

Comprehensive Planning Enabling Act Compliance - The Time is Now!

As the calendar quickly approaches the end of the year, local governments across the region should already be in compliance with the Comprehensive Planning Enabling Act of 1994. While the General Assembly did grant a reprieve earlier this year by moving the deadline for compliance back from May 3, 1999 to December 31, this new deadline will soon be upon us. By now, all local governments should have completed each of the following steps, or at least should be well underway in doing so:

- Re-constitute the planning commission by ordinance
- Develop, seek public input, and adopt at least the Land Use component of the Comprehensive Plan, by ordinance (also, adopt the Community Facilities element, if the local government has a Subdivision or Land Development Regulations ordinance.)
- Re-adopt the Zoning Ordinance
- Re-appoint Board of Zoning Appeals members under the new ordinance
- Re-adopt the Subdivision Regulations ordinance as a Land Development Regulations ordinance

The new enabling legislation calls for local governments to change some of the ways in which they conduct business. Some of the major changes are outlined below:

Comprehensive Plan

Old planning enabling statutes referred to Land Use Plans or Compre-



The new Comprehensive Planning Enabling Act requires that any property subject to a pending zoning or variance hearing be posted with a sign advising citizens of the date, time, and location of that hearing.

hensive Land Use Plans. The new law calls for a Comprehensive Plan, in which Land Use is one of seven elements. Other elements include Population, Economic Conditions, Housing, Community Facilities, Natural Resources, and Cultural Resources. The Land Use element must be in place before Zoning can be adopted, and the Community Facilities element must be in place before a Land Development Regulations ordinance may be enacted.

Another change concerns the adoption process. Under the old enabling acts, the city or county council adopted the Comprehensive Plan by resolution. In accordance with the new law, local governments must adopt the Plan by

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Kerry Leonard Joins Information Services



The Information Services Department recently welcomed Kerry Leonard to our staff. She is a familiar face to ACOG as she interned last school year for the Governmental Services Department. Kerry returned to ACOG in September 1999, to act as our new research assistant. She is responsible for daily data requests, research, and publications production. Kerry has already eagerly assisted with the publication of the 1999 Greenville County Multi-Family Housing Survey.

Kerry received her B.A. in Political Science and Public Administration from Augusta State University in 1994. After college, she managed several political campaigns in Georgia and then worked for the Solicitor's Office in Augusta-Richmond County while obtaining her paralegal degree. Kerry is currently a student at the University Center fulfilling her studies in the Master of Public Administration (M.P.A.) program offered jointly through Clemson University and the University of South Carolina.

Kerry enjoys a variety of activities such as hiking, mountain biking, gardening, and photography. In addition, she is a true canine lover and has three

An Update On Video Poker And an Explanation of the Referendum That Wasn't

Over the last 25 years the Video Gambling industry has become a major economic and political force in South Carolina. The industry grossed approximately \$3 billion in the past year. As of July 1, 1999, the South Carolina Department of Revenue reported that there were approximately 36,800 video gambling machines at more than 8,375 different locations throughout the state. The State Chamber of Commerce estimates that the industry supports 4,000 jobs, while the industry claims more than 28,000 people are employed by video gaming.

After several failed legislative attempts over the last few years to put controls on the gaming industry, the General Assembly enacted H3834 in a special summer session. H3834 was ratified and signed by Governor Hodges as 1999 Act 125. Act 125 is divided into six parts. Part I contains provisions that ban cash payouts from video poker machines after June 30, 2000. Part II provides for a referendum that was *supposed* to let us vote for or against continued cash payouts. Part III contains detailed provisions regulating and restricting video gambling if the cash payouts were to continue. Parts IV, V, and VI contain miscellaneous provisions governing lawsuits, effective dates, and other legal matters.

On October 14, 1999, the Supreme Court ruled on the constitutionality of Act 125. The Court ruled that Part I (the ban) was valid, but that Part II (the referendum) was unconstitutional and that some of Part III was also invalid. **The net effect is that video poker cash payouts will be banned after June 30, 2000, and legalized video poker gambling could end after that date.** Until then, payouts will be restricted to no more than \$125 per day and the Governor has instructed the South Carolina

Law Enforcement Division (SLED) to strictly enforce that payout limit. The courts will determine whether or not the machines themselves will become illegal.

Other provisions of Part III not directly related to the referendum in Part II may still be valid and the South Carolina Department of Revenue will issue detailed directives in the next few weeks outlining which regulations will or won't remain in effect.

Please contact Joe Newton or Mike Sell at ACOG for information on video poker issues. ACOG's Web site at www.scacog.org has additional information and links to South Carolina government sites for sources on video



S. C. Community Development Association Conference Scheduled for November 16

The S. C. Community Development Association (SCCDA) will hold its winter conference on November 16 at the Clarion Town House Hotel in Columbia. Although the early registration deadline was October 29, on-site registration is possible beginning at 9:00 a.m. The registration cost is \$45, which includes lunch. The conference training sessions begin at 9:30.

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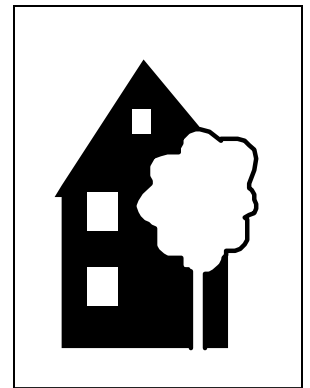
Upstate County Multi-Family Housing Surveys Available

The 1999 Greenville County Multi-Family Housing Survey has been published and is now available. This publication details existing apartments and condominiums in Greenville County as well as those that are planned and under construction. The market analysis section of the survey discusses the changes this year in the threshold for multi-family units included in the survey. In addition to occupancy rates and rent structure, an outlook for 2000 is analyzed.

This valuable resource includes color maps of market areas and new construction. The market listing details the owner, the manager, the address, and telephone number of each property. Also included are the number of bedrooms and bathrooms, the rent ranges, and amenities of each unit.

This year more than 27,000 individual units were included in the survey. Another 485 units were under construction and 1,783 units were planned for future construction. The occupancy rates, when the survey was completed, were 92.2 percent for apartments and 99 percent for condominiums.

The 1999 Spartanburg County Multi-Family Housing Survey is already available. The 1999 Anderson County Multi-Family Survey is in production and will be available by the end of the year. For more information on these



ADC Board Approves Two Loans

At the September 24, 1999, meeting of the Board of Directors of the Appalachian Development Corporation (ADC), two loan requests were approved for funding.

The approved project in Greenville County was to Southeastern Dock and Door, Inc. Southeastern Dock and Door, Inc., was created in 1997 by Jim Foster. The company sells, installs, and services high-speed automated doors, industrial overhead doors, and loading equipment and seals. Southeastern is the exclusive representative for Albany International Door Company and Kelly Dock Systems in South Carolina, western North Carolina, and six counties in Georgia. With this sales territory the need for working capital has grown considerably. Working with Arthur State Bank's Spartanburg office, the Appalachian Development Corporation was able to participate in a funding package that would allow for the continued growth and profitability of the company. With the continued expansion, six to eight additional full-time employees are expected to be hired.

The second loan approved was to an Anderson County business. Harper's Plants has a retail nursery outlet in Pendleton and grows a considerable amount of the plants for sale from a 22-acre location in Anderson County. Susan Harper and her husband, Dan Harper, own and manage the company. The Appalachian Development Corporation approved a loan of \$50,000 to be used for improvements at the growing site to include an irrigation pond and additional greenhouse space. Some of the funds will be used to increase inventory stock. These improvements will allow for the expansion of wholesaling plants that began in 1999. Harper's Plants retail store has been in Pendleton for three years and is located on South Mechanic Street. Dan and his staff provide landscaping consultation, plant and nourishment information, and de-

livery. The loan from ADC will allow Harper's to employ at least two more people and to expand the wholesale

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ordinance. This requires two readings by municipalities and three readings by counties. In addition, a public hearing with a 30-day notice must be held prior to final reading.

Zoning Ordinance

The new law changes the board of zoning adjustments into a board of zoning appeals. This change must be reflected in the local zoning ordinance.

As with the previous enabling legislation, prior to any rezoning action, a public hearing must be held with a newspaper advertisement to be published at least 15 days prior to the hearing. The new law also imposes the advertising period on variance hearings conducted by the board of zoning appeals.

A major change related to the zoning ordinance concerns the posting of property. Any property for which rezoning action or a variance is pending must be posted by a sign or signs fronting each street that adjoins the property. The sign must note the action pending and must state the date, time, and location of the public hearing addressing the proposed action. At least 15 days notice must be provided.

The 1994 Planning Enabling Act states that the local government should place a reasonable limit on the number of days in which a zoning decision may be appealed. If no time frame is stated, then the limit shall be 30 days.

Land Development Regulations Ordinance

The Land Development Regulations (LDR) section of the new law has caused the greatest confusion.

The new enabling legislation changes the Subdivision Regulations

ordinance into a Land Development Regulations ordinance. In addition to regulating the subdivision of land, the new law authorizes local governments to apply land development regulations to projects constructed on individual lots. The law also provides local governments the option of authorizing either staff or the planning commission to review development plans. If staff is delegated review authority, then the planning commission becomes the appeals body.

The key to this new authority to place individual parcel developments under land development regulations is that it applies only to regulations that come under the LDR ordinance. These are provisions related to street standards, water, sewer, other utilities, stormwater retention, and drainage. This authority does not allow local governments to place zoning functions (such as setbacks, parking, signage, or buffers) within the Land Development Regulations Ordinance. It also does not authorize planning commission review of development projects for zoning compliance.

Some of these changes are confusing and difficult to describe in a general

Informal Problem Solving for Long Term Care Facilities in the Upstate

IMPORTANT THINGS TO CONSIDER

- ✓ Do you know how the administrator wants residents and families to deal with concerns?
- ✓ Have you let complaints accumulate until you are so frustrated that you will be unable to state your concerns objectively?
- ✓ What is the **specific** complaint?
- ✓ Whose problem is it?

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South Carolina Silver Haired Legislature

In 1993 the South Carolina Federation for Older Americans (SCFOA) began exploring the idea of having a South Carolina Silver Haired Legislature. In 1997 SCFOA was given the responsibility by the Office on Aging to appoint delegates to the first-ever National Silver Haired Congress in Washington, D. C. In 1998 a S. C. Silver Haired steering committee was formed; then, by-laws were completed and adopted. In May 1999 elections were held to secure S. C. Silver Haired Legislature (SCSHL) representatives and alternates from every county in the state.

The purposes of the SCSHL:

1. To identify issues, concerns, and possible solutions for problems faced by the citizens of South Carolina with special emphasis on issues related to those 60 and older, and to educate both Silver Haired Legislators, members of the General Assembly and the public on these matters.
2. To promote good government for all South Carolinians and actively participate in public affairs.
3. To hold SCSHL legislative sessions annually in the State Capitol.
4. To make recommendations to the Governor, members of the S. C. General Assembly, and the Joint Legislative Committee on Aging.
5. To carry out its purposes and activities on a nonpartisan basis.
6. To arrange for educational forums to explore issues related to older South Carolinians.

SCSHL's first legislative session convened on September 14-16, 1999, in Columbia. These are six resolutions that came out of the three-day meeting. They will be presented to the S. C. House of Representatives and the Senate, the Governor's Office, and various agencies concerned with the aging population:

1. An Endowment Fund from Tobacco

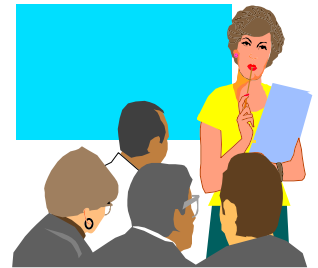
Settlement Funds: This resolution recommends the establishment of a fund from which needed senior services can draw funds. A copy will be presented as soon as it becomes available.

2. **Elimination of the Sales Tax on Food:** This resolution resolves reducing the sales tax on food by 1% per year until the tax is eliminated on all food stamp-eligible products.
3. **State Pharmaceutical Assistance Program:** A fund be established to create a state pharmaceutical assistance program to include a co-payment of \$10 or 50% of the cost of each prescription, whichever is less and generic drugs be prescribed if appropriate.
4. **Developing a Statewide In-Home Respite Service:** Resolves that every council on aging has sufficient funds to train and coordinate volunteer respite assistance including family members who elect to care for seniors in their homes, provide reimbursement to family members for qualified expenditures, provide additional in-home housekeeping assistance and provide assistance for those whose means of adequate nutrition are lacking and need such services.
5. **Transportation System for Senior Citizens:** A coordinated effort be implemented in South Carolina to provide services to seniors for medical assistance and instrumental activities of daily living such as food and prescription drug purchases, health care needs as well as for other daily activities.
6. **Quality of Life in Long Term Care Facilities:** Resolves that the Legislature establish a system to insure that Nursing Homes, Assisted Living Facilities, and Retirement Centers serving seniors provide and maintain living conditions similar to normal lifestyles. Strengthen DHEC regulations in long term care facilities.

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The keynote speaker is Mr. John L. Knott, Jr., a builder, developer, historic preservationist and environmental leader from Dewees Island, South Carolina. Also, on the morning agenda is Mr. Mike DuBose, President of Research Associates, whose topic is "Finding and Developing Successful Grants."

Mr. Gary Cannon, Director of Intergovernmental Affairs at the Municipal Association of South Carolina, will provide a Legislative Update on topics relevant to community development and local governments.



The afternoon session consists of two tracks – one for Community and Economic Development practitioners and one for those involved in Housing. The Community and Economic Development track includes a presentation on Digital Charettes conducted by Randy Wilson, Design Services Manager at the S. C. Downtown Development Association, and a presentation on Best Practices, which will highlight the Newberry Opera House and the Mauldin Wheelchair Softball Field. The Housing track will feature sessions on Section 8 Restructuring and HUD Monitoring Tips and a moderated Housing Rehab discussion.

The SCCDA provides a forum for learning about the community development process. Members include municipal, county, regional, and state community development professionals; employees of private companies; elected officials; and, volunteers interested in community development.

For more information on the conference or SCCDA, contact Dirk Reis at the Council of Governments.

“Taking Care of Our Aging Parents”

Easing the Trauma: What You Can Do

The crisis might start with a fall that cracks a parent’s fragile hip, or with the mental confusion that signals the fading of a loved one’s faculties. But however the disabilities of age arrive, they mark a turning point both for seniors who can no longer live alone and for busy children who must suddenly take charge of their parents’ housing and medical needs. Here are some tips for navigating this difficult rite of passage:

 **Don’t Wait**


The first step in coping with an aging parent is to be prepared when infirmity strikes. This means exploring options like assisted-living communities before they are needed, so that both children and parents know what to expect.

 **Seek Support**

Children who are thrust into the role of caregiver should seek out all the help they can get. Physicians trained in geriatric medicine can spot conditions and recommend treatments that other doctors might miss. Social workers skilled in geriatric counseling can assess a senior’s needs and develop action plans. Such people may be especially helpful in those painful cases when children must take needed steps in spite of the objections of mentally declining parents.

 **Shop Around**

Most providers of senior housing are businesses, not charities, and their products should be scrutinized for cost and quality. Families should visit as many facilities as they can and return to view them on different days of the week and hours of the day. Pay attention to your gut feelings about a place – and be

 sure to consult your parent before any decision is made.

Take Care of Yourself

The stress of looking after a parent can swiftly take a toll on you. Discuss your feelings frankly with family, friends or therapists. “Be realistic, and have a sense of humor,” advises Bette Ann Moskowitz, author of *Do I Know You? Living Through the End of a Parent’s Life*. “You couldn’t live through some-

CALENDAR OF EVENTS

Nov. 4	S. C. Silver Haired Legislature Board Meeting, Capital Senior Center, Columbia.
Nov. 10	Joint Legislative Committee on Aging Public Hearing, 1:00 p.m. – 4:30 p.m., Solomon Blatt Building, Room 101/109, Columbia.
Nov. 11	Regional Aging Component Directors Meeting, 2:30 p.m. – 4:00 p.m., COG Training Room.
Nov. 12	Summer School of Gerontology Committee Meeting, Department of Mental Health, Room 323, Columbia.
Nov. 17-19	S. C. Conference on Aging, Ocean Dunes/Sand Dunes Resort, Myrtle Beach.
Nov. 18	S. C. Association of Area Agencies on Aging Meeting (held in conjunction with S. C. Conference on Aging).
Dec. 8	Regional Aging Advisory Committee Meeting, 10:30 a.m. – 1:00 p.m., Council Board Room.
Dec. 10	COG Board of Directors

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- ✓ Can you prioritize the issues?
- ✓ How does the resident want to approach the problem?
- ✓ Are there other people with the same concerns?
- ✓ Have you personally observed the problem?
- ✓ Are you familiar with the regulations or residents’ rights that may apply to this problem?
- ✓ Will the people who can solve the problem be available?
- ✓ Establish a sense of cooperation and inclusion, if possible.
- ✓ Hear staff out, but don’t lose sight of your goal: the resident’s well-being.
- ✓ Offer solutions about the problem’s cause and its solution.
- ✓ Don’t leave any meetings with staff without a clear understanding of what you can expect.

HOW TO SUBMIT A COMPLAINT

1. Be as specific as possible regarding your concerns. Answer the questions who, what, when and why. The timing of any response is usually based on the severity of the complaint.
2. Include any relevant documents and the names of other persons involved or that may be contacted.

IF YOU ARE UNSUCCESSFUL AT THE FACILITY LEVEL OR JUST NEED ASSISTANCE IN GETTING THROUGH THE MAZE, PLEASE CONTACT:

The Appalachian Council of Governments’ Long Term Care Ombudsman toll free at:

Anderson County	225-3268
Cherokee County	489-6960
Greenville County	242-9733
Oconee County	882-7538
Pickens County	855-0163

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The Options	Home Care	Congregate Housing	Assisted Living	Continuing Care Facilities	Nursing Homes
What Is It?	Services ranging from shopping and transportation to physical therapy brought to the home	A private home within a residential compound, providing shared activities and services	Residential units offering private rooms, meals, 24-hr. supervision and other assistance	A variety of housing options and a continuum of services all in one location	Residential medical care for the aged who need continual attention
Whom Is It For?	Seniors who are able to continue living at home but need some help	Seniors in good health who want both independence and companionship	Seniors who may need help with bathing, dressing, medication, etc	Seniors who want to provide for health needs as they age without having to relocate	Seniors with deteriorating mental or physical abilities or great difficulty with daily activities
What Does It Cost?	Some services are free; a home health care visit can be \$80	Often \$1,200 to \$2,000 a month, yet can cost much more	Averages \$2,000 a month, but can be far more for high needs	\$1,500 to \$5,000 a month; most require an entry fee	Average close to \$50,000 a year
What Does It Offer?	Independence at home, but can be costly depending on level of care needed	The advantage of home, plus services like 24-hr. security and laundry	A greater level of care while maintaining some independence	Guaranteed care as a resident ages – at a relatively high price	About the only option for those who need constant care

For additional information on these and other options within the Appalachian region, please call the Area Agency on Aging at the Council of Governments' office.

(Excerpts from an article by Cathy Booth appearing in *Time Magazine*, August 30, 1999.)

VIEWPOINT

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