



UPTOWN

a publication of the municipal association of south carolina



City Programs Bring Out Residents' Creativity



On any given day at the Columbia Art Center, experienced artists may be creating ceramic masterpieces in a vibrant open studio, children and adults may be in painting class, or students of crocheting, basket weaving or jewelry making may be hard at work.

It's all happening at the downtown center, operated by the city's department of parks and recreation as a way to make art accessible and enjoyable for Columbia's residents.

But it's not just the state capital that is connecting residents with their artistic sides. Smaller cities are doing it, too.

In the Town of Clover, Gallery 120 displays the works of both established and emerging student artists in its gallery in the Clover Community Center. The town also holds art workshops and summer camps.

In the City of Newberry, the arts center opened in the historic Newberry Hotel on Main Street in 2014 to offer visual arts programming for all ages and levels of experience. There are

classes in pottery techniques, watercolors, oil and acrylic painting, along with painting and pottery parties for children and adults.

Marquerite Palmer, a potter and the arts and special programs coordinator for the City of Newberry, says she dreamed of an arts center in Newberry for 28 years but kept running into obstacles.

That changed in 2013, when she was working part time with the city's parks, recreation and tourism department and pitched the idea about creating an arts center.

"We offered so much in sports. We needed to offer something in the arts. When I was younger, I didn't like school. I was not good at sports, but I found I could learn through the arts," Palmer said.

So she wrote a proposal for the city to start small with a watercolor class and a summer camp in 2014. The center took off, and has grown to offer classes for children, teens and adults, along with camps and potting and painting parties, offering quality arts

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experiences and increasing support for working artists.

The center has its own budget through the city's parks, recreation and tourism office. It also charges fees for classes and camps. Plus, Palmer said classes at the center, along with events such as the annual SC Clay Conference that was started by the organization, bring in visitors and offers a boost to the city's economy.

"Art brings people to your town. They come from Columbia, from Greenwood, from Camden," said Palmer. "We are here to serve the community, and we are always looking for what we can do to reach everyone. We've gotten a lot of people involved, and we've been pleased with how the city and the community have responded."

Keeping the whole community in mind

In Columbia, the 5,000-square-foot art center opened in the lower level of a parking garage after outgrowing its previous location.

The new facility features open studio areas, where potters work the wheels. It also offers multiple classes throughout the day and evening, teaching children and adults many varieties of the arts. A six-week pottery class is \$90, while workshops cost \$20 – \$100, depending on whether the instructor provides materials.

For Brenda Oliver, cultural arts program coordinator with the City of Columbia, another main facet of the



The City of Columbia arts center offers multiple classes throughout the day and evening, teaching children and adults many types of the arts.

Photo: City of Columbia.

arts center is its outreach programming. That includes access to programs such as Creative Journey, an art rehabilitation program that works with the Wounded Warrior Transition Unit at Fort Jackson. The center also partners with the Transitions Homeless Center, offering pottery and sewing classes for youth, and collaborates with Lutheran Family Services to help its refugee resettlement populations.

"It's important as a community and municipal organization that we be part of the community around us. That includes the international community, the military community, the veterans," said Oliver.

Columbia's center also teaches classes on how to crochet sleeping mats out of plastic yarn (or "plarn") to be used by the area's homeless population. The center's partners, through a program known as Operation Bedroll, distributed 175 of those mats to the homeless in 2017, Oliver said.

"So in addition to all of the classes and a vigorous open studio, we have external outreach," said Oliver. "By working with different populations, it shows we are interested in the community as a whole and not just certain segments."

The open studio has 106 members and many more on the waiting list.

Expanded offerings, growing demand

Oliver has been with the Columbia Art Center for eight years, during which time she has seen it grow from a small pottery studio with about 35 members. The center has expanded its pottery area and also ventured into all sorts of arts, and she's



The Newberry Arts Center has offered visual arts programming for all ages and levels of experience since 2013. Photo: City of Newberry.

always reassessing and thinking about possible new offerings.

For example, as part of Columbia's First Thursdays on Main, the Columbia Art Center holds a family-friendly event that highlights visual or performing arts from another country. The response to one of those events has led to a workshop on art techniques from India.

She suggests other towns looking at offering art classes should investigate what local residents are interested in and also understand the importance of partnering with other agencies and outreach groups.

"We're always making an effort to broaden our scope," Oliver said. "We partner with local art guilds and nonprofits. Look at forming partnerships, especially if you're in a small town. Also, be sure to look if there is a university or a college near you. That's a way to get the talent you need to teach the classes."

Amy Gonzalez, the special events coordinator in the Town of Clover, said the idea to open an art gallery in the town's community center came from a resident who worked in the art industry.

"This community gallery has a mission to build a strong, vibrant arts community in Clover. And we want to offer a venue for artists to come in and exhibit in Clover," Gonzalez says.

Gonzalez says the art gallery, Gallery 120, is funded through the town's general fund. It does charge for summer camps and some workshops, with all funds going to the cost of operating the gallery.



In the Town of Clover, Gallery 120 displays the works of both established and emerging student artists in its gallery in the Clover Community Center. Photo: Town of Clover.



The City of Newberry hosts the South Carolina Clay Conference to bring in visitors and boost the city's economy through the arts. Photo: City of Newberry.

She said the gallery is not fully equipped to conduct art workshops, so it collaborates with Clover High School and uses the school's art room, which has the necessary space and tools to accommodate classes.

The exhibits at Gallery 120 change each month and include a student wall where young artists can show their work.

"People walk in, and they are shocked," Gonzalez said. "It's nothing elaborate, but to have beautiful pieces of artwork decorating the community center — it makes an impression."

That encouragement of the arts is key, she said, since studies show participation in visual and performing arts by students helps improve critical thinking skills as well as test scores. The center also offers summer arts camps and workshops.

"To see these kids come alive, it really gives them that stage to perform on — whether that's a canvas or a stage. It brings them alive," Gonzalez said. "And it brings the community together as well."



NEWS BRIEFS

The **SC Business Licensing Officials Association** recently awarded three individuals with the Master in Business Licensing designation: Constance McMichael, Orangeburg County; John Rabon, City of Cayce; and Faith Scruggs, City of Simpsonville. Nineteen individuals received the Accreditation in Business Licensing designation: Kara Belden, Charleston County; LuShanna Brewington, Charleston County; Melissa Brown, Municipal Association of SC; Rebeca A. Brunson, Town of Saluda; Olga Bryant, City of Walterboro; Susan Gainey, Municipal Association of SC; Sherry Griggs, City of Hartsville; Richard Hall, Orangeburg County; Lindsey Haring, City of Myrtle Beach; Mandy K. Hess, Town of Saluda; Joy Krutek, Dorchester County; Scott Lang, City of Easley; Joyce March, Horry County; Jessica Morgan, Town of Moncks Corner; Lindsey M. Newton, City of Clemson; Naomi Diane Quattlebaum, Town of Harleyville; Vi Racine, Town of Irmo; Matthew C. Thomas, City of Rock Hill; and Peter David Wiggins, II, Charleston County.

Angie Overton, clerk/treasurer for the **Town of Williston**, earned the Certified Municipal Clerk designation from the International Institute of Municipal Clerks.

The 2018 travel editors and readers at *USA TODAY*'s 10 Best Reader's Choice Awards named the **City of Lake City** "The Nation's No. 1 Best Small Town Cultural Scene." The competition was for cities with fewer than 30,000 people. The voters pointed to Lake City's annual ArtFields festival, Smithsonian-qualified Jones-Carter Gallery and strong festival lineup.

The **Town of Mount Pleasant** and the **City of Rock Hill** were ranked numbers 25 and 49, respectively, on *Money* magazine's 50-city list, "The Best Places to Live in America." The selections factored in economic growth, affordability and quality of life.

Stay in Touch – The Association Needs Your Input and Feedback

Update the Member Dashboard

The leaves have changed. And perhaps your town's personnel roster has, too. Every fall, municipal clerks (or their designee) are asked to review, update and verify their city's information, such as staff titles and changes in elected leadership, in the Municipal Association's database through the Municipal Information Dashboard.

How this information benefits cities and towns

Accurate information in the database allows the Association to communicate effectively with municipal elected officials and staff to ensure they receive important information from the Association throughout the year, including

- training opportunities offered by affiliate associations and Risk Management Services,
- registration information and important deadlines for the Annual Meeting, Hometown Legislative Action Day, affiliate meetings and other workshops, and
- legal updates and background on legislation important to local government.

The database also houses information to be used in the online and print versions of the 2019 *Municipal Officials and Legislative Directory*, which provides easy access to key city demographics and contact information of elected officials and key municipal personnel.

When is the deadline?

Municipal clerks will receive an email and letter in early November reminding them to make updates by November 21 using the Municipal Information Dashboard, which is accessible from the Association's website. While the MID can be accessed and updated throughout the year, it is important to update the information in November in preparation for the printed edition of the 2019 *Municipal Officials and Legislative Directory*.

To protect the integrity of the data, the ability to see, certify and change the municipality's information is restricted to the city clerk or previously designated representative. For cities without a clerk, or if someone else should be designated to update the information, contact Ashleigh Hair at ahair@masc.sc or 803.933.1288.

Complete the 2019 Compensation Survey

At the start of each year, the Municipal Association asks human resources staff and city clerks to update their city's

information for the Association's online compensation survey. The survey is an annual report of wages and salaries of South Carolina municipal employees and elected officials.

The online tool allows officials to ensure their city's compensation scale is competitive with other municipalities with comparable populations and budgets.

The 2019 survey will be available for data entry from January 7 until February 22.

Tell us What you Think

For the first time in its 88-year history, the Municipal Association is conducting a comprehensive survey of elected officials and city staff to help us with planning for future programs and services. During November, we will be reaching out by mail and email to more than 4,000 local officials. Whether you prefer to respond by email or snail mail, we need your input.

Watch your inbox and your mailbox in November, and let us know what current programs and services are most valuable to you and how we can better serve you.

Your participation is critical and valuable to the Association. Regardless of your city size, we value your opinions and thoughts. We look forward to hearing from you as we work to build a better and stronger Association.

J. Wayne Berg
Executive Director



Ethics Tip: Avoid Taking Votes That Affect Your Finances (or Your Family's)



Public officials, public members or public employees must recuse themselves from casting a vote in order to avoid a conflict of interest, according to the Ethics Reform Act of 1991. Specifically, a recusal is necessary if the outcome of the vote would affect a person's own economic interests, the economic interests of a family member or the economic interests of a business with which they are associated.

How do you recuse yourself?

1. Prepare a written statement describing the matter requiring action and the nature of the conflict;
2. Provide this written statement to your supervisor if you are a public employee; or
3. Provide this written statement to the presiding officer of your board if you are a public member or public official. The presiding officer must place it into the official record. You may not take any further action regarding the matter from which you have recused yourself.

For more information, refer to Section 8-13-700(B) of the Ethics Reform Act.

The monthly Ethics Tip was provided by the SC Ethics Commission.



Test yourself monthly quiz

True or False: “Act 388 put a hard cap on how much council can raise millage rates.”

Answer: True



When the SC General Assembly passed Act 388 in 2006, the law limited how much a council can increase its millage rate each year. Millage rate increases

cannot exceed the prior year's inflation rate plus the percentage increase in the city's population. Cities that have a negative population increase count it as zero in calculating its millage rate.

The South Carolina Revenue and Fiscal Affairs Office released the FY 2019 Municipal Millage Caps calculation in May. This calculation is the growth in the consumer price index plus the growth in the population. The CPI for the FY 2019 Municipal Millage Cap calculation is 2.13 percent.

Municipal officials can find the annual millage cap rate increase limitations on the Municipal Association's website, www.masc.sc (keyword: millage).

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. The next in-person courses, held February 6, will be MEO Sessions A and B. The next Advanced MEO Institute sessions also on February 6 will be “Advanced Municipal Economic Development” and “Public Safety Policy and Administration” (see page 7 for information about a new Advanced MEO Institute course).



Self-Care is Key for Municipal Attorneys

Combine the stressors of the legal profession with the unique pressures of working for a city or town, and you probably have a municipal attorney who could benefit from some extra self-care.

Perfectionism, the professional instinct to identify risks, and the tendency to envision a situation's catastrophic potential can help attorneys succeed in detail-oriented, high-stakes work. But these habits also take a toll on their mental and physical health and well-being, says Jack Pringle, a partner at Adams and Reese, LLP.

"Whether you call it mindfulness, awareness, insight or mental health, you have to be able to have enough space in your head to consider ways to solve difficult problems," he said. "It's simple, but it's also hard to come by if you're too busy and too overwrought, and you haven't been sleeping or taking care of your body."

Pringle cited getting sufficient sleep and engaging in a refreshing activity, such as spending time outdoors, as ways to support personal resiliency. Fatigue across the entire American workforce is real. Forty-three percent of U.S. workers believe they are too tired to function safely at work, according to a new National Safety Council report, *Fatigue in*

the Workplace: Causes and Consequences of Employee Fatigue, which focused on 2,000 working adults.

As the legal profession responds to technological changes, lawyers face new challenges — such as software that allows nonlawyers to do their own legal work, the potential impact of artificial intelligence on lawyers' job security and a greater focus on cutting legal costs.

For municipal attorneys, many of the same pressures exist but come with issues unique to local government. Cities and towns are already facing governance, taxation, regulatory and city planning questions that have arisen as part of the debates over self-driving vehicles, the sharing economy, small cell technology and drones.

"At the public policy level, it's completely overwhelming because, as always, public policy moves a lot more slowly than technology does," said Pringle.

But the public and a city council, too, will benefit from town attorneys who are well-rested and able to manage stress levels.

"There's nothing inherently selfish about self-care," he said. "People who are healthy, thinking clearly and taking care of themselves are going to be much better in the way they interact with their coworkers, the public, town council members and clients."

Some of the professional pressures aren't exclusive to lawyers and can present challenges in various professions.

"In a profession that is even more extrinsically structured than some, in terms of the affirmation we get from our clients and our superiors, what we do depends on doing well for other people, generally," he said. "When so many things are extrinsically based — compensation, advancement, compliments — You're looking to other people to make decisions (judges, for example)."

What happens when an external judge of success offers no affirmation?

"If everything you're doing is extrinsically motivated, that doesn't leave a lot when things don't go well, and it doesn't leave a lot for the other parts of your life either."

Performance at work is only as successful as it is sustainable. Attorneys, like all workers, must invest as much effort in their own well-being as they do in the well-being of the entities they serve.

Pringle will present a session, "When Thinking Like a Lawyer Gets You Stuck (Mental Health and Substance Abuse)," at the annual meeting of the Municipal Attorneys Association on December 7. The deadline to register for the meeting is Friday, November 23.

Advanced MEO Institute to Expand

In the five years since the Municipal Association of South Carolina launched the Advanced Municipal Elected Officials Institute of Government, municipal elected officials across the state have demonstrated a clear desire for continuing education, according to Eric Budds, deputy executive director.

“Starting with the first graduating class in 2016, the Association began to receive questions from Advanced MEO Institute graduates about offering more advanced courses,” Budds said. “In response to these requests, the Association is pleased to announce an expansion and restructuring of the Advanced Institute to provide graduates with the opportunity to enroll in new classes and earn additional credit hours.”

The foundation hasn’t changed: Eligible Advanced Institute participants must continue to complete four of the six six-hour core courses in order to graduate from the Advanced MEO Institute and qualify to take the next level of Advanced Continuing Education classes.

The Advanced Continuing Education classes will begin in February 2019. The two courses will focus on current topics and will be available exclusively to Advanced MEO Institute graduates.

Advanced Institute graduates have the option to enroll in either a three-hour morning or afternoon session or may register for both, completing a six-hour day of training. Additionally, Advanced Institute graduates have the opportunity to receive three hours of continuing education credits for pre-conference sessions they attend at the Association’s Annual Meeting starting in 2019.

The inaugural Advanced Continuing Education classes will be held in February 2019 the day after Hometown Legislative Action Day. The courses are “Freedom of Information Act: Making Transparency a Priority” and “SC Ethics Act: Avoiding Common Pitfalls.” Both classes will provide a refresher on the laws, address common questions on legal requirements, and use practical exercises and discussions to improve awareness and compliance with the state laws.

The Advanced Continuing Education track is meant to provide the Association’s top level of graduates with a pathway to stay current on the latest issues in local government. This learning track is self-directed and serves as an optional track for mayors and councilmembers who seek to continually work toward being the best public servant for their cities and towns.



Lessie B. Price, who serves on the Aiken City Council and graduated from MEOI in 1989, is the only elected official still in office today from one of MEOI’s earliest classes. She can attest to the enduring value of keeping up with changes in municipal government and public service.

“As we work in government, there are so many vast changes taking place, and if you don’t have this education, if you are not getting retooled with your training, then your whole focus will be lost,” she said ahead of an anniversary marking 30 years of graduates earlier this year.

“So the more training you have, whether it is on the local level, state level or even going to our national meeting, the more beneficial it will be to you, the more informed you will be as you serve the people in the communities that you represent.”

On December 14, the Association will mail registration information about HLAD and the Municipal Elected Officials Institute, Advanced Institute and Advanced Continuing Education. The information will also be available at www.masc.sc (keyword: HLAD). The preregistration deadline is January 22.

HLAD Comes Before MEO Institute Again in 2019

In 2019, Hometown Legislative Action Day will be held one day before the Municipal Elected Officials Institute of Government and Advanced Institute, the same order from last year. This will allow more attendees to participate in the legislative reception and to save time and expense on travel.

Hometown Legislative Action Day

Tuesday, February 5
Columbia Marriott

Municipal Elected Officials Institute of Government, Advanced Institute and Advanced Continuing Education

Wednesday, February 6
Columbia Marriott

Registration brochures mailed and available on website

Wednesday, December 14

Hotel reservations deadline

Wednesday, January 10



Make hotel reservations at the Columbia Marriott by calling 1.800.593.6465 or 1.803.771.7000 and asking for the Municipal Association of SC HLAD rate of \$153 plus taxes.

Preregistration deadline for HLAD and MEO Institute

Tuesday, January 22



Making the Business License Tax Easy for All

An August South Carolina Supreme Court ruling in a business license case should prompt cities and towns across the state to review their business license ordinances and make adjustments if needed.

In *Olds v. City of Goose Creek*, the Supreme Court ruled that the City of Goose Creek's business license ordinance used the federal income tax definition of gross income rather than the broader definition of gross income found in the model business license ordinance offered by the Municipal Association of South Carolina.

The effect of using a definition of gross income that differs from the definition found in the model ordinance allowed the plaintiff to successfully argue that only the net income from his business should be used in calculating his business license tax. The business license tax is an excise tax for the privilege of doing business in a city, not an income tax. In fact, cities in South Carolina cannot levy an income tax.

The model business license ordinance has evolved over the years to help cities and towns using it avoid possible challenges like this one. For instance, to avoid the potential for challenges, the Association modified the

model ordinance's definition of "gross income" before the *Olds* ruling to refer to "gross receipts or gross revenues." This change requires a business to count all of its revenue, not just its profit, for the purpose of calculating the business license tax.

In addition to using these standard definitions in the model business license ordinance, cities and towns should use the model to standardize its due dates and enforcement procedures to make paying a business license easier and more business friendly.

This especially helps those businesses operating in more than one municipality. More cities and towns using the model ordinance across the state takes the "hassle factor" out of paying the business license tax and boosts compliance from businesses.

Business license taxes are an important revenue source for municipalities in South Carolina. In fact, an average 25 to 50 percent of cities' general fund revenues come from business license taxes.

Every city should periodically review its business license ordinance to ensure it conforms with the model ordinance and should avoid local modifications without seeking legal advice.

What can cities do to standardize their business license renewal practices right now?

Cities that haven't adopted the model business license ordinance should transition to using it as soon as possible. This standardizes license periods and due dates, which further streamlines licensing for businesses.

Cities should encourage business owners or operators who do business in multiple cities and towns to use the standardized business license application which helps avoid the hassle of filling out a different application for every jurisdiction where the business operates.

Business License Standardization Checklist

- Accept the standardized business license application
- Adopt the most current model business license ordinance with the standard seven classes
- Adopt calculating the tax based on the business' prior calendar year
- Adopt the standard license year due dates and penalty dates:
 - May 1 - April 30: License Year
 - April 30: Due Date
 - May 1: Penalty Date

Storms Require Strong Recordkeeping



Learning how to use new technology in the middle of a tropical storm is inherently challenging. But for the Town of Bluffton's Public Works Department, debuting new software during Tropical Storm Irma last September offered the town a unique opportunity to excel in emergency response — one that served them well in the wake of Hurricane Florence in September.

On the night of Irma's landfall, Town Manager Marc Orlando remembers public works employees gathered around a TV watching a demonstration about how to install and use asset-tracking software to help gather data to send to the Federal Emergency Management Agency.

"We made and implemented a decision hoping it would work in our favor," said Orlando.

Officials expected to put the software to use after the storm, which damaged the South Carolina coastline in September 2017. However, Irma gave them the chance to collect data during a major weather event. The software allowed staff members to track each task on their mobile phone or tablet, which ultimately produced detailed documentation for FEMA, according to a town news release.

Public works employees also inventoried equipment, programmed FEMA hourly rates, and documented what each task required in terms of labor hours and resources. By doing so, the town now has



Meticulous documentation and asset tracking are crucial to emergency response and FEMA assistance. Photo: Town of Bluffton.

the data to make to better-informed decisions about storm response in the future.

"Using this software in real time during Irma saved the town countless hours of post-storm paperwork," said Bryan McIlwee, Bluffton's director of engineering. The town's public works crew logged more than 200 hours of recovery work and filed for FEMA reimbursement as they accomplished each task.

"Using this software in real time during Irma saved the town countless hours of post-storm paperwork."

— Bryan McIlwee,
Bluffton's director of engineering

While the six-month Atlantic hurricane season officially runs through November 30, it's always helpful to be proactive and know ahead of time how to effectively prepare and respond to natural disasters.

As the Town of Bluffton employees showed, meticulous documentation is crucial.

In fact, said Joseph "Bo" Bowers, fire chief of the City of Hanahan, it's the No. 1 thing to do when seeking help from FEMA in the immediate aftermath of a storm.

"This of course assumes that a disaster declaration has been issued for your area, and you are working with a FEMA rep," he said. "If you were not working with a FEMA rep, you will need to contact your state emergency operations center to be assigned one."

Preparing before a storm starts well in advanced of an incident.

"The city or town must have all personnel trained in ICS 100, 200, 700 and 800," said Bowers, referring to some of FEMA's National Incident Management System core curriculum courses.

"Anyone who is generalized in command staff, such as finance, public information officer, logistics, operations, safety and medical, all need to have ICS 300 and 400. These people should practice writing Incident Action Plans at least quarterly, as well as all other staff completing 214 Unit Activity Logs."

Bowers emphasized the value of becoming proficient at writing the plans.

"One thing that we have found that works well for us is completing an IAP for any special event, just as practice for any event that may arise," he said. "The other thing that is important prior to a storm is a clear and ratified city emergency action plan that outlines your preparation phase, response phase and recovery phase to an event. Next is paperwork. Practice using the FEMA forms. Utilize 214 Unit Activity Logs to document all activities of each asset employed during the event."

Bowers said the activities that should be documented could be as detailed as how long a generator ran, the beginning and ending mileage of a response vehicle, hours accrued on diesel engines, and how long a chainsaw was used.

He said the forms are tedious but essential to ensure federal funds.

Other tips

- Make sure you are purchasing necessities and only things that you will use related to the emergency at hand.
- Have a clear purchase and procurement policy for storm-related needs.
- Ensure that employees track where all the city's new and old assets are located, how and where they were used, and what they were used for. All of this must be provided as justification to FEMA about what you did during the emergency event.
- Keep pre-incident photos of all facilities and capital assets. After the incident, these photos will be used to justify damage claims.

Museums Bring Rewards and Commitments

Museums about local history and culture bring rich rewards in the form of placemaking and tourism. But a city's decision to open or support a museum should carefully weigh questions about funding, upkeep, staffing and insurance.

"Museums that occupy a historic building are going to require significantly more money to maintain their architectural integrity and also their structural integrity," said Scott Moulder, city administrator for the City of Seneca.

He and other city officials with experience working with local museums have a variety of suggestions for any municipality that may seek to open a gallery to highlight local art, culture or history.

Among their suggestions

- Try to get a regular funding line in the city's budget to reduce uncertainty surrounding the museum's operations and upkeep.
- Be financially prepared to make unscheduled repairs and upgrades.
- Work to extend museum benefits and accessibility to as many city departments — from the fire department to arts and culture department — as possible. Include the museum as a component of any summer camps the city may offer.
- Partner with local organizations, such as public libraries and other historical or cultural centers, on events and collections.
- Think of local museums as a draw for tourists but also as meeting and event space for local residents.

'A jumping off place'

In the City of Beaufort, City Councilman Phil Cromer serves as ex officio board member of the Beaufort History Museum, which is located on the second floor of the historic arsenal that was built in 1798 for the Beaufort Volunteer Artillery.

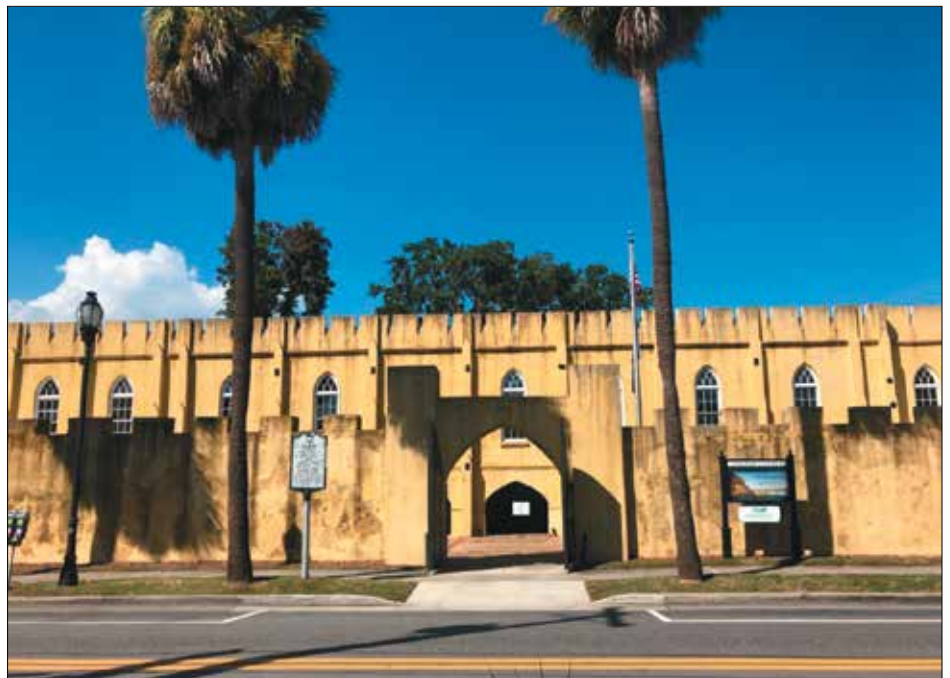
The city owns the building but leases it for \$1 a year to the Greater Beaufort-Port Royal Convention and Visitors Bureau, the designated marketing organization for the city. The bureau, which assists in marketing for the museum, then sublets to the museum for its share of utility costs.

"We consider our museum a jumping off place," said Cromer.

"We cover the history not only of City of Beaufort but from the Combahee River north and east, bordering Colleton County, 50 miles inland and all the way to Jasper County. You've got to remember one of the things we try to focus on in Beaufort is the reason that people throughout history settled here was the location. We try to make it a comprehensive story, the history of the whole district. And if you have a particular point of interest, we'll direct you to that location, such as the Penn Center, Santa Elena History Center or other places for more information."

Cromer said for local museums, such as Beaufort's which depends on public membership, it's a good idea to identify corporate sponsorship and other ways of raising revenue. Currently the museum is largely operated by a volunteer group, which created a 501(c)(3) organization for the museum. Membership revenue, admission fees, city and county accommodations taxes, grants and money donated by a resident after his death, support its operations and collections, along with grants and funds the city uses for emergency repairs or improvements. The City of Beaufort owns the artifacts and photographs that make up the museum collection.

"It's important to keep your collection and exhibits as relevant and interesting as possible, not only for visitors but locals as well," he said. "Establishing relationships with other museums and partnering with similar historic organizations can help



The Beaufort History Museum is located on the second floor of the historic arsenal built in 1798.
Photo: Phil Cromer.



The North Charleston Fire Museum offers a collection of interactive displays and historical artifacts. Photo: North Charleston Fire Museum.

leverage your collection through traveling exhibits and loans.”

For the North Charleston Fire Museum, one unexpected big-ticket item came in the form of programming change.

“We have a theater in the middle of the museum that featured a show that was supposed to be on the history of firefighting with local history mixed in,” said Renee Frye, the museum coordinator.

“But as it came to pass, it really wasn’t applicable to a lot of the groups that were coming through. We felt they weren’t getting anything out of it. The city was very supportive in allowing us to replace that show in the theater with a fantastic, instructive show for all ages — An interactive sensory theater with water that sprays on you and shows you how to develop a fire plan to get out of your house.”

Frye said the museum was fortunate to have the full support of city council and was able to replace the theater program with funds from a bond issue. The museum is owned and operated by the city on land that was donated. Museum staff presents budget needs to council, just like any other city department.

Planning ahead for expected and unexpected expenses is key, she said.

“It could be that we need to replace even a projector or just making sure you have adequate funding to keep the facility running and working with risk management personnel to make sure you’re insured,” said Frye. “That is important — When you host the public, you need to be protected.”

She emphasized the cross-departmental involvement that occurs at the fire museum — from city summer camps where children tour the museum to advice and consultation from the fire department to the display of art work from the arts programs.

“We love working with any and every department within the city,” Frye said.

Benefits for residents

In the City of Seneca, Moulder said it’s important for municipal officials to determine what impact a local museum will have on the community. He pointed to Seneca residents’ frequent enjoyment of their local museums — the Bertha Lee Strickland Cultural Museum, which provides insights

into the African American woman’s life and times, and the Lunney House Museum. At about age 13, Strickland began working as a laundress for John and Lilian Lunney and did so for nearly 50 years, eventually serving as Lilian Lunney’s maid and caregiver until 1969.

“Not only do we market it as a tourism device to generate foot traffic, but it’s also a community facility,” Moulder said. “We have parties at the museum. We create consortiums with art studios, churches, and organizations involved in culture and heritage. We try to create a team-like approach, in which we help each other.”

The city held a Kentucky Derby viewing party in the backyard of the Lunney House Museum, where people wore traditional hats. The Bertha Lee Strickland and Lunney museums are on adjacent property, allowing the city to clear trees between them with plans to someday have joint events.

“We think of it not only as a museum for tourism but also a way to connect our community and use the space for cultural events.”

Cities Should Tread Carefully on Copyright Issues

Licensing for music and movies used at city events can be tricky. Shontavia Johnson, associate vice president of academic partnerships for Clemson University, and founder of Jackson Johnson, LLC, explains the complexities of copyright law and examines several questions cities and towns need to consider to ensure compliance with the law.

In the United States, copyright law automatically protects creations that meet certain requirements. The law requires that creations meet the legal definitions of (1) originality, (2) work of authorship and (3) fixation.

Each requirement is further defined by the law. Current copyright law, often referred to as the Copyright Act of 1976 or just the Copyright Act, can be found in Title 17 of the United States Code.

First, for something to be considered original, it must be independently created (not copied) and have a minimal degree of creativity. The bar for creativity is very low.

Second, the definition of a “work of authorship” is outlined in the Copyright Act. The phrase, “work of authorship,” merely refers to items protected by copyright law. This is defined to include: literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic and sculptural works; motion pictures and other audiovisual works; sound recordings; and architectural works. Other works such as music, books and movies fall within this definition. This list, however, is not comprehensive. Creators can argue that other things should be placed on the list. For example, computer software and websites don’t appear on the list, but they are copyrightable.

Third, to be copyrightable, a work must be fixed. Essentially, this means that people have to be able to see, touch, hear or perceive the work in some way for more than a brief moment.

Creations automatically receive copyright protection under the law once they

meet all three requirements. Registration with the U.S. Copyright Office is not required, though there are some significant benefits to doing so.

When it comes to protecting copyrighted works, copyright owners can sue for infringement if they believe their rights have been violated. A successful lawsuit would typically result in injunctive relief requiring that the infringement cease and/or awarding money damages.

It is worth noting that when it comes to suing state and federal governments for copyright infringement, sovereign immunity can become an issue. Sovereign immunity means that certain entities can be immune from certain lawsuits. As it relates to copyright law, the federal government can typically be sued for copyright infringement, while state governments generally cannot (though there are exceptions). However, sovereign immunity does not apply to municipalities or counties. Local governments can be sued for copyright infringement, even when acting on the state’s behalf.

Three questions that cities and towns should consider

If a city wants to play a recording of Christmas carols or recorded Halloween music at a community-wide, free, city-sponsored gathering for the public, does the city have to seek any legal permissions to do so?

It would seem that the city does need to seek permission from the copyright owner in this instance. This is usually done by purchasing a license. The law requires that others purchase a license for the public performance of a copyrighted song at events.

A public performance includes activities or displays in a place open to the public or at any place where a substantial number of people outside of a normal circle of a family and its social acquaintances is gathered. Therefore, before a city uses a copyrighted song at a public event, it would likely need to obtain a public performance license. These can typically be acquired by one of three agencies: American Society of Composers, Authors and Publishers; Broadcast Music, Inc.; or Society of European Stage Authors and Composers.

There are some exceptions to this general answer. First, some recordings, particularly certain holiday songs, are no longer protected by copyright law because the time limit for protection has expired. This is commonly known as being in the “public domain” because the former copyright holder no longer owns rights in the work, and the public can use the work how they see fit. The Public Domain Information Project, for example, keeps a list of holiday songs in the public domain (www.pdinfo.com).

Second, copyright protection is limited by fair use, which includes educational uses, criticism and news reporting. Fair use, however, is highly subjective and can be difficult to interpret without help from qualified legal counsel.

Third, there are a number of exceptions outlined in Section 110 of the Copyright Act, but none of them seem to apply to the Christmas carol/Halloween music scenarios.

If the city hires a band, which plays a cover of a popular song, is it legal for someone at the city or a resident in the audience to live stream the performance on Facebook Live?

While many people are streaming on social media, it is probably copyright infringement and thus illegal. If a resident records, reproduces, performs or broadcasts another person’s copyrighted work, it could be considered violation of copyright law. This would include music playing in a live streamed video, either as the featured focus or in the background. However, the city can ask for a public performance license that includes the right to live stream the performance.

In addition to copyright law, South Carolina’s right of publicity law might come into play here. The South Carolina Supreme Court has held that “the right to control the use of one’s identity is a property right that is transferable, assignable, and survives the death of the named individual.” *Gignilliat v. Gignilliat, Savitz & Bettis L.P.*, 684 S.E.2d 756 (SC 2009). If someone inappropriately uses a person’s name, likeness or identity for his own benefit, he could be subject to a lawsuit on these grounds. The Facebook Live video could arguably fall under this legal umbrella because the band members’ faces would appear in the video.



As a practical matter, however, the repercussions of this kind of activity depend solely on the reaction of the copyright owner and/or band members. Some artists may want the publicity and attention that come along with having their song shared on social media many times. Others do not like these kinds of uses and actively seek to eliminate them.

If a city bought a license with the American Society of Composers, Authors and Publishers to play a movie in the park for residents to enjoy for free, does the city need to purchase a license from other companies, too?

There are basically two main film licensing companies — Swank Motion Pictures and Criterion Pictures (ASCAP, BMI and SESAC focus on music). There are others, including Kino International Corporation, Milestone Film and Video, Motion Picture Licensing Corporation and New Yorker Films. These film licensing companies do not represent all of the same film studios, so cities may have to contact multiple companies to determine whether they can get a license to show a certain movie in the park.



A Day in the Life of an

Arts and Culture Specialist

Arts and culture means more to cities and towns than just pretty paintings or music events held on Main Street. Incorporating arts and culture into a city's economic development strategy is critical to recruiting and retaining businesses.

For those who work in the arts and culture in municipalities, days are filled with booking vendors for festivals, setting up art galleries, designing murals and promoting the area's history to tourists. Arts and culture specialists say they are



Joe Timmons is the events and promotions manager for the City of Lancaster. Photo: City of Lancaster.

driven by what the arts can bring to towns of every size, including its economic development efforts.

"It's usually hectic, but it's never boring," said LeighAnn Snuggs, the marketing and tourism director for the City of Gaffney.

There's also crucial commerce at stake.

"Downtown activities like retail events are designed to promote downtown's unique products and services which generate immediate retail sales," said Jenny

Boulware, Main Street SC manager for the Municipal Association.

"Special events are also key traffic-building activities that help shape community interest and participation downtown."

Take Gaffney: Snuggs also serves as the director of Gaffney's Main Street Program, so her job includes managing the farmers market, running the downtown events, overseeing the visitors center and art gallery, and dressing in Revolutionary War-period clothing for reenactments that tell the town's story. She wears a lot of hats — or, as she describes it, an umbrella with many different colored panels. And all of these hats help support the city's economic development efforts through promoting the city to locals and visitors alike.

That can mean catering to Revolutionary War history buffs (the area is home to Cowpens National Battlefield and Kings Mountain National Military Park) or fans of the Netflix "House of Cards" series (fictional Congressman Francis Underwood hails from Gaffney). Visitors also come to see the giant peach water tower or shop at the outlet stores or tour Limestone College.

"For me, with our heritage, it's all about telling the story," Snuggs said. "Everything we do here is finding that connection, that common ground tying us in to the interests of people."

Main Street programs, like those in the cities of Gaffney and Lancaster and the Town of Williamson, play a pivotal role in



LeighAnn Snuggs, City of Gaffney's marketing and tourism director, occasionally dresses in Revolutionary War-period clothing for reenactments that tell the city's story. Photo: Rodger Painter.

identifying downtown opportunities and bringing together groups and individuals. Main Street recenters downtown as important and unique.

"A healthy downtown is crucial to the heritage, economic strength and civic pride of the entire community. Infusing arts and activities downtown indicates a community's investment in quality of life, a single factor that often influences corporate location decisions," said Boulware. "The Main Street program is a comprehensive approach to revitalization. It addresses image, focuses on quality and stresses incremental, steady improvements."

Partnerships count

Snuggs often sends people to Rock Hill or Spartanburg County or Camden to see other Revolutionary War areas.

“At the same time, the stories they get from me are not the same stories they’ll get in my neighbor’s backyard,” she said.

Snuggs also believes in the importance of arts leaders building partnerships with other entities — whether that’s a history museum or the National Park Service. “When you are small you can do big things with partners,” she said.

Many of Gaffney’s residents are well-versed in the town’s heritage and serve as proud ambassadors for the community.

“A city itself is just a city,” said Joe Timmons, events and promotion manager for the City of Lancaster. “If you walk down the street and there’s not color on the street, it’s bland. If there are flowers, displays, architecture — all of that is an art form,” Timmons said. “And art brings in jobs. If you don’t have pretty stuff in your city, people aren’t going to want to work there.”

Art in Lancaster, which has a cultural arts district designated by the SC Arts Commission, can take the form of the annual scarecrow contest on Main Street or the photography exhibit at the city’s signature Red Rose Festival.

Cherry Doster has been the marketing and development manager for See Lancaster SC, the city’s Main Street Program, since 2011. Previously, she was a managing partner in an arts business, founder of a nonprofit arts agency and executive director of Lancaster County Council for the Arts. In her current role, she focuses on tourism, revitalization, beautification, historic preservation and a creative economy.

“The obvious ways that art and culture offerings add to cities are often found in the form of public art exhibitions or areas that are revitalized through additions of amphitheaters and performing arts centers,” Doster said.



Cherry Doster has been the marketing and development manager for See Lancaster SC, the city’s Main Street Program, since 2011. Photo: City of Lancaster.



Local artist Carter Boucher paints scenes from the evening during Williamston’s Fall Jazz Concert Series. Photo: Town of Williamston.

“The intrinsic value is not always visible but powerful.”

Thriving residents, workers

Doster said creative businesses play a major part in the local economy and foster a workforce comprised of those practicing the arts in all forms.

The value is in direct economic impact but also in creating reasons for residents to get involved in their communities. The result? A place where residents want to live, work and gather, and where tourists want to visit.

“On a daily basis, I approach the arts as an essential part of our city’s identity, with the ideology that successful development of a creative economy supports local arts and culture,” she said.

“When we are working to improve economic and development initiatives in our city, using every available asset, including the arts, is necessary to make that happen.”

Sonya Crandall, the executive director of Envision Williamston, is in her fourth year working on expanding the arts and beautifying the Anderson County town. Part of her job entails extending the focus of the Main Street program beyond the downtown business district to include all of the community.

“Envision Williamston does economic and community development, and arts

and culture are a part of the identity and attachment to the town,” she said.

Among the recent projects she has juggled was a mural competition, designed with the help of the high school art teacher. A dozen artists created proposals that looked at the history of the town, particularly its mineral springs. The three winners are creating their work on wooden panels that will be erected on buildings in different parts of the town. And the high school art students are implementing the design.

Crandall is also working on a mobile app for the town, showing everything from arts and crafts to community theatre to a historical walking tour.

“Arts, culture, health, wellness and jobs are all important to a high quality of life, and we need diverse participation from all sectors,” Crandall said. “Thinking about how we can work together can be a challenge, but once we bring creative energies together through a common goal we can see how it flourishes.”

The “Day in the Life” series gives an insider’s look at the professions that make South Carolina cities and towns great places to live, work and play. Municipal employees from around the state explain their role, discuss challenges they face and share stories from the unique world of municipal government.



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Calendar

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

NOVEMBER

8 SC Association of Stormwater Managers Fourth Quarter Meeting. Columbia Conference Center. Topics include green stormwater infrastructure, the implications of climate change on stormwater, and an update from the SC Department of Health and Environmental Control on the next MS4 permit.

13 Risk Management Services Annual Members Meeting. Columbia Conference Center.

13 (rescheduled due to Hurricane Florence) The Municipal Elected Officials Institute of Government: Municipal Economic Development and Forms of Municipal Government. All regional

councils of governments except for the Lower Savannah Council of Governments.

14 – 16 SC Municipal Human Resources Association Annual Meeting. The Beach House Resort, Hilton Head Island. Topics include retention strategies and succession planning, effective human resources and police relations, hiring candidates with a criminal record, preventing gossip in the workplace, social media, and the SC Pregnancy Accommodations Act.

15 (rescheduled due to Hurricane Florence) The Municipal Elected Officials Institute of Government: Municipal Economic Development and Forms of Municipal Government. Lower Savannah Council of Governments.

28 SC Municipal Insurance Trust Fire Liability Training. Columbia Conference Center.

28 – 30 (rescheduled due to Hurricane Florence) Municipal Clerks and Treasurers Institute Fall Session – Year 3, Session B. Hyatt Place Columbia/

Downtown/The Vista. Topics include customer service, the role of clerks and treasurers in planning and zoning, negotiation and collaboration skills, budget execution, disaster planning, municipal law and annexation.

DECEMBER

7 SC Municipal Attorneys Association Annual Meeting and Continuing Legal Education Seminar. Columbia Embassy Suites. Topics include federal and state law updates, attorney wellbeing, municipal case law, records retention and local criminal justice issues.

FEBRUARY

5 Hometown Legislative Action Day. Columbia Marriott.

6 Municipal Elected Officials Institute of Government Session A and B, Advanced Institute and Advanced Continuing Education. Columbia Marriott.