

# UPTOWN



a publication of the Municipal Association of South Carolina

## UNDERSTANDING ECONOMIC INDICATORS

HOMETOWN LEGISLATIVE ACTION DAY

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Cover Photo: South Carolina municipal officials walk to the State House during Hometown Legislative Action Day.

# 63 Municipal Officials Graduate From MEO, Advanced Institutes



*The MEO Institute had 39 graduates in February. The photo was taken prior to final verification of graduation requirements. Not all graduates are pictured.*

The Municipal Elected Officials Institute of Government and Advanced Institute together graduated 63 municipal elected officials, including 39 graduates of the MEO Institute and 24 graduates of the Advanced MEO Institute, during Hometown Legislative Action Day on February 6. Find press releases for all graduates from both programs at [www.masc.sc](http://www.masc.sc) (keyword: newsroom).

For decades, the MEO Institute has given elected officials the knowledge they need to help their municipalities operate responsibly, efficiently and effectively.

Elected officials can graduate from the MEO Institute after they complete two daylong sessions and five other courses that they can take online or in person at any of the selected councils of governments area locations in Columbia, Florence, Georgetown, Greenville and North Charleston. The next in-person session, taking place on Tuesday, March 19, is “Basic Budgeting and Municipal Finance.” The registration deadline is Monday, March 11.

The MEO Honor Roll recognizes the city and town councils that can count all members of their sitting council as graduates of the Municipal Association’s MEO Institute. The municipalities receiving this recognition after the winter 2024 session are Atlantic Beach, Estill, Greer, Inman, Jonesville, Newberry, Prosperity, Santee, Walterboro and York.

Learn more about the MEO Institute and register for courses at [www.masc.sc](http://www.masc.sc) (keyword: MEO Institute).



*The Advanced MEO Institute had 24 graduates. Not all graduates are pictured.*

# Officials Gather in Columbia for Hometown Legislative Action Day

Municipal officials from across the state gathered in Columbia in February for the 2024 Hometown Legislative Action Day. Attendees received details on the state's political and economic outlook for 2024, as well as ways they could help draw affordable housing to their communities.

Find presentations and recordings from the event on the Municipal Association's website at [www.masc.sc](http://www.masc.sc) (keyword: HLAD).



Municipal Association President and Conway Mayor Barbara Blain-Bellamy moderates a SC Senate panel featuring Sen. Mia McLeod (I-Richland), Sen. Penry Gustafson (R-Kershaw), Sen. Sandy Senn (R-Charleston) and Sen. Katrina Shealy (R-Lexington).



Municipal Association Executive Director Todd Glover addresses legislative issues including short-term rentals during HLAD.



The Municipal Association's advocacy team, Casey Fields, Erica Wright, Joannie Nickel and Scott Slatton, walk municipal officials through a wide variety of legislative updates.



Municipal officials visit with their legislative delegations at the State House during HLAD.

## NEWS BRIEFS

**Gerard Maxted**, assistant business license official for the Town of Mount Pleasant, earned the Master in Business Licensing designation from the SC Business Licensing Officials Association.

**Amy Evans**, parks & recreation director for the Town of Summerville, was elected vice president of the South Carolina Recreation and Parks Association. The Association also has **Seth Holley**, recreation & tourism athletics manager for the City of Aiken, as central vice president; **Ryan Caputo**, recreation leader for the City of Myrtle Beach, as eastern vice president; and **Tamika Pollard**, recreation operations manager for the City of Greenville; as western vice president.

# Understanding Economic Indicators

## Hometown Legislative Action Day

### Highlights 2024 Outlook



Laura Dawson Ullrich, senior regional economist for the Federal Reserve Bank of Richmond's Charlotte Branch, delivered the keynote address at Hometown Legislative Action Day.

Laura Dawson Ullrich remembers the exact date that her three school-age sons returned home from school to live in COVID-19-pandemic-enforced seclusion with online learning programs for the next year and a half: March 13, 2020. Jokingly, she noted that it was a Friday the 13th.

At the same time, Ullrich needed to be able to be able to work from home with limited interruption, a need that was challenged by the open floorplan of her house. The construction materials needed for renovations were in short supply, though, because the pandemic was creating supply disruptions, and many people all had the same idea to renovate their homes at the same time.

“What do you think the price was like for doors? Sky high,” she said. “And I paid for them happily, with money that we were supposed to use to go on vacation.”

The pandemic created immediate and dramatic economic changes in production and spending habits, and Ullrich, the keynote speaker at February’s Hometown Legislative Action Day, explained what the consequences of those disruptions looked like several years on.

Ullrich serves as the senior regional economist for the Federal Reserve Bank of Richmond’s Charlotte Branch. She discussed both the economic growth of recent years as well as potential economic outcomes in 2024, in part because of the need for city and town councils to understand economic trends and possibilities so they can plan municipal expenditures and target development projects.

A key takeaway: economic growth in 2023 had been significantly stronger than many had predicted, with the potential for growth in 2024 appearing promising. While uncertainties always exist, Ullrich said, fears of an impending recession, long discussed by many commentators, had lessened. Inflation, while remaining above the 2% targeted by the Federal Reserve, has been falling.

Inflation, she said, is “moving in the right direction faster than we might have expected given the strength of consumption, consumer spending and hiring.”

These changes came a few years after the pandemic created an extreme economic shock. In 2020, the full-

year decline in the United States’ gross domestic product added up to 3.5%, the greatest decline seen in the post-World War II era.

“The COVID period was just unreal,” Ullrich said.

She noted the numerous instances of stimulus funding aimed at helping reduce the effects of the economic shock, from stimulus checks to Paycheck Protection Program loans to the Inflation Reduction Act and the Infrastructure Investment and Jobs Act, among others.

“Really, there were many institutions that had once-in-a-lifetime funding flow through them,” she said.

Nationally, employment has exceeded pre-pandemic levels, with recent months producing very strong reports. The U.S. Bureau of Labor Statistics reported that the nation gained 353,000 jobs in January 2024, beating the monthly 2023 average of 255,000.

Employment figures in all of the metropolitan statistical areas in South Carolina are now above pre-pandemic levels, especially in the Myrtle Beach and Charleston MSAs. The Charleston MSA is

the dramatic standout, with employment growing by 12.7% from February 2020 to December 2023.

Part of this, she said, comes from the Carolinas being places where people want to live, given their climate and the availability of beaches and mountains. She noted, however, that both economic growth and population growth are far from uniform in the area.

“There are some metro areas like Charlotte, Raleigh or Charleston, that are far outperforming [other] urban areas, and especially rural areas, in terms of economic and population growth, she said. “It is very important for me as an economist to acknowledge that while places like Charleston and Raleigh are on fire in terms of growth, half of the counties in South Carolina and North

Carolina are experiencing population and employment declines.”

Another serious challenge comes in the form of labor force participation, which nationally has now been in decline since around 2000, and which the BLS projects to further decline to 60.4% by 2032. It has not yet fully recovered from the sharp pandemic-related drop. In South Carolina, this trend comes with the added dimension of the state increasingly serving as a retirement destination. For example, the Hilton Head Island-Bluffton MSA’s population growth comes in significant part from people who have arrived specifically to not work, but who require services, which contributes to the labor shortage.

Labor participation in South Carolina, Ullrich said, “is going to be an issue for

the next few decades. This impacts all sorts of things for employers.”

“It is a super dynamic, interesting time,” she said. “The Carolinas, as a whole, in my opinion will absolutely be winners. South Carolina will absolutely be a winner. There are going to be communities in South Carolina that continue to lose people and talent. As a state, as an institution, you guys are going to have to think about how to support those communities, because there will be people that have very deep ties to those communities that want to remain in place.”

*Find presentation materials for the 2024 Hometown Legislative Action Day online at [www.masc.sc](http://www.masc.sc) (keyword: HLAD).*

## Security, Vigilance Help Deter Vandalism

**V**andalism — which can range from graffiti on walls to the destruction of structures — not only causes economic losses but also diminishes the aesthetic and emotional value of a public place.

It can also be an expensive crime. The South Carolina Municipal Insurance and Risk Financing Fund members have experienced an uptick in theft and vandalism claims in recent years. For claims reported since January 2020, the program’s total incurred amount of losses from theft and vandalism is currently in excess of \$900,000. Improved risk management strategies and safeguards could have helped prevent many of these losses.

As communities seek ways to mitigate these destructive acts, implementing effective strategies to deter vandalism can be a crucial way to safeguard public spaces and properties.

### Strategies to prevent vandalism

- Community involvement and engagement – Vandalism often stems from issues like boredom, peer pressure, frustration or protest. It may also be an expression of socioeconomic issues, lack of sufficient recreation spaces, or even a bid for attention. Community-driven initiatives such as mural projects, art installations, or cleanup efforts, can instill a sense of belonging and discourage destructive behavior.
- Lighting and environment – Proper lighting, especially in dimly lit areas, acts as a deterrent by reducing opportunities for vandals to operate under the cover of darkness. Designing spaces with natural surveillance in mind, such as open layouts

and visibility, can dissuade vandals by minimizing hidden or secluded areas where vandalism often occurs.

- Technology – Installing security cameras and alarms in vulnerable areas can act as a strong deterrent to vandalism. Advanced surveillance systems, including motion sensors and real-time monitoring, not only deter vandals but also provide evidence for law enforcement.
- Law enforcement and legal consequences – Stricter enforcement of laws against vandalism, coupled with consistent and timely responses to reported incidents, can help prevent vandalism. Visible consequences such as fines, community service, or rehabilitation programs for offenders serve as a deterrent and discourage future acts of vandalism.

By addressing the root causes, establishing effective plans, using technology and enforcing consequences, cities and towns can reduce vandalism losses while preserving the integrity of public spaces and properties.

*For additional guidance or information on preventing thefts and vandalism, contact the loss control staff of the Municipal Association of SC at [losscontrol@masc.sc](mailto:losscontrol@masc.sc).*

# Spreading the 'Shop Local' Message



Greenville's Shop Downtown promotions in the 2023 Christmas season made use of a local golden retriever, Teddy, with an existing social media following. Photo: City of Greenville.



Looking for ways to get a local community to eat, drink and shop locally? The first step to a successful “shop local” campaign may be bringing together businesses — and listening to their needs.

“Start with the businesses,” said Avery Spears-Mahoney, executive director of North Augusta Forward, the downtown revitalization organization of North Augusta. “Building that collaborative spirit and support for each other is the way to make it successful.”

Cities and towns around the state have realized the important role their central business districts play in creating a vibrant city, and their communications campaigns have taken different forms.

In Greenville, the city’s economic development and communications departments, as well as Visit Greenville SC, came together for a “Shop Downtown” campaign to help businesses recover after the pandemic. It began in 2021 with a Christmas holiday shopping emphasis, but has expanded to include Valentine’s Day and other seasonal events. It uses everything from window clings and branded canvas bags to print, digital and social media marketing — with an emphasis on Instagram posts.

“Instagram is where we found our footing,” said Beth Brotherton, Greenville’s director of communications and engagement.

The city partnered with downtown businesses for Instagram giveaways. To be eligible to win prizes, contest participants are required to follow the city and any local business that donates an item. The campaign took off, and led to social media growth both for the city and individual businesses.

“The first year we had to wrangle businesses and say, ‘Hey, would you like to give something?’ Now, even the local arena this year said, ‘We’ve seen what you guys are doing, would you partner with us? We want to do something amazing for the Trans-Siberian Orchestra,’” Brotherton said.

That resulted in an Instagram giveaway kickoff to the holiday season that included tickets to the concert, a local bike taxi ride, dinner at a downtown restaurant and other items. Plus, the Trans-Siberian Orchestra saw the promotion and donated a signed guitar to the winner.

The city also used local Instagram influencers for the campaign, and this year added an Instagram influencer dog.

Greenville made a point to hire a professional photographer for downtown photo shoots with models. The photos have appeared in paid advertising for high-end magazines and local publications. This year, a two-page ad in a local weekly paper showcased the

photographs and included storytelling with local business owners.

“It gave their perspectives on why it’s important for people to shop local,” Brotherton said.

“Ultimately people do want to be cheerleaders for local. Sometimes they just don’t know what’s available or it seems too difficult. So, one of the things we do is add in free parking in all city garages. We make that part of the promotion.”

The campaign also highlights the impact downtown shopping has on a community.

“We looked at what can you do to raise awareness of not only why it’s important to shop downtown — that 70 cents on the dollar stays here — but also tell them ‘We’ve got cool stuff here.’ And if you want these cool businesses to be here next Christmas or next summer, let’s get serious about making this a vibrant downtown community.”

Brotherton’s advice for other cities: take advantage of strategic opportunities and be mindful of what type of retail the city has cultivated, incentivize shoppers through giveaways, talk to business owners about what they want and need, and invest in professional photography.



North Augusta Forward's Third Thursday events match later shopping hours with activities and concerts. Photo: North Augusta Forward.

In Hartsville, a “Heart of the Holidays” festival started in 2023 to encourage people to support downtown businesses, said Matt Winburn, Main Street Hartsville manager. Hartsville has long had a tree lighting the Thursday before Thanksgiving, but expanded it to a three-day festival to draw people downtown.

On the first night, businesses stay open late, with the tree lighting, dance performances, an artisan market and events at the stores.

“It brings upwards of 10 to 15,000 people from around the Pee Dee to Hartsville for that one night alone,” Winburn said. “Businesses see a great return. The main goal for that is we want to get our businesses in the black before Black Friday, before the holiday season even starts.”

On Friday, a wine and art walk was added, a partnership between Main Street Hartsville, a local arts nonprofit and about 15 downtown businesses that stayed open late to host artists, offer wine tastings and sell their products. The third day featured a morning carnival and craft show and an evening holiday ball. While the nighttime event was not downtown, Hartsville encouraged people to shop locally for their outfits and accessories.

“It was the first year for it, and businesses said they saw so many great rewards. They look forward to us doing it next year,” Winburn said. “Next year we’ll have additional activities now [that] we’ve tested the waters and know that we can pull this off.”

Hartsville also promotes its downtown through events during the year. A scarecrow decorating contest encourages downtown business and nonprofits to place a scarecrow downtown and encourages the community to walk the streets of downtown and vote for their favorite. A similar event is done for holiday window decorations for Christmas and Valentine’s Day.

In the past, residents have voted on Facebook for their favorites, “. . . but this year we really wanted to be sure people were going into the stores. So we made up QR codes so people would have to walk at least to the front door of the business to scan the QR codes,” he said. “The whole point of doing these is to get people downtown and into our stores.”

The city also added a new promotion last year – Destination Downtown. People could pick up a passport from downtown businesses, and for every \$10 spent, they got a passport stamp. Once \$200 was spent, they could turn the passport in to the visitor’s center for a drawing, with the grand prize a \$500 Main Street gift card, along with two \$50 prizes.

“This ended up being about a \$20,000 investment in downtown based on how many people turned in their passports,” Winburn said. “Our businesses said, ‘Yes, please do this again next year.’ They saw a lot of foot traffic from that.”

In North Augusta, Spears-Mahoney said establishing a merchants’ alliance group was the first step in developing ideas for promoting downtown. One of

those ideas was for a Third Thursday event, where businesses stay open until 8 p.m. with a downtown trolley helping people visit shops and restaurants.

“Our merchants’ alliance has a very collaborative spirit and is always looking for ways to support one another. Businesses have to commit to stay open in the beginning when [the event] doesn’t have the traction that it will several months later,” Spears-Mahoney said. “So having that committed group is the key to the success of any of these things.”

North Augusta also promotes getting people downtown through holiday events such as the popular Cocoa Cookie Crawl on the night of the city’s tree lighting, where each business offers cookies or cocoa to shoppers during the evening. In 2023, the city added Tinseltown Forest, a Christmas tree lot downtown selling wreaths and trees, with all-day music and food vendors.

“It was very successful in that, not only did people come out and enjoy the event, they also went and shopped and dined at local restaurants. That’s always our goal,” she said. “We do the event piece of it, but we want to be sure it’s ringing cash registers for our businesses and having that economic impact.”

North Augusta gets the word out by using social media, tagging all of the businesses and having them share the posts. It also uses newsletters, along with local TV, newspaper and radio interviews.

“Downtown is the backbone of our community,” she said. “These are the people that pour back into and support the community. It’s important to support them.”

*In 2023, the Municipal Association of SC and Main Street South Carolina launched WeShopSC, a statewide e-commerce marketplace, to support South Carolina’s small businesses. Learn more at WeShopSC.com.*



**WESHOPSC.COM**

# Impact Analyses Help Determine Annexation Feasibility

**W**hen growth occurs in a community, annexation of those growing parts of town can be an attractive prospect for municipal councils, since annexation grows the tax base and allows the municipality to expand its services.

Every time a city annexes a property, however, officials must consider the best interests of the city. The long-term benefits will often outweigh the short-term costs, but establishing new services can create a financial burden that new revenues, taxes and fees cannot offset. Especially in residential areas, cities can find that the new revenue will not cover the new costs, and so cities forgoing a proposed annexation is not a completely unusual outcome.

A formalized policy for evaluating annexation proposals can help the council make an informed decision. The Municipal Association's Annexation Handbook, available at [www.masc.sc](http://www.masc.sc) (keyword: Annexation Handbook), lists out many considerations that cities should account for in a feasibility study.

## Understanding existing and needed governmental services

This includes identifying the provider of each service and its contractual obligations, as well as the level of additional services needed. The analysis should identify the services to either be assumed by the municipality, or provided for the first time, and the timetable on which the city will provide these services.

## Understanding efficiency or feasibility issues in the area to be annexed

This includes identifying efficient service areas and areas that cannot be served in a cost-effective way.

Consider the case of the City of Charleston, where hazards ranging from flooding to sea level rise can impact both development and services. As such, the city will typically not annex properties in flood zones, and will make annexation decisions informed by its Future Land Use Comprehensive Plan, which accounts for anticipated changes to the coastline. The city's Planning, Preservation and Sustainability Department compiles a report for all annexation requests, including 100% petition annexations, which is made available to the public and relevant elected and appointed officials before consideration by city council and the planning commission.

The City of Columbia maintains an Urban Service Area Plan, which indicates areas outside the city that could reasonably be provided with city services. The plan is part of the community facilities element of Columbia's comprehensive plan, intended



to be updated every five years. For pending annexations, Columbia also sends notices to relevant city and county staff. The notice asks department heads to provide comments and recommendations on the potential annexation impacts, which are compiled for the city council as it makes a decision.

## Understanding revenue needs

This includes estimated revenues from taxes, fees and service charges, and also the impact and permitting fees of any development to take place.

The analysis should project the level of taxes and fees required to support services. For example, the Town of Summerville's fiscal impact analysis for annexations considers the projected number of new residents as well as the estimated cost of service delivery in various categories ranging from public safety to roads, drainage and recreation. For new residential developments, it uses a formula with an expected number of residents for each single-family home, townhouse or apartment, and then calculates the expected costs based on the costs indicated in the town's annual audits.

## Understanding property owner costs

This addresses the tax and fee costs to the property owner before and after the annexation. Many property owners assume that annexation will raise their taxes, but entering a city can involve the elimination of certain fees that property owners in unincorporated areas pay, so the true cost impact cannot be assumed. Municipalities including Columbia and Mount Pleasant offer online annexation cost calculators to help property owners understand the issues involved. The City of Charleston creates a tax comparison for potential annexations to outline the changes property owners could experience.



# ABOVE & BEYOND

## *Outreach Connects Residents to Council Meetings*

The SC Freedom of Information Act requires cities and towns to notify the public about public meetings at least 24 hours in advance. Municipalities must provide the agenda to the local media or anyone who requests it, and post it at the meeting location and on their website, if they have one. But this is the bare minimum.

Many cities and towns go above and beyond merely posting an agenda by distributing agenda packets and supporting materials, and making information available through a wider variety of communications channels in advance of the meeting.

The goal, these municipalities say, is to give residents the information they need to participate in decision-making and to understand why things are being done a certain way.

In the Town of Yemassee, the change to a more expansive notification system began in 2018, said Town Administrator Matthew Garnes. He and his team looked at what nearby cities and counties, like Hampton and Beaufort, were doing to see if there was room for Yemassee to improve.

“What we began doing was not only putting up the agenda on our website, but also all the agenda backup material,” Garnes said. “The idea was if the individuals can’t come to the meeting, they’re at least able to grasp an understanding of what the topics are that are going to be discussed and how that could potentially affect them.”

Those materials would include staff reasoning for recommendations, either for or against an agenda item, to provide the public with a better understanding of what was happening in a meeting. The town had just developed a good rhythm and consistency on its messaging when the COVID-19 pandemic shut everything down, Garnes said. Yemassee moved meetings online for seven months.

With the public and elected officials discouraged from meeting in one location, it was even more important to get as much information out as possible. Participants joined meetings remotely via Zoom and the proceedings were broadcast on social media channels.

“That taught us that we need to rethink how we’ve historically made the meetings accessible and how we’re letting people know about them,” Garnes said.

The city created a new website in 2021, and is adding the minutes of council meetings from previous years to create a robust, historically mindful archive.

“We have found meeting minutes as far back as 1999. We are scanning them in and attaching them to where they belong,” Garnes said.

Meetings are no longer streamed, but Garnes said his team is working on a way to get them online again. Attendance at meetings has increased tenfold since returning to in-person. More than 200 residents have signed up to get agendas for council and commission meetings.

The key to the expanded communications is consistency, which became difficult as the amount of information and the distribution channels increased. To keep up with growing demand, the town hired a communications manager who works about 15 hours a week to manage the

agenda postings and emails and to produce a weekly newsletter that reviews what happened at the last meeting and what’s on tap for the next meeting.

For the City of Greer, determining how best to reach a diverse population was essential to expanding its meeting notices beyond the requirements of state law.

“Transparency and inclusivity are key for our communications strategy,” said Reno Deaton, Greer’s economic development director. “We recognize that the where, the how and the when that people get information is very different. And so, part of what we want to do is make sure that we are presenting that information in a way, a time and a place where folks can consume it.”

Greer has a team of four workers focused on communications, but also used a consultant to help guide strategy.

“What we learned is that facts are important and we’ve got to be sure we are accurate,” Deaton said. “Folks also want to understand the emotion, the people involved and they want us to tell a full story.”

The city uses social media to amplify messaging and promote ways for residents to get involved. Greer posts regularly about upcoming meetings, as well as recaps of meetings and events. It also broadcasts its public meetings on YouTube.



*Greer offers its public meetings as videos on YouTube, and uses social media to share information about upcoming meetings. Photo: City of Greer.*

The communication team can even go more traditional when needed, as seen when the council was considering adopting a unified development ordinance recently. The city mailed reminder postcards about the special meetings connected with that vote in addition to their social media campaign. For its efforts, the city has seen robust growth in social media engagement and increased views of meetings online.

In the City of Tega Cay, sharing information helps residents stay engaged, but can also help the rapidly growing area stay ahead of speculation. In one recent example, the city helped clarify an issue involving its marina overlay district and the sale of a road.

“There had been a lot of confusion about the marina overlay district by the lake, a lot of misunderstanding about what’s going on over there,” said Gretchen Kalar, Tega Cay’s social media and information specialist. “Rather than just covering that at a city council meeting or talking to city staff, we went another route and published a fact sheet to our website. That is one of the top four things that people have gone to our website to find recently.”

She uses a variety of channels to keep residents up to date on meeting agendas, including electronic billboards at city hall. All committee meetings are published there, some as much as two weeks in advance.



*Beyond regular social media announcements of meetings, Tega Cay recently used postcards to highlight public meetings discussing a unified development ordinance. Photo: City of Tega Cay.*

For the town’s social media channels, Kalar uses a scheduling app to be sure information gets pushed out at least 24 hours in advance, but also at times when her audiences are most likely to see the posts.

“Those do really well,” she said. “We cover a lot of bases and a big audience when we are trying to alert people to meetings and public hearings.”

Kalar said she is using feedback from residents who want to know more about what’s going on in city government to create more detailed posts for meetings and public hearings. She has learned, however, that engagement doesn’t always mirror interest.

On the Friday afternoon before the council meeting that would be taking up the first step in the town’s deer-culling

program, Kalar said her Facebook post on the issue got a single “like” for its total engagement.

“Social media is a learning game,” she said. “Something might go viral and something might not do anything.”

In the case of the deer discussion, that one “like” was not a true gauge of interest. The subsequent meeting was packed.

“Did the post work? Well, we had a packed house at that meeting. People knew about it. At some point they were informed,” she said.

### **Does changing agenda support material constitute “adding an item to the agenda?”**

FOIA requires public bodies post meeting agendas at least 24 hours before the meeting, and then not add any agenda items without an additional 24-hour notice to the public.

Is a change to the materials that accompany the agenda “adding an item” to the agenda? In a recent unpublished decision, the SC Court of Appeals clarified that the agenda itself is only the short list of items to be considered at the meeting, and therefore changing the supplemental materials is not “adding an item” to the agenda.

Municipalities should be careful, however, to clearly distinguish the agenda itself from the supplemental information, which should be described as the “agenda packet” or a similar descriptive term.



*Yemassee Town Administrator Matthew Garnes speaks at a community zone meeting. Yemassee hosts monthly meetings in its four planning zones to give updates on projects and events. Photo: Town of Yemassee.*

# Manage Public Comment Periods Cautiously

**P**ublic comment sessions during city council meetings can be a valuable way for residents to engage with their local government and elected leaders, but they can easily become a source of conflict.

Speakers might continue their comments for excessive amounts of time, or even intentionally disrupt the council's business. Sometimes, councilmembers might respond angrily, or handle different public comment participants inconsistently.

Councils who establish public comment sessions need to plan and conduct them carefully. Established rules of procedure can limit the time allowed, the conduct or the number of speakers.

Here are some key things to remember about public comment periods:

**There is no requirement to have public comment sessions.**

Public comment — a time set aside to hear from the public on any number of issues — is not the same thing as the public hearings required by state law. SC Code Section 6-1-80 requires a public hearing before the council adopts an annual budget, while SC Code Section 6-1-330 requires a public hearing before adopting a new service or user fee. State law does not require public comment periods.

**Manage the public comment sessions carefully, lay out the expectations for a commenter's conduct and how the session will proceed at the beginning.**

Rules can focus on many points:

- When in the meeting the public may speak — often at the beginning or end of the meeting.
- Whether speakers must sign up in advance of the meeting.
- How long a person may speak. A 2023 SC Attorney General's opinion addressed a case where public comment rules allowed only three minutes per speaker, and noted that

"[t]his Office cannot definitively state when the amount of time permitted is so short a court would find it unreasonable."

- Whether speakers may comment upon only matters on the agenda or any topic. The 2023 attorney general opinion found that a "relevancy requirement" would be legal, which could require that speakers confine comments to matters that are within the scope of the municipality's business.

The council can also communicate, on the agenda and verbally, to participants that the rules exist to ensure that councilmembers have adequate time to discuss critical issues, and to preserve order in the meeting. It can be useful to note that the comment period is the only portion of the meeting when the council will receive comments from attendees during the meeting.

Councils that set time limits will often display a timer so that the individual speakers know when they must conclude their remarks.

**Be prepared for the possibility of public comments at a meeting sending it into disorder.**

Sometimes, rules and preparations are not enough to maintain order — for example, a large group of people attending a meeting to express anger over a specific issue. Some councils have rules or ordinances authorizing the presiding officer to stop public comments that either the chair or a majority of council determine to be uncivil, contentious or disruptive.

Although it is legal to remove a person who violates rules from a public meeting, councils should exercise caution when doing this, and be mindful to avoid infringing on First Amendment rights in the process.

*Learn more about conducting meetings in the How to Conduct Effective Meetings handbook at [www.masc.sc](http://www.masc.sc) (keyword: conduct effective meetings).*

# Best Practices for Newly Elected Officials



**B**eginning service as a city or town councilmember can be a daunting prospect. Newly elected officials must understand their municipality, the state laws that govern how municipal government works, and even how to navigate conflict resolution with their fellow councilmembers.

Here are some best practices that can help newly elected officials as they get started:

## **Get to know the municipality's operations.**

Encourage fellow elected officials and staff to provide orientations on municipal operations and current issues. One valuable way to learn about the municipality and its operations is by reading through the ordinances passed and meeting minutes from at least the previous year.

## **Attend the Municipal Association's Municipal Elected Officials Institute of Government.**

The MEO Institute covers everything from how meetings work to employment law, planning and zoning, goal setting, business license tax administration, ethics, intergovernmental relations, municipal courts, finance and economic development, among others. It also offers both in-person and online courses. Learn more at [www.masc.sc](http://www.masc.sc) (keyword: MEO).

## **Understand the municipality's form of government.**

South Carolina law allows municipalities to choose their governance structure from one of three forms: the council form, the mayor-council form, and the council-manager form. Each of the three has its own regulations for the powers vested in the council, the mayor, and the administrator or manager, if any. It's important for councilmembers to respect the roles and responsibilities of officials and staff in their form of government.

The Municipal Association's *Forms and Powers of Municipal Government* handbook explains all the differences between the three, and is available at [www.masc.sc](http://www.masc.sc) (keyword: Forms and Powers). The MEO Institute also offers a "Forms of Municipal Government" course.

## **Know how to work collaboratively.**

Councilmembers need to understand that their council operates as a team, and need to develop and maintain positive

working relationships with each other and with municipal staff. As they voice their positions on the issues they consider, they need to take care to avoid being disrespectful and avoid personal attacks.

The Municipal Association, as part of its ongoing civility in local government initiative, offers a variety of resources, including a resolution that councils can adopt to promote civility, as well as a civility pledge. Learn more at [www.masc.sc](http://www.masc.sc) (keyword: civility).

The Association also offers the *How to Conduct Effective Meetings* handbook at [www.masc.sc](http://www.masc.sc) (keyword: Effective Meetings). It includes guidance on everything from adopting rules of procedure; how the presiding official and other councilmembers should act, make motions and handle voting; and how to manage the legal requirements of the meeting.

## **Be familiar with the SC Freedom of Information Act.**

The South Carolina Freedom of Information Act governs a huge number of important issues for local governments:

- How public bodies such as city councils give notice of their meetings
- How public bodies conduct their meetings, including executive sessions in some limited instances
- How minutes of public meetings are to be compiled and maintained
- How governments must release public information in response to FOIA requests, including deadlines and what information may be exempted

The SC Press Association offers a thorough guide to FOIA issues in its *Public Official's Guide to Compliance with the S.C. Freedom of Information Act*. Find the guide at [www.masc.sc](http://www.masc.sc) (keyword: FOIA).

*To help newly elected mayors and councilmembers transition into their new roles, the Municipal Association has developed an on-demand course, "The Five Basics of Effective Governing." The course provides basic information about municipal governance that is helpful during an official's first few months in office. Learn more at [www.masc.sc](http://www.masc.sc) (keyword: Newly Elected Officials.)*

# Executive Session **FAQS**

## **Q.** What is the purpose of an executive session?

Occasionally, city and town councils may find that they need to use an executive session — a portion of their meeting that is closed to the public — for a purpose defined by the SC Freedom of Information Act, described by SC Code Section 30-4-70. Executive sessions need to carefully follow state law and be used only when absolutely necessary.

FOIA allows four reasons for executive session to allow for confidentiality that promotes the overall public good:

1. discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee, or an appointment to a public body;
2. discussion of negotiations incident to proposed contractual arrangements, discussions of a proposed sale or purchase of property, receipt of legal advice, settlement of legal claims or discussions of the public agency's position in adversary situations, discussion about development of security personnel or devices;
3. investigative proceedings or allegations of criminal misconduct; and
4. discussion of matters concerning the proposed location, expansion or provision of services encouraging location or expansion of industries or other businesses in the area served by the public body.

## **Q.** How does a council properly enter executive session?

Before going into executive session, the council must vote, in open session, to enter executive session and state the specific purpose and open meeting exception for the closed-door meeting. They should cite the particular portion of FOIA, including a description of the reason why they are entering executive session, as required by SC Code Section 30-4-70(b).

The motion to enter executive session should be as specific as possible without compromising the issue. For example, the motion could be "to go into executive session to discuss applications for employment within [a specific department]" or "to discuss negotiation of a contract and receipt of legal advice related to a building project."

## **Q.** Who determines whether council can enter executive session?

The full council votes on entering executive session. Because the sessions are typically listed on the meeting agenda, councilmembers will often motion to enter executive session at the specified point in the agenda.

## **Q.** Once in executive session, can the council discuss any topic?

Since FOIA requires that the council vote on entering executive session only to discuss a specifically identified matter, the council must confine its executive session discussion to that matter only. Some councils will place a motion on the agenda to verify that only those items stated in the motion to enter executive session were discussed during the executive session.

## **Q.** Can votes be taken in executive session?

Votes and informal polling of members may not take place in an executive session. The only action that can be taken in an executive session is to adjourn or return to public session.

As noted in SC Code Section 30-4-70(b), councilmembers "may not commit the public body to a course of action by a polling of members during executive session." SC Code Section 30-4-70(c) specifically states that "no chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of requirements of" the SC Freedom of Information Act.

## Q. Can a council vote to enter executive session without an item appearing on the agenda?

The council can vote to enter executive session this way. However, SC Code Section 30-4-80 places restrictions on the council's ability to add action items to the agenda after the 24-hour public notice period required by FOIA, and in most cases, agenda items cannot be added.

Because of this, a council that enters executive session without the session and the subsequent action items listed on the agenda would not be able to take action afterward during the meeting. Councils with an executive session listed on the agenda can indicate on the agenda that when they return to open session, the council may take action on the matters discussed in executive session.

## Q. Who may be allowed into an executive session?

Only the elected or appointed members of the public body meeting in executive session have the right to attend to executive the session. But the public body may, by majority vote or consent, allow additional participants to join the members in executive session. For example, the public body may allow human resources staff to join an executive session on a personnel

matter, or attorney to join an executive session on a legal matter. Council may choose to allow the clerk to join the session, but if so, the clerk should not take minutes.

## Q. What are the consequences of misusing executive sessions?

Convening an unauthorized executive session, discussing items not eligible for executive session or not disclosed as part of the motion to enter executive session, or voting on an item in executive session are violations of state law. These actions can result in injunctive relief, civil fines, awards of attorney's fees and invalidation of official actions related to the violation.

Beyond the legal consequences, improper use or overuse of executive session can greatly erode public trust in government. If residents see their councilmembers frequently entering into executive session, they are likely to assume that their elected officials are aiming to hide their actions. In cases where councilmembers feel that an executive session discussion should have taken place in open session, they should share their concerns with the rest of council and ask for the municipal attorney's advice before sharing any information.

*Learn more about executive session in the Public Official's Guide to Compliance with the S.C. Freedom of Information Act at [www.masc.sc](http://www.masc.sc) (keyword: FOIA).*

## Association Highlight:

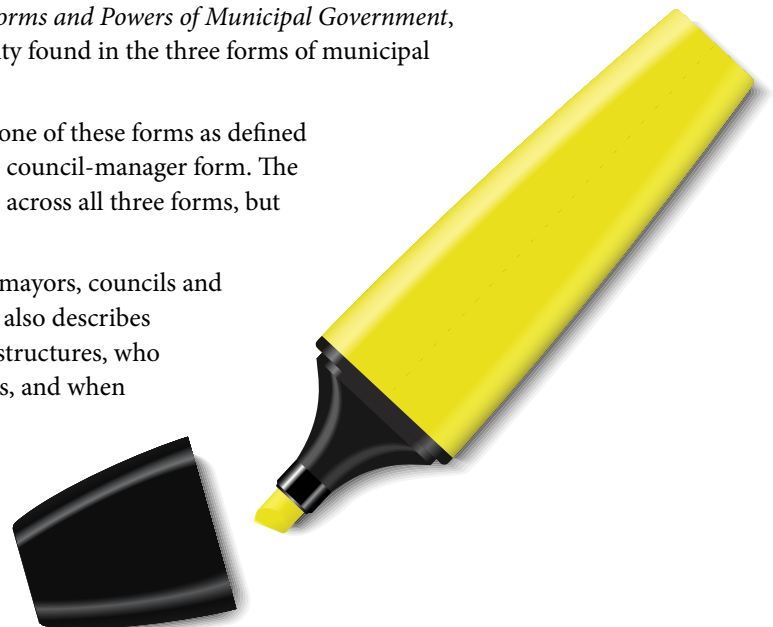
### *Forms and Powers of Municipal Government Handbook*

The Municipal Association of SC offers city officials and staff access to publications covering a wide variety of local government topics. One of these, the *Forms and Powers of Municipal Government*, details the municipal operations and divisions of responsibility found in the three forms of municipal government used in South Carolina.

The state's municipalities must structure themselves using one of these forms as defined in state law: the mayor-council form, the council form or the council-manager form. The legislative functions of city and town councils work the same across all three forms, but other functions differ significantly.

The handbook articulates the powers given by state law to mayors, councils and city managers or administrators under the different forms. It also describes who performs administrative duties under each of the three structures, who supervises departments and appoints and removes employees, and when officials can delegate authority.

*Find the handbook at [www.masc.sc](http://www.masc.sc) (keyword: Forms and Powers).*



## Avoid Adopting an Agenda as an Action Item

**M**any cities and towns include adoption of the agenda as the first item of business on the agenda for their public meetings. Should they?

According to Robert's Rules of Order, the agenda is not binding unless it is adopted by the body, and the rules state that "[i]n cases in which an agenda is adopted, usually this is done at the outset of a session ...." However, state laws and local ordinances will override Robert's Rules, even if the body has explicitly adopted Robert's Rules as its parliamentary procedures.

The South Carolina Freedom of Information Act states requirements and provides context for public meeting agendas. In particular, the General Assembly amended FOIA in 2015 to

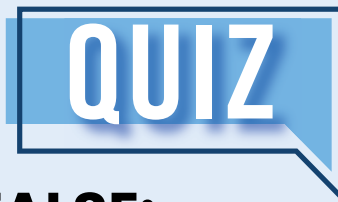
provide that "[a]n agenda for regularly scheduled or special meetings must be posted ... at least twenty-four hours prior to such meetings." Once the agenda is posted, the council may add items to the agenda only by posting a new, timely notice, or by securing a 2/3 vote of the body.

In this light, the adoption of an agenda at the meeting itself is largely redundant. By operation of the 2015 FOIA amendments, the agenda is legally "adopted" when it is posted. In fact, including adoption of the agenda as an action item is likely more problematic than useful. Because the body may add an item to the agenda only in exceptional circumstances, councilmembers may misunderstand

the latitude they have in adopting the agenda.

Because of this, the Municipal Association of SC recommends against including adoption of the agenda as an action item at public meetings. Instead, the council should have a set procedure for setting or assembling the items on the agenda. Most local codes delegate the power to set the agenda to a single person, usually the mayor or the manager.

Under this approach, the agenda would be considered to be adopted — and would therefore be binding on the body — no less than 24 hours before the meeting. Holding a formal vote on the matter would be unnecessary.



### TRUE OR FALSE:

The notice for a public hearing on the budget of a city or town government must be published in a newspaper of wide circulation at least 15 days before the hearing.

**TRUE** The notice for a public hearing on the budget must be published in a newspaper of wide circulation no less than 15 days prior to the hearing. Follow the guidelines outlined in SC Code Section 6-1-80. The notice must give the date, time and location of the public hearing; the total revenues and expenditures from the current operating fiscal year's budget; the proposed total projected revenue and operating expenditures estimated in the next year's budget; the current millage and the estimated millage for the next fiscal year.

*The Municipal Elected Officials Institute of Government offers in-person and online courses. "Basic Budgeting and Municipal Finance" is offered as an on-demand course online, and will also be offered as an in-person course at selected regional councils of governments locations on March 19. The registration deadline for the in-person course is March 11. Learn more at [www.masc.sc](http://www.masc.sc) (keyword: MEO).*





# Municipal Association of South Carolina

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## Calendar

For a complete listing of the Association's training opportunities, visit [www.masc.sc](http://www.masc.sc) to view the calendar.

### MARCH

- 6 SC Business Licensing Officials Association Spring Training Institute and Advanced Academy.** Cooperative Conference Center, Columbia.
- 7 SC Association of Stormwater Managers First Quarter Meeting.** Cooperative Conference Center, Columbia.
- 11 – 13 SC Utility Billing Association Annual Meeting.** Marina Inn at Grande Dunes, Myrtle Beach.
- 19 Municipal Elected Officials Institute of Government: Basic Budgeting and Municipal Finance.** Regional Councils of Governments locations.
- 20 – 22 Municipal Clerks and Treasurers Institute.** Hilton Garden Inn/Home2 Suites, Columbia.
- 21 Municipal Technology Association of SC Spring Meeting.** Cooperative Conference Center, Columbia.
- 26 Risk Management Services: Defensive Driving Course.** Municipal Association of SC, Columbia.

### APRIL

- 12 Municipal Court Administration Association of SC Spring Meeting.** Cooperative Conference Center, Columbia.
- 16 – 17 Risk Management Services: OSHA 10-Hour Training.** Municipal Association of SC, Columbia.
- 18 SC Municipal Finance Officers, Clerks and Treasurers Association Spring Academy.** Cooperative Conference Center, Columbia.
- 21 Business Licensing Essentials Training.** Virtual
- 25 SC Municipal Human Resources Association Spring Meeting.** Cooperative Conference Center, Columbia.

### MAY

- 8 – 10 SC Community Development Association Annual Meeting.** Cambria Rock Hill – University Center, Rock Hill.
- 14 Recruiting and Hiring Law Enforcement Officers/Distracted Driving for Law Enforcement Training.** Cooperative Conference Center, Columbia.
- 21 Municipal Elected Officials Institute of Government: Freedom of Information Act in SC and Municipal Governance Policy.** Regional Councils of Governments locations.

### JUNE

- 2 – 5 SC Association of Municipal Power Systems Annual Meeting.** Embassy Suites, Myrtle Beach.
- 6 SC Association of Stormwater Managers Second Quarter Meeting.** Cooperative Conference Center, Columbia.
- 12 SC Business Licensing Officials Association Accreditation in Business Licensing Exam.** Municipal Association of SC, Columbia.
- 12 – 14 Main Street SC Managers' Summer Retreat.** Location to be determined, Florence.
- 25 – 26 Municipal Court Administration Association 101 Session A Training.** Municipal Association of SC, Columbia.

### JULY

- 17 – 21 Municipal Association of SC Annual Meeting.** Hyatt Regency Greenville.

### AUGUST

- 6 Risk Management Services: Defensive Driving Course.** Gignilliat Community Center, Seneca.
- 12 SC Business Licensing Officials Association Accreditation in Business Licensing Exam.** Municipal Association of SC, Columbia.