

THE PALMETTO PLANNER



A Publication of the South Carolina Chapter of the American Planning Association

State legislators take up Freedom of Information Act, Internet gaming

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President's Message

Spring Conference

Spring is just around the corner and so is the first SCAPA conference of 2013 in Greer on Friday, March 22. This former textile town is a remarkable example of the what can be achieved when local leaders and planners join forces to create a common vision and then



implement it. As a Greer native, I am proud of the high level of success that my hometown continues to produce.

APA Conference

Just a few weeks later on the calendar the APA national conference will be held in Chicago – April 13-17. This year's program has expanded to include five days of training with a plethora of opportunities to earn CM credit. For those of you

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Gary Hallmark is Air Force Planner of the Year
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Legislators look at FOIA, Internet gaming

By Andrea Pietras, AICP
SCAPA Director At-Large

The first regular session of the 120th General Assembly of South Carolina began on January 8, 2013. Listed below are some bills that may be of interest to local jurisdictions:

- [S.338](#): Enacts the “2013 Ethics Reform Act.”
- [H.3163](#): Amends the Freedom of Information Act including, but not limited to, reducing the amount of time an organization has to respond to FOIA requests to 10 business days and changing the requirements for copying fees.
- [H.3360](#): Allows for road transfers between the Department of Transportation and counties.
- [H.3501](#): Suspends the Local Government Fund formula for fiscal years 2013-2014 and 2014-2015, allowing the General Assembly to underfund the Local Government Fund.
- [H.3290](#): Prohibits counties from directing solid waste and/or recyclable materials to any particular facilities, potentially increasing solid waste and recycling costs for counties and invalidating portions of



existing ordinances and franchise agreements that address where waste and/or recyclables are sent. Below are excerpts from the SC Association of Counties’ Friday Report that provides additional details on the potential impacts of this bill as well as information on how to contact your representatives:

“Attack on Solid Waste Ordinances- [H. 3290](#)”

The Senate Medical Affairs Committee has not yet placed H. 3290 on its agenda at the time of this writing. A subcommittee replaced H. 3290’s language with S. 203’s language. H. 3290 dismantles the Solid Waste Act and counties’ ability to meet mandated solid waste responsibilities. H. 3290 is part of an organized national effort by several large waste companies to invalidate local control of solid waste through

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Think about the AICP Ethics Case of the Year

By John Newman, AICP
SCAPA Director At-large

The APA Ethics Committee has developed a plan for an annual series—the “Ethics Case of the Year.” Printed below is the first in the series: the **AICP Ethics Case of the Year 2012–13 and Guidance on its Use by Chapters and Divisions**. Whereas this study is intentionally complex and involves multiple situations and players, I think that some of the elements will be familiar to many of us.

As you read and ponder this case study, I invite each of you to step out of the safe mindset of evaluating the hypothetical and really think about how you would respond to an actual situation. As planners, we operate in a political world in which there is a real potential to have our code of ethics tested by virtue of simply doing our jobs. Many of us have been tested. Many of you that have not been tested will be during the course of your career. Yes, our careers are also our livelihood and the livelihood of others that depend on us. But what can be said for the future of a career once ethics and our personal integrity is compromised?

For each of the six dilemmas, facts can be changed slightly, leading to the obvious question each time—does this change the outcome?

Each year, the APA Ethics Committee and staff will develop one ethics case that will present a series of ethical questions or dilemmas that relate to the AICP Code of Ethics and Professional Conduct. As cases are developed over several years, a library will be developed that could be useful to practitioners, faculty and students.

The initial case includes events that occur over a period of months in the lives of several planners and is intentionally rich enough to illustrate a wide variety of ethical situations. This case and its six dilemmas implicate various aspirational principles of the Code as well as the enforceable Rules of Conduct. For each of the six dilemmas, facts can be changed slightly, leading to the obvious question each time—does this change the outcome?

A planning director of a modest-sized city in her third year on the job has a staff of 40; her portfolio includes typical planning responsibilities as well as permit operations. An AICP member, she works in a strong mayor form of government with a very popular mayor who is in his second four-year term. He has made it clear to everyone that he is going to run for a third term, although the election is

[Continued on next page](#)

Ethics

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15 months away and the filing window doesn't open for several more months. The city continues to experience a very modest amount of development— with both steady job growth and population growth.

The city retains a small-town feel and the mayor, as were most of the community's elected leaders, was born and raised in the city and operated a successful family-owned business before running for mayor.

In fact, he also touts planning as essential to the city's future just as it is essential for any well-run business. In his first year in office, the mayor organized an event on July 4 as a fundraiser for disadvantaged children.

This now annual, day-long event is held in a downtown city park. Admission is "donate what you can," with a well-known expectation that directors of city agencies plus their top two to five staff each donate at least \$100. Major sponsorships by two dozen or so businesses, including major design firms, are in the \$10-50,000 range.

All of the food and soft drinks are donated for the event, with almost all of the work by volunteers, including some city employees. Of course, it is July 4, so elected officials of all parties give speeches throughout the day. More than \$1 million is raised for the charity.

The mayor's opponents have noted that the major sponsors plus those who donate food and services are also political supporters of the

mayor, although no questions have been raised about improper use of funds—it is all done through a local community foundation. The foundation's board of directors also includes many political and business supporters of the mayor.

This has become the big event on July 4 for citizens, although there are also neighborhood events and private events throughout the city that elected officials, including the mayor, visit July 3–4.

The event has grown each year, most recently through social media used by the city, businesses, neighborhood organizations, and others. Tweets throughout the day add to the sense that this event is the place to meet.

Admission is "donate what you can," with a well-known expectation that directors of city agencies plus their top two to five staff each donate at least \$100.

1. The planning director "encourages" her top four direct reports to attend and make the \$100 "suggested" donation. She makes a more substantial, tax-deductible donation. Other staff are encouraged to attend as well and make whatever donation they are comfortable with. Are there ethical concerns?

2. There is some political opposition and one candidate already has declared that she will file her papers as soon as the window for filing opens.

She has raised concerns about the mayor's July 4 event, noting political/business ties and the well-known effort to get city staff to attend (and donate).

Also, she has tweeted that no permits

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Clemson students seek summer internships

By Cliff Ellis, Ph.D., MCRP Program Director

Summer Internships

Every spring, the first-year class of graduate students in the Master of City and Regional Planning (MCRP) Program at Clemson University begins the search for summer internships.

Doing an internship is a required part of the MCRP program and gives students a valuable opportunity to gain professional experience.

Any planning firms or agencies that are interested in hiring an intern during the summer of 2013 should contact Cliff Ellis, the MCRP Program Director, at cliffloe@clemson.edu or (864) 656-2477.

Your information will be distributed to the students.

While paid internships are preferred, we also place students in unpaid internships.

Public Service Assistantships (PSA)

Public Service Assistantships are the major source of funding for the second -year MCRP students at Clemson. Students work 15 hours a week, usually on Monday and Friday, from August to May.

These assistantships are beneficial for both

the students and the agencies. Students gain useful experience, direct payment for their work, and a significant tuition reduction from Clemson University. Agencies can move various projects forward at a very reasonable cost.

If any agencies or firms are interested in providing a PSA for a Clemson MCRP student, or would just like more information about this program, please contact Cliff Ellis.

If you would like to sponsor a PSA, please consider including funding for a PSA position in your agency budget for the upcoming year.

Clemson Career Fair

For the first time, Clemson's Master of City and Regional Planning Program will be participating in the annual Career Fair for the design disciplines at Clemson University.

The Career Fair will be held on March 6 at the Madren Center on the Clemson campus from noon until 5 p.m.

Last year more than 25 firms, representing architecture, landscape architecture, and real estate development, took part in this event.

The Career Fair is an opportunity for employers to meet potential employees or interns, and it is also an opportunity for employers to get to know the various Clemson programs that are involved in shaping the built environment.



Job seeking? Visit www.scapa.org for current postings.

Gary Hallmark, AICP, is Air Force Planner of the Year

The Air Force recently named Gary Hallmark, AICP, as Air Force Planner of the Year.

Hallmark's planning efforts were recognized for his contributions in coordinating efforts to prevent encroachment around Shaw AFB and Poinsett Range, and continuing efforts to solve land use issues and preserve the mission of the base with the Sumter City/County Planning Commission and its planning director, George McGregor.



President's Message

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attending, please make plans to take part in the South Atlantic Chapters and Schools Reception on Monday, April 15. This event will also be a great chance to network and establish contacts prior to next year's national conference in Atlanta.

Chapter Activities

Here's an overview of activities under way this quarter:

- The Chapter's financial audit is under way and is on track to be completed by the end of March.
- The Programs Committee is soliciting proposals for the fall conference. Please contact Ernie Boughman

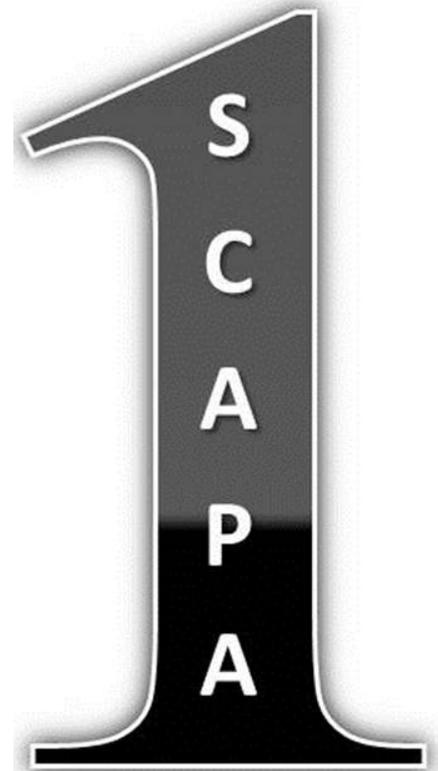
for more information.

- Organizers of the Young Planners Group have established a game plan and applied for a startup grant from the APA Chapter Presidents Council.

I appreciate your ongoing support for the Chapter and the Executive Committee. We will continue to work diligently in 2013 to provide quality programs and keep you informed about the planning profession in South Carolina.

Robby

Robby Moody, AICP
President



Register now for SCAPA's Spring Conference

Register by March 13 for no late fee

Conference is Friday, March 22 at the Cannon Centre in Greer

Sessions:

- From China to South Carolina: Urban Challenges of the 21st Century
- Regional Collaboration in Upstate South Carolina
- South Carolina Ports Authority – An Economic Driver for South Carolina
- Manufactured Homes and Affordable Housing in South Carolina
- Academic Master Planning: The Bridge Between Strategic Planning and Capital Projects

For more information: www.scapa.org

Benefits of SCAPA Membership

Benefits of SCAPA membership include:

- Reduced rates to all SCAPA conferences
- Quarterly newsletter
- Continuing education opportunities, which can serve as both certificate maintenance credits for AICP members and as SC continuing education credits for all planners in SC
- Participation in SCAPA committees
- Networking

Did you know that you may join SCAPA without being an APA member? For only \$35 annually, you may join SCAPA without joining APA. To become a Chapter-only member, go to the APA Web site's membership page.

Join APA in Chicago April 13-17

Register by March 14 at www.planning.org



South Atlantic Chapters and Schools Reception

Monday, April 15, 2013

5:30 - 7:30 p.m.

Houlihan's Downtown Chicago

111 E. Wacker Drive

Chicago, IL 60601



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Legislation

Continued from page 2

franchising, land use ordinances, host agreement ordinances or any other "impediments" to the private waste industry's desires..." (Source: SCAC Friday Report, March 1, 2013).

"H. 3290 reverses over two decades of county investment and planning under the Solid Waste Planning and Management Act passed in 1991. That act mandates counties regulate the activities of private landfill operations and the siting of a landfill within the county. H. 3290 would completely reverse this.

SCAC has learned that host fee ordinances that several counties have in place with privately operated landfills may be impacted by the language in H. 3290. SCAC has requested more information from several counties where private landfills are located.

Thus far, information provided back to SCAC indicates that host fees are around \$1.00 per ton of waste brought into these landfills. The county host agreement ordinances and their host fees would be invalidated by language in H. 3290 that voids ordinances that impede solid waste or recycling programs.

Millions of dollars that aid counties' increased road maintenance and other costs created by these landfills would be lost if H. 3290 passes.

Continued communication with all senators and the Lt. Governor is critical as H.

3290 is pending in the Senate Medical Affairs Committee..." (Source: SCAC Friday Report, March 1, 2013).

The Senate Medical Affairs Committee roster can be found at http://www.sccounties.org/Data/Sites/1/media/1/egislation/Friday-Reports/friday2013/sen_med_affairs_030113.pdf and talking points can be found at http://www.sccounties.org/Data/Sites/1/media/1/egislation/Friday-Reports/friday2013/030113_flow_control_talk_points.pdf.

Note: The information listed above is current as of March 1.

More information on these and other legislation, including background, status, and tracking, can be found on the following web sites:

- South Carolina Association of Counties (<http://www.sccounties.org/friday-reports>);
- Municipal Association of South Carolina (<http://www.masc.sc/legislative/dome/Pages/default.aspx>); and
- South Carolina Legislature Online (<http://www.scstatehouse.gov/index.php>).

The SCAPA Executive Committee will continue to monitor and provide updates on planning related legislation.

In addition, we encourage our members to utilize the tools provided by both the South Carolina Association of Counties and the Municipal Association of South Carolina.

JOIN AN APA DIVISION

www.planning.org/divisions

PLAN BIG: *Support Student Scholarships*

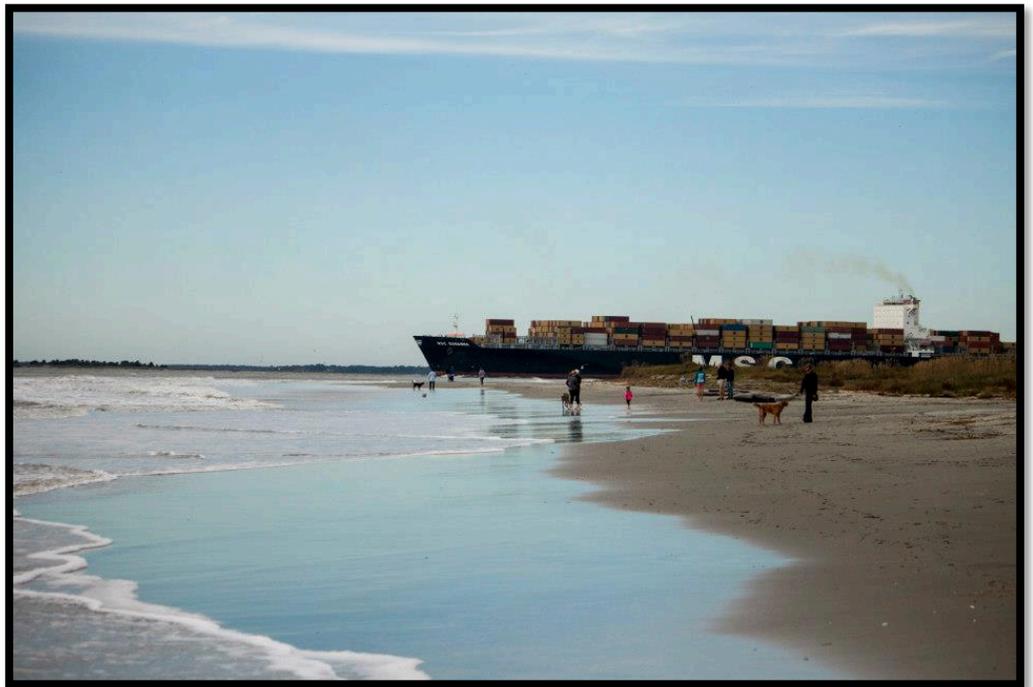


The APA Chapter President's Council will hold a photo auction as part of the American Planning Association's 2013 National Planning Conference, April 13-17 in Chicago.

This auction involves a friendly competition among National APA Chapters and Divisions. Therefore, SCAPA is asking its members to donate a photographic image that is representative of their Chapter that reflects the Conference theme: PLAN BIG. The winning photo will be selected by the SCAPA Executive Committee and entered into the auction.

This is a fundraiser for the APA Planning Foundation. The Planning Foundation of APA funds philanthropic activities that the American Planning Association has supported for years—scholarships and community equity programs—and new initiatives like special research projects and creative ways to “tell the planning story.”

The first auction was held in conjunction with the 2012 National Planning Conference held



Have great photos of South Carolina that would demonstrate APA's conference theme of "PLAN BIG"? If so, submit them to SCAPA by Friday, March 22. The SCAPA Executive Committee will select one to represent the Chapter in a silent auction to raise funds for student scholarships and community equity programs at the APA National Conference.

This photo depicts a container ship at Sullivan's Island. Photo by Clemson MCRP student Jennifer Folz.

in Los Angeles, and more than \$2,000 dollars was raised.

Photos should reflect the diversity of the South Carolina Chapter. Creativity is encouraged—area landmarks, a lively neighborhood scene/activity node, or a scene, structure, or activity representative of our Chapter would be great!

Images may be color or black and white and should be formatted for printing as a 12" X 16" photograph for display in a 16" x 20" frame.

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Ethics

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were taken out and the parks director has responded by tweeting that it is a city event, not a private one (although, technically, all money is run through the private foundation) so permits aren't required other than the county health permit that was secured.

The opponent, in order to prove that it is a political event, has announced a "3rd of July" event in another city park with money passed through a neighborhood not-for-profit that opposes the mayor.

She has asked every city employee who donates to the event backed by the mayor to donate to her event that will help feral cats, a growing problem in many neighborhoods.

What should the director do?

3. One of the \$50K "angel" supporters of the mayor's event is a developer who is on the foundation board executive committee.

In the early fall, he proposes a new, big box store on land that includes a federally and locally designated wetland. He trumpets the fact that he will finance the project entirely through private means without the use of any public monies.

Many permits in the city are discretionary and typically, the planning director plays a major role in all project reviews and permitting actions.

The city has its own "NEPA-like" process that includes an option for a city Finding of No

Significant Impact (FONSI) that is a part of the conditional use permit process required for all disturbances of wetlands in the city. The planning director typically makes final recommendations to the city council after staff review; final action by the city council is required, typically by consent agenda although any member of council can request that an action be removed from the consent agenda and brought forward for a discussion before any vote.

Given the concerns about the political/business ties, the planning director informs the mayor—even before the developer has formally filed an application or the staff evaluation has begun—that she would like to turn project

oversight on the wetlands issue over to an administrator from the state Department of Environmental Conservation (DEC) and that city council action on any environmental findings,

including the possible Finding of No Sign of Impact (FONSI), would require a public hearing.

The mayor privately objects, raising questions of loyalty in a meeting with the city attorney and the planning director. "Don't you trust me or even your staff?" is a question posed by the mayor.

What ethical issues must the director consider?

4. A senior environmental planner (also AICP)

One of the \$50K "angel" supporters of the mayor's event is a developer who is on the foundation board executive committee. In the early fall, he proposes a new, big box store on land that includes a federally and locally designated wetland.

Continued on next page

Ethics

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who has been working for the city for almost 10 years has become increasingly strict in his environmental reviews.

The director trusts him but occasionally has had to overrule his recommendations based on technical evaluations from other professionals, who are both in the public sector and under contract to private entities.

Knowing the heated battle that is already beginning over the big box retail project, the director has now dropped the idea of the state administrator's oversight and has assured the mayor that she will, instead, hire a consulting firm as an independent third party to carry out this environmental review, with the consultant reporting directly to her chief environmental officer (not AICP), a position between the planning director and the senior environmental planner.

This will effectively remove the senior environmental planner (AICP) from any influence on the project.

The senior environmental planner leaks this proposal to a close friend with an active environmental organization, which begins a social media campaign against the project, the director, and the mayor, while advocating in favor of the environmental review being conducted by the senior environmental planner, following the department's well-established standard operating procedure.

What are the ethical issues and what steps should be taken?

5. The city has decided to follow the route of hiring an outside firm to handle the environmental review.

The directors of planning, engineering, and economic development comprise the three-person selection team, with the RFP to be issued near the end of the year. Several local engineering and planning firms are known to be interested, including at least two that are major contributors to the mayor's July 4 event.

One of them sponsors an annual holiday party that attracts community leaders, elected officials, public agency staff and many design

professionals, including competitors of the sponsoring firm.

This is one of the "see and be seen" events of the holiday season. The planning director, along with the other directors and top staff, attend each year.

There are not any fees or donations associated with the event. Should the director attend? Should the consulting firm (headed by an AICP planner) invite the three directors on the selection committee, or exclude them this year?

6. Early in the new year, the contract has been awarded to the firm that sponsors the holiday party, and the bypassed senior

The mayor privately objects, raising questions of loyalty in a meeting with the city attorney and the planning director. "Don't you trust me or even your staff?" is a question posed by the mayor.

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Ethics

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environmental planner has decided to explore other job options while still employed by the city.

In one job interview with a rival to the firm that was awarded the environmental review for the big box project, he implies that he probably can secure a contract from a well-funded coalition that seeks both to block the big-box project and to strengthen the city's

environmental standards.

Both the project and the standards have become political issues in this year's mayoral and city council elections. T

he job applicant touts his knowledge of the city, also noting that he has maintained his own file of city documents on his home computer. He also suggests that some of the anti-project information on the coalition's website came from him. The interviewer is also AICP.

Ethical concerns?

PLAN BIG photo auction

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For best quality, photos should be taken by a camera with a minimum resolution of 8 mega pixels.

Please provide the following information when transmitting your image:

- Photo Title
- Description of photo, including location
- Chapter/Division/Person submitting photo
- Contact Person with Phone number and email address

Submit your photos to steve.allen@yorkcountygov.com. If you have any questions, please contact Steve at 803-909-7223.

Like to take photos?

We need help taking photos at SCAPA conferences to run in the *Palmetto Planner* newsletter and preserve our history.

If you are interested in serving as a Chapter historian for SCAPA, please contact Leah Youngblood at lyoungblood@cityofrockhill.com.

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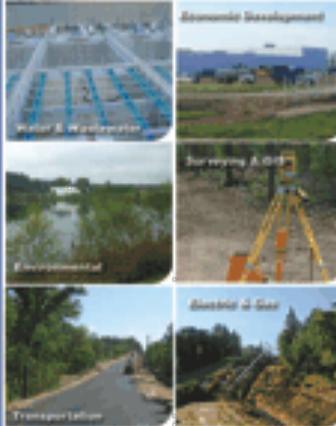
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SPONSOR A CONFERENCE

When you sponsor a SCAPA conference, you will meet local, state, and federal government leaders who make decisions about which consultants to hire for planning, transportation, engineering, and related needs. More than one third of SCAPA members hold key management positions in government agencies. These are people who can help you grow your business.

Additionally, when you sponsor a SCAPA conference, you will meet others from the private sector, with whom you might be able to partner on projects in the future. Twenty percent of SCAPA's members—90 people—work in the private sector.

Planning professionals from all regions of South Carolina, as well as from North Carolina, Georgia, and beyond come together at SCAPA's three annual conferences. For conference sponsorship information, contact Leah Youngblood (contact information below).

ADVERTISE IN THE PALMETTO PLANNER AND ON THE SCAPA WEB SITE

Did you know that you can advertise in the Palmetto Planner and on the SCAPA Web site for one low amount? The newsletter and Web site both provide information about current planning topics, chapter conferences and activities, and job opportunities.

Advertisement space in the Palmetto Planner (four issues) and the SCAPA Web site, www.scapa.org, is available for \$200 per year.

Leah Youngblood: 803-448-9931 or lyoungblood@cityofrockhill.com

Update your contact info

SCAPA distributes all informational materials electronically. In order to ensure receipt of these materials, make sure that your e-mail address in the APA record is up-to-date. All APA members may update their APA profiles online. These changes become effective immediately. To access your APA profile, go to www.planning.org/myprofile. Enter your APA ID (from the Planning magazine mailing label or invoice) and password (click on "create new password" if you have forgotten yours). If you need assistance, contact webmaster@planning.org.

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