



# UPTOWN

a publication of the municipal association of south carolina

## Communicating After (and Before) the Storm

### Public Safety Leaders Talk Crisis Communication

The aftermath of the shooting of several law enforcement officers in Florence last October left a grieving community stunned at the magnitude of the event. Veteran Florence police officer Sgt. Terrence Carraway was killed, and Florence County Sheriff’s Investigator Farrah Turner would die of her injuries several weeks later. Five additional officers were wounded.

In discussing the communication efforts that took place during the first hours of what he described as a fluid and convoluted event, Florence Police Chief Allen Heidler said that his very first messages were for his officers and their families at the hospital, conveying how the department would be caring for them.

Following that critical step, and still in the hours after the event, he said he knew that “as a representative of the city, that I had to get in front of the cameras,” alongside Florence County Sheriff Kenney Boone and Mayor Stephen Wukela, getting information out to the community they serve every day.

Heidler spoke as part of a panel on crisis communication during the Municipal Association’s Hometown Legislative Action Day. He noted that communication at such times is vital and his department prepares for it, but the unimaginable, if it happens, can still be an extraordinary

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Heather Hoopes-Matthews led the crisis communication panel during Hometown Legislative Action Day with Florence Police Chief Allen Heidler, Conway Fire Chief Phillip “Le” Hendrick Jr. and Darlington Police Chief Kelvin Washington.

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test. He lost a friend that he and his department had known for decades, and the national media picked up the story quickly. Balancing the need for open communication and the needs of the investigation, Heidler said the department received positive feedback for being upfront.

“You have to make snap and appropriate decisions because this is something that has affected your entire community, the state and the nation,” he said.

Conway Fire Chief Phillip “Le” Hendrick Jr. also participated in the forum, describing his department’s experiences with disaster communication going back to the 2015 flood. Hurricane Matthew showed them the importance of social media communication, but he said that social media’s focus on individuals created different perspectives and variations of information.

When Hurricane Florence arrived, they wanted to push a single, “clear and concise” message. During the 21-day emergency period, Hendrick said the City of Conway Facebook page reached 1.4 million people.

A key challenge for the Conway Fire Department was that the hurricane dumped an extreme amount of rain upriver, so that much of the flooding arrived well after the storm itself. Hendrick described the advance flood modeling projections, which guided the department as it determined which neighborhoods to warn. Many locations had no previous record of flooding, which added to the challenge.

“Honestly, because we were so far ahead of most of the concerns or questions, we didn’t have a lot of complaints,” he said. “There was a lot of positivity back to us for being so transparent.”

Panelist Kelvin Washington, the police chief of Darlington, discussed the importance of having a police or fire chief — the person whose knowledge comes directly from heavy involvement in responding to the event — be the one who personally provides initial information.

Washington also spoke about the difficulties of recruiting and retaining officers in the current economic climate. He advised the audience to accept that potential recruits are looking at multiple departments, since many have

openings, and reminded them that candidates now at the beginning of their careers are scrutinizing benefits packages closely.

Agencies, he said, need to be creative in determining what can make recruitment work for them and should pay careful attention to what they learn in exit interviews.

“We’re going to have to become a lot more competitive in our recruiting,” said Washington.

*Listen to the audio of the crisis communication session and other 2019 Hometown Legislative Action Day sessions at [www.masc.sc](http://www.masc.sc) (keyword: HLAD).*



# Understanding Sovereign Citizens' Tactics and Threats

Federal Bureau of Investigation documents describe "sovereign-citizen extremists as comprising a domestic terrorist movement," although one without a leadership structure and which forms loosely affiliated groups only.

They may reside in the United States, but they hold themselves not subject to its laws, or in other words, they claim personal sovereignty. Sovereign citizens can consider federal, state and local governments to be illegitimate.

As a result of these beliefs, they are known to avoid paying taxes; fabricate their own invalid license plates, driver's licenses or currency; engage in frivolous or harassing legal actions; and refuse to respond to court orders. They can engage in further crimes as well, ranging from threatening public officials, judges or law enforcement; impersonating officials such as police officers; or instigating various white-collar scams. The FBI also cautions that their crimes can even escalate as far as physical assault or murder.

Here are some recent examples of federal sovereign citizen cases that resulted in convictions:

- A Colorado man with numerous debts attempted to stop collections attempts by forging millions of dollars' worth of false financial documents and submitting millions worth of false claims to the U.S. Department of Agriculture.
- A group in Pennsylvania identified foreclosed houses and crafted paperwork proclaiming their ownership of

more than 70 such properties. They proceeded to live in the homes and sell houses to unknowing homebuyers. They additionally filed hundreds of false tax forms against police officers, judges and other government officials as a harassment tactic. None of the victims were able to keep the homes. A 2016 South Carolina case found five defendants guilty of conspiracy to commit wire, mail and bank fraud. At trial, they were shown to have stolen \$2 million from the IRS and to have attempted to steal more than \$12 million through fraudulent tax returns.

- A Texas man, released from prison after earlier convictions, filed fraudulent liens claiming he was owed millions of dollars from a federal prosecutor and judge. This tactic has been called "paper terrorism."

*During the Municipal Court Administration Association of SC Spring Meeting, April 12 in Columbia, and during the Building Officials Association of SC Annual Meeting, May 5 – 8 in North Myrtle Beach, Lt. John Dyas of the Spartanburg County Sheriff's Office and FBI Joint Terrorism Task Force will discuss the current threat of sovereign citizens in South Carolina, including the documentation they are filing in the clerks of courts, registers of deeds and finance systems, as well as how officials can handle sovereign citizens. For more information, visit [www.masc.sc](http://www.masc.sc) (keyword: municipal court or keyword: building officials.)*

## NEWS BRIEFS

The **SC Business Licensing Officials Association** recently awarded four individuals with the Master in Business Licensing designation: Melissa Brown, Municipal Association of SC; Alvin Chambers, Town of Kingstree; Susan Gainey, Municipal Association of SC; and Cynthia McMillan, City of Orangeburg.

The SC Department of Disabilities and Special Needs presented its Silver Palmetto Award to the **City of Aiken** at the Municipal Association's 2019 Hometown Legislative Action Day. This award thanks municipal governments for their leadership and actions that support people with disabilities and special needs.

Lori Sondov, the deputy city clerk for the **City of Greenville**, completed her capstone project for the Municipal Clerks and Treasurers Institute.

The new website for the **City of Inman**, [CityofInman.org](http://CityofInman.org), and its creator, Stratatomic, won the 2018 Best in Class Interactive Media Award in the government category from the Interactive Media Council.

The **Municipal Association of SC** announced new staff members: Anita Lancaster, collections analyst, and Chassidy Sistrunk, underwriter, joined the staff in February; and Lisa Dunkley, accountant for Risk Management Services; Harriett Robinson, senior claims adjuster; and Eric Shytle, general counsel, joined the Association in March.





# Licenses

## Standardizing Business License Practices

**T**he business license tax is a critical source of revenue that cities and towns use to fund the services they provide. Of the state's 271 municipalities, 230 require business licenses, and the revenue from those can comprise up to one half of the general fund budget in some cities.

Maintaining this valuable funding mechanism means that cities need to show to businesses and lawmakers that they are committed to business-friendly practices. The many enterprises that conduct business in multiple South Carolina municipalities can face a frustrating maze of various license renewal due dates or divergent categorizations of their business and how it should be taxed. Standardization can replace this kind of uncertainty with a fair process that makes operating within cities easier, with standard gross income periods and renewal dates.

### Standard application

In 2014, the Municipal Association of South Carolina created the Standardized Business License Application, available

at [www.masc.sc](http://www.masc.sc), which was designed to meet the needs of businesses that operate within multiple jurisdictions. Municipalities that either adopt or accept the application can help make the licensing process easier.

### Model ordinance

Municipalities can fully standardize practices by adopting the model business license ordinance. The ordinance provides a class structure based on the North American Industry Classification System and IRS statistics, which the Association updates every two years. The ordinance has stood up under multiple court challenges.

Of the 230 cities and towns with business licenses, 121 use the model ordinance, sometimes adopting amendments to reflect local priorities. These include municipalities of every size, including 50 with populations of less than 2,000; 56 with populations from 2,000 – 20,000; and 15 with populations of 20,000 and above.

### Moving toward standardization

Business licensing work has many moving parts, and standardization can be a significant undertaking. Many cities and towns that have started this effort have set up a schedule of incremental standardization over several years. Those interested in planning out a gradual process can learn more by contacting the Association's Manager for Collection Programs Caitlin Cothran ([ccothran@masc.sc](mailto:ccothran@masc.sc)) or Research and Legislative Liaison Melissa Carter ([mccarter@masc.sc](mailto:mccarter@masc.sc)).

*Learn more about business license tax processes in the Association's Business License Handbook at [www.masc.sc](http://www.masc.sc) (keyword: business license). City business licensing officials can also receive training about professional best practices from the SC Business Licensing Officials Association.*



# Get Ready for the Annual Meeting Registration Appointment

The time has come to get ready for the 2019 Municipal Association of South Carolina Annual Meeting.

This year's meeting will take place July 18 – 21 at Greenville's Hyatt Regency. As in previous years, the registration process will ensure that municipal officials have priority for reservations and ticketed events.

On Tuesday, May 7, the Association will draw city names to determine the order of registration appointments for cities and towns, providing a fair process for all those interested in attending.

## Important dates

- **April 8** – Agenda and registration information posted online. Registration brochures mailed.
- **May 28, 29 and 30** – Cities with a phone appointment register on one of these days. During the appointments, the order of which will be determined by a drawing on May 7, an Association staff member will call the city representative to start the online registration/reservation process. A city's representative must have completed registration forms in hand, including housing and meal ticket requests, for each person to

be registered during the city's call. During the online process, the city representative will use a Visa or MasterCard to make hotel reservations and register municipal attendees for the meeting. (Tip: Make sure the credit card has a sufficient credit limit and per-transaction limit.)

- **May 31** – Online meeting registration opens for cities without appointments and nonmunicipal officials.
- **June 16** – Deadline to make hotel reservations.
- **July 1** – Deadline to register for Annual Meeting.
- **July 18 – 21** – Annual Meeting.

## Municipal Clerks Week Arrives in May

The International Institute of Municipal Clerks is marking the 50th anniversary of Municipal Clerks Week this May 5 – 11.

The position of city clerk is the only municipal staff role that is required by state law for every one of South Carolina's 271 cities and towns, no matter the size or form of government.

The clerk is required to give notice of council meetings to councilmembers as well as the public, keep minutes of council meetings and perform other duties as assigned. It's a job that requires substantial

knowledge of how local government operates and the ability to carefully manage huge amounts of public records, digital or otherwise. Mayors, councilmembers and city managers all rely on clerks in making local government work effectively.

Among the largest cities, a staff member is usually dedicated to the clerk position full time. In midsize and smaller cities and towns, clerks often wear multiple hats. A clerk/treasurer role is a common combination.

As the roles of clerks have evolved over time, so too has the state's only

professional organization serving them, the SC Municipal Finance Officers, Clerks and Treasurers Association. MFOCTA is a co-sponsor of the Municipal Clerks and Treasurers Institute, a three-year program which, along with a capstone project, counts toward the International Institute of Municipal Clerks' Certified Municipal Clerks designation.

*Find a sample Municipal Clerks Week resolution for a city or town council at [www.masc.sc](http://www.masc.sc) (keyword: Municipal Clerks Week).*

# A Day in the Life of a

# Lineman

It's one of the most welcome sights after a hurricane blows through or an ice storm freezes a town: a utility truck rolling into the neighborhood with linemen aboard, ready to climb poles, repair lines and restore power.

Linemen install, maintain and repair high-powered electrical lines, scale poles to repair overhead lines, and inspect lines in need of repair or replacement. In some cases, they install underground lines. It's a job that often finds them working outdoors at a time when everyone else wants to be indoors, safe and protected from the elements.

"I guess looking from the outside it looks miserable, but to be honest it's a great satisfaction to be able to do this kind of work," said Kalen Sipes, a lineman for the Laurens Commission of Public Works. "To be able to be out in those conditions, it's an adrenaline rush. And it's a fulfillment, helping people who can't help themselves in that situation."

In some ways, Sipes, who has done line work for about a decade, was born into the job. His father spent his career working for the utilities department. When he was growing up, there was always a bucket truck parked in his family's yard, ready to respond to neighbors in need.

"I respected what he did and I looked up to him as a leader," Sipes said. "I knew that was the kind of person I wanted to be."

Robert Lance of Seneca Light and Water began working in the utilities department the summer after he graduated



*Kalen Sipes describes line work as a rewarding job that allows him to help others in difficult situations. Photo: Laurens Commission of Public Works.*

from high school. What he expected to be just a summer job turned into a career. He did line work for 23 years and now is the electric department manager.

"I liked being outside, the construction part of it," Lance said. "It's a service you're providing to the community, you're helping people out. That's an exciting day for a new

homeowner, when they get their electricity turned on."

A typical day for linemen — when they aren't responding to emergency calls — can involve changing out poles that have been damaged or have rotted. Linemen must inspect poles continuously to see if there are any signs of rotted wood or undetected water damage. Poles can also be damaged by falling trees or vehicle collisions.

A pole can be anywhere from 30 to 60 feet tall. Replacing one is a big job, typically performed by two linemen working above in a bucket truck with others on the ground providing them material. The workers replace not only the electrical lines and transformers, but any other utility lines that are connected to the pole, like telephone or cable lines.

Other duties for line crews include installing connections for new construction, substation work, reconnecting lines to larger conductors, underground installation and converting overhead lines to underground ones, which can be more common in some downtown areas.

Line work can, of course, be dangerous. "You always have to be aware of your surroundings. We work on energized lines," Lance said. "You can't physically look at them and tell they are energized. You have to constantly test it."

And it's not just the electricity that can be dangerous.

"Sometimes, we are out there before a storm is over, in a bucket truck when there's hurricane winds. We're out there

in the rain. Or, we're on the side of the road changing a pole and people on their phones are walking by, not paying attention," Sipes said. "Yes, it can be dangerous."

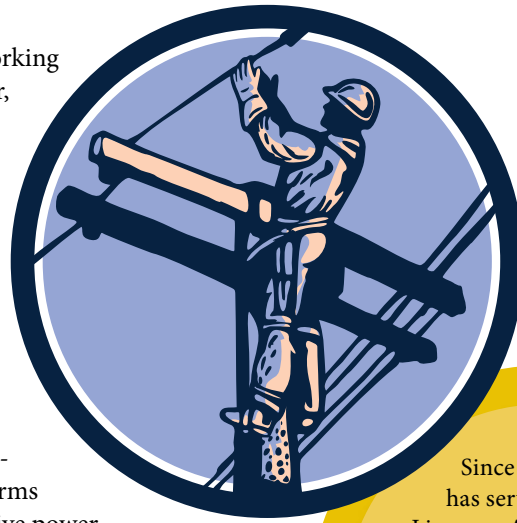
Even so, it can be rewarding public service work.

Sipes remembers a night a few years ago when a strong storm blew through Laurens. He was on call when he got the word that a large tree had fallen across the carport at an elderly couple's house, crushing their car and ripping the power lines out of their home.

"I was the first one on the scene, and the look on their faces was just devastation. They had no power, and their car was under the tree. They didn't know what to do," he said. "That touches you a little bit. I was able to get the power [line] over the tree and hooked to the house. They hugged me. That's what means a lot to me. The money is a big thing, but helping people is another big thing. Especially people who can't get out and take care of it."

Along with working regular eight-hour, five-days-a-week schedules and on-call shifts, linemen also respond to emergencies outside the town limits, to help out neighboring cities or states where hurricanes or other storms have caused massive power outages.

"Most linemen are itching to go, to help people out," Lance said. "It's hard work during storms — long hours, difficult conditions. But it's rewarding to line crews to be able to say we went and restored power. We make sure there is nothing standing in the way to help people get back to normal life."



Since 2013, April 18 has served as National Lineman Appreciation Day, a time to recognize those in the profession who labor high in the air, around the clock, and immediately after storms or other disasters to provide steady and safe power to their communities.

# Understanding and Reducing Weapons Confusion

One of the best-known examples of "weapons confusion" occurred in 2009 on San Francisco's Bay Area Rapid Transit system. An officer, believing he was drawing his stun gun to use on Oscar Grant during an arrest, actually drew his pistol, fatally shooting Grant in the back.

The officer involved was ultimately convicted of involuntary manslaughter, showing how weapons confusion can lead to criminal liability as well as civil liability. Multiple U.S. circuit courts of appeals have ruled that mistakenly firing a firearm rather than a conducted electrical weapon is an unreasonable use of force. Gerald Takano, a retired Raleigh, N.C. police officer and use of force expert, described weapons confusion as "an unintended trained response," one that agencies can work to reduce in likelihood, but cannot completely eliminate "when there are

similarities between weapon shape and operation."

One solution suggested several years ago was to position pistols and stun guns on different sides of the officer's body, but this has not reduced weapons confusion, Takano said. He created his own study to determine how much training is needed to address weapons confusion. During the study, students were instructed to repeatedly draw either their guns, pepper spray or stun guns at random. Initial sessions had high rates of capture error, or error in which a person accidentally performs one action when intending to perform another less familiar action, but these decreased with practice.

"The good news is with as little as four 15-minute sessions of this basic drill, the capture error rate dropped below 10 percent," he said. "Adding more complex drills and reality-based training

and testing further reduce capture error probability."

There are other errors to consider too: targeting, safety levers or trigger squeezes.

"Identification and targeted training are how we reduce the risk of capture errors. It is important instructors and managers have training on capture errors and how to manage them," Takano said.

*Takano will discuss use of force, including the causes of use-in-force encounters and unreasonable use of force, at the SC Municipal Insurance Trust and SC Municipal Insurance and Risk Financing Fund Law Enforcement Liability Training. The training will take place May 6 in Greer, May 7 in Columbia, May 8 in Summerville and May 9 in Florence. The deadline to register is April 29, and seats are first-come, first-served. Learn more at [ww.masc.sc](http://ww.masc.sc) (keyword: resistance simulator).*



# Envisioning the Potential of South Carolina's Downtowns

In many ways, Kingstree, Florence and Greenville have little in common. Each municipality vary greatly in population, geography and history. Each city, however, has a vision for downtown, and a team that drives that vision. Leaders in these communities recognize that their downtown is the prism through which everyone sees how the city is prospering, and a strong downtown is a sign of a strong local economy.

## Greenville

Build it, and they may come. Big fixes and eye-catching downtown projects do not always equate to immediate success. Steady, incremental triumphs can make all the difference, and the City of Greenville has proven it.

Compared to its status today, Greenville's 1970s-era business district would be unrecognizable — a place of empty streets and closed-up storefronts. Today, a shuttered storefront typically has a new occupant within weeks, given the district's reputation as an amenity-rich cultural, residential and commercial center.

The extraordinary story of Greenville's success began with Mayor Max Heller, whose Main Street projects laid the foundation for the new downtown. He left office in 1979, but his vision has continued with subsequent leaders including the current mayor, Knox White.

Mayor White took a calculated risk in focusing on Falls Park on the Reedy, known to many as the place where a waterfall flows through downtown, spanned by a pedestrian bridge. The major work on the park in the early 2000s created more recreational greenspace and arguably established a new identity for the city.

The next step was to focus on mixed-use development with a realistic evaluation of tenant composition. White noted that revitalization really took off when Greenville opened the door to residential development. Downtown now had life after hours and on weekends and a built-in customer base.

"Rather quickly, it began to feel different on the street. Building towards a critical mass gave life and vitality," White said.

Retail was the final piece, and the hardest. Knox stressed the importance of identifying small, sustainable business clusters. Downtown Greenville is a well-known restaurant hub, but it was the recruitment of Mast General Store that added practical and diverse shopping options. Once anchored, other complementary businesses organically blossomed along Main Street.

The impact of Greenville's emphasis on deliberate, strategic investment and constant care is easy to see. The city's success has become a playbook for others working to revive their downtowns.

White's fundamental recommendations for redevelopment: "Commit to planning; get good professional planning advice and more importantly, be intentional about implementing the plans. Focus like a laser on mixed use. Identify your unique local assets and create natural connections. Focus on safety, cleanliness. Redevelopment doesn't come naturally. Greenville leaders didn't just wish it to happen; they made it happen."



Families enjoy weekly concerts throughout the summer at the Peace Center Amphitheatre in downtown Greenville. Photo: City of Greenville.



## Florence

More than 180 miles from Greenville, the City of Florence took notice. As recently as a decade ago, the city was known to many as a quick refueling location on Interstate 95. By the 1980s or '90s, the city's once-thriving downtown stood vacant, neglected and decaying. In 2010, city leaders — facing much skepticism — took aim at a focused redevelopment of downtown's 70 square blocks.

Recognizing the need for downtown leadership, Florence City Council took on lighting, policing, marketing and beautification projects. This public investment amplified community pride and spurred private investments. Today, downtown has new development successes including two hotels, a performing arts center, a museum and apartments. So far, the city counts \$175 million in public investment and \$80 million in private investment.

"The key to our success is that Florence was opportunist and proactive in creating public space, remedying parking issues and assembling property for future development," Mayor Stephen Wukela said.

"This was a fundamental paradigm shift by local leadership. We recognized that the city needed to affirmatively mitigate risk, incentivize investments, spend money on infrastructure, and build coalitions of public and private entities to support downtown. The city acted as the catalyst with a focus on targeted opportunities."

Wukela noted that versatility and flexibility were also critical to success.

"All initial projects did not end the way they were initially proposed, but the results always ended up being better than originally considered," he said.

The city has been able to maintain the authenticity of its historic core while also meeting the needs of growth, Wukela said.

"Downtown," he said, "has become the place we gather."

City Manager Drew Griffin described Florence's approach to downtown projects as conceptual.

"We didn't allow a single detail to stop progress. In fact, a street was moved to ensure that a project was secured," he said. "We have been project-driven and pragmatic in all pursuits — we knew we

had to succeed, and we use our comprehensive plan as our guide."

Downtown Development Manager Ray Reich said revitalization has to be an ongoing process.

"Just as the mall has staff that coordinate leasing, management and marketing, downtown commercial districts need ongoing attention, too. We must always make sure that what we create remains successful," he said.

Griffin's words of wisdom: "Build values, develop partnerships and take advantage of every source of funding. Create the vision, and stay on it."

## Kingstree

Situated on the scenic Black River, the Town of Kingstree is known as a charming, family-friendly place. Even so, leaders recognized the need to establish the town as a destination for residents and visitors alike. Town officials visited other cities to learn about focused revitalization approaches and recently established Main Street Kingstree. That Main Street program is one of the newest partners of the Main Street South Carolina technical assistance program.

Mayor Darren Tisdale noted that the Main Street approach, "while centered on downtown, reaches well beyond Main Street. Positive changes are felt across all of Kingstree."

"The Main Street program was just what was needed to help us take action," Town Manager Richard Treme said. "Through hard work and teamwork, we are developing a strong sense of place in our community."

The town is investing in itself with projects like a newly refurbished municipal parking lot. Kingstree is also becoming a hot spot for first-time business owners and family-operated enterprises — businesses like Monkey Bottom Boys, a catering company specializing in barbecue, Artsy Cakes and Bakery, and Bee Hive Gifts. The town encourages entrepreneurship through close support of existing businesses. Also, Main Street Kingstree Director William Freeman is working to find ways of



West Evans Street in Florence has been the site of many building rehabilitations and business openings in the past decade. Photo: City of Florence.

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connecting the river to downtown, as the town believes the Black River is an essential part of both its history and future.

Treme's words of encouragement for downtowns: "Success doesn't happen overnight. It requires constant commitment and dedication to the larger vision. Main Street is something you work on every day. You need to be progressing. Main Street gives us direction on where to focus and how to lead."

Mayor Tisdale noted the importance of unified leadership. "Mayor, council, staff, the entire community; we are all unified under one goal — to make Kingstree the place to be."

**The formula for success**

Jenny Boulware, manager of Main Street South Carolina, described creating or recreating downtown life as a process that needs community-driven economic development, but also placemaking efforts — specific projects that make the symbolic center of a community into a welcoming, desirable environment.

"Cities and towns hoping for a revitalized downtown, like the success stories we've already seen around South



Kingstree is one of the newest participating communities in Main Street South Carolina.  
Photo: Kingstree News.

Carolina, can start small with actionable tasks," she said. "Everyone with a stake in the commercial district and its future should be involved. Encourage development agencies, city government, businesses and individuals to see traditional commercial buildings as community assets. Celebrate every success, from the planting of a tree to restored storefronts."

A strong historic core, she said, radiates economic benefits outward,

and can in time benefit everyone in a community.

*A preconference mobile workshop for the Municipal Association's Annual Meeting will tour downtown Greenville on July 18. Main Street South Carolina offers several membership levels ranging in cost and requirements for communities. Learn more at [www.masc.sc](http://www.masc.sc) (keyword: Annual Meeting or keyword: Main Street).*

## Association Highlight: Building Officials Association of SC

May is Building Safety Month as declared by the International Code Council, a time to focus on the value of building codes in protecting lives. South Carolina law requires that the building codes created by the ICC be used and enforced at the local level, with the SC Building Codes Council approving and modifying ICC codes for the state.

The Building Officials Association of SC operates as a professional organization dedicated to safeguarding life, health and property by promoting the uniform application, interpretation and enforcement of building codes. BOASC serves both building officials and code

enforcement officials. First established in 1951, it joined the Municipal Association of SC as an affiliate in 2017.

BOASC offers coursework and professional certification, a listserv for best practices, and assistance for cities and counties in managing building inspection and zoning departments. It promotes the importance of building codes for the safety, welfare and prosperity of the public. It also monitors issues before the SC Building Codes Council and the General Assembly, and provides technical assistance to local government officials.

Membership is available to government employees as well as others,

including research groups and institutes, architects, contractors, manufacturers and dealers of building materials and equipment.

The association hosts an annual meeting as well as fall training sessions. The 2019 BOASC Annual Meeting takes place May 5 – 8, in North Myrtle Beach with an agenda featuring training sessions, International Building Code compartmentalization concepts and IBC provisions on tenant space improvements.

*The registration deadline for the BOASC Annual Meeting is Friday, April 19. Learn more at [www.masc.sc](http://www.masc.sc) (keyword: BOASC).*





# Know the Powers of City Planning Boards

State law empowers municipalities to create a planning commission and two types of planning-focused boards: a board of zoning appeals and a board of architectural review. Each has its own functions, abilities and limitations.

By law, the municipal council cannot perform the functions of any of the required planning boards.

## Local Planning Commission

Municipalities engaged in the regulation of land development within their jurisdiction must establish a Planning Commission. When created, this commission is charged with continuous planning efforts for physical, social and economic development in its jurisdiction.

Powers include:

- Creating and revising a comprehensive plan which must “promote public health, safety, morals, convenience, prosperity, or the general welfare as well as the efficiency and economy” of its territory (SC Code Section 6-29-340). The plan must include elements required by law, and “must be based upon careful and comprehensive surveys and studies of existing conditions and probable future development.” For more information, see the story “Elements of a Comprehensive Plan” on Page 12.
- Making recommendations to a city or town council on how to implement the plan through ordinances, regulations, policies or procedures, and make recommendations on capital improvement programs and development impact fees.
- Administering the land development regulations that have been adopted by council by approving or disapproving submitted plans and plats.

Planning commissions cannot grant variances or exceptions to a municipality’s zoning ordinance. These functions are reserved exclusively for a second planning board: the Board of Zoning Appeals.

## Board of Zoning Appeals

If a zoning ordinance is used as a tool to implement a land use plan, a Board of Zoning Appeals is required.

Powers include:

- Making decisions on appeals from the administrative decisions of the city or town’s zoning administrator.
- Granting or denying applications for variances from zoning ordinances, or granting or denying applications for special exceptions.
- Remanding matters to the zoning administrator if the board has not received adequate information for its review.

The board’s decisions are subject to appeal only to a circuit court.

## Board of Architectural Review

A city can create this board when its zoning ordinance provides protection of districts considered to have architectural value or otherwise have a special and desired character, as well as protection of any significant or natural scenic area.

The scope of this work can vary significantly. For example, the City of Columbia’s Design/Development Review Commission reviews work in the city’s numerous historic districts, its five urban design overlay districts, and work that occurs at any of more than 160 designated landmarks.

For the purposes of the board of architectural review, the zoning ordinance must name any restrictions that apply to the designated areas. This includes



conditions for building, demolishing or altering the appearance of buildings in the areas. The board may then use the powers that the zoning ordinance expressly grants to approve or deny projects, while also operating within the limits stated by ordinance. Clear language in the ordinance explaining powers and limits is critical for the board’s operations.

*Learn more in the Municipal Association’s Comprehensive Planning Guide for Local Governments at [www.masc.sc](http://www.masc.sc) (keyword: planning guide).*





# Elements of a Comprehensive Plan

State law requires those cities and towns with planning commissions to adopt local comprehensive plans containing several elements. The law, written to provide for broad-based resident participation in shaping future development, does not specify how the plans should cover the elements, leaving local governments to pursue them in a way that best meets communities' needs. This list gives examples of how cities and towns have incorporated the elements into their plans.

## Population element

This considers the existing population and anticipated growth as well as demographic specifics, like the size and number of households, education levels and income. The population discussion in Rock Hill's comprehensive plan notes that it has shown the third-highest growth rate of any city in the Charlotte area with a projection of 73,000 residents by 2020.

## Economic development element

This takes into account the characteristics of the available workforce, available employment and other aspects impacting the local economy. Useful considerations can be manufacturing, tourism or revitalization. Fort Mill's comprehensive plan breaks down the percentage of employment for each sector in its planning area and inventories the area's business parks, retail centers and available commercial land tracts.

## Natural resources element

What kind of water bodies, agricultural and forest land, wildlife habitats, and recreation areas does the area have? Among its other details, the resources section of James Island's comprehensive

plan gives specifics on the wood stork, a federally endangered species that is "tightly associated with James Island" and roosts in trees along tidal marshes and waterways.

## Cultural resources element

These can be historic buildings and sites; unique commercial, residential or natural areas; as well as educational, religious or entertainment institutions. Cheraw's comprehensive plan discusses such assets as the Cheraw Historic District, the iconic, circa-1770 Old St. David's Church, as well as the Cheraw Spring Festival and SC Jazz Festival.

city services, located in a park that serves as the southern anchor for downtown and connects with the Swamp Rabbit Trail.

## Housing element

What are the locations, types, ages and conditions of existing housing? How many are owner-occupied or renter-occupied? What is the cost of developing a sufficient amount of affordable housing, and what regulations may prevent that? Greer's 2015 five-year update to its comprehensive plan analyzed mortgage costs against income, finding that the percentages of residents paying 30



## Community facilities element

Community facilities include many assets necessary for development, like water, sewer and wastewater services; solid waste disposal; as well as medical, governmental and educational facilities. The comprehensive plan for Travelers Rest notes that the new Municipal Services Complex, opened in 2018, would allow for easier and more efficient



percent or more of income on their homes was approximately the same as the state average.

### Land use element

How much land is available for residential, commercial, industrial and other activities? The land use maps featured in Walterboro's comprehensive plan included a version overlaid on a National Wetlands Inventory map as well as a map of potential growth for both mixed use and industrial use.

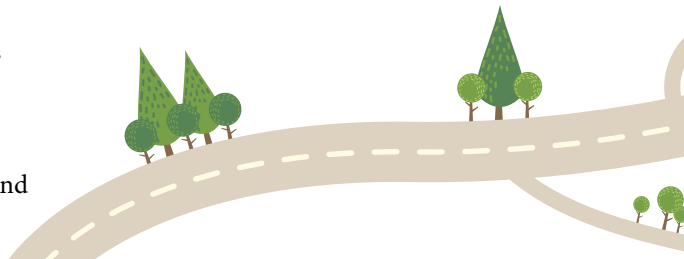
### Transportation element

This considers road improvements and construction as well as pedestrian and bicycle projects. Charleston's Century V comprehensive plan tackles transportation challenges for a city situated on five separated land bodies with discussions of single-vehicle and public transportation, commuter rail and water taxi routes.

### Priority investment element

This is an analysis of projected federal, state and local funds for infrastructure and facilities in the next decade, and recommended projects for those funds. The City of Greenwood and Greenwood County have an integrated comprehensive plan, and many of the city and county projects listed in that plan appeared on the project list for a successful Capital Projects Sales Tax referendum in 2016.

*Learn more in the Municipal Association's Comprehensive Planning Guide for Local Governments at [www.masc.sc](http://www.masc.sc) (keyword: planning guide).*



# What Legal Liabilities Come with Planning and Zoning?

**Z**oning officials, as well as members of a planning commission, board of zoning appeals or board of architectural review, are subject to legal liability while performing their responsibilities, but only in some circumstances.

### Tort claims

Zoning officials as well as commission and board members are covered by the SC Tort Claims Act, which provides immunity while they are acting within the scope of official duty. The law creates an exception for individual liability, however, if the official actions are proven to constitute "actual fraud, actual malice, intent to harm, or a crime involving moral turpitude."

Similarly, the governing body and its boards and commissions do not have liability for such actions as adopting comprehensive plans, zoning ordinances or land development regulations, or when hearing appeals. However, if negligence caused a loss for someone, then that person can file a claim against the government body, and these claims may be covered by liability insurance.

### Civil rights

Generally, government officials and employees have immunity from monetary liability when acting within their discretion and not violating federal rights. However, planning and zoning actions that violate federal equal protection

and due process can result in claims against the responsible individual and government.

*Learn more about planning and zoning enforcement in the Municipal Association's Comprehensive Planning Guide for Local Governments at [www.masc.sc](http://www.masc.sc) (keyword: planning guide).*



# Crunching Numbers for Annexation Costs

For a city's administration, a newly annexed resident can be several things — a taxpayer; a new connection for water, sewer and sanitation; or a new voter in need of assignment to a city council district.

For someone considering annexing in, the city brings a more straightforward issue — will taxes go up, and if so, by how much?

As Andrew Livengood, annexation coordinator for the City of Columbia, sees it, people want something more specific than general information about tax changes in a typical situation.

“When you're talking about the annexation of a particular person's property, the typical doesn't really matter. It's ‘How's it going to affect me?’” he said.

Livengood described the City of Columbia's annexation calculator as something that can save property owners who may annex in from the potentially cumbersome process of sharing their tax bill, water bill, power bill or any similar information with a city official in order to get answers.

Building specific estimates can help people understand the sometimes confusing way that annexation can work. For example, unincorporated residences in Richland County typically pay a \$249 fee for curbside garbage pickup added onto their property taxes. Inside the city, solid waste collection is included in basic millage. If someone were to annex in and have \$100 in new property taxes, the reduction of the \$249 could leave them with \$149 less in taxes.

The calculator, Livengood said, “is a tool that allows people to see the numbers for themselves. That's where I've found it most valuable.”

The Town of Mount Pleasant has an annexation calculator as well. It takes into account the town's millage rates,



Charleston County's rates, assessment differences and each entities' different fees, and “puts them in terms that people can understand,” Senior Planner Austin Rutherford said.

Mount Pleasant's website also features a bullet-list page for annexation benefits, including trash pickup that is included within the property tax, lower sewer rates, the potential for lower insurance rates and lower property taxes for those currently situated in the county's Consolidated Awendaw Fire District. It notes some reduced rates for recreation department services as well. As Rutherford said, little things can add up, and the additional illustration made possible by the calculator can help “people who are on the fence.”

A listing of annexation benefits usually includes something that is often overlooked: a resident's enhanced opportunity to participate in local government. The City of Columbia's list includes service on a city board or commission, but also encourages participation in one of the city's 93 neighborhood organizations, some of which are situated along the outer edge of the city, like the Eau Claire Community Council.

Honesty and transparency can be important tools for building trust when a property owner is considering annexation, which includes suggesting the owner also consult with the county for information. Every situation can be unique. Livengood said that focusing on more than just the potential for savings is important.

“There are things that people see savings on, there are things that do cost money. I don't want to focus just on ‘Hey, these bills are going to be lower,’ when they [could] get a bill that is slightly higher,” he said.

Columbia Water also has a bill estimator for residential water and sewer service. Livengood described the process of building a useful annexation calculator as striking a balance between making the process simple and providing necessary details. He also invited Columbia city staff to experiment with the calculator to find ways in which it didn't work.

“It definitely requires checking, double-checking, and having other people check your math and assumptions, and honestly, trying to break [the calculator],” he said.



# Teaming Up for Success: Orangeburg Officials Showcase Economic Development

Orangeburg County faced a daunting economic outlook in the mid-1990s, after three companies announced local closures, eliminating 1,200 jobs. New prospects did not appear, unemployment was rising and the tax base declining.

Recognizing the great need for an interruption to the pattern, the county council determined that it wanted to create a new industrial park and partnered with the City of Orangeburg in the effort to make it happen.

Several Orangeburg representatives came to the Advanced Municipal Elected Officials Institute of Government's economic development session on February 6 to explain how this partnership has led to success during the last two decades.

After praising County Council's farsighted initiative, Orangeburg City

Administrator John Yow described how the county provided assets including land for the industrial park, while the city brought its resources to bear, including infrastructure from the city. Warren Harley, manager of the City of Orangeburg Department of Public Utilities, provided details on its services, which include water, wastewater, electricity and gas for an area much larger than the city.

By 2018, the original park provided more than 1,100 jobs and \$37 million in payroll, and the county has developed additional parks since. Twenty-one international companies from 12 nations are represented.

Gregg Robinson, executive director of the Orangeburg County Development Commission, was quick to point out that success required patience, and it began with people who pushed for change well before he took his current position. He invoked the concept of "cathedral thinking," something he said comes from state Sen. John W. Matthews Jr. — bricklayers have labored to build cathedrals who knew they would never live to see the finished product.



Orangeburg City Administrator John Yow presented during a session of the Advanced Municipal Elected Officials Institute of Government.

The group highlighted other efforts happening as well, such as the One Orangeburg County Initiative, focusing on gateways, commerce, housing, education and marketing. The program is responsible for the highly visible monument sign announcing the county on Interstate 26.

Robinson advised participating officials to ask themselves what assets their communities have. For Orangeburg County, he said, the answer is people, good utilities and interstate access.

"It literally starts at the local level," he said. "I don't want you to sit back in rural South Carolina and think that what we're talking about is not possible because it is. Everyone has the ability to achieve bite-sized success and build on it."

*The next session of the Advanced MEO Institute will take place October 16 in Columbia, with a registration deadline of October 7. It will cover Municipal Utility Policy and Administration as well as Advanced Advocacy and Intergovernmental Relations. For more information, visit [www.masc.sc](http://www.masc.sc) (keyword: MEOI).*





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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.

## APRIL

**3 SC Business Licensing Officials Association Spring Training Institute and Advanced Academy.** Seawell's, Columbia. Topics for the institute include duties and responsibilities of a business licensing official, overview of municipal and county government, and administration in business licenses. Advanced topics include small cell licensing, transitioning to standardized business license due dates, and types of deliveries.

**11 Main Street South Carolina Second Quarter Training.** Williamston Town Hall.

**12 Municipal Court Administration Association of SC Spring Meeting.** William L. Yates Conference Center at the

SC Hospital Association. Topics include National Crime Information Center, expungements, sovereign citizens and updates from the SC Court Administration and SC Department of Motor Vehicles.

**18 SC Municipal Human Resources Association Spring Meeting.** Seawell's, Columbia. Topics include opioid abuse, recognizing substance abuse in your employees and how to react, U.S. Immigration and Customs Enforcement and Internal Revenue Service compliance, legal updates, effective time management, and information about the City of Myrtle Beach's innovative approach to human resources.

**24 SC Association of Municipal Power Systems Lineman Training (repeated on April 25).** SCE&G's Pine Island Club.

**25 SC Association of Municipal Power Systems Lineman Training (repeated on April 24).** SCE&G's Pine Island Club.

## MAY

**5 – 8 Building Officials Association of South Carolina Annual Meeting.** North Myrtle Beach Ocean Drive Beach and Golf Resort. Topics include sovereign citizens; International Building Code tenant improvement aspects of assembly, business and mercantile occupancies; IBC building areas, fire areas and mixed occupancies; how to read truss placement plans and design drawings; fire retardant wood for commercial and residential structures; and thermal barriers and ignition barriers.

**6 SCMIT and SCMIRF Law Enforcement Liability Training — Managing Risks in Use of Force Encounter.** Greer, SC.

**7 SCMIT and SCMIRF Law Enforcement Liability Training — Managing Risks in Use of Force Encounter.** Municipal Association of SC.

**8 SCMIT and SCMIRF Law Enforcement Liability Training — Managing Risks in Use of Force Encounter.** Summerville, SC.