

**RICHLAND COUNTY
DEVELOPMENT AND SERVICES
COMMITTEE**

AGENDA



TUESDAY JULY 26, 2022

5:00 PM

COUNCIL CHAMBERS

Richland County Council 2021-2022



Deirek Pugh
District 2



Bill Malinowski
District 1



Overture Walker
District 8
Chair



Gretchen Barron
District 7



Yvonne McBride
District 3



Chakisse Newton
District 11



Allison Terracio
District 5



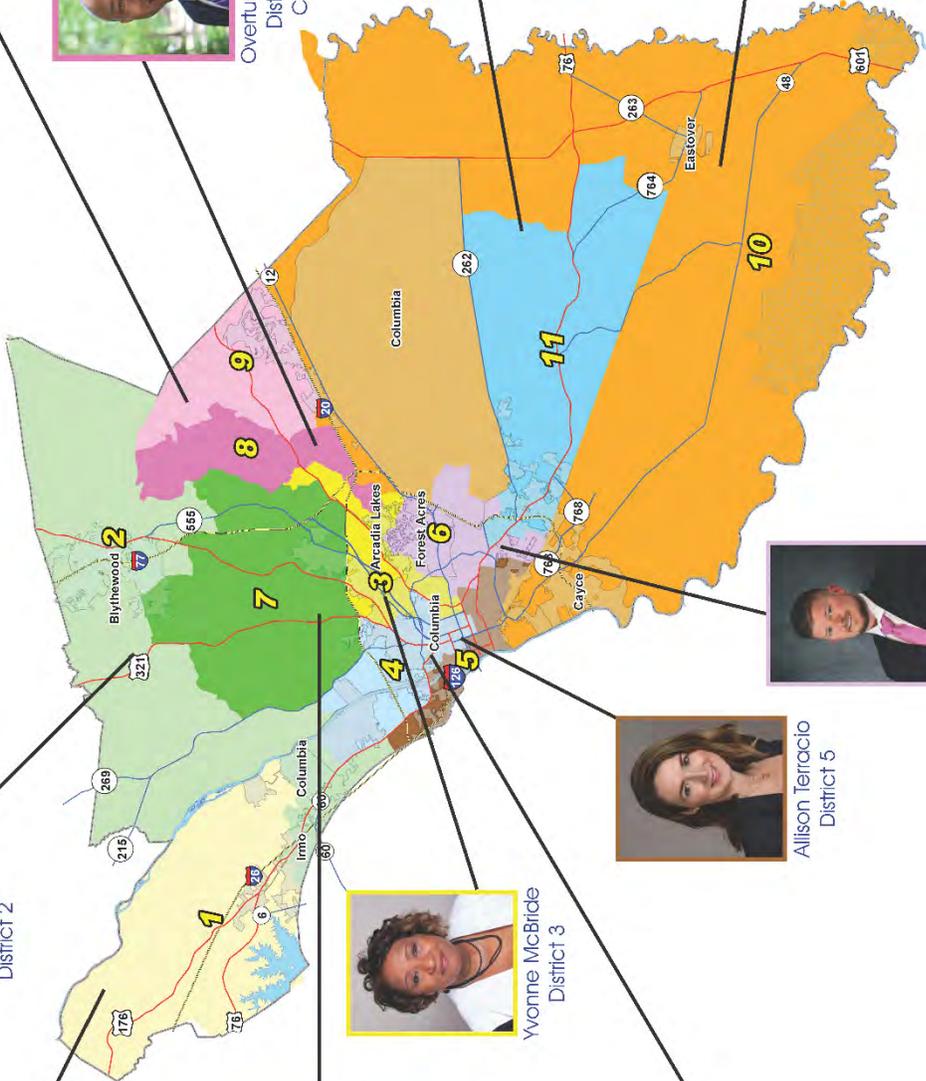
Paul Livingston
District 4



Joe Walker, III
District 6



Cheryl English
District 10



Jessica Mackey
District 9
Vice Chair



**Richland County
Development and Services Committee**

AGENDA

July 26, 2022 - 5:00 PM
2020 Hampton Street, Columbia, SC 29204

The Honorable Derrek Pugh, Chair	The Honorable Allison Terracio	The Honorable Gretchen Barron	The Honorable Cheryl English	The Honorable Chakisse Newton
County Council District 2	County Council District 5	County Council District 7	County Council District 10	County Council District 11

1. **CALL TO ORDER** The Honorable Derrek Pugh

2. **APPROVAL OF MINUTES** The Honorable Derrek Pugh
 - a. June 28, 2022

3. **ADOPTION OF AGENDA** The Honorable Derrek Pugh

4. **ITEMS FOR ACTION** The Honorable Derrek Pugh
 - a. Community Planning & Development – Conservation – Historic Columbia Heritage Tourism Marketing Plan

5. **ITEMS FOR DISCUSSION** The Honorable Derrek Pugh
 - a. I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance. [NEWTON and DICKERSON - November 19, 2019]

6. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED** The Honorable Derrek Pugh
 - a. Move to direct staff to evaluate current zoning laws that permit zoning designations for large residential developments to remain in perpetuity and present options to re-evaluate and or rezone those properties if they are not developed within 7 years. Recommendations should include processes to ensure that zoning and the

comprehensive plan remain consistent with the lived character of the community [NEWTON - July 13, 2021]

***Pending recommendations from the Planning Commission.*

- b.** I move that Richland County update its policies to allow the expenditure of CDBG and other federal funds for affordable housing anywhere in Richland County regardless of jurisdiction. (Current Richland County policies only allow expenditure of these funds in the unincorporated parts of the county.) [NEWTON - May 17, 2022]

***Staff has drafted applicable language regarding this provision which will be removed in the proposed 5 year plan to go before Council at its July 30, 2022 meeting.*

7. ADJOURNMENT

The Honorable Derrek Pugh



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



Richland County Council
Development and Services Committee Meeting
MINUTES
June 28, 2022 – 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Derrek Pugh, Chair; Allison Terracio, Gretchen Barron, Cheryl English and Chakisse Newton (via Zoom)

OTHERS PRESENT: Dante Roberts, Elizabeth McLean, Patrick Wright, Aric Jensen, Tamar Black, Angela Weathersby, Michael Byrd, Zachary Cavanaugh, Lori Thomas, Stacey Hamm, Michelle Onley, Justin Landy, Leonardo Brown, Dale Welch, Quinton Epps, Kyle Holsclaw, Ahbijit Deshpande and Dwight Hanna

1. **CALL TO ORDER** – Chairman Derrek Pugh called the meeting to order at approximately 5:00PM.

2. **APPROVAL OF MINUTES**

a. May 24, 2022 – Ms. Barron moved to approve the minutes as distributed, seconded by Ms. English.

In Favor: Pugh, Terracio, Barron, English and Newton

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. Barron noted there were some scrivener’s errors in the agenda.

Ms. Barron moved to adopt the agenda as corrected, seconded by Ms. English.

In Favor: Pugh, Terracio, Barron, English and Newton

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

a. Move to invite the Richland County Conservation Commission to present the Lower Richland Tourism plan to Council [NEWTON and ENGLISH - November 16, 2021 – Ms. Barron moved to forward to Council with a recommendation to accept the Lower Richland Tourism Plan, seconded by English.

Ms. Barron stated, for clarification, we are moving forward with the plan, and not the budgetary request. She noted the plan is massive. The Conservation Commission was

requested to prioritize the items and begin rolling them out in the community. Given the length of time that has passed since the survey was conducted, she suggested going back to the Lower Richland Community to inquire if the data is still relevant.

Mr. Livingston inquired if the action is to invite the Conservation Commission to present to the plan to Council.

Mr. Pugh responded the Conservation Commission has presented the plan to Council.

Ms. English stated, for clarification, we kept the item in committee to discuss additional details prior to proceeding.

Ms. Newton indicated acceptance of the plan is not acceptance of the five- year budget items, but spiritual guidance that could be incorporated into the Comprehensive Plan, which would allow the Conservation Commission and others to come back to Council with priorities.

Mr. Leonardo Brown, County Administrator, responded the Lower Richland Tourism Plan is not a true regulatory document. The committee may recommend Council's approval, and not adopt the plan.

In Favor: Pugh, Terracio, Barron, English, and Newton

The vote in favor was unanimous.

- b. I move to have staff amend section 26-186 (Development with Open Space Design Standards) of the Land Development Code by amending the formula used in determining the total number of units allowed in the utilization of density-based and density bonus design standards by subtracting the constrained open space area acreage from the total site acreage prior to calculating. In addition, all lots must conform to the DHEC minimum required sizes so no bonus allows that lot size to be less than the DHEC requirement. [MALINOWSKI – January 4, 2022] – Ms. Barron moved to forward to Council with a recommendation to accept Mr. Malinowski's motion, seconded by Ms. Newton.

Ms. Newton inquired if we need to have more input from the Planning Commission and what the recommended protocol is.

Mr. Patrick Wright, County Attorney, responded because the motion is involves development it would need to go to the Planning Commission, and they would make a recommendation to Council as to what they believe is in the best interest of the County.

In Favor: Pugh, Terracio, Barron, English and Newton.

The vote in favor was unanimous.

- c. Amending "Fireworks" Ordinance - [PUGH – December 7, 2021] – Ms. English moved to forward to Council with a recommendation to approve the "Fireworks" Ordinance, seconded by Ms. Barron.

Mr. Wright stated he responded to the questions submitted to his office. He noted the ordinance is aligned with the noise ordinance. He indicated any property, including homes, can be declared a public nuisance. Fire officials can determine their process, but it does not need to be included in the ordinance. Not allowing detonation of within 600 ft. of churches, hospitals and public schools is standard language for these types of ordinances.

Ms. English inquired if the time could be changed from 10:00 PM to 8:00 PM.

Mr. Wright responded the time can be changed to whatever Council chooses.

Mr. Pugh inquired when the noise ordinance was revised. He noted the fireworks ordinance and the noise ordinance should align with each other.

Mr. Wright responded the noise ordinance was updated approximately 3 years ago.

Ms. Newton inquired about a person being declared a nuisance.

Mr. Wright responded it is the property, not the person. At the discretion of the officer, a specific property could be determined to be a public nuisance if there have been three violations.

Ms. Newton inquired about the consequence of being declared a nuisance.

Mr. Wright responded a violation of this section would be punishable by a civil penalty of up to \$100, each violation may be punishable as a separate offense.

Ms. Newton inquired, once a property is declared a public nuisance, if it is up to the officer to decide the consequences.

Mr. Wright responded to a certain degree. If a property is deemed a public nuisance, the existing code defines what will happen to said property.

Ms. Malinowski inquired about the timeframe for the three violations.

Mr. Wright responded currently there is not a timeframe. If the Committee and/or Council would like to include a timeframe, they may do so.

Mr. Malinowski stated there could be three violations at an apartment complex in one night. He does not think it is fair for someone to be declared a nuisance in such a situation. A definitive timeframe needs to be established. He inquired what constitutes a violation, and what proof is required to determine a violation.

Mr. Wright responded the court will have to determine if a violation has taken place.

Ms. Newton requested a copy of the nuisance ordinance.

Mr. Pugh requested all of the Councilmembers be provided a copy of the nuisance ordinance.

Ms. Terracio inquired how the Sheriff's Department sees this ordinance working.

Chief Polis responded they will document the incidents as they occur and issue citations and civil penalties as necessary. He noted they are not looking to put anyone in jail for fireworks.

In Favor: Pugh, Terracio, Barron, English and Newton.

The vote in favor was unanimous.

- d. Community Planning & Development - Conservation - Historic Columbia Heritage Tourism Marketing Plan – Ms. Barron moved to forward to Council with a recommendation to approve the proposal from Historic Columbia to create a Richland County Heritage Tourism Marketing Plan as recommended by the Conservation Commission, seconded by Ms. English.

Ms. Newton inquired if the budget for this item will come from the Conservation Commission's budget.

Mr. Quinton Epps, Conservation Division Manager, responded the Historic Corridor project was approved 2-3 years ago and is being funded with Hospitality Tax. The Conservation Commission issued an RFP to hire outside agencies to advise them what they need to do to promote historic resources. The recommended agencies are Historic Columbia and Experience SC. The cost of the project is \$144,610, with a 20% contingency.

Ms. Barron inquired if a 20% contingency is normal percentage.

Mr. Epps responded the contingency is usually 15%, but he predicts the commissioners will request out of scope activities from the contractor.

Ms. Barron stated we have to do a better job of stewarding over our projects and make sure the projects stay within the scope of service.

Mr. Epps stated prices are volatile at this time, and he anticipates there will be out of scope requests from the commissioners.

Ms. Barron inquired if there is leverage to allow for flexibility in spending.

Mr. Brown responded, in this case, the contingency is in case they want more services done. This is not a project that has varying material costs.

Mr. Malinowski stated the Conservation Commission should decide what they want to do with the \$144,000 and not plan on adding any out of scope services.

Ms. Newton inquired if we approve staff's recommendation the Conservation Commission will be able to go up to \$175,532.00 without coming back to Council.

Mr. Epps responded in the affirmative.

Ms. Barron amended her motion to keep this item in committee and request more specifics about the project, seconded by Ms. Newton.

Ms. Barron encouraged the Conservation Commission to give more details about what they are requesting from Council.

In Favor: Pugh, Terracio, Barron, English and Newton.

The vote in favor was unanimous.

5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

- a. I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance. [NEWTON and DICKERSON - November 19, 2019]. – Ms. Newton noted staff's recommendation addresses half of her motion by recognizing problems at properties that are managed by absentee landlords, she inquired about the consequences or next steps.

Mr. Jensen stated the property owner has varying rights. When they lease their property, the renter gets a leaseholder's rights. Every lease is different and the rights and responsibilities

are different. It is almost impossible for a code enforcement officer to know who is responsible when something goes wrong making it hard to cite the correct person and causing confusion in the courts. He noted part of setting up a strong code enforcement program is to put a mechanism in place to allow them to cite all potential parties, so when they go to court the judge does not dismiss the case because they did not cite the right person.

Ms. Newton requested to hold the item in committee for discussion at the next committee meeting. Any questions should be forwarded to the County Attorney and Mr. Jensen.

6. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

- a. Move to direct staff to evaluate current zoning laws that permit zoning designations for large residential developments to remain in perpetuity and present options to re-evaluate and or rezone those properties if they are not developed within 7 years. Recommendations should include processes to ensure that zoning and the comprehensive plan remain consistent with the lived character of the community [NEWTON - July 13, 2021] – Mr. Jensen stated this item was sent to the Planning Commission and it is on the Land Development Code and zoning map(s) update. This motion is more applicable to the Comprehensive Plan. We anticipate the Planning Commission will make a recommendation Council one way or another.
- b. I move that Richland County update its policies to allow the expenditure of CDBG and other federal funds for affordable housing anywhere in Richland County regardless of jurisdiction. (Current Richland County policies only allow expenditure of these funds in the unincorporated parts of the county.) [NEWTON – May 17, 2022] – Mr. Jensen stated this is a part of the 5-year Consolidated Action Plan that will be coming before the committee.

7. **ADJOURNMENT** – Ms. Barron moved to adjourn, seconded by Ms. English.

In favor: Pugh, Terracio, Barron, English and Newton.

The vote in favor was unanimous.

The meeting adjourned at approximately 5:30PM

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Aric Jensen, AICP	Title:	Assistant County Administrator
Department:	Administration	Division:	Click or tap here to enter text.
Date Prepared:	May 27, 2022	Meeting Date:	June 28, 2022
Legal Review		Date:	Click or tap to enter a date.
Budget Review	Abhijit Deshpande via email	Date:	June 9, 2022
Finance Review	Stacey Hamm via email	Date:	June 9, 2022
Approved for consideration:	County Administrator	Leonardo Brown, MBA, CPM	
Meeting/Committee	Development & Services		
Subject	Absentee Landlord Code Enforcement Ordinances and Practices		

RECOMMENDED/REQUESTED ACTION:

Direct staff to prepare the ordinance and policy changes set forth in the body of the agenda briefing, and to submit them to the full Council for review and approval.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If no, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

At this time no additional personnel or equipment are required to implement the proposed amendments; however, as population and development increases, there will need to be a commensurate growth in personnel to administer and enforce these statutes and practices.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

Feedback from the County Attorney’s office is pending.

REGULATORY COMPLIANCE:

Not applicable.

MOTION OF ORIGIN:

I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance.

Council Member	The Honorable Joyce Dickerson, formerly District 2; Chakisse Newton, District 11
Meeting	Choose an item.
Date	Click or tap to enter a date.

STRATEGIC & GENERATIVE DISCUSSION:

Background

On May 24, ACA Jensen provided a written update to the Committee, which proposed three actions:

1. Require that the owner of non-owner-occupied property (an absentee landlord) complete at least one of 3 registration activities so that there is a known contact in the case of emergency, code violation, or other incident.
2. Create an online portal and database for absentee landlord registration;
3. Amend County Ordinances to accomplish the previous tasks and to require that the owner of 2 or more residential units obtain a business license or contract with a licensed Richland County property management company;

The following is the current work schedule and status. As there are no regular Council meetings in August, 3rd Reading and Reconsideration cannot occur until October 4th at the earliest.

- ✓01-Mar-2022 Workgroup committee meeting #1, 1st Draft workplan completed
- ✓01-Apr-2022 Workgroup committee meeting #2, 2nd Draft workplan completed
- ✓24-May-2022 Workplan update to D&S Committee
- ⌚ 27-Jun-2022 Presentation and Committee action
- *19-Jul-2022 Public hearing and 1st Reading
- *20-Sep 2022 2nd Reading
- *04-Oct-2022 3rd Reading and reconsideration

Summary and Analysis

The following are the proposed actions that implement the three identified tasks:

1. Amend the County Ordinance to require that the owner of non-owner-occupied property (an absentee landlord) complete at least one of 3 registration activities so that there is a known, local contact in the case of emergency, code violation, or other incident.
2. Create an online portal and database for absentee landlord registration using the existing E-Trackit software platform, which is currently used for entering and processing land use permit related applications, and which includes a public interface.
3. As necessary, amend the County Code to:
 - a. Affirmatively state that a property owner, property manager, and any tenant may be cited and held responsible for the violation of a county ordinance related to zoning, building safety, and property maintenance;
 - b. Affirmatively state that any County Code Enforcement Officer or Public Safety Officer can issue a citation for any violation of a County code;
 - c. Require that the owner of any non-owner-occupied residential property or unit do at least one of the following actions:
 1. Obtain a business license for every property and unit owned;

2. Provide and keep current within the County's online database a mailing address, phone number, and email address for an authorized agent located within 50 miles of the property;
 3. Contract with a Richland County licensed property management firm and provide that firm's contact info in the County's online database.
- d. Require a business license for any person or entity that owns 2 or more non-owner-occupied residential units;
 - e. Do not require a business license for a property owner who contracts with a professional property management firm that has a current Richland County business license (double taxation);

ADDITIONAL COMMENTS FOR CONSIDERATION:

Click or tap here to enter text.

ATTACHMENTS:

1. Click or tap here to enter text.