

a publication of the municipal association of south carolina

Annual Meeting Coming to Hilton Head Island July 22 – 24

The Annual Meeting of the Municipal Association of SC will return to an in-person format for 2021, taking place at the Hilton Head Marriott from July 22 to July 24.

Each year, the meeting features educational sessions covering critical topics for elected officials. This year's topics will range from American Rescue Plan funding to business licensing, redistricting following the 2020 census, legislative updates, law enforcement, ethics, broadband internet expansion and post-pandemic economic development.

This meeting will use several COVID-19 precautions, creating some differences from past annual meetings. The Municipal Association will require face coverings for all attendees while they are in the meeting areas. Social events will be limited to an opening reception on Thursday, the delegates' luncheon on Friday and a dessert reception on Saturday night.

The keynote speaker for the Opening General Session will be Andrew Davis, the author of *Town, Inc.*, who will discuss how to market a city or town to build interest and excitement among prospective businesses. Dr. David Ivan, a researcher of community change, will speak about using hope and inspiration to drive projects that enhance community vitality and strengthen resident engagement. Motivational speaker and comedian Miguel Washington will serve as the luncheon keynote speaker.

Registering for the Annual Meeting

To help make sure the maximum number of attendees can register for the meeting and book hotel rooms, each municipality needs to be thoughtful when planning and registering. Please do not register anyone who has not firmly committed to attend to help prevent unnecessary cancellations.

The registration process for the 2021 meeting will be familiar to attendees of previous Annual Meetings, with a full registration



brochure going out in May. Each municipality will select a representative — usually the clerk, manager or administrator — to make reservations for the city or town. The Association will use a random drawing process to assign reservation appointment times for each municipality. It will send out registration instructions before May 19.

The process will use this timeline:

- **May 19 to May 24** – Municipal representatives make reservations for the city or town.
- **May 26** – The random drawing will assign registration appointment times.
- **June 8 and 9** – Half-hour registration appointments take place, with Association staff assisting the representative from each city or town.
- **June 18** – All hotel reservations must be complete.
- **July 12** – All registrations for the Annual Meeting must be complete.

Find more details and agenda information about the Annual Meeting at www.masc.sc (keyword: Annual Meeting).

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14 Graduate From BLOA Training Institute

Fourteen officials representing cities, towns, counties and the Municipal Association of SC graduated from the SC Business Licensing Officials Association Training Institute during BLOA's spring meeting.

The Institute improves the professional and administrative skills of business licensing officials. Its three sessions include topics on general licensing, problem areas and personal development. The spring session topics included business license enforcement, the SC Business License Tax Standardization Act and business license problem areas. The graduates can earn the Accreditation in Business Licensing designation after passing a comprehensive written exam.

Congratulate the newest BLOA Training Institute graduates:

- Johnny Alimohamed, business licensing officer, City of Spartanburg
- Regina Ashba, administrative assistant, Town of Blackville
- Kristy Carge, treasury supervisor, Town of Bluffton

- Zachary Cavanaugh, interim division manager, Richland County
- Kimberly Coccia Shedd, revenue collector, Town of Hilton Head Island
- Krista DuBois, accountant, Town of Kiawah Island
- Jenna Farr, financial services specialist, City of Newberry
- Sherry Fortson, accountant, Town of Kiawah Island
- Jeremiah Jackson, business license inspector, City of Clemson
- Anita Lancaster, collections analyst, Municipal Association of SC
- Shemequa Pringle-Jackson, revenue collections manager, Charleston County
- Abby Rain, revenue services specialist, Town of Hilton Head Island
- Ashley Robinson, business license coordinator, Marion County
- Bradley Todd, business license inspector, City of Conway

Learn more about the BLOA Training Institute at www.masc.sc (keyword: Accreditation in Business Licensing).

2021 Compensation Survey Results Available

The Municipal Association of SC online compensation survey gives cities and towns an easy way to compare their employee pay with pay from other cities around the state. With this tool, municipal leaders can save time when researching pay data while making decisions on how to competitively set their compensation levels.

The results of the 2021 survey are now available online. The survey data allows for searches to generate specific reports. For example, users can create reports for municipalities of a particular population range or specific job positions. Reports can also include the number of full-time employees or the annual payroll of a particular city or town. Other search functions include salary ranges, merit raise minimums or maximums, or the range of a cost-of-living adjustment. Users can also export all of the compensation survey data into Excel spreadsheets and they can download the entire compensation survey report as a PDF.

Responding to the survey is voluntary for municipalities, but higher response rates increase the usefulness of the data. The Association requests survey participation from cities and towns at the beginning of each year.

Find the survey at www.masc.sc (keyword: compensation survey). For more information, contact Sara Whitaker at whitaker@masc.sc or 803.933.1240.



NEWS BRIEFS

Downtown Florence recently became a Nationally Accredited Main Street America program, the highest tier of recognition from the National Main Street Center. The accreditation requires rigorous performance standards of revitalization efforts, community partnerships, historic preservation and documentation of progress. Downtown Florence joins four other Main Street SC programs with that distinction: the **Aiken Downtown Development Association, Main Street Hartsville, Main Street Laurens** and **Uptown Greenwood**.

The **SC Office of Resilience's Disaster Recovery Office** announced a total of \$30.1 million in infrastructure mitigation grant funding for stormwater infrastructure and drainage improvements in March, as well as some funds for buyouts of repetitive-loss properties. Local governments receiving a portion of this funding include the **City of Charleston, Town of Cheraw, City of Florence, City of Lake City, City of Manning** and **City of Sumter**.

Southern Living magazine named the **City of Greenville** to its list of the "South's Best Cities On the Rise 2021," citing its walkable downtown, restaurants and arts scene, and the **City of Folly Beach** to its list of "Best Beach Towns 2021," drawing special attention to its surf shops.

The **City of Sumter** has been named as one of 20 municipalities in the U.S. to be a finalist for the 2021 All-America City Awards.

Report Unclaimed Funds in June

The South Carolina Uniform Unclaimed Property Act, found in SC Code Section 27, Chapter 18, requires that all entities that hold unclaimed funds, including local governments, must work to return those funds to their owners each year.

When cities and towns cannot locate the owners, they must send the remaining unclaimed funds to the State Treasurer's Office. The Treasurer continues the effort to locate the owners using the website southcarolina.findyourunclaimedproperty.com. Through it, users can search for funds owed to any person or business. So far, the effort has returned more than \$366 million in funds.

There are several types of unclaimed funds that municipalities might hold:

- **Accounts payable** – Unpaid credit balances, which can include uncashed payroll checks.
- **Courts and jails** – Overpaid bail bonds or leftover inmate account funds.
- **Parks and recreation** – Deposits for facility rentals.

- **Water and sewer funds** – Deposits left when customers end service.

The State Treasurer's Office provides this timeline for identifying unclaimed funds and handling them appropriately:

1. **No later than June 30** – Cities must review their records for unclaimed property.
2. **July to October** – For all unclaimed funds, cities must attempt to locate the property owner by sending the owner a notification form letter to the last address on file. The law does not require them to send a letter when there is no valid address available.
3. **No later than November 1** – Cities must send an electronic unclaimed property report and remittances to the State Treasurer.

The State Treasurer's website (www.treasurer.sc.gov) provides a form owner notification letter. It also provides information on how to create reports in acceptable formats and remit funds.

Delay Municipal Elections, or Not?

The Equal Protection Clause of the United States Constitution and the Voting Rights Act both require that municipalities redistrict their wards to reflect population and demographic information contained in the most recently released decennial census.

Ordinarily, the 2020 census data would already be released. This year's data, however, has been delayed. On February 12, 2021, the Census Bureau announced that it would release redistricting data with tables by September 30. Later, the Census Bureau announced that it will release the data in a legacy format and without tables approximately a month earlier in August.

Many municipalities in South Carolina have elections scheduled for this fall, and filing periods for those elections will close before the release of the census data. In any event, it will be virtually impossible for municipalities to complete the redistricting process before the November election dates.

Federal courts have repeatedly held that the release of official census data does not require the immediate abandonment of the existing ward map. Rather, the rule

is that state and local governments must follow a reasonable plan and process to adopt an updated ward map that incorporates the new census data.

For example, in *Garcia v. 2011 Legislative Reapportionment Commission*, the District Court considered a challenge to the Pennsylvania general election held in November 2012. The Census Bureau had released the official decennial census data in March 2011. Because of delays in and appeals of Pennsylvania's statutory reapportionment and redistricting process, the revised map had not been completed before the election, which occurred almost 20 months after release of the census data. The court rejected challenges asserting that using 2000 census data for the 2012 election violated the Equal Protection Clause and the Voting Rights Act, finding that "federal courts have recognized that no constitutional violation exists when an outdated legislative map is used, so long as the defendants comply with a reasonably conceived plan for periodic reapportionment."

In other words, municipalities may hold their fall elections as scheduled and

using the existing ward maps. Municipalities should diligently work to complete the redistricting process as quickly as practical, but they need not cancel or delay the fall elections if the new maps are not prepared in time.

On the other hand, SC Code Section 5-15-50 allows municipalities to establish by ordinance "the time for general and special elections within the municipality." This provision has been interpreted by courts and the Attorney General to allow reasonable extensions of the terms of incumbent councilmembers to set new election dates. It seems likely that a court would find it reasonable to extend the terms of incumbent councilmembers to allow time for redistricting. Therefore, municipalities may choose to delay the fall election until the new maps are available.

In short, under federal and state law, municipalities may either proceed with their fall elections as planned, or they may delay these elections until redistricting is complete. The decision is ultimately one for the council, taking account of local politics, demographics and population trends.



Association Highlight

Online Job Postings

The Municipal Association of SC offers online job postings at www.masc.sc, which are available to South Carolina's municipalities, commissions of public works and political subdivisions that serve the Association's affiliate organizations. Affiliate organization members may use the service to post only those jobs that directly relate to the affiliate group's purpose. For example, a member of the SC Business Licensing Officials Association could post the position of business licensing official.

The postings are available without charge and appear on the website for two months unless otherwise specified. Employers posting jobs can include information on the position's hours, its job description, qualifications, pay, application process and deadline.

Find current job postings as well as the form and downloadable template for submitting postings at www.masc.sc (keyword: job openings).



Test yourself monthly quiz

True or False:

A municipal council can amend or repeal an adopted ordinance using a resolution.

Answer: False.

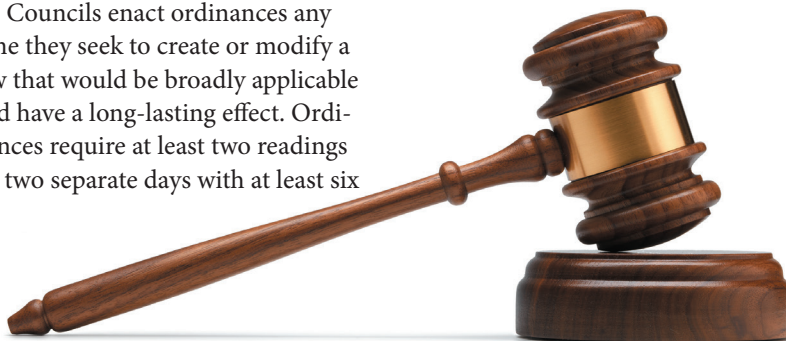
An adopted municipal ordinance can only be amended or repealed by the council adopting another ordinance.

Councils enact ordinances any time they seek to create or modify a law that would be broadly applicable and have a long-lasting effect. Ordinances require at least two readings on two separate days with at least six

days between each reading before they have the force of law. Afterward, they must be placed into the municipal code. Resolutions serve a different

purpose. Councils generally use them to express a policy or position on an issue or to draw attention or emphasis to an issue.

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 and log in with their user identification number and password.



A Day in the Life of a

Risk Manager

A city's risk manager ensures that all municipal employees are properly trained for their safety. They also work to safeguard the public, determining that all the city's assets are inspected, maintained and insured. Since the beginning of the pandemic, their duties have expanded to make sure every department is following the public health safety protocols.

The variety of issues in need of a risk manager's attention can seem daunting, but that just means they must employ time management and, most importantly, triage — doing the urgent things first.

"There is no telling what's going to be coming across my desk," said Joe House, an experienced risk manager who has been with the City of Aiken since 2019. "I have to triage every day. What's most important moves to the front. It's not easy. I'm one person, and there's a tremendous amount going on."

With more than 300 employees, House is responsible for the city's liability insurance on property and people. He has to authorize purchases to fix damage to vehicles and buildings, and he makes sure that everyone from firefighters to police officers and office workers are trained. The annual training list includes trenching and shoring for public works employees, first aid and CPR for all employees, and monthly defensive driving classes for anyone who gets behind the wheel of a city car.

The COVID-19 pandemic has complicated the process of risk management. The city employs a full-time nurse who helps treat workplace injuries, but pandemic safety protocols required significant juggling to make sure the nurse's office was not inundated



Since starting with the City of Aiken in 2019, Risk Manager Joe House knows firsthand the importance of time management and organization as he is responsible for the city's liability insurance on property and people. Photo: City of Aiken.

with people in close proximity. Physical distancing measures and sanitation standards meant many workers had to wait longer to get seen.

"Everybody wanted to be tested, but our nurse was getting flooded," House said. "We were cleaning after each person, but we had to stop the inflow. We just told everybody to call first and make an appointment."

The city instituted a mask mandate for all employees unless they were alone in their own office. And as of mid-March

2021, all employees who wanted a COVID-19 vaccination had received them.

"I can tell you I'm never bored," House said. "Every time I answer the phone or open an email, something has happened. Nobody calls me to chat."

In Spartanburg, Carl Wright and Kenneth Booker share responsibilities for risk management while tackling other tasks. Wright also handles procurement and Booker addresses safety and workers compensation.

The ability to take on many different functions is essential to risk management, Wright said.

“Your day could start with A and B, and you get a phone call that an accident has taken place and you drop A and B and go pick up C,” he said. “You have to be able to multitask.”

Both Wright and Booker said one of the key risk management improvements that Spartanburg has made is the establishment of policies for the use of city vehicles that help eliminate accidents. An accident review team takes a look at all crashes involving damage, and the city employees involved in those crashes know they will be tested for drug and alcohol use.

Wright says the biggest piece of the puzzle after finding the cause of the accident is to use that knowledge to inform future training.

“We have been blessed to have a defensive driving team,” Wright said. “Every month, we review all the accidents and our challenge is to reduce accidents by awareness ... You can minimize accidents by finding trends, then broadcasting that trend out to the departments.”

Booker said the policy has led to fewer accidents in part because employees see how seriously the city takes car crashes.

“We don’t want to see vehicle damage, but we really don’t want to see employees get hurt,” Booker says. “Employees started buying into it and looking out for each other.”

Booker has worked in risk management and safety in both the public and private sectors. He said that one of the biggest changes during his career has been the growth in governments’ efforts to minimize workplace injuries.

“If you are paying out a lot of money on work-related injuries, that resonates as a bottom line budget item,” he said. “They are taking it seriously now, understanding the cost.”

In addition to his workers comp duties, Booker also is responsible for inspecting all city properties on a quarterly basis and making sure safety hazards are corrected.

While larger cities like Spartanburg can split the duties of risk management between multiple people, others have a



single risk manager who wears many hats. In the case of the City of Conway’s risk manager, that other hat is a firefighter’s helmet. Jeremy Carter is the fire marshal and an assistant fire chief, in addition to his risk management duties.

“I actually have three jobs,” Carter said. “You start out the day with a sticky note, but the first thing you write down might be the last thing you do.”

Carter’s primary risk management duties focus on making sure the city meets federal Occupational Safety and Health Administration regulations.

“You just want to make sure that your employees and your residents are safe,” he said.

To that end in 2015, the city began a new-hire orientation program that reviews a checklist of workplace safety issues with all new employees. If employees are going to be driving a city vehicle, they get defensive driver training on their second day at work.

“It’s all just prevention,” Carter said. “When we started making sure that new employees were getting this training upfront before they are ever released to their departments, they’ve got all this awareness training they need.”

Carter said it has led to fewer accidents that are the fault of city employees.

For recorded accidents, a review board meets periodically with all employees

involved to see if there is something that needs to be changed in the training. If an employee logs a full year without an at-fault incident, they get a \$100 bonus at the end of the year.

When the pandemic began, the city implemented mandatory mask-wearing and physical distancing to keep employees healthy. By March of this year, all the city’s first responders have been vaccinated and Carter is hoping for a return to more normal operations, which includes a city-owned fitness center that employees can use for free.

“That allows the employees to take care of themselves, which in turn helps out on the job,” he said.

Another risk management duty is inspecting city buildings for safety hazards. As fire marshal, Carter is already inspecting most buildings in town anyway, so he just adds the city-owned buildings to his routine inspections.

“It can be tough having the risk management role,” Carter said. “Truly with a city of our size, it could be a standalone full-time position, but we feel we’ve got a really good system.”

Risk managers face the challenge of numerous potential hazards and opportunities for improvement, but their work ties them directly into one of the foremost goals of any city: the safety of its residents and protection of its employees.

Understanding 100% Freeholder Petition Annexation

This article is the second in a series on the three methods of annexation allowed in South Carolina law. Find the first in the April 2021 Uptown at www.masc.sc (keyword: Uptown).

The 100% freeholder petition and ordinance method for annexation in South Carolina, as described by SC Code Section 5-3-150(3), begins with a petition for annexation signed by every property owner in the area to be annexed. The 100% petition and ordinance method for annexation does not require a public hearing.

All three annexation methods in South Carolina require properties to be contiguous to the city or town, as defined in SC Code Section 5-3-305, before annexation can occur. “Contiguous” means a property must share a continuous border with the city or town. The owners of the contiguous property can start the annexation process with a petition to the city or town. A 100% petition form is available in the Municipal Association’s *Annexation Handbook*, found at www.masc.sc (keyword: annexation). This sample form illustrates the type of information the petition should have, such as the county tax map numbers and a plat or map of the property. Property owners can also

request that the annexed property receive a certain zoning designation from the city or town.

Next, the municipal council must decide whether to accept the property into the city or town through annexation. The council should weigh the long-term benefits of annexation — expanded services, population and tax base — against the short-term costs of new services. If the council decides to accept the annexation, it must then adopt an ordinance declaring the property to be annexed. The *Annexation Handbook* also features a sample annexation ordinance which councils can use. The ordinance should include a description of the property as it appears in the petition. It can also include an indication of its zoning, pending confirmation under the city or town’s zoning ordinance.

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.

In some cases, annexations will include property from one of the state’s special purpose districts, which exist for functions such as fire protection, utility services or recreation. The Secretary of State’s website, www.sos.sc.gov, provides a directory of all of the state’s special purpose districts. In these instances, SC Code Section 5-3-310 explains the rules for what happens to the services provided by the special purpose district. The district retains its assets in the area. It also continues to provide services in the area until the municipality provides “reasonable written notice” that it will take over the services in the area and creates an appropriate plan for the transfer of service rights.

Upcoming issues of Uptown will explore the rules and processes the 75% freeholder petition and ordinance method as well as the 25% elector petition and election method.



Standardizing Business License Due Dates and Applications

Starting January 1, 2022, Act 176, known as the SC Business License Tax Standardization Act, will require city, town and county governments that levy a business license tax to all use the same payment due date and accept a standard business license application.

Each jurisdiction will be required to use the standard business license tax payment due date of April 30. Beginning each May 1, jurisdictions may assess penalties for those businesses that missed the April 30 deadline. The law allows each city, town or county to set the amount of a late penalty, if the local government has one.

Lawmakers included the standard due date within Act 176 to create an easier process for businesses to pay their license taxes to all of the jurisdictions where they work within the state. Previously, businesses had to keep track of business license due dates set by taxing jurisdictions that fell throughout the year, leading to confusion and missed payments.

Along with the standard due dates, Act 176 requires that all taxing jurisdictions accept a standard business license application starting January 1, 2022.

Developed by the SC Business Licensing Officials Association in 2014, the standard business license application allows businesses to use the same form anywhere they do business in the state. When the General Assembly enacted Act 176 in 2020, more than 100 jurisdictions were already accepting the standard business license application.

Having been developed by business licensing officials, the standard application contains all of the information any city or town needs to help a business start operating in its jurisdiction.

The standard application saves businesses time when they start to operate in a city, town or county. Rather than complete a unique business license application for every city or town, business owners may fill in their business's information on the standard application, duplicate the application and then fill in the job-specific information for the cities or towns as they work across the state.



Find Guidance on Business License Standardization

No matter what business license actions municipalities have taken in recent years, Act 176 has created the need for every city and town to take new action to comply with the law in 2021. The Municipal Association is available to assist anyone that needs help in complying with this process.

The standardization webpage found at www.masc.sc (keyword: standardization), explains the seven action steps, including converting to the standard license year, managing business license data and rebalancing rates, using the standard class schedule, adopting the model ordinance, and setting up an account for the online business licensing portal. The page has resources to help cities and towns communicate with stakeholders, such as businesses, business licensing staff, elected officials and media contacts about the changes.

Each city and town with business licenses has designated a Municipal Association staff member to serve as a standardization liaison. The liaisons' contact information is available on the webpage. The page also offers a collection of articles and podcasts to help local officials better understand the standardization process.



The City of Greer



The City of Greer completed CenterG — a streetscape project that has transformed Trade Street into a pedestrian-friendly, aesthetically pleasing and economically thriving central business district. Photos: City of Greer.

Paving the Way for Success

In the late spring of 2020, the City of Greer completed CenterG — a \$10-million streetscape project that has transformed Trade Street into a pedestrian-friendly, aesthetically pleasing and economically thriving central business district.

The project was a far cry from what the city had originally discussed years earlier. Business activity was already strong downtown, with several restaurants located on the main thoroughfare. The project began, Greer Mayor Rick

Danner said, as a simple reworking of the streetscape — “maybe find some places to punch out the sidewalk to accommodate some tables and redo the street with fresh asphalt. Maybe add some street lighting.”

A look at Greer’s downtown today shows what can happen when cities involve community stakeholders and pursue opportunities they believe will pay off. It’s an example of how cities and towns around South Carolina can use streetscaping, lighting and additional

parking to improve the economic health of downtowns and the quality of life for residents and visitors.

In Greer, the process began with input from the downtown business community and residents, with council keenly interested in the process.

“We started to think, ‘If we do something, maybe we should take a bold approach,’” Danner said.

The city hired Kimley-Horn, a design and planning firm, to help plan and

The Town of Ridge Spring



The Town of Ridge Spring made their downtown more attractive and accessible by adding parking, improving streetscapes and enhancing the farmers market. The downtown now features a replica of a water tank that was used in the early days of Ridge Spring, when it was used in part to provide water for steam engines stopping in the railroad town. Photos: Town of Ridge Spring.

design downtown's new look. Greer settled on a shared-surface street concept, which replaces curbs with multicolored pavers and other methods to direct traffic. The change allows the street to be easily transformed into a pedestrian plaza for special events. It's a look that is common in the plazas of Italy and Spain, but not often seen in South Carolina.

"What it does is take an auto-centric design and flips it to a pedestrian-centric plan. You shrink two lanes of traffic to the bare minimum and take a 4- to 5-foot sidewalk to an 8- to 10-foot sidewalk on both sides of the street," Danner said. "We instantly realized people were so comfortable walking around downtown. It changes the dynamic of the area."

Although the project was completed during the pandemic, the city was able to stage some limited events during the summer and fall that showed the flexibility of the space. The lights that are strung across the street have been immensely popular, drawing compliments and downtown photo shoots.

But as the plans grew, so did the budget. Along with the beautification work, the city's public works department replaced the aging infrastructure.

"It's not a cheap project. You need to be upfront about that. We saved some money. We had a good price on work that needed to be done. We communicated about what we were going to do and how it was going to be done," Danner said.

The city made it clear at the beginning that its first concern would be keeping businesses open during construction and keeping merchants informed. Greer formed a communications team of staff members, merchants, the chamber, economic development leaders, the contractor and an outside communications firm. Every merchant knew what the city was doing and how long each stage of the process would take.

"We had feet on the ground and on the street that could communicate," Danner said. "We had a full-time person for the city who was a liaison down there. Our commitment to the merchants was that during the construction process there was never a time when you'd be without your front door for more than three days. Most had alley access or parking lot access. In the end, nobody was without a front door for more than 48 hours. This was a multi-million project that came in on time, under budget and kept those businesses open. That doesn't happen without a lot of people communicating."

The success has been obvious. Greer's downtown has seen more than \$100 million of new investment, with a hotel, a city-built parking garage, and 200-plus urban apartments.

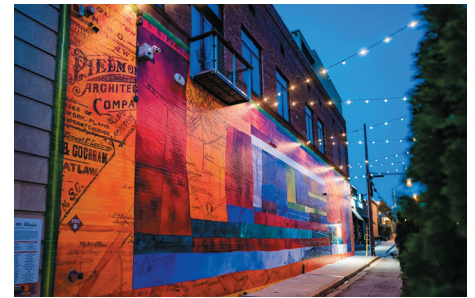
In the Town of Ridge Spring, an ambitious plan to enhance the downtown and create more parking was helped by a Community Development Block Grant and funding from the Saluda County Capital Project Tax.

Pat Asbill, who has been mayor for 12 years, said one of her goals was to bring more businesses to Ridge Spring's downtown. The work was successful, with five antique shops and three restaurants operating in the town.

"We're growing in the way little towns grow. But we didn't have parking," she said. "When you'd come in on a Friday afternoon or a Saturday, there was not a place to park. That was a good thing, but we had to figure out how to use an old parking lot and an old garden to make room for more."

The town took over a property that had been leased to a garden club for more than 30 years, rearranged the plantings and added more parking. It also enhanced its farmers market by adding parking and restrooms. By the end, it had added 30 parking spaces, improved the streetscape,

The City of Anderson



The City of Anderson is experiencing success after years of careful planning and infrastructure improvements. The city uses data from growth studies and input from residents to help guide projects. Photos: City of Anderson.

Infrastructure

enhanced the farmers market and made the downtown more attractive.

“But we really wanted something that would attract people’s attention,” she said.

That has come in the form of a decorative wooden water tower, a focal point in the town park. It’s a replica of a water tank that was used in the early days of Ridge Spring, when it was used in part to provide water for steam engines stopping in the railroad town.

“It’s absolutely the nicest water tank. We’ve had a wedding under it already. People come and take lots and lots of pictures. We’re very proud of what we’ve done in the past two years,” she said.

The City of Anderson is also proud of the success that has come following years of work to make the downtown area attractive to residents and visitors.

“Right now, we are seeing the fruits of a couple of decades of infrastructure and streetscape improvements,” City Manager David McCuen said. “We realize that we are not ‘in the business of business,’ but it is our role to create an environment attractive to business.”

He said the city was particularly proud to see 12 new businesses open downtown

in 2020, despite the economic challenges brought on by the coronavirus pandemic.

“This speaks to the fact that we focused on a quality foundation on several fronts. A parking study revealed that our growth patterns could support a second parking garage. This data helped us as we partnered with developers to plan a new hotel, fronting Main Street, and an adjacent 305-space garage,” McCuen said.

The city also improved its downtown landscaping.

“We weren’t afraid to chop things down and dig things up, editing our landscaping to provide shade and aesthetic appeal. We added a horticulturalist to our staff to ensure the health of our trees and to care for a stunning array of seasonal plantings,” he said. “This has added a layer of organic vibrancy to complement our notable array of public art.”

The city also asked residents, visitors and businesses how they perceived Anderson’s downtown, and used the information to address lighting and general cleanliness issues.

“We moved and added benches and trash receptacles to serviceable positions,” he said. “Though these things might seem

small, we realized they were very important to the overall curb appeal of the city.”

As a new hotel opens this summer, McCuen said the surrounding block will get a major facelift with a shady street to flank the new development. His advice for other cities and towns: plan, but be flexible.

“We had solid streetscape plans and we have revised and updated them over the years. We are always willing to partner with developers to meet their needs where we can and work within our shared goals. And most importantly, be willing to make the financial investment. It will pay off.”

Greer’s Danner also points out the importance of leadership when cities undertake major — or minor — streetscaping or other plans.

“[The CenterG project] made me realize it’s not always just about solutions; it’s about leadership,” Danner said. “We had lots of solutions to do what we wanted to do. It was that leadership by our council and our staff that gave our community and merchants the confidence to say, ‘If you think you can pull this off, we’re willing to take the risk.’”

Looking to the Future of Water and Wastewater

By Kendra Wilkerson, Infrastructure Sustainability Manager, SC Rural Infrastructure Authority

The United States has constructed an estimated 2.2 million miles of pipe to bring clean drinking water to our homes and businesses — a truly impressive feat of collective action. At the same time, the work of maintaining and expanding that network, and the accompanying wastewater infrastructure it needs, requires a staggering amount of money. The needs are not only financial. Retiring personnel can leave systems scrambling to maintain the technical and managerial capacity they need to keep complex infrastructure in working order.

The SC Rural Infrastructure Authority is proud to support South Carolina's water and wastewater systems by awarding grants and partnering with the SC Department of Health and Environmental Control to administer low-cost loans through the State Revolving Fund. Even so, these programs can only supplement local efforts to fund utility services through sustainable business models.

More than 90% of the drinking water systems in the U.S. have no more than 10,000 customers. With a relatively small revenue base, these systems tend to have fewer resources available to help them plan for the future. They face more limited options to overcome challenges such as declining population, aging infrastructure and unanticipated emergencies. When these utilities were surveyed by the American Waterworks Association in 2019, less than a quarter of respondents reported being fully able to cover costs.

While anecdotal evidence indicates that South Carolina's ecosystem of water and wastewater providers broadly mirrors national trends, understanding the unique context in which the state's systems operate is key to developing the effective, targeted strategies that can address local



needs. With the help of a grant from the Economic Development Administration of the U.S. Department of Commerce, RIA is currently undertaking a statewide study to examine these issues. The study is assessing the obstacles South Carolina communities encounter when trying to maintain viable water and sewer systems. Armed with the survey's data, the agency will identify practical ways for systems, funders and other stakeholders to address common challenges and strengthen this critical infrastructure. An expert advisory committee, whose members represent a cross section of the stakeholders involved in the water infrastructure sector in South Carolina, is guiding the study.

Some communities have already taken important steps toward greater long-term sustainability, showing the variety of ways a system can work toward this goal. Steps such as developing capital improvement plans, rethinking rate structures, seeking staff training and accurately mapping assets can all lead to better outcomes. The Town of Calhoun Falls, for example, recently worked with an engineer to map needed water and sewer improvements and to develop preliminary cost estimates.

In many cases, system owners turn to their neighbors for informal operational support — interconnections to ensure consistent service or contractual arrangements for shared services. The City of Union provides operational support to the Towns of Lockhart and Carlisle, and the City of Camden does the same for the Town of Bethune. The City of Walhalla recently constructed an interconnection between its water system and the City of Westminster's system to ensure reliable service to an industrial park. Sometimes communities agree that customers are best served by entirely transferring one utility to another, as when the City of Florence assumed responsibility for the Town of Timmonsville's system. In the case of the Lowcountry Regional Water System, several towns, along with Hampton County, pooled their resources to create and jointly govern a new, more viable system.

Recognizing that partnerships play a critical role in positioning utilities for long-term success, RIA will host a full-day event this fall to bring stakeholders together. Participants will discuss challenges, share successes and help shape the strategy for strengthening these systems statewide. Look for more information about this event as it becomes available at ria.sc.gov/about/news-and-events.

Supporting community sustainability is not a new idea for infrastructure funders such as RIA. It is a consideration in the review of applications for grants and loans. For cities and towns that need to make water and sewer improvements to ensure the reliability of services for their customers, RIA has financial assistance available. To learn more, contact RIA at 803.737.0390 or ria.sc.gov; or DHEC at 803.898.3993 or scdhec.gov/srf.

Keep Up With Slip and Fall Claims



Although the South Carolina Tort Claims Act provides some financial protection against “slip and fall” or “trip and fall” liability claims, municipalities should not automatically accept or deny liability for claims. When these incidents occur, they require a thorough investigation by a claims adjuster to determine the responsible party and the claim’s validity.

A major concern for local governments with these cases is that once a liability payment is issued for a claim or lawsuit because of a slip or trip in a specific area, it could set a precedent for future claims and lawsuits.

During the investigation of a case, the adjuster will verify who owns the property where the incident occurred and who is responsible for its design, maintenance and repairs. What seems like a straightforward task may be complicated.

Over time, there may have been agreements or easements with municipal or state governmental entities that have changed ownership and maintenance responsibilities for the facility or infrastructure where the event occurred, such as a sidewalk or park. These documents are not always readily available.

When investigating the claim’s validity, the adjuster will ask:

- how the individual filed the original complaint,
- if the initial notice was made via letter through legal representation as a first notice,
- if the claimant provided initial notification,
- if the report was made directly to an employee or to the police department for record only, and
- if there were independent witnesses to the incident.



If the types of injuries being claimed or the accompanying medical bills for treatment are questionable, the adjuster will broaden the investigation.

“It is important for municipal officials to report claims immediately to their insurance provider and to understand the claims and investigative processes,” said Cindy Martellini, claims manager for the Municipal Association’s Risk Management Services. “Not providing requested information promptly will delay the investigation. This often leads to the claimant filing a lawsuit against the city which can be very costly.”

During the litigation discovery process, the defendants will require the same information the adjuster requested during the initial evaluation of the claim. The legal defense fees for completing the discovery process and taking depositions may cost more than what the case could have been settled for before litigation.

Liability cap increase proposed for SC Tort Claims Act

Under the SC Tort Claims Act, a person suing over a single occurrence of negligence cannot recover damages of more than \$300,000. The total damages recovered from the government for any single occurrence can be no more than \$600,000. A bill being debated this legislative session, which passed the Senate in March, would increase the limit of a loss to one person from a single occurrence to \$500,000. It would increase the total limit for a loss arising out of a single occurrence to \$1 million. For the 130 municipalities in South Carolina that are SC Municipal Insurance and Risk Financing Fund members, the bill is projected to increase premiums if it passes into law.

Connecting State Funds With Local Transportation Projects

South Carolina's gasoline tax, which funds the construction and repair of roads and bridges, sets aside a portion of its revenue for local transportation projects. This can be the improvement of state, county and municipal roads, for street and traffic signs, and for other related projects like sidewalks and drainage. This "C" Fund program operates as a partnership between South Carolina's counties and the SC Department of Transportation, and it has been receiving more funding from the gas tax in recent years.

The "C" Fund portion of the state gasoline tax was 2.66 cents per gallon before a new state law caused it to begin increasing annually for several years. In FY 2021-2022, when the new calculation of the tax is fully phased in, the portion will be 3.99 cents per gallon. The additional funds created by these increases can be used only for repairs, maintenance and improvements to the state highway system.

Who awards "C" Funds for projects?

Responsibility for selecting and approving projects to be supported by "C" Funds falls to the County Transportation Committee found in each of the state's counties. The CTCs develop procedures for accepting applications for eligible projects as well as ranking projects and determining which projects it will fund. State law does not mandate the process for how each CTC awards projects.

In most cases, the legislative delegation of a county appoints the CTC's membership. However, in some cases, the county council serves as the county's CTC. This is the case in Abbeville, Chester, Clarendon, Jasper, Lexington and York counties. In Allendale, Barnwell, Beaufort, Berkeley and Dorchester counties, the county council appoints the members of the CTC.

Distributing "C" Funds

The "C" Fund program distributes funds to each county based on population, land area and rural road mileage. The program also allows for counties that contribute more to the "C" Fund than they collect to receive a donor bonus allocation.

For FY 2020-2021, the state is distributing a total amount of \$104.2 million, up from \$96.5 million in the previous year. Some of the counties with the highest apportionments during this time, not including the donor bonus, are Greenville County with \$6 million, Richland County with \$5 million and Horry County with \$4.9 million.

Funding requirements for state roads

Beyond the requirement to spend funds from the increases that began in 2018 on state roads, CTCs are also required to spend a certain percentage of their total allotments on state roads. For FY 2020-2021, CTCs must use at least 27.3% of the county's "C" Funds for construction, improvements and maintenance of infrastructure that is part of the state highway system. This percentage will rise to 33% for FY 2021-2022.

Beyond those restrictions, CTCs can use the funds for local road projects. They may also carry forward any uncommitted funds from one year into the next, as long as the amount does not exceed 300% of the county's total "C" Fund apportionment for the most recent year.

Learn more about the "C" Fund program at <https://www.scdot.org/projects/c-program.aspx>. The webpage also includes links to the transportation plans for each of the counties.





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Calendar

Scheduled in-person meetings are subject to change based on the Municipal Association's COVID-19 restrictions in place at the time of the meeting. Information about events and how members can access the virtual events will be updated on the Association's website.

MAY

2 – 5 Building Officials Association of South Carolina Annual Meeting. Embassy Suites Myrtle Beach.

3 – 5 SC Community Development Association Annual Meeting. Sonesta Resort, Hilton Head Island.

19 SCMIT/SCMIRF: Fair and Impartial Policing: Understanding Bias and Duty to Intervene. Cooperative Conference Center, Columbia.

20 SC Municipal Finance Officers, Clerks and Treasurers Association Municipal Clerks and Treasurers Institute: Year 2, Session B. Cooperative Conference Center, Columbia.

27 Managers'/Administrators' Forum. DoubleTree by Hilton Hotel & Conference Center, Columbia.

JUNE

3 South Carolina Association of Stormwater Managers Second Quarter Meeting. Seawell's, Columbia.

8 South Carolina Business Licensing Officials Association ABL Exam. Municipal Association of SC, Columbia.

13 – 16 SC Association of Municipal Power Systems Annual Meeting. Sonesta Resort, Hilton Head Island.

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.