

## Complying with the S. C. Land Use Dispute Resolution Act

**M**any local zoning ordinances across the region have not been updated to comply with requirements of the 2003 South Carolina Land Use Dispute Resolution Act. Failure to bring an ordinance into compliance could result in a local jurisdiction's zoning decision or zoning regulations to become invalidated if subjected to a legal challenge.

The Land Use Dispute Resolution Act affects the appeals process as provided for in state enabling legislation. State law includes a provision allowing local governments to establish a board of zoning appeals. A citizen has a right to file an appeal to the board if he believes that a local government official has misapplied the zoning ordinance and that the misapplication has a detrimental effect on the use of his property. The board of appeals reviews the ordinance and determines if the application by the local official is consistent with the language and requirements of the document. If the board rules that the decision of the local official is not consistent with the ordinance, it has the authority to overrule or modify the action of the local official. The board also has the authority to issue variances. A citizen has the right to seek a variance if he believes that some unique physical characteristic of his property results in the strict application of the ordinance imposing an unreasonable hardship on the use of his property. If, in its deliberations, the board finds uniqueness and concludes that an unreasonable hardship is created, it can modify the requirements of the ordinance as applied to the



Mediation provides an informal process for resolving zoning disputes.

subject property in order to alleviate the burden.

For both the appeals and variance processes, state law allows an affected citizen to appeal the ruling of a board of appeals to circuit court. The Land Use Dispute Resolution Act provides for mediation as an optional intermediate step. Prior to filing suit in circuit court, an affected party now has the option of pursuing mediation. The purpose of this change is to allow for disputes to be resolved in a less formal, less costly, and less time consuming process than litigation.

In accordance with South Carolina Circuit Court Alternative Dispute Resolution Rules, the property owner and a representative of the local government meet with a mediator to work out a mutually satisfactory solution. It is noteworthy that the law states "any land use or other change agreed to in mediation which affects existing law is effective only as to the real property which is subject of the mediation, and a settlement agreement sets no precedent

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## 2004-2005 County Profiles—A Wealth of Information!

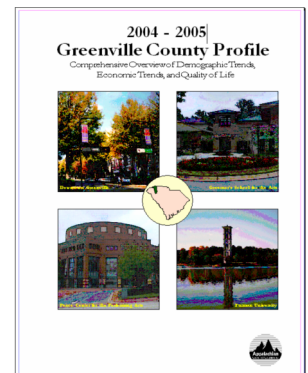
**T**he 2004-2005 *County Profiles*, presently available for Anderson, Cherokee, Greenville, Oconee, Pickens and Spartanburg Counties, provide an overview of the demographic, economic, and quality of life characteristics of each county in the region. With the release of the 2004-2005 editions, the ACOG Information Services Department is pleased to announce new and improved reports that offer added socio-economic tables, charts and graphs for each subject

county. These reports also include an expanded *Quality of Life* section that features a new *Points of Interest* summary.

This summary provides descriptions and photographs of features such as state parks, art museums, and historic sites, just to name a few. The Appalachian Council of Governments researches and produces these publications annually using data from agencies such as the U.S. Census Bureau, U.S. Bureau of Economic Analysis, S.C. Employment Security Commission and the State Data Center.

For the second year, persons in search of comprehensive socio-economic data, charts and maps may now access the newly-released 2004-

*(Profiles continued on page 2)*



## ARC Partners With National Geographic to Boost Tourism



Last winter ARC announced a partnership with the National Geographic Society to produce a map of the 13-state Appalachian region designed to stimulate economic development by showcasing the region's natural, cultural, and heritage assets. Input was sought from each of the states' tourism offices or local development district offices, which nominated over 1,000 destinations for the project. Based on extensive research, 356 sites were selected to be included on the map as representative of the region's rich, diverse, and, in some cases, undiscovered treasures. Sites in the six-county South Carolina Appalachian region include the Carolina Foothills Artisan Center in Chesnee, Hagood Mill in Pickens, Historic Downtown Greenville, Kudzu Kabin Designs in Walhalla, Split Creek Farm in Anderson, the Beacon Drive-In in Spartanburg, the Cherokee Foothills Scenic Highway, and the Savannah River Scenic Byway.

Nearly one million copies of the map will be inserted in the April 2005 issue of National Geographic's *Travelers Magazine* and circulated to subscribers and newsstands in the U.S. An additional 300,000 copies will be distributed by the tourism offices of the region's 13 states.

In addition to the printed map, a web site was launched on March 15 that features articles on Appalachia, links to tourism web sites, and an inter-

active map of the region. The Web version of the map will initially include links to over 100 of the sites from the printed version and will rotate through the 356 site during the year. The Web site address is [www.nationalgeographic.com/appalachia](http://www.nationalgeographic.com/appalachia).



*(Profiles continued from page 1)*

*2005 County Profiles* at any time of day, from the convenience of their personal computers! These reports, and other publications, are now offered via online purchase. Upon secure payment through *Pay Pal*, the customer may download a full-color report, complete with data tables, charts, graphs, and maps. The online publications are available in a portable document format, so the customer can easily open the report upon downloading a free copy of the document viewer. Pre-printed reports may still be purchased from the ACOG by phone, mail, or walk-in.

For more information, or to purchase a new *County Profile*, visit our website at [www.scacog.org](http://www.scacog.org), or contact the Information Services Department.

## What Residents Want

People who live in long-term care facilities want most of the same things anyone else would want from their home. Here are some of the most basic desires of elderly residents.

1. The freedom to come and go as they please and to be free from rules telling them what to do.
2. The ability to have company and to visit with family and friends.
3. Respect and kindness from the staff.
4. A private space of their own and the ability to lock the door.
5. The ability to take their own clothes and some of their own furniture to their new home.
6. A choice of places to go outside their rooms, so they don't have to sit in the same place and do the same thing day after day.
7. The ability to go on trips outside the facility.
8. The ability to take part in a variety of social activities.
9. A choice of foods at mealtime, with a menu in advance.
10. The freedom to get up whenever they want in the morning and to go to bed when they want.
11. The friendship of the staff members.

Some of these desires may not be feasible in most long-term care facilities, but perhaps this list will give you an idea of how you can improve care. If you can change just one thing around the facility, such as treating residents like they are friends, not just patients, you will be improving their quality of life.

Source: Adapted from *Caring for Older People: Developing Specialist Practice*.

Your Local Ombudsman: Nancy Hawkins, Supervisor; Jamie Guay, Intake Coordinator; Rhonda Monroe, Celia Clark and Sandy Dunagan; phone: 864-242-9733.

# Advanced Directives

## *You Have the Right to Make Health Care Decisions That Affect You*

You have the right to make all decisions about the health care you receive. If you do not want certain treatments, you have the right to tell your doctor, either orally or in writing, you do not want them. If you want to refuse treatment, but you do not have someone to name as your agent, you can sign a living will. Most patients can express their wishes to their doctor, but some who are badly injured, unconscious or very ill cannot. People need to know your wishes about health care in case you become unable to speak effectively for yourself. You can express your wishes in a health care power of attorney or living will.

In a living will, you tell your doctor that you do not want to receive certain treatment. In a health care power of attorney, you name an agent who will tell the doctor what treatment should or should not be provided. The decision to sign a health care power of attorney or living will is very personal and very important. Below are some frequently asked questions about health care powers of attorney and living wills. These documents will be followed only if you are unable, due to illness or injury, to make decisions for yourself. While you are pregnant, however, these documents will not cause life support to be withheld.

If you do not have a living will or health care power of attorney that tells what you want done, you do not know what decisions will be made or who will make them. Decisions may be made by certain relatives designated by South Carolina law, by a person appointed by the court, or by the court itself. The best way to make sure your wishes are followed is to state your wishes in a health care power of attorney, or sometimes, a living will. If you want to refuse treatment but you do not have someone to name as your agent, you can sign a living will. If you have questions about signing a health care

power of attorney or living will, you should talk to your doctor, your minister, priest, rabbi, or other religious counselor, or your attorney. Finally, it is very important that you discuss your feeling about life support with your family. A health care power of attorney also should be discussed with the people you intend to name as your agent and alternate agents to make sure that they are willing to serve. It is also important to make sure that your agents know your wishes.

### **Are there forms for living wills and health care powers of attorney in South Carolina?**

**Yes.** The South Carolina legislature has approved forms for both a [living will](#) and a [health care power of attorney](#). The living will form that the legislature approved is called a Declaration of a Desire for a Natural Death. You may get these forms on-line at [www.scacog.org](http://www.scacog.org) (Aging/Workforce) or from the Lieutenant Governor's Office on Aging at (800) 868-9095.

### **How are a Health Care Power of Attorney and a Living Will different?**

The agent named in a health care power of attorney can make the decisions about your health care. A living will only tells the doctor what to do if you are permanently unconscious or if you are terminally ill and close to death. A health care power of attorney is not limited to these situations.

A living will affects life support only in certain circumstances. A living will only tells the doctor what to do if you are permanently unconscious or if you are terminally ill and close to death. A health care power of attorney is not limited to these situations.

Permanently unconscious means that you are in a persistent vegetative state in which your body functions, but your mind does not. This is different from a coma, because a person in a coma usually wakes up, but a permanently unconscious person does not.

A living will can only say what treatment you don't want. In a health care power of attorney you can say what treatment you do want, as well as what you do not want.

With a living will, you must decide what should be done in the future, without knowing exactly what the circumstances will be when the decision is put into effect. With a health care power of attorney, the agent can make decisions when the need arises, and will know what the circumstances are.

An Ombudsman as designated by the State Ombudsman, Office of the Lieutenant Governor,<sup>1</sup> must be a witness if you sign a living will when you are in a hospital or nursing home. An Ombudsman does not have to be a witness if you sign a health care power of attorney in a hospital or nursing home. (<sup>1</sup>From Death with Dignity Act, Section 44-77-40. This responsibility has been delegated to the Department of Health and Human Services, Office on Senior and Long Term Care Services, Division of Elder Rights.)

### **I want to be allowed to die a natural death and not be kept alive by medical treatment, heroic measures, or artificial means. How can I make sure this happens?**

The best way to be sure you are allowed to die a natural death is to sign a health care power of attorney that states the circumstances in which you would not want treatment. In the South Carolina form, you should specify your wishes in items six (6) and seven (7).

You may not have a person that you can trust to carry out your desire for a natural death. If not, a living will can insure that you are allowed to die a natural death. However, it will only do so if you are permanently unconscious or terminally ill and close to death.

### **Which documents should I sign if I want to be treated with all available life-sustaining procedures?**

*(Advanced Directives continued on page 6)*

## Development Corporation News

**A** loan of \$20,000 was approved for A Place to Grow Learning Center, Inc. (APTGLC).

APTGLC is purchasing the assets of Creative Kids Learning Center, Inc., located in Pendleton. The ADC funds will be used to help with the asset purchase and provide working capital. This project will retain the staff of 14 and add an additional 2 employees.

A loan for McCarter Mechanical, Inc., and McCarter Properties, LLC, was approved in the amount of \$138,000. McCarter Properties, LLC, has been established to own the real property that will house McCarter Mechanical, Inc., an industrial HVAC contractor in Spartanburg County. The ADC loan will be used to fund part of the permanent financing of the building. The business currently employs five people and expects to expand that number by up to six more people in the next two years.

A loan to Clemson Engineering Hydraulics, LLC, was approved in the amount of \$170,000. Clemson Engineering Hydraulics, LLC (CEH), located in Anderson County, is a start-up hydraulic modeling lab and engineering consulting service, which is being spun off from the highly successful hydraulic engineering program at Clemson University. ADC funds will provide permanent financing of the building being purchased in Denver, S.C. The company will employ up to six people.

A loan to TFP Research, Inc., and Sheila L. Vogan was approved for \$35,000. The project involves the purchase of a building located in Taylors that will be used to conduct product testing of new drugs for pharmaceutical companies. ADC's loan will be used as part of the permanent financing for the facility. The business currently employs two people and will expand by an additional two people.

A loan to Wineot, Inc., d/b/a The Grape, was approved for \$200,000.

The project involves the establishment of a franchised wine shop and restaurant operation in the downtown Greenville West End District. The project will be located in the River Place complex. ADC funds will be used in acquiring the franchise, paying for leasehold improvements, equipping the site, and providing for inventory and startup costs. The business is expected to employ up to 18 people.

The loan of \$20,000 for Fitness Edge Studio has been closed and funded. The funds are being used with funds from The National Bank of South Carolina to fund the business' expansion and relocation to the Boiling Springs area of Spartanburg County. From the new location, the business will continue to provide personal fitness and group fitness activities. Two additional jobs are expected to be added to the two existing jobs.

The loan of \$78,000 for Custom Forest Products, LLC, has been closed and funded. This is the second ADC loan to the company that makes shipping pallets. This project will allow the company to take their waste product and convert it to mulch. The company's work force will grow by four to six people.

The loan of \$100,000 to Carolina Increte, LLC, for the purchase of assets has been closed and funded. Carolina Increte provides design and installation of decorative concrete throughout the Upstate. The business will employ eight or more people.

The Small Business Administration 504 loan for Peachy Poultry, LLC, was approved. Peachy Poultry will be opening a Zaxby's franchise restaurant in Gaffney.



## Family Caregiver Support Program



As the tax season is upon us, the amount of stress caregivers are under can seem insurmountable. Just one more thing caregivers have to add to their daily, ever growing list of "things to do." With that in mind, we ask the question, "Exactly what is stress?"

Stress is a complex, dynamic process of interaction between a person and the daily demands that person must face. Stress is the way a person reacts mentally, emotionally, and physically to the various changes, conditions, and demands that life "throws" one's way. Stress affects a person in different ways. One way is called acute stress, which is a sudden immediate stress. Acute stress is a one time incident that usually can last anywhere from minutes to weeks. An example of acute stress is an argument with a family member or narrowly avoiding a traffic accident.

The second type of stress is called chronic stress, which is also known as "long term stress." Chronic stress is caused by an ongoing string of stressful events that usually can last from weeks to years. One example of this type of stress would be caring for someone with chronic health problems, but it could also be produced by working in a difficult job situation. In the event that the caregiver is doing both, the stress can be extremely unhealthy.

When a person experiences acute stress, the body responds immediately to the threat by releasing chemicals that make it alert, tense, and ready for action (as in a car accident). When

*(Family Caregiving continued on page 5)*

## South Carolina Hosts Southeastern Employment and Training Association Conference

The Southeastern Employment and Training Association (SETA) Spring Conference was held March 13-16 in Myrtle Beach, South Carolina. Pendleton District Workforce Investment Board member Ms. Joyce Smith attended the conference along with three staff members. There were over 970 attendees, the largest attendance



since the last time the conference was held in Myrtle Beach in the spring of 2000.

The conference had a full agenda of workshops, speakers and networking activities for the education and enjoyment of members. The agenda included workshops to address the issues of Boards, Case Management, WIA Administration and Finance, One-Stop Centers, Dislocated Workers, Youth, current proposed changes in WIA legislation, and other pertinent concerns to the Workforce Development System.

For more than 30 years, SETA has provided up-to-date information and professional growth opportunities to its members. With more than 2,000 members, both nationally and internationally, SETA is comprised of professional and private sector volunteers from all levels of workforce development. Most members are located within the eight southeastern states of U. S. Department of Labor's Region 3, which includes: Alabama, Mississippi, North Carolina, South Carolina, Florida, Georgia, Kentucky, and Tennessee. SETA is the largest regional employment and training organization in the nation. During

the business meeting, approval was obtained for the Board to continue conversations with three bordering states to be added to the organization at the request of those three states.

Pendleton District Workforce Investment Board Director Ms. Julia Hoyle was elected Second Vice-President. What a wonderful honor having Ms. Hoyle elected during the Conference held in her home state!



*(Family Caregiving continued from page 4)*

your body reacts this way, it is known as the "stress response" or "fight or flight" response. The person's body will continue to stay alert until the brain sends a message to the body that the incident is over. The body will then stop producing the chemicals and gradually return to normal. On the other hand, when a person experiences chronic stress (like caregiving) the stress response may lessen, but not fully stop. It is this continued state of being extremely alert and ready to respond to whatever challenge may arise that can begin to affect a caregiver's physical and mental health.

Repeated amounts of chronic stress have been known to affect one's cardiovascular system, the nervous system, and the immune system. Keep in mind that every one is different. A person's genetic make up can determine how stress will affect them; however, having techniques to lessen the effects of stress can be learned and put to use by anyone. Diet and exercise can have a major effect on a person undergoing severe stress.

Are you a caregiver who finds themselves in stressful situations and would like to speak with someone about stress and caregiving? One of the most difficult things about being a

stressed out caregiver is the isolation. We understand and are available to speak with you and hopefully help you find a support group or network in your area. Please call one of the Family Caregiver Advocates with the Family Caregiver Support Program at (864) 242-9733 or (800) 925-4077, or use our e-mail addresses: [brown@scacog.org](mailto:brown@scacog.org) or [swiley@scacog.org](mailto:swiley@scacog.org).



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as to other parcels or real property." This implies that the mediated agreement may violate the local government's ordinances. For a mediated solution to take effect, it must be approved by the local governing body in public session and must be accepted by the circuit court. If mediation results in an impasse, or if a mediated solution is not approved by the governing body or presiding judge, then the affected property owner retains the right to file a formal appeal in circuit court.

In a similar manner, the optional mediation process also applies to decisions of boards of architectural review and decisions related to the enforcement of land development regulations.

The state Act requires that local zoning ordinances be amended to include the mediation provision. A local code that has not been updated is subject to being overthrown. In addition, a judge could order a local government to pay an appellant's court costs and attorney fees if the less expensive mediation process is not provided for in its ordinance.

The Appalachian Council of Governments works with many communities across the Upstate on land use planning matters. For additional information, a review of your ordinance for compliance, or assistance in updating your codes, please contact Steve Pelissier.

## City of Easley Sanitation Department Operations Study Completed



ACOG staff recently completed a management study of the City of Easley's sanitation department. Operations and services, including curbside recycling, collection methodologies, routes, equipment and staffing allocations, were reviewed and analyzed. Work data and other information were collected so that comparisons could be made with other municipalities and private waste operators. As a result, ACOG staff made numerous recommendations for improving efficiency, effectiveness and cost savings. The City has already benefited from a number of the changes.

If there are any questions about the Easley study, or to inquire about conducting a study, please contact ACOG's George McDaniel at (864) 241-4640.



*(Advanced Directives continued from page 3)*

You should sign a Health Care Power of Attorney and not a living will. The South Carolina Health Care Power of Attorney form allows you to say either that you do or that you do not want life sustaining treatment. A living will only allows you to say that you do not want life sustaining procedures.

### **What if I have an old health care power of attorney or living will, or signed one in another state?**

If you previously signed a living will or health care power of attorney, even in another state, it is probably valid. However, it may be a good idea to sign the most current forms. For example, the current South Carolina living will form covers artificial nutrition and hydration, whereas older forms did not.

### **How is a health care power of attorney different from a durable power of attorney?**

A health care power of attorney is a specific form of durable power of attorney that names an agent only to make health care decisions.

A durable power of attorney may or may not allow the agent to make health care decisions. It depends on what the document says. The agent may only be able to make decisions about property and financial matters.

### **What are the requirements for signing a living will?**

You must be 18 years old to sign a living will. Two persons must witness your signing the living will form. A notary public must also sign the living will form. If you sign a living will while you are a patient in a hospital or a resident in a nursing home, a representative, as designated by State Ombudsman, Office of the Lieutenant Governor,<sup>1</sup> must witness your signing.

There are certain people who cannot sign the document. The living will form tells you who cannot be witnesses. You should read the living will form carefully to be sure your witnesses are qualified.

### **Who should I appoint as my agent? What if my agent cannot serve?**

You should appoint a person you trust and who knows how you feel about health care. You also should name at least one alternate, who will make decisions if you agent is unable or

unwilling to make these decisions. You should talk to the people you choose as your agent and alternate agents to be sure they are willing to serve. Also, they should know how you feel about health care.

### **Is there anything I need to know about completing the living will or health care power of attorney forms?**

Each form contains spaces for you to state your wishes about things like whether you want life support and tube feeding. If you do not put your initials in either blank, tube feeding may be provided, depending upon your condition. Be sure to read the form carefully and follow the instructions.

**Where should I keep my health care power of attorney or living will?** Keep the original in a safe place where your family members can get it. You also should give a copy to as many of the following people as you are comfortable with: your family members, your doctor, your lawyer, your minister or priest, or your agent. Do not put your only copy of these documents in your safe deposit box.

### **What if I change my mind after I have signed a living will or health care power of attorney?**

You may revoke (cancel) your living will or health care power of attorney any time. The forms contain instructions for doing so. You must tell your doctor and anyone else who has a copy that you have changed your mind and you want to revoke your living will or health care power of attorney.



# VIEWPOINT

**Appalachian Council of Governments**  
**P. O. Box 6668**  
**Greenville, South Carolina 29606**

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