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Fall Legislative Meetings Take New Format

The Municipal Association of SC legislative staff is taking a break from the open road and changing the way it gathers legislative priorities from member cities and towns. The Regional Advocacy Meetings that have taken place across the state each year are being replaced with a fall advocacy day in Columbia. Officials and staff can choose from a morning or afternoon session with lunch in between to gather and share ideas for the upcoming 2025-2026 legislative session.

Association staff will begin each session with a very brief overview of what bills passed during the 2024 legislative session. They will also explain the changes coming to the General Assembly from the election primaries in June and potential further changes with the November elections.

Then, municipal officials and staff will be asked to give input on Advocacy Initiatives and priorities for the new two-year session beginning in 2025. There will be time to share in small groups and then participate in a discussion with a larger group. Cities and towns of all sizes and from across the state are invited to send their mayors, councilmembers and city staff to share concerns, thoughts and ideas on potential legislation that would help all cities and towns, or possible legislation that would harm cities and towns.

Join the Municipal Association on September 25 at the Cooperative Conference Center in Columbia, either in the morning or the afternoon for an opportunity to share, discuss and set the priorities for cities and towns for 2025. The Association will email registration information after the Annual Meeting in July.

For questions about the new advocacy opportunity with the Municipal Association, contact Casey Fields at cfields@masc.sc.

# Municipal Association of SC App Offers Inside Scoop for Annual Meeting

The Municipal Association's app gives users access to many of the Association's resources, all year long, not just during the Association's meetings. Even so, it offers plenty of event information for the Association's 2024 Annual Meeting, taking place at the Hyatt Regency Greenville on July 17 – 21.

App users can utilize the meeting agenda to plan which sessions they want to attend, and can also find information on speakers, attendees, exhibitors and sponsors.

Beyond conferences, the app offers access to resources such as the Municipal Association's training calendar, municipal directory, staff listing, job openings and the Association's podcasts.

Annual Meeting attendees using the app should note that it only refreshes when they navigate through it, selecting links. If they have not navigated through the app since a previous meeting, then old meeting information may populate when they open the app. They can correct this by selecting links to make the app update itself.

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.
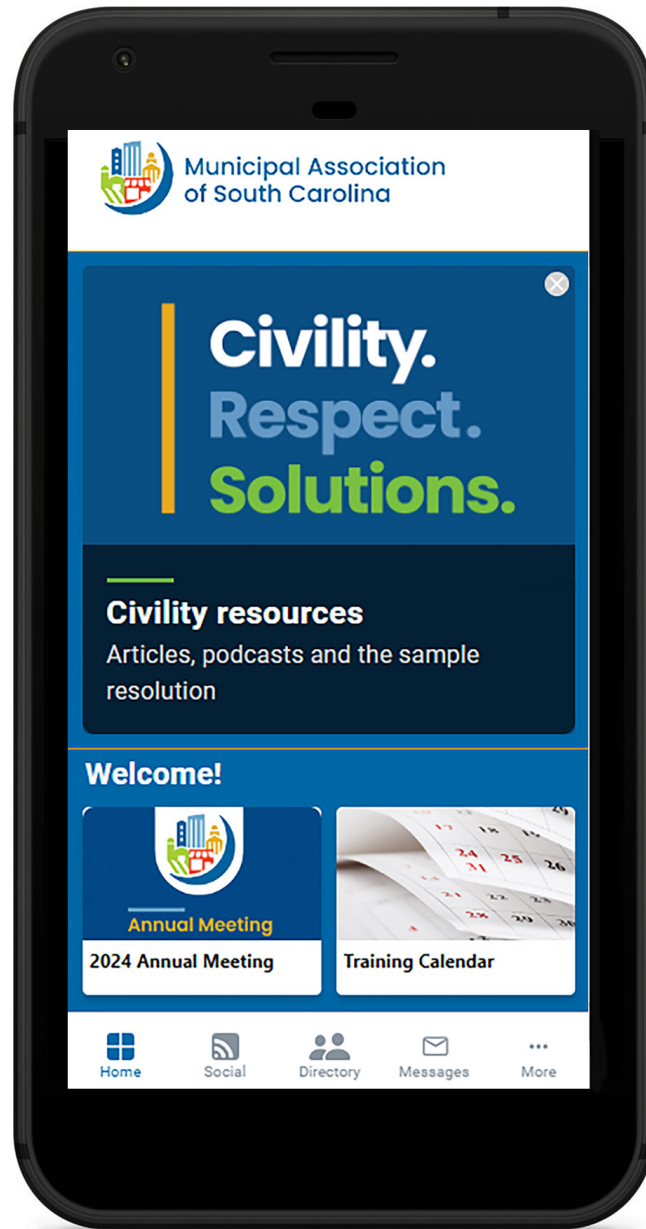
NEWS BRIEFS

Members of the SC Community Development Association elected their 2024 – 2025 board of directors. They include President **Doug Polen**, Town of Irmo; Vice President **Angela Kirkpatrick**, Catawba Regional Council of Governments; and Secretary **Jessi Shuler**, Town of Summerville. Returning members at large are **Stefanie Smith Derwort**, SC Department of Commerce; **Kim Ethridge**, Pee Dee Regional Council of Governments; and **Mayor Frank McClary**, Town of Andrews. New members at large are **Nicholle Burroughs**, Town of Chapin; **Kimberly Mullinax**, Lowcountry Council of Governments; **Joe Smith**, Greenville County Redevelopment Authority; and **Arlene Young**, Appalachian Council of Governments. The past president is **Emory Langston**, Lower Savannah Council of Governments.

The Leadership South Carolina Class of 2023 included **Tiniece Javis**, City of Columbia; and **Erica Wright**, Municipal Association of SC. Leadership SC promotes leadership skills and an understanding of policy issues affecting South Carolina.

The SC Arts Commission announced its 12th SC Cultural District in the **City of Aiken's** downtown in May.

VC3 Tech Talks to Address Security, Trends at 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 2024 Annual Meeting on July 18, 19 and 20 — quick, 15-minute sessions about critical information for elected officials and municipal staff.

Thursday, July 18

10:00 a.m.: **Artificial Intelligence and Local Government: The Opportunities and the Risks** – From chatbots on a municipal website that help answer residents' questions to data analysis that can help with areas such as waste management, practical AI may impact cities and towns much sooner than leaders think. This session will discuss applications of AI, along with risks.

11:00 a.m.: **Take Your City from Cyber Uninsurable to Insurable** – Many cities do not have the "basic basics" in place for defending against ransomware attacks— multi-factor authentication, endpoint detection and response, and data backup. As a result, insurers increasingly see municipalities as uninsurable. This session will provide some tips on navigating cyber insurance.

2:15 p.m.: **A Guide to Municipal IT Budget Planning** – Information technology is a critical part of a municipality's annual spending. This session will talk about the components of an IT budget, presenting IT budgets to council, and IT budgeting examples.

3:30 p.m.: **What Is Hardware as a Service?** – Through Hardware as a Service, or HaaS, cities have experienced benefits from a proactive approach to hardware sourcing — gaining flexibility, scalability and cost-effectiveness while ensuring their IT infrastructure remains up to date and responsive to evolving needs.

Friday, July 19

10:00 a.m.: **What You Need to Know About the State and Local Cybersecurity Grant Program** – The South Carolina Law Enforcement Division and Office of Homeland Security will open applications for the 2023 SLCGP grant funding in mid-June, releasing millions of dollars that municipalities can apply for and providing a rare opportunity to fund cybersecurity projects.

11:15 a.m.: **Why Multi-Factor Authentication Is Essential** – MFA adds another layer of authentication, such as a code sent to the user's phone, that helps prevent cyberattackers from accessing systems. It's a simple tool that adds a difficult obstacle for cyberattackers and needs to be applied throughout a municipality.

2:45 p.m.: **End Users Pose the Biggest Risk to Your Operation** – More municipalities are applying for cyber insurance and not qualifying, even with advanced security tools. Cities need to be able to prove that their people have the knowledge and skills to avoid falling for deceptive and manipulative ploys from cyberattackers.

4:00 p.m.: **Introduction to Copilot — a Powerful AI Tool — for Microsoft 365** – Microsoft has introduced a family of products called "Copilot" that are built on generative artificial intelligence. In addition to the capability to create text, images and other content, this AI technology allows users to interact with it using back-and-forth conversation.

Saturday, July 20

9:30 a.m.: **Disaster Recovery Checklist and Best Practices for Municipalities** – A disaster recovery plan for things like ransomware attacks or destructive storms goes far beyond just data backup. When a disaster hits, it's not very helpful when the recovered data looks like a big pile of random stuff. Cities need to understand how to piece it all back together and restore operations.

10:30 a.m.: **A Managed IT Services Foundation for Cities and Towns** – With constrained budgets limiting the ability to hire expensive IT professionals, small municipalities can struggle to maintain computers, internet connectivity, Wi-Fi, and email. This session will consider how to develop and pay for proactive IT support, maintenance and planning.

Find more information about the Annual Meeting at www.masc.sc (keyword: Annual Meeting). The Tech Talk schedule will be available on the Municipal Association of SC app, which can be downloaded through the App Store or Google Play.

Purchasing Made Simple

City Connect MARKET

The City Connect Market, the Municipal Association's cooperative purchasing program partnership with HGACBuy, allows South Carolina cities and towns to take advantage of volume discounts for many of their purchases. Short sessions taking place throughout the 2024 Annual Meeting will give attendees a chance to learn about many of the contracts available.

These brief sessions will explain many of the available contracts which can cover everything from fire trucks to ambulances, public works equipment, police officer body cameras and playground equipment.

Thursday, July 18

- 10:30 a.m.: What's Trending in Cooperative Purchasing
- 11:30 a.m.: New and Upcoming Contracts
- 2:45 p.m.: Temporary Staffing
- 4:00 p.m.: Job Order Contracts

Friday, July 19

- 9:30 a.m.: What's Trending in Cooperative Purchasing
- 10:30 a.m.: Parks and Recreation
- 3:00 p.m.: Emergency Medical and Rescue Equipment
- 4:15 p.m.: All Hazards Preparedness, Planning and Recovery Services Contract

Saturday, July 20

- 9:15 a.m.: Fleet Services Equipment
- 10:45 a.m.: Refuse Handling Vehicles

Find more details on the City Connect Market purchasing program at www.masc.sc (keyword: City Connect Market).

Save the Date for the Small Cities Summit on August 22

Small Cities SUMMIT

Officials from many of South Carolina's smaller cities and towns will gather in Columbia on Thursday, August 22, to discuss the issues pertinent to communities of their size, as the Municipal Association of SC brings its 2024 Small Cities Summit to the Hilton Columbia Center.

As with the conference's first year in 2023, the Association will give registration preference to those municipalities whose population is fewer than 3,000 residents. The one-day meeting will feature conference sessions and a lunch.

There will also be an "Agency Hall," where local officials can learn about the services of various state agencies, including the SC Department of Agriculture; SC Department of Commerce; SC Department of Environmental Services, SC Department of Parks, Recreation and Tourism; the SC Office of Rural Health; the SC Rural Infrastructure Authority; and SC State Guard.

In June, the Municipal Association sought input from officials in South Carolina's small cities and towns on the conference topics that would best serve them. The final agenda will be available on the Association's website. In its first year, the Small Cities Summit addressed the critical legal requirements of every municipality, law enforcement policy requirements, outsourcing of municipal services, city planning for small cities and business license standardization.

The hotel registration deadline will be Monday, July 22. The registration deadline for the Small Cities Summit itself will be Wednesday, August 14.

Find all details at www.masc.sc (keyword: Small Cities Summit).

Concurrent Sessions Offer Choices Throughout Annual Meeting

Annual Meeting
July 17 – 21, 2024
Greenville, SC

Concurrent sessions, where attendees break out into one of a couple of sessions several times during the Municipal Association's Annual Meeting, give city and town leaders options for learning more about many topics relevant to their communities.

The full agenda for the Annual Meeting, taking place July 17 through 21 in Greenville, is available at www.masc.sc (keyword: Annual Meeting) and on the Association's app. Here are the concurrent session options:

Thursday, July 18
2 p.m. sessions

- **How to Manage Rising Municipal Insurance Costs** – Increased claims costs and insurance market forces are driving increases in municipal insurance premiums. This session will address key areas impacting municipal property and liability premiums and provide takeaways to manage those costs.

- **Collaboration and Economic Opportunity: The Partnership for Inclusive Innovation** – This session will introduce participants to the Partnership for Inclusive Innovation, a public-private partnership begun in Georgia that is catalyzing innovation for shared economic prosperity across that state and the Southeast. Hear about their programs and opportunities for funding, mentorship, active programming, and other ways South Carolina cities and organizations can collaborate with the Partnership.

3:15 p.m. sessions

- **Partnering for Wellbeing: Effective Mental Health Resources for Local Governments** – Mental health issues affect a significant portion of residents within our cities and towns. Untreated mental health issues place a considerable burden on emergency services and local law enforcement officers who are responding to mental health emergencies that they are not trained to address. In this session, hear how understanding and investing in mental health resources, local governments can create safer, more vibrant communities for all residents, while reducing strain on emergency services. Leaders from the SC Department of Mental Health will outline services and resources that are available to cities and towns through the department and its 16 regional offices.

- **Revitalize Your Downtown District: Unlock the Power of Economic Development Incentives** – Explore strategic uses of incentives to fuel downtown revitalization efforts. Discover valuable redevelopment tools such as the Bailey Bill, tax credit programs and grants. Learn from the panel including a town manager, a tax credit professional and a downtown property owner about effective methods to engage and incentivize local investors.

Friday, July 19
11:15 a.m. sessions

- **Small Projects, Big Impact: Activating Your Community Through Placemaking Projects** – Cities and towns can activate their communities both visually and economically through placemaking projects that will catalyze retail growth. By incorporating creative projects like street art and murals, communities can build upon renewal strategies that will spur retail economic development in historic downtowns or suburban shopping areas. In this session, learn about tools and strategies for working with limited funding to execute placemaking ideas and build a retail recruitment plan to successfully transform retail environments and boost economic growth.

- **Police Departments and Crisis Intervention Teams** – Mental health response teams can provide resources to assist those in mental health crisis. Learn more about how police departments such as those in the cities of Clemson and West Columbia are using crisis intervention teams.

2:30 p.m. sessions

- **Your City's Future Workforce: Unleashing Gen Z and Millennial Talent** – Gen Z and Millennials will make up more than half of the U.S. workforce by 2025. It's critical that municipalities maximize young professional talent now to prepare for tomorrow's workforce. This session will give participants tools that clearly illustrate how to enhance performance with the "4 Es" — embrace intergenerational communication, engage, equip and empower future leaders.

- **Large City Roundtable** – This roundtable discussion will cover important issues facing cities and towns with populations of 20,000 and higher.

3:45 p.m. sessions

- **Brownfields Redevelopment: Available Resources for Turning Your Community's Liabilities into Assets** – Whether it's a former textile mill, landfill, or an asbestos-laden building, many South Carolina municipalities are far too familiar with the economic and community development crippling effects caused by the presence of brownfield sites. Due to current state and federal efforts, more grant and low-interest loan funding is available than ever before for the assessment and cleanup of these sites. This session will include tips and resources for accessing funding for assessment, cleanup, and voluntary cleanup contract processes, as well as an overview of the SC Brownfields Environmental Site Testing and the SC Brownfields Cleanup Revolving Loan Fund programs, which can be used to kickstart the process of revitalizing a municipality's brownfield sites.

- **Building Better Cities: Cultivating Leaders Through Civic Academies** – Civic leadership academies educate, connect and inspire leaders to develop a strong commitment to community service for the greater good of cities. Academies provide a learning experience for existing and emerging leaders to understand city services and functions, while building the skills and knowledge to succeed in city leadership roles. Hear how cities like Clemson, Fountain Inn and Spartanburg are cultivating leaders through civic academies.

Saturday, July 20
10:15 a.m. sessions
- **Taming the Town Hall Meeting: Simple Strategies for Productive Public Discourse** – Maintaining civility at controversial public meetings can be difficult. In this session, led by Municipal Association Executive Director Todd Glover, learn how some simple steps can help make for smoother meetings.

- **"Can't We All Just Get Along?" Cities and Counties Working Together** – Cities, towns and counties all rely upon one another to best serve their residents. But when communication and cooperation among them breaks down, residents lose. Hear from municipal and county officials from Greenwood and Sumter whose positive relationships benefit their local governments and their entire communities.

11:15 a.m. sessions
- **Navigating Business Licensing** – Administering business licensing in compliance with state law is a multifaceted process, involving standardized licensing years and deadlines, a standard class schedule, and mandatory participation in the Local Business Licensing Renewal Center. Hear from the Municipal Association's Manager for Local Revenue Services Caitlin Cothran on what elected officials need to know, and the questions they should be asking their officials about business licensing.

- **WeShopSC: Empowering Your Locally-owned Small Business Community** – Discover how this innovative statewide marketplace fosters growth, connectivity, and resilience in South Carolina's local economies. Hear about success stories and gain insights into leveraging WeShopSC.com as a powerful tool for community revitalization and sustainable business support.

Find more Annual Meeting details and agenda information, including preconference sessions, general sessions, exhibits, the Achievement Awards Luncheon and other items at www.masc.sc (keyword: Annual Meeting). All Annual Meeting registrations must be complete by July 5.

Do Franchise Agreements Apply to Internet-only Companies?

Many South Carolina cities and towns are wondering whether or not a municipality can franchise companies that provide internet-only services through fiber-optic cables or other wired means or require them to pay a business license. The law on this question has not been fully settled.

The Telecommunications Act of 1999, codified in part at SC Code Section 58-9-2200, limited the municipal franchise fees, consent fees and business license taxes that may be imposed on "telecommunications companies." Telecommunications companies pay a statutorily fixed franchise fee ranging from $100 to $1,000, depending on the size of the municipality. Telecommunications companies also pay business license taxes at a statutorily fixed rate. The statewide business license taxes are collected for every municipality in the state by the Municipal Association through its Telecommunications Tax Program.

The fixed franchise fees and business license taxes, according to the law, are "in lieu of any permit fee, encroachment fee, degradation fee, or other fee assessed on a telecommunications provider for its occupation of or work within the public right of way."

The open question is the degree to which internet-only companies fit within the Act's definition of "telecommunications companies." The Act was drafted in a very different time of internet services, when telecommunication services were typically provided through phone lines and included at least some traditional voice components. As such, internet-only providers using fiber-optic cables or other wired connections do not neatly fit within the statutory definitions.

Regardless of whether the limited franchise fees and business license taxes in the Act apply to internet-only companies, a municipality may still require a franchise agreement that regulates the terms and conditions of the company's occupation of and work within the right-of-way.

At a minimum, municipalities in South Carolina should require internet-only companies who occupy the right of way to sign franchise agreements. These franchise agreements should regulate the place, time, and manner in which the companies may occupy and work within the municipality's rights of way, and require that the company restore the right of way to its original condition after work is complete. The municipality may also charge the franchise fees and business license taxes permitted by the Act. Municipalities who wish to charge higher or different amounts should be sure to consult with their municipal attorney.

Learn more about state law on local taxes and fees in the Municipal Association's Handbook for Municipal Officials in South Carolina *at www.masc.sc (keyword: officials handbook).*

Navigating Generational Diversity in the Workplace

For employees, working with those significantly younger or older than themselves can be challenging.

Different generations often focus on different values in their work and personal lives. They are shaped by different historic events and trends. They have all come of age in wildly divergent periods of technological innovation.

Sometimes employees struggle to understand one another, creating friction or morale problems. Older employees might feel that they know how to get work done, and younger employees may be eager to find new and improved ways to work. The older generation might be suspicious of new methodologies, while the young workers might resent their ideas being dismissed. Finding ways for them to work together can be key to organizational success.

Defining generations

One of the older generations working today, the Baby Boomers, named for the dramatic birthrate increase after World War II, is often said to include those born between 1946 and 1964. Those known as Generation X have birthdates from around 1965 to 1979. What was known as Generation Y runs from about 1980 to 1994, although they are now commonly known as Millennials, since they came of age around 2000. Generation Z, or "Gen Z," runs from 1995 to 2009.

Communication styles and slang

The challenges of communication among generations can be illustrated by some of the slang terms associated mostly with a particular generation. Here are examples:

Baby Boomers

- Square – A person who is undesirably old-fashioned or untrendy.
- Groovy – Anything that is fashionable, attractive or excellent.
- Split – To depart a location quickly.
- Threads – Clothes, especially fashionable clothes.
- Right on – Expresses agreement.
- Peace out – "Goodbye" or "I'm leaving."
- Far out – Strange, but usually in a good way.
- Hang loose – Relax.

Gen X

- Take a chill pill – To relax or calm down.
- Radical, rad, tubular, killer or bodacious – Exciting and desirable.
- Bogus – Fake.
- Bad – In certain contexts, it means "good."
- To the max – To the greatest extent possible.
- Trippin' – to act foolishly, become overexcited, or become overly disturbed.
- Talk to the hand – An insulting dismissal, delivered with an outstretched palm.
- As if – A cynical response to a comically unlikely suggestion or statement.

Millennial

- Adulting – To engage in responsible behavior.
- Ghosting – Suddenly ending all communication with a person without giving a reason.
- Humblebrag – A superficially modest statement that allows the speaker to boast of achievements.
- My bad – A phrase accepting responsibility for fault.
- FOMO – An acronym for "Fear Of Missing Out."
- Basic – Excessively commonplace, unoriginal and boring.
- Bougie – Indicative of expensive or even pretentious tastes. Derived from bourgeois.
- Slay – To perform exceptionally well.

Gen Z

- Cap – A lie. "No cap" means "truth."
- Bet – A statement indicating understanding.
- Sus – Suspicious.
- Is giving – Is demonstrating a particular quality. For example: "Her outfit is giving vacation vibes."
- Goat – Originally an acronym: "greatest of all time."
- Mid – Something neither truly good or bad, but rather of a middling or below-average desirability.
- Bussin' – An adjective for good-tasting food.
- Ick – Expresses a sudden feeling of disgust or repulsion.

Risk Management Services offers training on "Generational Diversity/ Understanding the Impact of Impairment in the Workplace" on September 24

The Municipal Association's Risk Management Services will offer SC Municipal Insurance Trust and SC Municipal Insurance and Risk Financing Fund members two types of workforce training on September 24 in Columbia. The session will cover leveraging the strengths of each generation to create an inclusive and productive workforce, and to identify and address impairment and fatigue issued at work. Learn more at www.masc.sc (keyword: Association events).
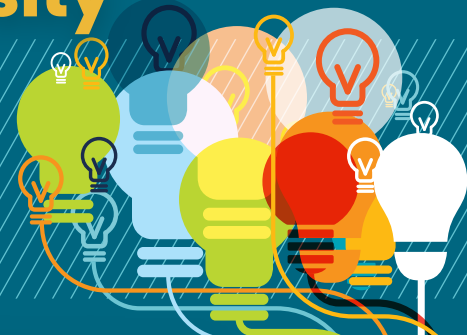
Use Caution When Regulating Political Signs

2024 is a general election year, which means that local governments are most likely receiving complaints about political signs — either from candidates and supporters who want to place political signs, or from residents who object to the visual clutter of political signs in the community.

Historically, many local governments had special rules in their zoning ordinances for political signs. For example, the local sign ordinance in the Town of Gilbert, Arizona, permitted "the placement of political signs up to 16 square feet on residential property and up to 32 square feet on nonresidential property, undeveloped municipal property, and rights-of-way," which "may be displayed up to 60 days before a primary election and up to 15 days following a general election."

In 2015, however, in *Reed v. Town of Gilbert*, the United States Supreme Court ruled that applying special rules to "political signs," or to any other category of signs based on their content — or what they say, in other words — violates the First Amendment in most cases. The case was a challenge to Gilbert's sign ordinance, which distinguished between ideological signs, political signs and temporary directional signs. As the court noted, the applicable rules depended on the message of the sign, which created a content-based rule subject to strict scrutiny under the First Amendment.

Therefore, under the *Reed* decision and with only limited exceptions, the law states that if a sign ordinance requires someone to read the sign to know what rule applies, the ordinance probably violates the First Amendment.

The hard question after *Reed* is whether local governments can regulate political signs at all, and current case law makes the answer to that question very unclear. The general answer is that local governments can apply regulations based on content-neutral features like size, shape, and height; font color and font size; copy area; illumination; number allowed per parcel or by linear distance; length of time posted; materials; orientation and setback from the roadway; and visual impact on motorists, including sightlines and obstruction.

Many jurisdictions have amended their sign codes after *Reed* to create content-neutral rules that apply to all temporary signs. *Reed* seems to allow local sign ordinances to provide that all temporary signs have durational limits based on the event or condition to which they relate. For example, local governments might allow all temporary signs of a given size, regardless of content, for a fixed period before and after a specific date, like a special event or an election.

Local governments can also regulate temporary signs based on their location. A local ordinance could prohibit the placement of any temporary sign, regardless of message, within the public rights-of-way, on trees, on utility poles, or in certain designated zoning districts. Another possibility would be to allow each distinct parcel within the community to display temporary signs for a maximum number of days during a year. This approach would reduce visual clutter, but would require diligence to enforce on a per-parcel basis.

The implications of the *Reed* decision on a municipal government's ability to regulate signs means that cities and towns should tread lightly, and carefully, on matters involving political signage. The South Carolina General Assembly has even seen legislation filed that would restrict the ability of local governments to regulate signage. For those local governments who engage in the complex matter of drafting or revising a sign ordinance after *Reed*, it is imperative that they engage their attorneys in the process.

Prepare for Disruptions
— and Insurance Issues —
Created by Hurricanes

Hurricanes can be expensive and disruptive to city operations.

The National Oceanic and Atmospheric Administration has reported a rise of expensive "billion-dollar" hurricanes in recent decades, or storms that have cost $1 billion in damages to the United States. In 2023, two of these events were tropical cyclones, including Hurricane Idalia, a Category 4 storm that brought major destruction to Florida and touched South Carolina.

Beyond the insurance headaches these storms create, they can also disrupt a city's ability to sustain services for its residents and businesses. When preparing for hurricane season, there are a number of items that cities and towns should check:

Understand the city's property coverage contract.

This involves the valuation of covered property — especially whether the asset values are up to date — as well as any contractual limits that exist in the coverage. Cities should look at deductibles and loss-reporting requirements, since these rules can be complex in the case of catastrophic losses.

Officials should know if a flood event is covered, and if it is excluded at any specific locations. They should also know specifically how "storm surge" is defined in the contract; how the contract addresses the costs of business interruption, like revenue or extra expenses; any restrictions the coverage places on the timing and location of

rebuilding; and deadline requirements on filing proof of loss.

Understand the city's exposure to hurricane losses and ways to improve property security.

Identify properties that might be exposed to hurricane damage, and what potential service interruptions could occur as a result of this damage. Cities can take several steps to reduce property damage when a hurricane approaches:

- Relocate high-value assets such as fire trucks, fleet vehicles or other equipment away from low-lying, flood-prone areas until the storm passes.

- Secure facility doors and board up windows to protect from flying debris.

- Remove or secure outdoor items to prevent them from becoming flying objects in high winds.

- Clear rain gutters and downspouts and check drain pumps.

Evaluate business continuity, emergency response and crisis management plans.

This involves reviewing business continuity plans and making any necessary updates, as well as crisis management procedures that escalate as storm disruptions become more severe. Leaders should consider the potential impacts of a direct or indirect hit from a hurricane on their residents, their employees and the vendors they would need in a storm recovery, and how they will communicate with each of

these groups. They should also work to establish coordinated response procedures with other local government agencies and emergency services. Cities should consider preventive maintenance on backup resources, like power generators.

Plan for employee safety.

Officials should consider employee evacuation and notification plans, including emergency contact lists. They should arrange for employees to work remotely when appropriate, and make sure that employees who need to remain on site during a storm have current contact lists, as well as needed emergency supplies such as potable water, nonperishable food, first-aid kits, flashlights, hand-held radios or cell phones.

Evaluate claims preparation and management issues.

Municipal staff should also review and update procedures and responsibilities for gathering and processing insurance claims information. They should secure and duplicate vital financial records — both paper and digital — at a site secure from flood and wind damage. Maintain detailed tracking of all documentation requests, such as what was requested, who requested it, who is responsible to respond, and when and to whom the information was sent.

For questions on hurricane planning, response and recovery issues, contact losscontrol@masc.sc. Learn more in the South Carolina Hurricane Guide *of the Emergency Management Division at www.scemd.org.*

Growth Drives Workforce Housing Demand

Each workday, more than 14,000 people commute to their jobs on Hilton Head Island from other parts of Beaufort County and beyond, with the number rising steadily each year. Housing costs, especially in rapidly growing areas, make it difficult for essential workers to affordably to live close to their workplaces.

That's where the push for workforce housing comes in.

"Workforce housing can generally be defined as housing that is obtainable for individuals and families who are part of the local workforce in a community — often referred to as essential workers — in sectors such as public safety, health care, education, retail and hospitality," said Shea Farrar, principal planner for the Town of Hilton Head Island and president-elect of the South Carolina chapter of the American Planning Association. "Workforce housing varies among communities, but it typically serves individuals or families with moderate incomes still facing challenges in affording market-rate housing."

Having essential workers live in the communities they serve improves the overall stability and productivity of the local economy, social fabric and sense of well-being, she said.

"The availability of workforce housing options directly impacts workers' ability to become actively involved and invest in their communities, creating higher rates of workforce retention and success in attracting new talent," Farrar said.

As the planner on Hilton Head Island who also is a leader in the statewide planning organization, Farrar knows the importance of addressing workforce housing in all types of communities, particularly those with tourism-oriented economies and areas facing rapid growth. She also understands that, despite their importance, workforce housing developments can be concerning for some community members and stakeholders who worry that affordable workforce housing can bring potential changes to neighborhood dynamics and impact local infrastructure.

"Through proactive communication and collaboration among government agencies, nonprofit organizations and private developers, communities can leverage resources and expertise to implement policies and incentives that help workforce housing remain affordable," she said. "Data-driven planning approaches are always a good place to start when identifying the needs of a particular community."

Farrar said tools for communities are available from the American Planning Association at www.planning.org/home/.

"Strategies vary and can include zoning and land-use regulations, collaboration with employers, public-private partnerships and transit-oriented design solutions," she said.

Quincy A. White, the chief housing officer for Hilton Head Island, understands the challenge the town faces with providing housing for those who work in the resort town. Of the 14,000 workers who commute onto the island daily to work, about 17% travel 50 miles or more each way, he said.

"On their commutes, they pass by growing areas in Bluffton, Hardeeville, Port Royal and other communities where employment opportunities are expanding," White said. "As job options in different parts of the county increase, it becomes less attractive for workers to continue commuting to Hilton Head Island."

The cost of housing on the island is a challenge, too. About 40% of all households on the island, including 37% of homeowners and nearly half of the renters, are considered "housing cost-burdened," meaning they spend 30% or more of their monthly income on housing costs, White said.

"Addressing the need for workforce housing supports the individuals who work here and alleviates housing cost burdens for current residents," he said. "Given these challenges, we are committed to finding innovative solutions to provide accessible and affordable housing options for our workforce, thereby ensuring a vibrant and inclusive community."

Affordable workplace housing projects can be private, public or a combination of the two. On Hilton Head Island, the town is collaborating with partners to establish the Northpoint Public-Private Partnership Housing Initiative, a development that leaders believe can be a model for places around the country.

The Northpoint initiative calls for developing sustainable housing on more than 11 acres of land owned by the town, planned as a vibrant, well-constructed and livable neighborhood with the town's preferred development partner, OneStreet Residential. When finished, it is expected to feature 150 to 170 apartment homes. At least half of the apartments will be dedicated to serving families working on the island and earning 60% to 80% of the area's median income.

The town also collaborates with the Coastal Community Development Corporation to support the organization's mission of preserving workforce housing throughout the island.

"Alongside initiatives led by Sea Pines Corporation, the Richardson Group and the SERG Group, the Coastal Community Development Corporation plays a vital role in increasing the availability of homes for our local and regional workforce," White said.

He added that Hilton Head Island's Home Safety and Repair Program provides essential repairs and maintenance services to homeowners — something that is crucial to ensure naturally occurring affordable housing remains safe and accessible to the workforce.

Private business is playing a role, too. An old two-story bank building on William Hilton Parkway was recently converted to workforce housing. While the property is privately owned, the Sea Pines Resort has a two-year lease on the "36 South" apartments to house some of its workers. The building is home to eight three-bedroom, three-bathroom units. The location allows residents to walk or bike to stores and work.

While it is not the city's project, White said the town was happy to see local businesses stepping up to address the need for workforce housing, calling it a "testament to the collaborative spirit of our community. Projects like these demonstrate that we all have a role to play in supporting those who contribute to our island's success."

White also said the need for private-public partnerships and providing incentives for developers is necessary to address the island's workforce housing.

"By fostering partnerships between the private and public sectors, we can leverage resources and expertise to tackle this challenge more effectively, with each member of our community playing a vital role," he said.

In the City of Goose Creek, about 18 miles north of downtown Charleston, the importance of providing affordable housing for essential workers also is on city leaders' agenda.

"Attainable housing for our residents — including young families just starting out or recent graduates entering the workforce — is crucial for our city," said Goose Creek Mayor Greg Habib. "The population increase across the Lowcountry, including Goose Creek, has made this a real challenge. It's estimated that around 40% of the population of Berkeley County cannot afford the average cost of a home, which is around $375,000."

The importance of attainable housing is especially significant for the city's police and fire first responders, as well as local teachers, he said.

As part of a commitment to affordable housing, the city has long partnered with Habitat for Humanity. Recently, the city donated nine lots to Habitat, with the property in an ideal location for residential housing, said Frank Johnson, Goose Creek's public information officer.

"Donating these lots to Habitat made sense at a time when affordable housing is an issue across the Lowcountry," Johnson said.

Goose Creek also is exploring requirements that would call for each new residential development to include a percentage of affordable housing units. The city also offers down payment assistance programs for city employees, as well as residency pay for police officers who live inside the city limits, he said.

Every local economy needs a full range of workers to make it work. A mix of public and private efforts can help build out the housing stock that the workforce requires.

The NorthPoint Public-Private Partnership Housing Initiative would develop housing on town-owned land.
Photo: Town of Hilton Head Island.

The Role of City Leadership in Retail Recruitment

By Charles Parker, Project Director, The Retail Coach

It's easy for city leaders to get lost among the chaos of retail and commercial real estate. New store openings, major brand bankruptcies, mall redevelopments, and retail brands buying one another up can make them wonder — is there anything a city can do to join the conversation and get the ribbon cutting?

The answer is a resounding "yes!" Public officials have an important role to play in where restaurants, retailers and developers choose to locate. Every project must receive council or commission approval, so the municipality is already involved. The most successful cities are those that proactively recruit retail projects and insert themselves into the conversations early in the process, rather than waiting for new development to come to them.

Incentives are the first things that come to mind when government recruits business. But the country is littered with vacant retail centers that were once incentivized. Incentives alone do not make successful retail developments, and they also don't always come as a lump sum or a tax abatement. City leaders can offer incentives to locate in the form of waived local fees or an expedited review process. These may not add up to much as a dollar amount, but a streamlined process that aligns with expectations is valuable. Is your city easy to work with? Are zoning,

design standards and codes clear to follow? Can a developer contact somebody quickly for answers to questions? These are ways a city develops a reputation as a market where brands want to find more projects.

Site selection has become extremely data-driven. Retailers and restaurants analyze sites, trade areas, store performance, and every other variable imaginable so they understand the key ingredients of a good project. They know the value of every parking space, the daily traffic count, and the spending pattern difference between "soccer moms" and "empty nesters."

Successful retail development sites are chosen using data points like population density, household incomes, educational attainment and more. The need for quick and accurate data on markets is where city leaders can get more involved. Site selectors typically cover a wide range of states in their territory and rely on resources like CoStar, ESRI, and other platforms largely dependent on national, census-based databases. While these resources make it easy to analyze a market from anywhere, there are drawbacks such as delays in getting current data and an inability to get granular data.

Cities' planning and economic development departments are an incredible resource for site selectors. If nothing else, make sure the city website has easy to find information on the trade-area demographics, new housing data and projections, and any other major investment happening in the community — this is where city officials can have the biggest impact!

Retail recruitment is ultimately a relationships business. Building personal connections with real estate managers, brokers, and developers who ultimately make the decision where the next grocery store or coffee shop locates is critical. Attending industry trade shows and conferences allows for invaluable face time with retailers, and lets a city leader pitch the opportunities of their market. Site selectors want to understand local property owners and which off-market properties may be available. City leaders are the conduit for this valuable information and many deals are made without a "for sale" sign.

Many stars must align for a commercial real estate deal to work and city leaders absolutely have a role to play. Providing the information, environment and support for retail site selectors directly impact how communities recruit new shopping, dining and entertainment experiences.

WE SHOP SC by the Numbers

WeShopSC, www.weshopsc.com, is a statewide e-commerce marketplace created by the Municipal Association of SC along with Main Street South Carolina, the Association's downtown revitalization technical assistance program.

Small businesses in South Carolina can choose to participate in WeShopSC by setting up a free profile, which connects them with customers in a single online marketplace. The website provides statewide product searching capability and gift card options. It also provides order fulfillment options such as in-store pickup, curbside delivery and shipping.

Here are some key numbers of how businesses and shoppers have used WeShopSC since its launch in August 2023:

482 businesses registered, located in

53 cities and towns throughout South Carolina.

3,000–5,000 visitors to WeShopSC.com each month

A session on WeShopSC will take place during the 2024 Annual Meeting on July 20. For questions or more information about WeShopSC, contact Jenny Boulware at jboulware@masc.sc or 803.354.4792. Learn more about Main Street South Carolina at www.masc.sc (keyword: Main Street).

Hometown Economic Development Grant Applications Open in July

Cities and towns will have an opportunity in 2024 to pursue funding through the Municipal Association of SC Hometown Economic Development Grant powered by VC3, which funds projects that will produce measurable results, can be maintained over time and illustrate best practices that can be replicated in other cities.

Applications for this year's grant cycle will open on July 18, during the Association's Annual Meeting in Greenville.

South Carolina's municipalities are eligible to obtain a grant once every two years, and since the program began in 2016, some municipalities have made successful HEDG applications more than once.

The City of Cayce is an example of a past grant recipient, receiving funds in 2021 for additional public art into the Cayce River Arts District, a key element of the redevelopment and growth of the city's historic downtown.

Application guidelines

The 2024 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 27, at 5 p.m. The application and grant awards have several key requirements:

- The municipal council must 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.

On July 18, officials can find the HEDG application and sample resolution online at www.masc.sc (keyword: hometown grant).

Cayce's River Arts District, including the City of Cayce Art Lot, was a beneficiary of Hometown Economic Development Grant funds.

Fair Housing Act Affects Local Zoning Decisions

On April 11, 1968, a week after the assassination of Dr. Martin Luther King Jr., President Lyndon Johnson signed into law the Fair Housing Act, a landmark housing discrimination law intended to ensure equal access to housing opportunities for all individuals.

Section 804(a) of the FHA makes it illegal "to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin."

Although this section applies primarily to private persons — homeowners, landlords or real estate agents, among others — the specific language in the law, "otherwise make unavailable or deny," raises issues for government regulation of the housing market. Because of this, the FHA has implications for local zoning decisions, especially when such decisions affect or diminish the availability of multifamily and affordable housing.

Discriminatory intent vs. disparate impact

A critical question in interpreting federal antidiscrimination laws is whether a violation requires intentional discrimination or only a disparate impact on certain people.

For those laws that require a showing of intentional discrimination, the plaintiff must produce evidence that the defendant intended to discriminate in a decision it made. If only disparate impact is required, however, then the plaintiff may produce statistical evidence demonstrating the challenged act's effect on protected classes, even if the defendant had no discriminatory intent.

In the 2015 case *Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, the U.S. Supreme Court held that the FHA requires only disparate impact to establish a violation. The government doesn't need to have intended to exclude minorities from housing opportunities, or to have been motivated by racial animus, for a violation to have occurred.

Instead, the court found that "unlawful practices [under the FHA] include zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification."

Examples of unintentional violations

In the Texas Department of Housing case, the plaintiff alleged that the department reinforced segregated housing patterns by awarding proportionately more low-income tax credits for housing in urban areas populated largely by minorities, rather than in suburbs with mostly white residents. The Supreme Court ruled that if the statistical evidence supported this argument, the department's conduct would likely be unlawful under the FHA.

Likewise, if a local zoning board consistently denies applications for multifamily apartment buildings in predominantly white neighborhoods while approving similar developments in predominantly minority neighborhoods, it might be a violation of the FHA. Even if the zoning decisions are not explicitly based on race, the disparate impact on different racial groups could still constitute discrimination under the FHA.

Practical consequences

Following the Supreme Court's decision, lawsuits have been filed across the nation — including at least one in South Carolina — alleging that local planning denials of multifamily or affordable housing were illegal under the FHA.

It is relatively straightforward for a plaintiff to produce the necessary statistical support for an FHA claim. For example, if the plaintiff can show that the surrounding neighborhood is predominately white, but a proposed project that was rejected would have been inhabited predominantly by minority residents, that evidence standing alone could well support an FHA claim.

Whenever a municipality makes planning decisions that affect multifamily or affordable housing, it should consult with its attorney and carefully consider the application of the FHA. Particularly when the municipality denies an application for multifamily or affordable housing, it must organize a factual record to show the legitimate, nondiscriminatory reasons that the project was denied.

Municipal Association of South Carolina

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Calendar

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

JULY

17 – 21 Municipal Association of SC Annual Meeting. Hyatt Regency Greenville. Topics include personal branding and storytelling, managing rising municipal insurance costs, inclusive innovation, mental health resources, information of downtown revitalizations, AI, community projects, police departments and crisis intervention teams, the future workforce, Brownfields redevelopment, leadership cultivation, strategies for productive public discourse, business licensing and empowering locally owned small businesses. For more information, see pages 3 through 7.

AUGUST

6 Risk Management Services: Defensive Driving Course. Gignilliat Community Center, Seneca.

6 Setoff Debt Program 2024 Annual Training Session: New Employees of Current Participants. Municipal Association of SC, Columbia.

8 Setoff Debt Program 2024 Annual Training Session: Interested Participants. Municipal Association of SC, Columbia.

14 SC Business Licensing Officials Association Accreditation in Business Licensing Exam. Municipal Association of SC, Columbia.

14 – 16 Municipal Court Administration Association of SC Annual Meeting. Embassy Suites at Kingston Plantation, Myrtle Beach.

20 Business Licensing Essentials Training. Virtual.

22 Small Cities Summit. Hilton Columbia Center. For more information, see page 5.

SEPTEMBER

5 SC Association of Stormwater Managers Third Quarter Meeting and Exhibitor Showcase. Cooperative Conference Center, Columbia.

11 – 13 Municipal Clerks and Treasurers Institute, Year 3, Session A. Hilton Garden Inn, Columbia.

17 Municipal Elected Officials Institute of Government: Forms of Municipal Government and Municipal Economic Development. Regional Councils of Governments locations.

18 Main Street South Carolina 3rd Quarter Managers' Training. Location to be determined, Clover.

18 – 20 Municipal Technology Association of SC Annual Meeting. SpringHill Suites, Greenville.

24 Risk Management Services: Generational Diversity/Understanding the Impact of Impairment in the Workplace Training. Cooperative Conference Center, Columbia.

25 Municipal Association of SC Fall Legislative Meetings. Cooperative Conference Center, Columbia. For more information, see page 2.

OCTOBER

2 SC Utility Billing Association Customer Service Training and Networking Luncheon. Cooperative Conference Center, Columbia.

3 SC Community Development Association Fall Meeting. Cooperative Conference Center, Columbia.

8 – 11 SC Municipal Finance Officers, Clerks and Treasurers Association and SC Business Licensing Officials Joint Academy. Sonesta Resort, Hilton Head Island.