



Richland County Council  
DEVELOPMENT AND SERVICES COMMITTEE  
**MINUTES**  
April 26, 2022 – 5:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Derrek Pugh, Chair, Allison Terracio, Gretchen Barron, Cheryl English, and Chakisse Newton

OTHERS PRESENT: Bill Malinowski, Paul Livingston, Michelle Onley, Anette Kirylo, Leonardo Brown, Patrick Wright, Lori Thomas, John Thompson, Aric Jensen, Tamar Black, Kyle Holsclaw, Justin Landy, Abhi Despande, Stacey Hamm, Dale Welch, Randy Pruitt, Steven Gaither, Ms. ight Hanna, Ashiya Myers, Shirani Fuller, and Geonard Price

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

2. **APPROVAL OF MINUTES**

a. **Regular Session: March 22, 2022** – Ms. Barron moved, seconded by Ms. Newton, to approve the minutes as distributed.

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

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. Terracio moved, seconded by Ms. Newton, to adopt the agenda as published.

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

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

a. **Amending “Fireworks” Ordinance [PUGH – December 7, 2021]** – Mr. Pugh noted there are a few questions we need to have answered by staff.

Ms. Newton inquired about what the intent of Item (d) on p. 12 of agenda is.

Mr. Patrick Wright, County Attorney, responded Item (d) has been changed in the revised ordinance language.

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Ms. Newton inquired about the following language in Item (f) on p. 28 of the agenda, “After three separate violations in a single location, the location is declared to be a public nuisance...”

Mr. Wright responded it allows the Sheriff’s Department or lawful officer to deal with the situation. The problem with the previous version was it was a criminal violation, but this changes it to a civil violation. Once it is declared a nuisance, if there any further violations it can be dealt with by the Sheriff’s Department.

Ms. Newton inquired what other categories count as a public nuisance, so she can understand the class of offense this is.

Ms. Barron inquired if there is a more recent ruling than the 2011 Attorney General’s opinion.

Mr. Wright responded there are more recent ones, but they refer this. In the legal work, precedent does not change until something else changes it.

Ms. Barron stated she wants this to move forward, with some teeth in it.

Mr. Malinowski inquired, what does it mean, when the Sheriff comes in and declares a public nuisance.

Chief Polis responded, when it comes to a private residence, he does not know if the Sheriff’s Department has any authority to declare it a public nuisance. When it comes to a bar or nightclub, the Sheriff and Administrator can chain and padlock a business pending a hearing in front of Council.

Mr. Malinowski noted, in the Attorney General’s opinion, you cannot have any type of a criminal violation in the enforcement of the ordinance. If a public nuisance is declared, the end result is a criminal violation.

Mr. Wright responded it would not be a criminal violation, but a civil penalty.

Ms. Terracio noted it would be prudent to think about a timeframe during which the three violations have occurred.

Mr. Pugh stated he would like the ordinance to mirror the noise ordinance. We also need to look at what this looks like at an apartment complex, with people going and coming from different units.

Mr. Pugh moved, seconded by Ms. Newton, to defer this to the May committee meeting.

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

The vote in favor was unanimous.

5. **ITEM 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, DICKERSON, ENGLISH and TERRACIO - November 19, 2019] – Mr.**

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Brown, County Administrator, noted staff is preparing to make a presentation at the May committee meeting.

- b. **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. Brown noted this item is to go before the Planning Commission. A recommendation from the Planning Commission will be brought back to committee.

Mr. Malinowski stated he does not understand why on Items 5(b) and (d) it says a recommendation will be made to the Planning Commission, and the Planning Commission will forward a recommendation back to Council. He thinks it is premature for it to go to the Planning Commission.

Mr. Brown stated, it is his understanding, because of the flow of information, and how this came to Council, this item would be in the purview of the Planning Commission. There are certain items that are handled by the Planning Commission as a part of their function, and that process then rolls up to Council.

Mr. Malinowski noted he thought motions made by Council members, and forwarded by the Chair to a committee, need to remain in the committee until the committee makes a recommendation.

Mr. Brown stated there are certainly items that Council sends to a committee. There are also some questions we are working through on which items should be sent to committee, and which items should go straight to Council.

Mr. Wright stated the Planning Commission is a little different than other committees and commissions. There is a statute that governs the Planning Commission. Council has the option to deal with zoning issues or establish a Planning Commission. If a Planning Commission is established, those things are in the purview of the Planning Commission.

- c. **Move to invite the Richland County Conservation Commission to present the Lower Richland Tourism plan to Council [NEWTON and ENGLISH – November 16, 2021]** – Ms. Newton noted the Clerk's Office has been working on setting a date for the work session.

Mr. Malinowski recommended May 26<sup>th</sup> at 4:00 PM.

- d. **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]** – Mr. Brown stated this item is similar to Item 6(b). The recommendation from the Planning Commission will come back to the committee.

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

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

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The vote in favor was unanimous.

The meeting adjourned at approximately 5:23PM.