



Richland County Council
DEVELOPMENT AND SERVICES COMMITTEE
MINUTES
June 27, 2023 – 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Chakisse Newton, Chair; Allison Terracio, Gretchen Barron, and Cheryl English (arrived at 5:14 PM)

NOT PRESENT: Pugh

OTHERS PRESENT: Don Weaver, Jason Branham, Michelle Onley, Ashiya Myers, Angela Weathersby, Patrick Wright, Stacey Hamm, Leonardo Brown, Aric Jensen, Anette Kirylo, Lori Thomas, Kyle Holsclaw, Zachary Cavanaugh, Chelsea Bennett, Michael Byrd, Susan O’Cain, Dale Welch, Geo Price, Quinton Epps, Dante Roberts, and John Thompson

1. **CALL TO ORDER** – Councilwoman Chakisse Newton called the meeting to order at approximately 5:00 PM.

Ms. Newton noted that Mr. Pugh is traveling and unable to attend tonight’s committee meeting.

2. **APPROVAL OF MINUTES**

- a. May 23, 2023 – Ms. Barron moved to approve the minutes as distributed, seconded by Ms. Terracio.

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

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

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

- a. Proposed Land Development Code Zoning Map and Text Amendments – Mr. Aric Jensen, Assistant County Administrator, stated he met with Mr. Geo Price, Deputy Community Planning and Development Director/Zoning Administrator, before the start of the meeting. Mr. Price will be able to address any questions that may arise. He noted the objective is to forward the zoning map to Council. Following that, any desired text amendments. There have been changes to the text or zoning maps since the previous meeting.

Ms. Newton stated in order to complete the Land Development Code, the zoning map needs to be approved by Council. Once that has happened, we will be able to go back and edit the text of the Land Development code.

Mr. Patrick Wright, County Attorney, indicated the Land Development Code is both the text and map. Currently, Council has approved the text, but the Code is incomplete until the maps are approved. Ms. Newton stated the recommendation is to send the maps to Council for approval, with an effective date set fair enough into the future to allow for editing of the text before the maps go into effect.

Mr. Branham stated we ran into an issue with the implementing ordinance when we placed a specific date in it, and then Council went back and amended it so that there was a triggering event instead of a

date. He inquired if we could do the same in this case and make the map effective once Council has had an opportunity to vote on each text amendment.

Mr. Wright stated that because there is a brand-new code and an ordinance, there must be an effective date when the map takes effect.

Mr. Branham inquired if we could include an effective and include a caveat “so long as Council has had the opportunity to vote on the Planning Commission’s text amendment recommendations.”

Mr. Wright responded he did not believe you could do it that way. If there is a different date other than the effective date you initially proposed, you could amend the ordinance.

Mr. Branham suggested including a specific period after a triggering event (i.e., 90 days after the text amendments are voted on).

Mr. Wright replied you need a date when the new code/law will take effect.

Mr. Branham inquired if that could be established later, ensuring Council has an opportunity to vote on the text amendments before the map becomes effective.

Mr. Wright pointed out you could give First Reading of the text amendments on the same day you approve Third Reading of the map.

Mr. Branham inquired if that is something that can be established at this meeting.

Mr. Wright responded if you know the date(s), that will be the effective date(s).

For clarification, Ms. Newton stated if a motion to approve the map was to move forward, on Third Reading of the map, you could have a First Reading of the text amendments. Would we defer the additional readings of the text amendments?

Mr. Wright asserted every ordinance has an effective date, which can be the date it is approved or a future date. You could have the effective date of the new code, which is the text and the map, take place on the same day as the amendments.

Mr. Branham maintained there has been a gap in trust between the public and the County. He believes it would be beneficial if the body could create something that gives confidence to the public that the text amendment recommendations will be heard and voted on by Council before the map becomes effective.

Ms. Barron acknowledged this process needs to strengthen the trust between Richland County and its citizens. She noted when she reviewed the minutes from the previous meeting, a timeline was requested from the staff. She would have liked to have the timeline provided before this meeting. It is difficult to make an informed decision without having information ahead of time to mull over. Now we are expected to vote on it. She asserted she is uncomfortable with us moving forward with a document we already know is challenged. She is aware Mr. Wright said this is how it must be. She did some research, and it’s her understanding that you can implement the recommendation of the Planning Commission or portions thereof. She suggested an opinion from the Attorney General to determine if Mr. Wright is correct or if something else could be done. We need to move this document forward, but she wants to ensure we have exhausted all our options.

Mr. Wright indicated what the body did was bifurcate the Land Development Code. You have approved a part of the Code. You cannot amend something that is not complete. Once it is complete, you can make whatever amendments you want.

Ms. Barron stated we voted to separate it, but when did we vote to put it back together?

Mr. Wright responded it was automatic. The map was to have taken effect in May 2022. Council decided to delay the implementation, so we have been in limbo for the last year and a half. You can make amendments, but you must have a complete Code before it can be amended.

Ms. Barron stated, for clarification, we voted to separate the Code. Once we approved what we separated, it automatically went back to one document.

Mr. Wright stated the Code is one document. What Council did was approve one part of the Code but did not address the second part, which is the map. The text and the map go together. Right now, we have the text, but we do not have the map.

Ms. Barron indicated she would vote no because she is uncomfortable with the process.

Mr. Branham stated he believes Council has expressed its objectives. The Administrator suggested t we could make a report out of the committee to express their intention to the body and the public. He is requesting the County Attorney and staff to assist the body with achieving its objectives.

Mr. Wright stated his job is to ensure Richland County is on legally sound ground, and he believes you will not be on legally sound ground if you do not follow the process outlined.

Ms. Newton stated when the text was approved in 2021, the idea was that we would take that time to speak with the community so we could edit the text. An overly optimistic timeframe was put on those community conversations, and it was presumed the map would pass in May 2022. What happened instead was when we went to the community, there was so much feedback and concerns that we did not see the point of passing maps to go with text that no one wanted. It is her understanding from the County Attorney that once too much time had passed, we could not go back and edit the text. For the record, she does not intend to keep the text passed in November 2021 without amendment. The only pathway to do so is to approve the map. She recommends sending the map representing the Code we want and having those maps go into effect on a future date (i.e., May 2024). If this motion were to go to Council, we would immediately start discussing the proposed text amendments. In addition, she would suggest having a Council work session to discuss the recommendations in detail.

Ms. Barron acknowledged they do not like the path forward outlined by the County Attorney, but they have to respect his opinion. She also requested the timeline proposed by the staff.

Mr. Branham requested that Council adopt the version of the zoning map recommended by the Planning Commission and not make the map effective until the text amendments can be voted on.

Mr. Wright reiterated the recommendation is to have the zoning map and text amendments take effect simultaneously, which is the only viable path forward.

Ms. Newton stated she wants us to have enough time to have community feedback. Therefore, she does not want us to get into a situation where we set a date, and something becomes effective that we do not desire.

Mr. Price proposed an effective date of May 7, 2024. During the intervening period, it would allow any potential community outreach Council desires, Council work sessions, and the consultant, Clarion, to implement this into the Land Development Code to ensure there are no additional conflicts.

Ms. Newton inquired should Council approve the text amendments before the May 7, 2024, effective date, could the effective date be changed to take effect earlier?

Mr. Wright responded Council could always change the effective date, but it would require Three Readings and a public hearing.

Ms. Newton stated, for clarification, once the Land Development Code is unified, we can amend it as needed.

Mr. Wright replied in the affirmative.

Ms. Terracio moved to forward to Council with a recommendation to approve the zoning maps with an effective date of May 7, 2024, seconded by Ms. English.

Ms. Newton inquired if Ms. Terracio's motion is for the most recent map recommended by the Planning Commission.

Ms. Terracio responded in the affirmative. In addition, she would support a Council work session.

Ms. Barron asserted her "no" vote is not about the maps not going forward. It is about getting it right. She does think a work session is needed and wishes one was held when she first came on Council. It was noted the Clerk's Office provided her with a copy of the Land Development Code for her to review before she took office.

Ms. Newton declared this process has been delayed so we can get community feedback. She acknowledged that she hates the process the law says we must follow. It is confusing and convoluted, but we have to follow the laws even if we do not like it. Her "yes" vote is to affirm that she is 100% committed to making the text amendments to make it better for the community.

In Favor: Terracio, English, and Newton

Opposed: Barron

Not Present: Pugh
The vote was in favor.

Ms. Newton directed staff to schedule a work session in September to discuss the Land Development Code and make the frequently assisted questions available to the constituents.

Mr. Branham requested to update the interactive map for the public to utilize.

Ms. Newton noted citizens zoned rural have up to a year to come to Council and disagree with the recommendation and request, free of charge, to change the zoning designation.

5. **ITEMS FOR PRELIMINARY ACTION**

a. Short-Term Rentals:

1. Direct the Administrator to create regulations for the operation of Short Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current Ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood. [MALINOWSKI - December 6, 2022]
2. Direct the County Administrator to work with staff to ensure the proposed Short Term Rental Ordinance requires each homeowner who wishes to provide a short-term rental to obtain a business license and pay accommodation taxes. [TERRACIO - January 3, 2023]

Ms. Newton stated staff will present a draft ordinance pertaining to Items 5(a) and (b) at the September 26, 2024, committee meeting.

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

- a. I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [Newton - August 30, 2022] – Ms. Newton noted staff anticipates providing draft ordinance revisions at the September 26, 2024, committee meeting.
- b. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [PUGH, BARRON, and NEWTON - January 3, 2023] – Mr. Brown indicated the County does not have a subject matter expert; therefore, they have put aside funds to bring a subject matter expert/consultant on board.

Ms. Newton noted the committee did make a motion to provide funding to support the procuring of the subject matter expert, but it did not make it to Council. She inquired if that motion needs to come to Council, and, if so, will it be before the body.

Mr. Brown responded by forwarding the motion to Council; it would cover him in the future, but he does not feel it is necessary.

Ms. Newton suggested the County Administrator and Clerk’s Office decide if the motion should go on the Council agenda for action.

- c. I move to direct the Administrator to review and update the illegal dumping ordinance, including raising fines up to \$5,000.00, jail time, and community service (picking up debris on roadways) [English and Terracio, June 6, 2023] – Mr. Brown stated staff had not had an opportunity to review the ordinance. He noted the County is continuing to address illegal dumping in neighborhoods. Hopefully, the County will have a campaign encouraging individuals to report illegal dumping. There are services available to County residents to have these large items picked up, so there is no reason to dump the items illegally.

Ms. English suggested addressing this similarly to how we handled the fireworks ordinance. (i.e., 1st Offense: \$1,500; 2nd Offense: \$3,000; and 3rd Offense: \$5,000). She noted there is nothing more disheartening than seeing discarded mattresses on the side of the road.

7. **ADJOURNMENT** – Ms. Terracio moved to adjourn the meeting, seconded by Ms. Barron.

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

The meeting adjourned at approximately 5:57 PM.