paid in advance, usually at the time of building permit or subdivision approval;
- dedicated to an identified use; and
- calculated based on the number of equivalent residential units in a structure.

In South Carolina, the Development Impact Fee Act, found at SC Code Section 6-1-910, authorizes local impact fees, but also significantly regulates them. The

Act contains procedural safeguards, for example:

- Only a local government that has adopted a compliant comprehensive plan under the Comprehensive Planning Act may impose a development impact fee, with limited exceptions.
- Imposing a development impact fee requires the council to pass of an ordinance approved by a positive majority.
- A local government begins the process by passing a resolution directing its planning commission to conduct the necessary studies and to recommend an impact fee ordinance.
- When it receives the resolution, the planning commission must develop and recommend to the local government an impact fee ordinance. The planning commission must do so using the same procedures as those used to develop a comprehensive plan under the Comprehensive Planning Act.

Perhaps the most important requirement, however, is that the local government must have a capital improvements plan prepared, as well as an impact fee study to justify the fees that are enacted. Taken together, the plan and study should identify the infrastructure needs created by new development and allocate the costs among units of development subject to the fee.

In a recent, unreported decision of the South Carolina Supreme Court, *Home Builders Ass’n of S.C. v. State* from March 10, 2021, the Home Builders Association of South Carolina sued the state and York County, arguing that the Development Impact Fee Act was unconstitutionally vague in that it did not place a limit on the amount that a government can assess with development impact fees.

The Court disagreed. The ruling stated that the law is valid because it provides that development impact fees cannot exceed the proportional share of actual costs of any new facilities necessary for the new development. As noted by the court, “it is readily apparent that a rigid, one-size-fits-all cap — expressed in dollars — would not be workable.” Instead, the actual capital costs and proportional share determine the amount of the fee.

The critical requirements for imposing a development impact fee are

- to reliably predict the costs of infrastructure required by new development, and
- to fairly apportion those costs among units of new development.

In virtually every case, a local government seeking to impose a development impact fee will need to retain engineering and legal professionals to comply with the law.



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# Calendar

*Scheduled in-person meetings are subject to change based on the Municipal Association's 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.*

## JULY

**13 Business License Essentials – NAICS Code Update.** Virtual. See page 5 for more information.

**14 – 17 Municipal Association of SC Annual Meeting.** Charleston Place Hotel. See page 1 – 3 for more information.

**19 Appalachian COG - Local Business License Renewal Center Training.** City Hall, Clemson.

**19 Upper Savannah COG - Local Business License Renewal Center Training.** Federal Building, Greenwood.

**25 Lowcountry COG - Local Business License Renewal Center Training.** Hardeeville Recreation Center, Hardeeville.

**26 Catawba Regional COG - Local Business License Renewal Center Training.** York Fire Department, York.

**26 Santee-Lynches Regional COG - Local Business License Renewal Center Training.** Revolutionary War Visitor Center, Camden.

## AUGUST

**2 Accreditation in Business Licensing Exam.** Municipal Association of SC, Columbia.

**2 Setoff Debt Program Training Session: New Employees of Current Participants.** Municipal Association of SC, Columbia.

**4 Setoff Debt Program Training Session: Interested Participants (Not Currently a Participant).** Municipal Association of SC, Columbia.

**9 Lower Savannah COG - Local Business License Renewal Center Training.** Blackville Community Center, Blackville.

**9 Risk Management Services Cybersecurity for Leaders Training.** Municipal Association of SC, Columbia. Includes an introduction to cyber liability and a tabletop exercise.

**10 Business License Essentials – Preparing for the Local Business License Renewal Center.** Virtual.

**10 Risk Management Services Cybersecurity for Leaders Training.** Municipal Association of SC, Columbia. Includes an introduction to cyber liability and a tabletop exercise.

**17 Central Midlands COG - Local Business License Renewal Center Training.** Municipal Association of SC, Columbia.

**18 Berkeley-Charleston-Dorchester COG - Local Business License Renewal Center Training.** City Hall, Hanahan.