



# UPTOWN

a publication of the municipal association of south carolina



## Annual Meeting to Discuss American Rescue Plan

A major development in the nation’s efforts to recover from the COVID-19 pandemic arrived in March when Congress passed the law known as the American Rescue Plan, a \$1.9 trillion relief bill that provides a total of \$65.1 billion to municipal governments nationwide.

Given the tremendous amount of funding available and the rules attached to its use, questions about how precisely to allocate the funds have abounded ever since the law’s passage. The Municipal Association of SC has information about the federal guidance available at [www.masc.sc](http://www.masc.sc) (keyword: American Rescue Plan).

Rules for the funding will also appear as an important topic of discussion during the Municipal Association’s 2021 Annual

Meeting, taking place July 22 – 24, on Hilton Head Island. The session “American Rescue Plan: ARP from A to Z” is scheduled for Friday, July 23, at 3:30 p.m.

Guidance from the U.S. Department of the Treasury explains how the funding may be used, including replacing public-sector revenue loss — calculating losses against pre-pandemic revenue — and seeking funds to help maintain vital governmental services. Other allowable uses include expenditures that address negative economic impacts, such as through small business support and public employee rehiring. Governments can also

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use funds to provide premium pay for essential workers, a category that includes sanitation and transit workers. Some of the allowable expenditures are specific to infrastructure, such as improvements to water and sewer systems, and projects that improve the availability of broadband internet. Full details of allowable funding are available in the Department of the Treasury's Interim Final Rule, which can be found through the Municipal Association's website.

Erica Wright, one of the Association's legislative and public policy advocates, handles advocacy efforts that involve the federal government, including ARP funding.

"The American Rescue Plan is a massive piece of legislation that touches many facets of government," Wright said. "Understanding the Coronavirus Local Relief Fund and navigating the allowable uses of ARP funds correctly are critical steps for cities and towns to make sure they use the funds successfully."

### Other Annual Meeting sessions

The ARP session will not be the only session during the Annual Meeting to tackle the issues involved in the ongoing COVID-19 recovery. Here are some other sessions addressing related issues:

- **Attracting the Remote Workforce Post-Pandemic** – The COVID-19 pandemic demonstrated that employees can work effectively outside of an office.

This session will discuss strategies for making a city appealing for high-earning remote workers.

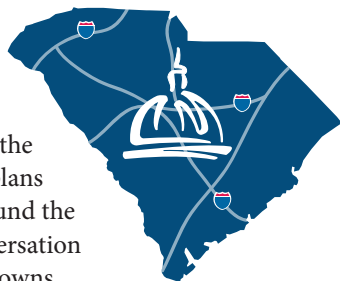
- **Broadband Is No Longer a Luxury – It's a Necessity** – Remote work and remote education during the pandemic have dramatically illustrated the degree to which broadband internet access has become a critical service. This session will address South Carolina's plan to expand broadband into underserved areas, and how municipalities like the City of Newberry are working to make affordable high-speed broadband services available.
- **Between the Lines: Redistricting and Your Budget** – Learn about how delays in the 2020 Census data, experienced in part because of the pandemic, may affect municipal elections, and what cities and towns can plan for redistricting.

Other Annual Meeting sessions will address community change, crisis communication, compliance with the State Ethics Act and the SC Business License Standardization Act, which requires all cities and towns with a business license tax to comply with its requirements by January 1, 2022.

Find more details and agenda information about the Annual Meeting at [www.masc.sc](http://www.masc.sc) (keyword: Annual Meeting). All meeting registrations must be complete by July 12.

## In-Person Regional Advocacy Meetings Start After Labor Day

In 2020, the Association's annual Regional Advocacy Meetings moved to a virtual platform to help stop the spread of COVID-19 in South Carolina's communities. This fall, the Association's legislative advocacy team plans to again meet in person in locations around the state to share a meal and engage in conversation about the legislative needs of cities and towns.



The Municipal Association of South Carolina hosts 10 Regional Advocacy Meetings in the fall each year. These meetings give local leaders a chance to learn about what happened in the past legislative session and what issues are likely to emerge in the next session. The meetings also play a role in identifying key initiatives for the Association's legislative team for the upcoming year.

Since the 2021 Regional Advocacy Meetings will take place in the middle of a two-year legislative session, there will be much to discuss. Each meeting begins at 11 a.m. and concludes by 1 p.m., with lunch included. The locations are organized to include one session in each council of governments region, but officials may attend any session even when it is not in their home region.

There is no charge for the meetings, but registration is required for an accurate head count for lunch and handouts.

### September 8

The Edition at the Hartsville Museum, City of Hartsville. Pee Dee Council of Governments area.

### September 9

Rock Hill Operations Center, City of Rock Hill. Catawba Council of Governments area.

### September 14

Manning City Fire Department, City of Manning. Santee-Lynches Council of Governments area.

### September 16

Rollins Edwards Community Center, Town of Summerville. Berkeley-Charleston-Dorchester Council of Governments area.

### September 21

C.C. Woodson Recreation Center, City of Spartanburg. Appalachian Council of Governments area.

### September 23

Walterboro Wildlife Center, City of Walterboro. Lowcountry Council of Governments area.

### October 5

The Arts Center of Greenwood, City of Greenwood. Upper Savannah Council of Governments area.

### October 12

Lessie B. Price Aiken Senior and Youth Center, City of Aiken. Lower Savannah Council of Governments.

### October 14

Cayce City Hall, City of Cayce. Central Midlands Council of Governments area.

### October 26

Georgetown Police Department, City of Georgetown. Waccamaw Regional Council of Governments area.

## NEWS BRIEFS

Members of the Building Officials Association of SC elected their 2021 – 2022 board of directors. They are **President J. Shawn Brashear**, Florence County; **President-elect Chris Stover**, City of Greenville; **First Vice President Ruthie Helms**, City of Greer; **Second Vice President Curt Whaley**, Florence County; **Past President Patrick Brown**, Town of Edisto Beach; Central Building Inspectors Association of SC Representative **Brent Hawkins**, Town of Lexington; Coastal Code Enforcement Association Representative **Eric Lutz**, City of Folly Beach; Permit Techs Representative **Kiawana Tucker**, Richland County; SC Plumbing, Gas, and Mechanical Inspectors Association Representative **Tony Longino**, Greenville County; Upper State Code Enforcement Association of SC Representative **Buddy Skinner**, City of Greenville; and At Large Representatives **Barry Holcombe**, Anderson County; and **Chris Thompson**, City of Myrtle Beach.

Members of the SC Community Development Association elected their 2021 – 2022 board of directors. They are **President Jessie Walker**, Waccamaw Regional Council of Governments; **Vice President Shawn Bell**, City of Fountain Inn; **Secretary Emory Langston**, Lower Savannah Council of Governments; Members at Large **Stefanie Smith Derwort**, SC Department of Commerce; **Barbara Johnson**, Lowcountry Council of Governments; **Angela Kirkpatrick**, Catawba Council of Governments; **Frank McClary**, Town of Andrews; **David Mace**, Town of Johnsonville; **Doug Polen**, Town of Moncks Corner; and **Jessie Shuler**, Town of Summerville.

The SC Community Development Association awarded its 2021 Award of Excellence to the **City of West Columbia** for its River District Redevelopment Project. Represented by Tara Greenwood, Director of Grants and Special Projects, the city provided a presentation about the project during the 2021 SCCDA Annual Meeting held on Hilton Head Island.

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



# Post-pandemic SC Economy Faces Opportunities, Challenges

Coming out of the dramatic economic slowdown of the COVID-19 pandemic, South Carolina's economy has become and will remain much better, according to Dr. Bruce Yandle, adding that "there's a lot of strength behind this economy."

Yandle, who is dean emeritus of Clemson University's College of Business and Behavioral Sciences, recently addressed the outlook for South Carolina's economy during the SC Community Development Association's Annual Meeting.

At the same time that the economy has shown strength, it has remained in an unusual situation, with shortages of materials impacting manufacturing, and shortages of labor resulting from the substantial loss of labor participation early in the pandemic and the societal changes that have come since then.

"This year has been a very tough one for a lot of people. A lot of us have lost loved ones, good friends, and family members to the coronavirus itself," he said. "A lot of people have suffered because of interruptions to their lives and in their work. Sometimes it's because schoolchildren were at home, and one of the parents or both had no choice but to alter life."



Dr. Bruce Yandle

Even with an economy changing through the ordeals of the pandemic, he said there has been innovation as a result of it.

"We are learning that we can do things at lower costs, in some cases, working from home than we did when we went to work [in person]," he said.

He noted that estimates of growth in gross domestic product had been improving, and the large sums of stimulus money available through the American Rescue Plan will contribute to this further. The forecast from the Congressional Budget Office in February predicted GDP growth of 3.7% in 2021 and 2.4% in 2022. In May, Wells Fargo predicted GDP growth of 6.4% for 2021 and 5.7% for 2022. Growth in employment, which cratered in early 2020, has improved, with South Carolina outperforming North Carolina and the nation. At the same time, the growth of population in the South continues its trend of outperforming other regions, which dates back to about 1950.

"The South has become the nation's most populous region, and a lot of people are coming our way," he said. "People vote with their feet. It's the highest compliment

another family or group can pay is when they say, 'I think I'm going to move my stuff down to your neck of the woods.'"

Yandle stressed that economic trends tend to not be consistent across geographic regions. When reviewing year-over-year changes in payroll growth ending in April 2021, he pointed out that the Charleston area was down 5.31%, the greatest decline in the state.

"Charleston, in this case, is the big negative. Why? Because tourism was hit hard," he said.

Reflecting on the economic advantages of the South, he said that the region has attractive cities with relatively low density — important in a time where many people have stressed social distancing. The region also has the benefit of a young, skilled and adaptive workforce, he said.

In reflecting on whether to be pessimistic with lingering pandemic problems and even political division, Yandle said he saw many reasons to be optimistic. These include a "flurry" of small business startups since the pandemic, he said, and they need support and room to grow.

"There is a literal explosion of small businesses occurring in South Carolina," he said.

## Apply for a Hometown Economic Development Grant

For years, the 200 block of Main Street in Woodruff suffered from a blighted, abandoned building with no roof. Not only was the littered lot at 224 Main St. a public safety hazard, it also created a drag on potential development along the fast-growing commercial block.

In 2020, the City of Woodruff won a Hometown Economic Development Grant, which helped city leaders transform the former eyesore into a new outdoor event and gathering space that attracts visitors and residents alike. The new "Block 224" space connects Main Street businesses with public parking behind their buildings and with the city's recently refurbished McKinney Park. Woodruff's project is just one of many in recent years to receive funding assistance from the Municipal Association's HEDG program.

### Changes to the Hometown Economic Development Grant program

After five years of success, the HEDG program will see a few changes to make it more effective and equitable.

In 2021, grants will be awarded in four population categories with the majority of awards going to cities and towns with populations under 5,000 according to the 2010 census. Certain types of projects will be excluded from consideration in order to ensure grant funds best support economic development in cities and towns, with this year's eligibility requirements detailed on the grant application.

The 2021 HEDG cycle will award as many as 13 grants of up to \$25,000 each. Project proposals must make a positive,

measurable and sustainable economic impact on a community.

Those interested should submit an application online by Friday, September 24 at 5 p.m. The application requires that the council pass a resolution in support of the grant application.

Cities and towns that receive a grant must also provide matching funds. The municipal population determines the required amount of matching. Grant recipients must also submit progress reports and provide financial details about how they spent grant funds.

*Beginning in late July, find the HEDG application and sample resolution at [www.masc.sc](http://www.masc.sc) (keyword: hometown grant). For questions, contact Scott Slatton at [sslatton@masc.sc](mailto:sslatton@masc.sc).*



# Association Highlight

## Building Officials Association of SC

Many municipal job positions have specific training and networking needs, and the Municipal Association of South Carolina's affiliate associations offer opportunities to meet those needs.

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 sharing 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.

Learn more at [www.masc.sc](http://www.masc.sc) (keyword: BOASC).



## Test yourself monthly quiz

**True or False:**

Once a strategic plan is prepared and adopted, the city or town council's work on the plan is done.

**Answer: False.**

A strategic plan is a collaborative process used to develop a road map for a city's future vision and the goals, priorities and actions necessary to achieve that vision. Steps in the process include community input, plan development, implementation

and monitoring. Council should be involved throughout the process and use the plan to guide policy decisions and the allocation of resources to advance the plan's goals.

*The Municipal Elected Officials Institute of Government offers online*

*courses. In-person classes will resume when COVID-19 activity drops to safe levels. To register for the online courses, participants should go to the Municipal Association's website at [www.masc.sc](http://www.masc.sc) and log in with their user identification number and password.*

# Releasing Personnel and Compensation Information

If a city or town receives a SC Freedom of Information Act request for personnel files or salary information, how should it respond?

FOIA provides any person the right to inspect or copy any public record of a public body, unless an exception applies. It defines public records broadly, so that virtually all personnel records and salary information are included, but exceptions exist.

## Personnel files

SC Code Section 30-4-40(a) states that a “public body may but is not required to exempt” certain information from disclosure. For personnel files, the exception is personal information where disclosure would be an “unreasonable invasion of personal privacy.” The courts have narrowly construed this exception while weighing the public’s interest against personal privacy.

In *Burton v. York County Sheriff’s Department*, a newspaper made a FOIA request for employment records of deputies who had been suspended without pay. Balancing the employees’ privacy interest against the public’s interest in knowing about the alleged misconduct, the court found that the way that the Sheriff’s Department employees handles

their duties “to be a large and vital public interest that outweighs their desire to remain out of the public eye.”

In a 2019, *SC Lottery Commission v. Glassmeyer*, the Court of Appeals reached a different result. In it, a private citizen asked for personal information about winners of lottery prizes of more than \$1 million, including the winners’ names, addresses, phone numbers, and prize amount. The court determined that, given the public’s limited interest in this information, the privacy interests prevailed. The South Carolina Supreme Court recently reversed this decision and remanded for further proceedings, and so the case is not concluded.

When considering a request for personnel files, a municipality should balance privacy interests against the public’s interest in the files. In some instances, such as senior management or law enforcement officials, the public interest will likely prevail. In other cases, a public body may determine that information is sufficiently personal and private that, in the absence of a compelling public interest, it need not be produced. Other considerations include these:

- Health and medical information is protected under federal and state law and should be separated from

the overall personnel file and protected. Most other items in a personnel file are presumptively subject to disclosure under FOIA.

- **SC Code Section 30-4-40(b)** provides that even if part of the personnel file is exempt, the municipality should redact or omit the exempt information and provide the rest.

## Salary information

SC Code Section 30-4-40(a)(6) requires a public body to provide “the exact compensation of each person or employee” earning \$50,000 or more, all part-time employees, all persons paid for special appearances or performances, and all employees at the level of agency or department head. This provision has been interpreted to require disclosure of the exact compensation of elected officials.

For employees earning between \$30,000 and \$50,000, the municipality must disclose compensation levels within a range of \$4,000. For employees earning less than \$30,000, the disclosure requirements depend on whether the employee is classified or unclassified under a system that establishes pay grades by job category.

- Classified employees: the public body must disclose the salary schedule showing the compensation range for that classification, including longevity steps.
- Unclassified employees: the public body must disclose the compensation levels within a range of \$4,000.

Although FOIA is not specific on the items that are included in “compensation,” the Attorney General’s office has indicated that compensation includes all benefits, bonuses and allowances.

### **Ballard v. Newberry County**

The South Carolina Public Records Act makes it a misdemeanor to destroy any public record, using the same definition of “public record” as is found in FOIA. This definition is broad and covers things like emails, voicemails, and even text messages. Is deleting an old email or text a violation of the Public Records Act? In *Ballard v. Newberry County*, a FOIA request revealed that the county had inadvertently deleted some government emails and text messages. The plaintiff, a private resident, sued, saying she had a claim against the county for destruction of the records.

The court did not rule on whether the deletions violated the Public Records Act, but said that there was no private cause of action under that act. A private plaintiff cannot assert a claim under the Public Records Act, only the state can. In addition, the court ruled that FOIA, which does create a private cause of action, does not independently require preservation of public records, but provides a privately enforceable right to copy or inspect public records that do exist. At least in the *Ballard* case, the county had no liability for destroying the messages.

This case does not mean that local governments may delete emails and text messages without consequence, since the state could assert a claim in a criminal action. Municipalities should be sure to have procedures to preserve electronic records, even emails and text messages.

## **Adopt the Model Business License Ordinance Before 2022**

Act 176, the SC Business License Standardization Act, created many specific requirements that municipalities with a business license tax must comply with by January 1, 2022. To fulfill several of these requirements, city and town councils will need to pass the 2022 version of the model business license ordinance.

The 2022 model ordinance is not the first model business license ordinance developed by the Municipal Association of SC. However, this revised version addresses the requirements that are specific to the new law. Municipalities that passed any earlier version of the model ordinance will have outdated ordinances beginning in 2022.

Because of Act 176’s complexities, the Association strongly encourages cities and towns to repeal existing ordinances and replace them with the 2022 model ordinance. They should do this instead of altering their existing ordinances.

### **What’s in the current model ordinance**

The new law requires that all jurisdictions with a business license tax use a standard class schedule. It requires that they update the schedule at the end of every odd-numbered year. The 2022 ordinance provides the current standard class schedule, and subsequent model ordinances will update it as needed in future years. Act 176 also requires jurisdictions to use a standard definition of a business’s gross income, and the model ordinance includes this definition.

### **Steps to take first**

Act 176 requires many other standardized practices as well, including standardized due dates, license years, calculation methods, applications, and use of a statewide online payment



**MASC** Municipal Association of South Carolina

### **Standardization: Know the Dates**

**Act 176 Effective Date: January 1, 2022**

**Standard due date of April 30, with May 1 start of license year.**

**Follow 2017 NAICS**

**Use the 2021 Class Schedule**

**Adopt the 2022 Model Ordinance**

center. The Municipal Association has created a seven-step process to help cities and towns comply with all aspects of the law, available at [www.masc.sc](http://www.masc.sc) (keyword: standardization). Each city and town with a business license ordinance has designated Municipal Association staff members to serve as standardization liaisons. The liaisons’ contact information is available on the webpage.

Repealing and replacing the ordinance comes as Step 5 in the compliance process. To help track the transition process for municipalities around the state, and because of the many changes to the ordinance, the Association is releasing a copy of the 2022 model ordinance to each city or town upon request. After a municipality has completed the earlier steps for a standard license year transition and begun the process of rebalancing tax rates as required by the law, it should contact Melissa Harrill, research and legislative liaison, at [mharrill@masc.sc](mailto:mharrill@masc.sc) for a copy of the current model ordinance.



# Annexing With the 25% Petition and Election Method

*This article is the fourth and final in a series on the three methods of annexation allowed in South Carolina law. Find the previous installments in the April, May and June 2021 Uptown at [www.masc.sc](http://www.masc.sc) (keyword: Uptown).*

The 25% petition and election method of annexation, described in SC Code Section 5-3-300, begins with a petition signed by 25% of the qualified electors of an area proposed for annexation. These are people who are residents of the area and who are eligible to vote. The requirement differs from the petition requirements of the 100% method and the 75% method, both of which require a percentage of property owners, not qualified electors. As with other methods of annexation, the area under consideration must be contiguous to existing municipal boundaries.

## Petition

A 25% petition form can be found in the Municipal Association's *Annexation Handbook*, found at [www.masc.sc](http://www.masc.sc) (keyword: annexation). The form features information and fields to include as required by law:

- A statement of the section of state law, SC Code Section 5-3-300, under which the petitioners are seeking annexation.
- A description and plat of the area to be annexed. The sample form recommends including the county tax map numbers as well, although this is not required.

- The signature and residential address of each qualified elector. State law allows for any property owner owning at least 25% of the assessed property value in the area to opt out of consideration for annexation. Property owners owning 10 acres of agricultural property in the area may also opt out. Once the city or town council determines that enough qualified electors have signed, it certifies this by passing a resolution and providing it to the county election commission.

## Election

The commission orders an election in the area under consideration, giving notice by newspaper 30 days in advance and using election boxes in the area. The qualified electors living in the area who are registered to vote are eligible to participate in the election. If a majority of voters vote in favor of annexation, the election commission must then certify the results.

## Annexation

The city or town council must publish the results of any election that voted in favor of annexation using a written resolution, and publish in a newspaper of general circulation information about the

next steps in the process. The notice must describe the area to be annexed. It must make note that it will take place under SC Code Section 5-3-300, and must state that the qualified electors voted to be annexed.

The statement must also describe a process where electors who already reside within the municipality can petition to stop the annexation. The statement should indicate that the council will approve the annexation unless it receives a petition signed by at least 5% of current electors within the municipality. If no such petition occurs, the council can complete the annexation by enacting an ordinance 30 days after the notice. If a petition does occur, council must delay the final reading of the annexation ordinance until the city or town conducts an election inside the municipal boundaries. If current municipal voters vote against the annexation, it prevents any further elections for the area under consideration for at least two years.

For all annexations, state law requires municipalities to notify four entities: the Secretary of State, the SC Department of Transportation, SC Department of Public Safety, and the SC Revenue and Fiscal Affairs Office, which uses the information to draw lines for election districts and to determine Local Government Fund disbursements.



# Specialty Parks

## Bring Special Safety Requirements



Parks and recreation activities count among the critical offerings of municipal governments, making their communities more attractive to residents and businesses alike. Cities and towns are now offering a wider array of parks and recreational activities than ever before. Some are getting creative, offering facilities to groups with special interests.

The City of Spartanburg, for example, has recently developed the Vic Bailey Subaru Bike Park. The park features wood and dirt flow trails, designed for everyone from beginner riders to advanced riders.

The City of Pickens, meanwhile, now offers an off-road biking experience with its Town Creek Bike Park. It provides a unique riding experience and includes such features as dirt jumps, wall rides, a pump track and an earthen bowl.

Special venues offer fun activities but bring with them inherent risks, and injuries can occur because of those risks. The primary loss exposures in recreation are liability claims from participants injured in recreational activities or to persons using public facilities. Generally, these claims bring allegations that municipalities have failed to maintain facilities properly.

Because these claims can be very costly and can erode community trust, officials must consider potential liability exposures when designing and developing a new recreation facility. It's also critical to include a risk management component in the maintenance of any recreational area.

When planning special recreation facilities like a bike park, leaders need to mitigate the potential risks proactively. These considerations can help limit liability exposures:



The signage at the City of Pickens' Town Creek Bike Park provides maps, rules and safety information.

- Construct the facility using professionally accepted design standards and materials.
- Install signage that communicates the rules and regulations, including the hours of operation and the hazards of the activity. The listed rules should also cover the required use of safety equipment, if applicable, and the need to be aware of any danger or directional signs for trails.
- Require liability waivers to be signed before a participant uses the facility. The language of the agreement or waiver should be reviewed by the municipality's legal counsel.

After design and construction, a risk management program for a recreational facility should include an inspection program. This helps assess potential hazards and keeps all areas in a safe condition. Inspections must be conducted and documented routinely. A checklist should be used to note defects and actions taken to correct or repair potential exposures when identified.

For municipalities who are considering developing additional recreational facilities and have questions about managing potential risks associated with recreational facilities, contact Loss Control Manager Bethany Pendley at [bpendley@masc.sc](mailto:bpendley@masc.sc) or 803.933.1210; or Loss Control Consultant John Ciesielski at [jciesielski@masc.sc](mailto:jciesielski@masc.sc) or 803.354.4752.





# A Day in the Life of a

## City Arborist

Parks and Recreation

Whether they are lining sidewalks and shading downtown districts, filling out city parks or creating concerns for utility lines, trees are everywhere in cities and towns, and they have to be managed. This can be the job of the city arborist, who is sometimes also known as urban forester or landscape architect. They rarely have just one title, and sometimes perform all the necessary tree work themselves.

A city arborist helps a municipality regulate the removal of damaged or dangerous trees, orchestrate the planting of new trees and works to make South Carolina greener for future generations. The job isn't all about beauty. Trees provide shade that can reduce air cooling needs — estimated savings number in the billions of dollars nationwide — as well as providing a habitat for wildlife. Trees help reduce stormwater runoff and air pollution and are a key component of fighting climate change.

There are times when the needs of trees bump into the wants and needs of people. Often in those cases, the city arborist helps educate the public and enforce the rules and regulations governing trees and green space.

### A watchful eye

Liz Gilland became the City of Camden's first urban forester 11 years ago. Her duties have changed recently as she has also been charged with oversight for city streets and parks, but tree management remains a priority for the state's oldest inland city.

"Camden as a community has always cared about the tree resource," Gilland said, citing documentation of a city tree-planting ordinance dating back to



Eddie Bernard, second from right, is the senior planner, landscape architect and certified arborist, for Mount Pleasant. Photo: Town of Mount Pleasant.

1798. "We've always been rich in a tree canopy and as a Tree City USA, we have had a volunteer tree board."

However, she said the management of trees has not always been proactive, with tree planting once handled by a local nonprofit organization that used private fundraising. At that time, the city's in-house crews handled removals when dead trees were identified.

After Gilland came on board, the efforts became much more proactive, beginning with an American Recovery and Reinvestment Act grant in 2010 to remove hazardous trees.

"That's what I started out with, identifying and contracting out for the removal of about 35 trees that needed to come out," Gilland said. "I made the rounds, doing presentations to the Rotary Club, Lions Club, Kiwanis, the garden clubs, trying to do some educational information about trees and why we were embarking on this major tree removal

endeavor and also to help teach about utility-line pruning."

Gilland said utility line pruning, which rotates through areas of the city every three to five years, tends to draw some of the most forceful resident complaints.

"Folks would start to see that and they would get upset, because it would be a change in the way the trees look," she said.

The first few years in the position was a lot about education and that even included a monthly column in the local newspaper. Then came the planting. Each year, she said she would visit nurseries to select the trees, then contract out the planting.

"Then, during the growing months — which I still do, I have a pickup truck and a water tank each year between March and November — I water our newly planted trees for at least two years, sometimes three years. I get to drive different parts of the city and check the condition of trees in various locations"



she said. “While it is labor-intensive, you get out there in the community.”

She said community interaction allows her to do one-on-one education of the public about the importance of trees and maintaining them.

“I am a public servant, so my philosophy is I am happy to engage and help wherever I can and teach people about the value of their trees,” she said.

### Restoring the canopy

In the City of Greenville, the key for Clemson-University-trained Arborist Drew Smith and Senior Landscape Architect Edward Kinney is restoring the city’s declining tree canopy — the cover provided by tree leaves and greenery — that has been reduced by development.

“It started with complaints from the community because there had been a couple of developments that brought down significant stands of trees,” Kinney said, adding that recent surveys show that the city’s tree canopy has decreased to a total amount of just over 40% of the city, and is projected to drop another 5% to 10%.

“It became obvious that we needed to start preserving the trees,” he said.

Over two years, Kinney and Smith worked on a tree preservation ordinance that looked at science, development and planning. Community input sessions included engineers, architects, environmental groups, developers and home builders.

“We didn’t come at this with an agenda; we really wanted everyone’s input,” Smith said.

What city council passed in January was an ordinance that focuses on replacing trees lost to development, and finding ways to be mindful about the removal of trees.

“If I take down a tree in front of your house, I will ask you to donate the cost of a new tree in front of your house to replace that,” Smith said.

Developers must now obtain permits for any “land-disturbing activity,” and that triggers a survey of trees on the property and those that are slated to be removed.

“A developer who clears a lot has to replace trees one-to-one,” Smith said.

## Tree removal restriction bill

At the end of the SC General Assembly’s 2021 legislative session, H3989, a bill that would prohibit political subdivisions from adopting or enforcing an ordinance or resolution that restricts the removal of trees on private property, was passed favorably out of the House Judiciary Special Laws subcommittee. The bill could become law in 2022.

For the latest information, visit the Municipal Association’s Legislative Tracking System at [www.masc.sc](http://www.masc.sc) (keyword: tracking system) and keep up with legislative action that impacts cities and towns by subscribing to the *From the Dome to Your Home* weekly report at the Association’s website (keyword: Dome).

“And if they can’t put the tree material back onto the lot at that one-to-one ratio, they pay a fee on any tree that’s over six inches [in diameter.]”

That money from these fees enters a fund that the city can use to purchase new trees elsewhere, purchase new green space for the city, cover maintenance of the existing tree canopy and to help pay for future tree surveys.

### Balancing competing interests

For the Town of Mount Pleasant, trees are an essential part of keeping balance in an ecologically sensitive area that includes delicate marshlands. And for more than 20 years, Eddie Bernard, senior planner, landscape architect and certified arborist, has been monitoring the canopy over the fast-growing town.

Some of the town’s trees include the iconic oak-lined drive at historic Boone Hall Plantation. Even though they are not owned by the city, such trees are still subject to the town’s tree ordinance, which governs the removal of any tree more than 16 inches in diameter, no matter where it is located inside the municipality. There are some rules on how trees can be trimmed.

“Most people seem to be familiar with the fact that there are laws, but a lot of people are surprised at the amount of regulation that there is for trees and greenery,” Bernard said.

During his time with the city, the town has grown from a population in the mid-30,000s to the mid-90,000s, and that has often put the interests of developers and newcomers into conflict with efforts to maintain the tree canopy. Along Mathis

Ferry Road — a nearly 3-mile stretch of road designed as a state scenic highway — residents need permission to remove any trees within 25 feet of the road.

“We have a buffer there that protects everything ... so people’s front yards would have 25 feet of woods effectively along the road-front there,” Bernard says, adding that handling those conflicts between people and trees is important.

“Urban forestry is not about trees, it’s about people. Anybody with training can do the right things with trees, but you have to make all this work amongst people and all the different points of view. Ownership changes over time, the politicians change frequently and of course the trees are here for decades spanning all that. So how you work with all these people over the years is key to any success in it.”



Liz Gilland, Camden’s urban forester, stands next to a 200-year-old red oak which had to be removed after storm damage. Photo: City of Camden.

# Reimagining Old Spaces as New Parks

The City of Walterboro is home to South Carolina's largest municipal park — 600 acres of boardwalk, hiking and canoe trails that wind through the woodlands and creeks of the Ashepoo, Combahee and Edisto Basin that make up the Walterboro Wildlife Sanctuary.

Now, the park has a downtown component, too.

The Walterboro Wildlife Center, featuring an exhibit hall highlighting the significance of the wildlife sanctuary, is opened in a formerly vacant building in downtown Walterboro. Displays detail the history and hydrology of what is commonly known as the ACE Basin, and exhibits explain native plants and animal life of the Lowcountry swamps. It also is home to a large meeting

space and an amphitheater for public performances and events.

Walterboro is just one example of cities and towns transforming old buildings or abandoned properties for new recreation purposes. From an old sewage lagoon redeveloped as a waterfront park to a former golf course turned into a nature and birdwatching park, South Carolina municipalities have found adaptive reuse solutions that draw visitors to their towns and expand offerings for residents.

In Walterboro, the city purchased an empty downtown building in 2013. The Walterboro Wildlife Center opened to the public in January 2020.

“The City of Walterboro has invested millions of dollars in beautification efforts

to attract people downtown. Repurposing an abandoned building downtown helped the city transform the property into a great public space at the city's center,” said Jeff Molinari, Walterboro's city manager. “The creation of the large event space and amphitheater will infuse more vitality into the downtown area that will lead to increased activity over time.”

The Wildlife Sanctuary attracts visitors from all over the country, especially those traveling on the Interstate 95 corridor that passes by the city. Future plans for the center include increasing wildlife programming and presentations, field trips, event rentals for private and public functions, concerts and theatrical events in the amphitheater.



The Walterboro Wildlife Center celebrates the ecology of the Walterboro Wildlife Refuge, and also serves as an event and meeting space in the city's downtown.

Photo: City of Walterboro.





The Wateree Riverfront Environmental Park, seen on the left, provided a cost-effective new purpose for a former wastewater lagoon. The lagoon is now a pond surrounded by walking trails, and the park offers a kayak ramp onto the Wateree River. Photo: City of Camden.

Molinari said the city was able to secure \$625,000 in grant funding, including a Hometown Economic Development Grant, over the years to help pay for the center.

“Partnerships were critical to the project. U.S. Congressman James Clyburn helped the city secure a federal grant to purchase the building and property. The FROGS Committee, or Friends of the Great Swamp Sanctuary, a local nonprofit, helped to keep the idea moving forward, and Colleton County sold an adjacent 75-space parking lot to the city which allowed the city to improve the design by placing all of the parking off-site,” Molinari said.

In Camden, more stringent environmental regulations and improved treatment technologies forced the city to replace the 16.5-acre wastewater treatment lagoon it had operated for 40 years. But instead of simply filling in the huge hole, city staff and council brainstormed what to do with the site, and decided on a combination of conservation and recreation.

Now, on the site where Camden’s river ferry operated in the 1700s, sits a place for wildlife, environmental education and recreation opportunities — the Wateree Riverfront Environmental Park.

The City of Camden expanded the site to a 26-acre park with an overlook to

the Wateree River. The first phase, which includes walking trails, islands, a parking lot and kayak ramp, was completed in spring 2020. The park features an accessible ramp compliant with the Americans with Disabilities Act, and a canoe and kayak slide. About a mile of walking trails wind around the pond, with the land planted with grasses and trees.

The park also provides the only public access to the Wateree River in Camden.

“We wanted to give something back to the public and the environment. While we could have filled it in, the park option created a wildlife habitat and encourages people to get out and enjoy nature,” said Ray Peterson, deputy director of public works and utilities for Camden. “Where once there was a wastewater lagoon, there is now a sheltered conservation area.”

Peterson noted that bird watchers visit the park for the opportunity to see many species of waterfowl and other animals, while kayakers can test their skills in the pond, in addition to launching on the river. Local students can use the park for environmental education programs, and the facility is close to Camden High School.

“Catch-and-release fishing can be done along the pond banks, and fishermen also can access the river for unlimited fishing, following SC Department of Natural

Resources regulations. The fire department also uses the facility for training as well as rescue and recovery operations,” Peterson said.

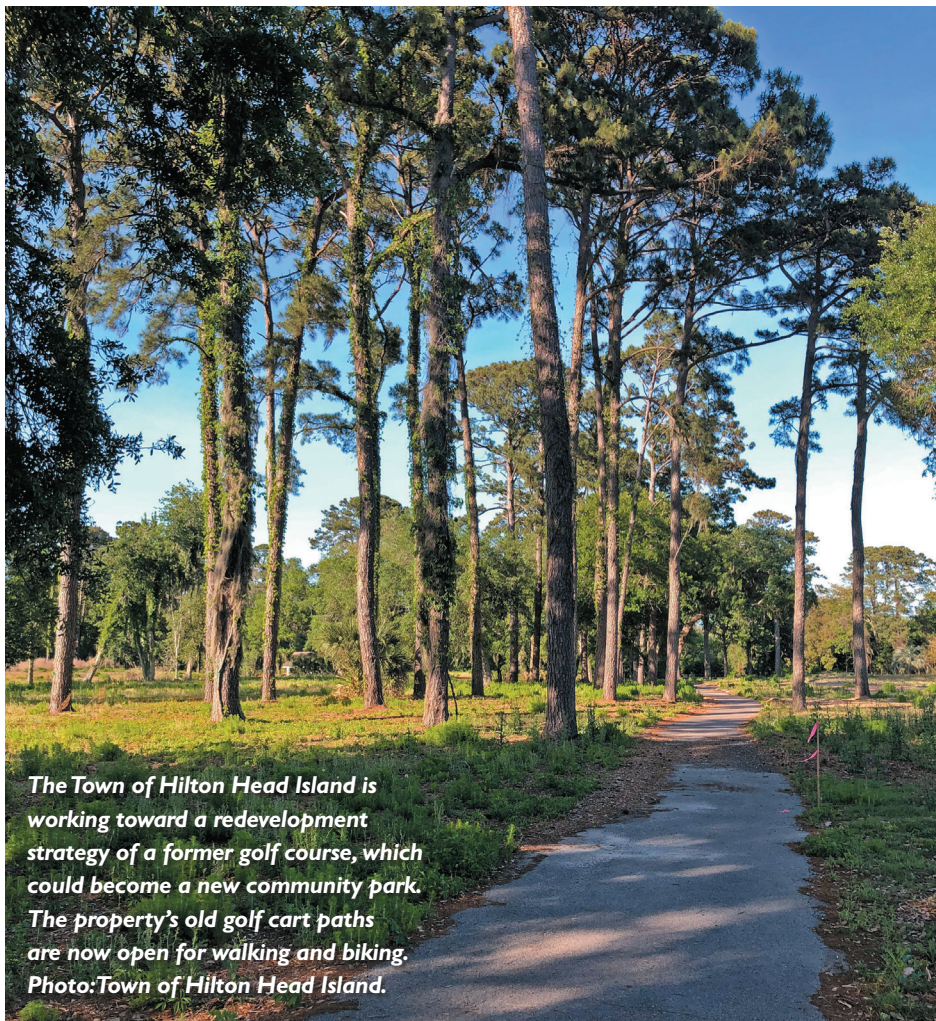
Among the grants the city received for the project included \$500,000 from the Land and Water Conservation Fund through the SC Department of Parks, Recreation and Tourism, and \$100,000 from the SC Department of Natural Resources Recreational Waters Fund. The city budgeted for the remainder of the \$1.4 million project.

Camden also received a technical assistance from the Rivers, Trails and Conservation Assistance program through the National Park Service, which helped facilitate meetings prioritize objectives and identify possible funding sources.

Camden hopes to expand the park with additional phases that will incorporate more boardwalks and bridges, and may include several observation platforms and possibly a small dock. The city also hopes to add more interpretive kiosks that point out the cultural history of the area along with the flora and fauna.

“The city took an old, outdated wastewater lagoon and turned it into a conservation area where people can learn about their natural environment, get outdoors with their families, and explore





*The Town of Hilton Head Island is working toward a redevelopment strategy of a former golf course, which could become a new community park. The property's old golf cart paths are now open for walking and biking. Photo: Town of Hilton Head Island.*

the history of the area,” Peterson said. “And, it was done for less than half of what it would have cost if we had simply filled in the former hole in the ground.”

On Hilton Head Island, the town purchased 15 holes of the former Port Royal Plantation Planters Row Golf Course in 2013 to protect the 103 acres from development. As part of the town and the parks and recreation planning, consultants and town leaders identified the land known as the Mid Island Tract as a perfect spot for a new community park for Hilton Head Island.

In 2020, the town did some work on the land — maintaining a primary drainage channel, cleaning up storm damage and removing hazardous trees — to make the property safe for the public to explore. The town also worked with a local Audubon Society group to make sure it protected trees that were known to host native bird populations.

“With growing local interest to allow public access to the property, the town installed a temporary off-street parking area and opened the property to the public for passive use in March 2021,” said Jennifer Ray, Hilton Head Island’s interim community development director. “While remnants of the golf course remain and can be visible, much of the property has returned to nature. Almost 4 miles of cart paths are now accessible for the public to walk or ride bikes. The site is also popular for bird watching.”

Planners hoped to provide a mixture of passive and active uses at this new park to take advantage of the natural landscape and offset overuse of recreation facilities at some of Hilton Head Island’s other parks.

The list of proposals for the park include a fitness trail, cross country running or single-track bike trail, inclusive playground, and conservation area

with interpretation and overlooks. Active recreation facilities on the list include a disc golf course, two to three rectangular sports fields, and a bike pump track — a group of banked turns and other features to be ridden entirely while pumping the bike pedals.

The town is in the process of soliciting bids for a consultant to work with the staff and community on a redevelopment strategy for the property, Ray said.

“This will include design development for the park through to construction. The town is interested in working with local nature and conservation groups to ensure appropriate areas of the property are conserved and enhanced for educational purposes or for hobbyists,” she said.

She also said it was helpful that Hilton Head Island has a land acquisition plan that allows the town to anticipate future needs that can be helped through land ownership.

“The town uses this program to acquire land for investment, conservation and preservation of natural view sheds and corridors and parks,” she said.

The ongoing effort at the former golf course isn’t the only park effort happening on Hilton Head Island recently, as the town opened a park in December. The 10-acre Lowcountry Celebration Park had been under construction since 2018. Now it’s a venue for festivals and special events, the new home for the Sandbox Children’s Museum and a destination playground.

Ray has this advice for other municipalities looking at projects similar to the Mid Island Tract effort: “Include the community in the planning process for new parks. Find out what the people want in their neighborhood. Be sure to focus not only on the community in general, but also neighborhoods directly adjacent to the property. Engage local recreation providers and parks interest groups. Find ways to make fallow property accessible to the public if there will be lag in time before development begins. There was lots of interest from residents who just wanted to walk on the old cart paths, so the town took measures to bring the property to a safe standard for public use until it is developed.”



# Playground Safety Checklist

Proper design and maintenance for parks and playgrounds serve as critical ways for a municipality to reduce its liability exposure.

While there are no federal mandated playground safety standards, the Consumer Products Safety Commission's *Public Playground Safety Handbook*, available at [www.cpsc.gov](http://www.cpsc.gov), and the American Society for Testing and Materials' *Standard Consumer Specification for Playground Equipment for Public Use*, available at [www.astm.org](http://www.astm.org), have become the industry standard.

Entities that do not follow this handbook and standard can find that the omission is costly. The South Carolina Supreme Court, in *Ellege v. Richland/Lexington School District Five*, ruled that evidence of industry standards is admissible in negligence cases. That case involved a slip-and-fall injury and playground equipment that had been modified according to the recommendations of a playground equipment sales representative who did not have training or an engineering license.

These general guidelines and checklist below can help reduce exposure to liability.

## General guidelines

- Conduct a hazard assessment of facilities, activities and policies.
- Review the Consumer Products Safety Commission guidelines and American Society for Testing and Materials standard to ensure that facilities and equipment are safely designed, assembled and maintained.
- Inspect parks and facilities at least once a week for visible damage and potential hazards. Playgrounds should be inspected at least once a month, and more often during high-use periods, preferably by a safety inspector certified by the National Recreation and Park Association.



- Use a preventive maintenance program.
- Document all inspection findings and maintenance performed. Correct any identified hazards.
- Ensure proper signage providing direction and warning are clearly visible and easily understood — even by those for whom English is not a first language.
- Anticipate foreseeable activities and take reasonable steps to protect users. Develop clear, concise, and effective policies and procedures for all areas. Have an emergency action plan.
- Make sure play structures more than 30 inches high are spaced 9 feet apart.
- Check for dangerous hardware, like open “S” hooks or protruding bolt ends.
- Make sure spaces that could trap children, such as openings in guardrails or between ladder rungs, measure less than 3.5 inches or more than 9 inches.
- Check for sharp points or edges in equipment.
- Look for tripping hazards, like exposed concrete footings, tree stumps and rocks.
- Make sure elevated surfaces, like platforms and ramps, have guardrails to prevent falls.
- Check playgrounds regularly to see that equipment and surfacing are in good condition.

## Consumer Product Safety Commission Public Playground Safety Checklist

- Make sure surfaces around playground equipment have at least 12 inches of wood chips, mulch, sand or pea gravel; or are mats made of safety-tested rubber or rubber-like materials.
- Check that protective surfacing extends at least 6 feet in all directions from play equipment. For swings, be sure surfacing extends — in front and back — twice the height of the suspending bar.

*The SC Municipal Insurance and Risk Financing Fund provides a parks and recreation toolkit for its members. In addition to playground safety issues, it addresses concerns of parks and recreation personnel, the liability issues involved in fees and supervision, sports programs and other facility guidelines. Learn more about SCMIRF at [www.masc.sc](http://www.masc.sc) (keyword: SCMIRF).*



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# Calendar

## JULY

**22 – 24 Municipal Association of SC Annual Meeting.** Marriott, Hilton Head Island.

## AUGUST

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

**3 Setoff Debt Collection Program Training Session for New Employees of Current Participants.** Municipal Association of SC, Columbia.

**3 SC Business Licensing Officials Association ABL Exam.** Municipal Association of SC, Columbia.

**4 Setoff Debt Collection Program Training Session for Interested Participants.** Municipal Association of SC, Columbia.

**5 Setoff Debt Collection Program Training Session for Interested Participants.** Municipal Association of SC, Columbia.

**10 SCMIT/SCMIRF Elevating Inclusive Excellence.** Moncks Corner Train Depot.

**11 SCMIT/SCMIRF Elevating Inclusive Excellence.** Municipal Association of SC, Columbia.

**12 SCMIT/SCMIRF Elevating Inclusive Excellence.** Simpsonville Senior and Activity Center.

**25 Retail Recruitment Training: Sessions 1 and 2.** Municipal Association of SC, Columbia.

**25 – 27 Municipal Court Administration Association of SC Annual Meeting.** Hyatt House, Charleston.

## SEPTEMBER

**1 SC Association of Municipal Power Systems Associate Member Lunch.** Seawell's, Columbia.

**2 SC Association of Stormwater Managers Third Quarter Meeting.** Seawell's, Columbia.

**8 Regional Advocacy Meeting.** The Edition at the Hartsville Museum. Pee Dee Council of Governments area.

**8 – 10 Municipal Clerks and Treasurers Institute Year 3, Session A.** DoubleTree by Hilton Columbia.

**9 Regional Advocacy Meeting. Rock Hill Operations Center.** Catawba Council of Governments area.

**14 Regional Advocacy Meeting.** Manning City Fire Department. Santee-Lynches Council of Governments area.

**15 Retail Recruitment Training: Sessions 3 and 4.** Municipal Association of SC, Columbia.

**16 Regional Advocacy Meeting.** Rollins Edwards Community Center, Summerville. Berkeley-Charleston-Dorchester Council of Governments area.