

**RICHLAND COUNTY
DEVELOPMENT AND SERVICES
COMMITTEE**

AGENDA



TUESDAY JUNE 28, 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



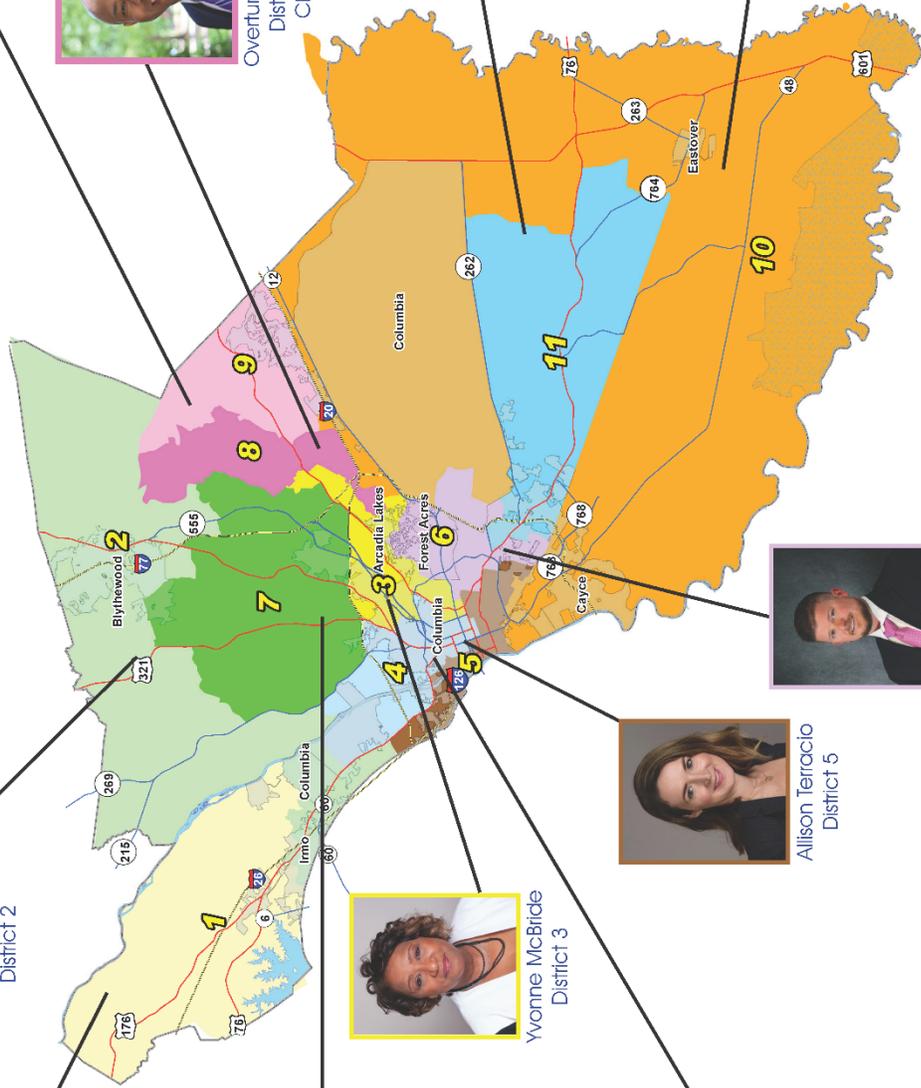
Paul Livingston
District 4



Joe Walker, III
District 6



Cheryl English
District 10





**Richland County
Development and Services Committee**

AGENDA

June 28, 2022 05:00 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. May 24, 2022 [PAGES 6-9]

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

4. **ITEMS FOR ACTION** The Honorable Derrek Pugh
 - a. Move to invite the Richland County Conservation Commission to present the Lower Richland Tourism plan to Council [NEWTON and ENGLISH - November 16, 2021] [PAGES 10-13]

 - 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] [PAGES 14-16]

 - c. Amending "Fireworks" Ordinance - [PUGH - December 7, 2021] [PAGES 17-19]

 - d. Community Planning & Development - Conservation - Historic Columbia Heritage Tourism Marketing Plan [PAGES 20-22]

5. ITEMS FOR DISCUSSION

- 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] [PAGES 23-25]

The Honorable Derrek Pugh

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]
- 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]

The Honorable Derrek Pugh

7. ADJOURNMENT



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
May 24, 2022 – 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Allison Terracio, Gretchen Barron, Cheryl English and Chakisse Newton

OTHERS PRESENT: Tamar Black, Anette Kirylo, Elizabeth McLean, Leonardo Brown, Justin Landy, Angela Weathersby, Stephen Staley, Lori Thomas, Stacey Hamm, Ashiya Myers, Michael Maloney, Randy Pruitt, Steven Gaither, Abhijit Deshpande, Shirani Fuller, Dwight Hanna, Aric Jensen and John Thompson

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

2. **APPROVAL OF MINUTES**
 - a. April 26, 2022 – Ms. Barron moved to approve the minutes as distributed, second by Ms. Newton.

In Favor: Terracio, Barron, English and Newton

Not Present: Pugh

The vote in favor was unanimous.

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

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**
 - a. Department of Public Works - Engineering Division –Traffic Calming - Approval for Speed Hump Installation – Ms. Barron moved to forward to Council with a recommendation to approve the Department of Public Works Engineering staff's recommendation to install two

Development and Services Committee

May 24, 2022

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speed bumps as a traffic calming measure on Atlantic Drive (District 4) in the absence of a completed petition, seconded by Ms. English.

Ms. Newton inquired about the number of requests Public Works has for evaluation for speed humps.

Ms. Fuller responded the backlog is into January 2023.

Ms. Newton indicated we budget for 15 speed humps annually, and speed humps cost approximately \$1,000 each.

Ms. Fuller responded in the affirmative. She noted it is based on the anticipated number, which has historically been approximately 15.

Ms. Newton inquired if that is the same number we are budgeting for in the next fiscal year. She noted she knows of four (4) people in her district alone who have requests.

Ms. Fuller stated this fiscal year we conducted 40 studies and 8 passed. So far, three (3) have fully completed the package. She responded they anticipate budgeting for the same amount in the upcoming fiscal year.

Ms. Newton inquired if the backlog is because of the policy that studies can only be conducted when school is in session.

Ms. Fuller responded that is part of the problem. The backlog started with COVID-19, when they stopped doing traffic studies for about a year and a half.

Ms. Newton inquired if there was anything that could be done to address the backlog.

Ms. Fuller responded they purchased two (2) new sensors. They were conducting two (2) studies a week, but are now doing four (4). They can start back when school starts. She noted there were some other conversations about how to handle this but funding is an issue.

Ms. Newton inquired if the funding was related the \$15, 000 budgeted for the speed humps or for the evaluation.

Ms. Fuller responded it was related to the evaluation and getting them completed sooner.

Ms. Newton noted she would like to hear about the budgetary constraints later.

Ms. English requested a brief summary on what "passed" means.

Ms. Fuller responded there is certain criteria that has to be met. After the traffic study, they look at the traffic volume and the actual speed people are traveling.

Ms. Barron inquired if they could be provided a list of the street that passed.

Ms. Fuller responded in the affirmative.

Mr. Malinowski noted, "When speeding is documented and community support cannot be demonstrated with a petition signed by 75% of the occupied households, SCDOT does allow for approval from County Council to supersede this requirement", he inquired what

Development and Services Committee

May 24, 2022

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percentage they did get to sign the petition.

Ms. Fuller responded they did not turn in a petition. She noted the Homeowner's Association stated their neighborhood is about 90% rentals and they could only get about 10% to sign the petition.

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

- b. Amending "Fireworks" Ordinance – Ms. Terracio noted Mr. Pugh requested this item be deferred.

Ms. Newton inquired what the ordinance meant by “After three separate violations in a single location, the location is declared to be a public nuisance and further unlawful activities may be abated by the county sheriff or a lawful officer serving under him.”

Ms. McLean responded, after three (3) fireworks violations, you are a nuisance and any unlawful activities may be abated. She noted she did not know the intent for “abated by the county sheriff” and would have to ask the drafter of the ordinance for information.

Ms. Newton moved to defer this item until the next committee meeting, seconded by Ms. Barron.

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

5. ITEMS PENDING ANALYSIS: NO ACTION REQUIRED

- a. 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. – Ms. Terracio noted staff is researching this request. A recommendation will be made to the Planning Commission regarding the request. She inquired when the committee would get information.

Mr. Brown responded he would get with the Planning Commission to get information. He expects to bring this back to committee and not wait until the Planning Commission is done.

Mr. Malinowski stated he made a similar motion on November 14, 2017 and it was on the D&S committee agenda in January and February 2018. He noted by now staff should have the answers.

- 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

Development and Services Committee

May 24, 2022

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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 – Mr. Brown stated there were some conversations related to this motion.

Ms. Newton stated staff was recommending some procedures to change or edit the way we do the Comprehensive Plan. She noted she asked for additional documentation or guidelines of how we are going to instantiate those recommendations. Her understanding is that is being worked on by staff.

Ms. English inquired about the legality of the motion for landowners, especially those that bought property that was zoned a particular way and they have held on to it for 30 years.

Ms. McLean stated she previously addressed this issue and she would provide the information to Ms. English.

Ms. Newton noted there were concerns about the motion as it was written. Staff was going to make some different recommendation, as it relates to the Comprehensive Plan, so we can make the zoning compatible with where the area is at all times.

- c. 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 – Mr. Jensen stated he submitted a briefing document with a synopsis of where they are in the process, their recommendations, and a request to come before the committee with a proposal.

Ms. Terracio noted her constituents would like to see something in place before the school year starts in the Fall.

Ms. Newton stated they had a schedule, and according to the schedule, we are approximately 4 weeks behind.

Ms. Jensen responded the intent is to bring it to the next committee meeting.

Ms. Newton requested an updated schedule at the next meeting.

Mr. Jensen responded in the affirmative.

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

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

The meeting adjourned at approximately 5:21 PM.

**RICHLAND COUNTY
ADMINISTRATION**

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



Agenda Briefing

Prepared by:	Quinton Epps	Title:	Manager
Department:	Community Planning & Development	Division:	Conservation
Date Prepared:	June 9, 2022	Meeting Date:	June 28, 2022
Legal Review	Patrick Wright via email	Date:	June 9, 2022
Budget Review	Abhijit Deshpande via email	Date:	June 10, 2022
Finance Review	Stacey Hamm via email	Date:	June 10, 2022
Approved for consideration:	Assistant County Administrator	Aric A Jensen, AICP	
Meeting/Committee	Development & Services		
Subject	Lower Richland Tourism Plan presentation & Adoption into the Lower Richland Master Plan		

RECOMMENDED/REQUESTED ACTION:

Staff recommends accepting the Lower Richland Tourism Plan and forward it to the Planning Commission for inclusion in the Comprehensive Plan as appropriate.

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:

The Lower Richland Tourism Plan (LRTP) recommends multiple capital and programmatic projects over a 10 year time frame. All of the projects are dependent on annual funding allocations from the Council, from grants, from millage, and from other sources. As such, it is understood that the capital project spreadsheet will be revised at least annually consistent with actual funding availability.

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

None.

REGULATORY COMPLIANCE:

None applicable.

MOTION OF ORIGIN:

Move to invite the Richland County Conservation Commission to present the Lower Richland Tourism plan to Council.

<i>Council Member</i>	The Honorable Cheryl English, District 10 and Chakisse Newton, District 11
<i>Meeting</i>	Regular Session
<i>Date</i>	November 16, 2021

STRATEGIC & GENERATIVE DISCUSSION:

Process Summary

The Richland County Conservation Commission (RCCC) contracted with Asakura Robinson in 2017 to prepare the Lower Richland Tourism Plan (LRTP), and it was completed and approved by the RCCC in June 2018. At the December 16, 2021 Development & Services (D&S) Committee meeting, RCCC Chair John Grego presented the LRTP and answered questions. The D&S Committee voted to schedule a County Council Work Session for further discussion of the LRTP. The RCCC subsequently conducted an informal "drop-in" for County Council, staff, and the public on February 15, 2022, which was well attended. A County Council Work Session was then scheduled and completed on May 26, 2022.

At this time it is requested that the Committee forward the LRTP to Council for consideration. Since the LRTP is not a true regulatory document, the Committee may recommend that the Council approve or accept it, but not adopt it. If the Committee and Council so desire, the land use elements or the entire LRTP could be incorporated into the County Comprehensive Plan by appendix or direct inclusion. At that point the LRTP or applicable sections would become part of an adopted regulatory document.

Background and Purpose

Nearly 160,000 Congaree National Park (CNP) visitors spend approximately \$7.8 million per year within a 60-mile radius of the Park. The LRTP focuses on engaging Lower Richland residents in the tourism economy by providing and encouraging the development of activities that would give a reason for CNP visitors to stay longer and expend more money in Lower Richland. These goals would be accomplished in the following ways:

1. Hiring a specialized contractor to find local interested individuals to develop identified and yet-to-be identified tourism experiences in Lower Richland;
2. Providing access to small business training and other resources to aid in small business start-ups;
3. Developing camping, cabins, trails and other opportunities on County owned property to encourage longer stays in Lower Richland and more opportunities for CNP visitors to spend funds in the area to enhance private entrepreneurial efforts;
4. Developing Private-Public-Partnerships or concessions on County owned property to engage local residents and businesses.

The LRTP seeks to utilize the existing natural, cultural, and heritage resources in the Lower Richland area to promote tourism and to benefit local residents and businesses. The LRTP is a vision for a sustainable, inclusive tourism economy in Lower Richland that builds on and strengthens local nature, culture, heritage, and economic assets.

Communities around the country have taken advantage of national parks and related tourist attractions to create and enhance local businesses in significant ways. Examples include Damascus, Virginia which is near the Virginia Creeper Trail. Over half of the businesses surveyed in the Damascus area said that more than 61% of their income is from trail use. Damascus is a small rural town which can serve as a model for how existing assets such as parks and trails can be utilized to stimulate local economies in a positive, sustainable way. If just 15% of the \$7.8 million currently spent by visitors to CNP outside of Lower Richland could be captured locally, it would generate over \$1 million dollars for the area.

The cornerstone of this project is the combination of the proposed Small Business Incubator component and the County-owned Mill Creek and Cabin Branch properties adjacent to CNP. The County properties are less restrictive than the National Park, and could provide opportunities for on-site concessions, camping, cabins, trails, and other facilities not permitted within CNP.

ADDITIONAL COMMENTS FOR CONSIDERATION:

Click or tap here to enter text.

ATTACHMENTS:

1. Lower Richland Tourism Plan Implementation - 5-Year Plan

Lower Richland Tourism Plan Implementation - 5-year plan	
(capital cost estimates - plus or minus 25 to 50%)	
Year 1 - FY21-22	
Design and obtain ACE 404 Permit for Bridge Replacement	\$250,000
Procure and begin implementation of Heritage Tourism Marketing Plan	\$125,000
total:	\$375,000
Year 2 - FY22-23	
Begin implementation of Small Business Incubator related to tourism	\$60,000
Begin implementation of Heritage Tourism Marketing Plan	\$225,000
Create Long-term Master Plan for Cabin Branch (CB) and Mill Creek (MC) properties with cost estimates	\$150,000
MC - Replace damaged bridge	\$1,250,000
total:	\$1,685,000
Year 3 - FY23-24	
Continue Implementation of Small Business Incubator related to tourism	\$60,000
Begin implementation of Heritage Tourism Marketing Plan	(see above)
Implement Long-term Master Plan for Cabin Branch (CD) and Mill Creek (MC) properties	(from Master Plan)
Anticipated items from Master Plan listed below:	
Upgrades to Lodge and maintenance sheds	\$36,000
MC - Entrance Road to Lodge (gravel one lane with pullouts)	\$300,000
MC - Entrance Road to Goose Pond (gravel one lane with pullouts)	\$300,000
MC - water/sewage treatment upgrades	\$300,000
MC - Camping Platforms	\$36,000
MC - Parking	\$108,000
MC - lodge to river down stream (gravel one lane with pullouts)	\$360,000
MC - concession huts (2)	\$90,000
MC - restrooms/bath house (2)	\$240,000
MC - signage/wayfinding	\$120,000
MC - boat ramp/launch	\$240,000
total:	\$2,190,000
Year 4 - FY2021	
Continue Implementation of Small Business Incubator related to tourism	\$60,000
Anticipated items from Master Plan listed below:	
CB - additional roads (gravel one lane with pull-outs)	\$400,000
CB - loop trail, bridges, signage and wayfinding	\$350,000
MC - river cabins 2 person	\$150,000
MC - river cabins 4 person	\$200,000
MC - Primitive trails	\$50,000
MC - Fishing Pier	\$400,000
MC - boat rental facility	\$100,000
total:	\$1,710,000
Year 5 - FY2022	
Anticipated items from Master Plan listed below:	
MC - RV Camping spaces and hook-ups	\$250,000
MC - Camping office	\$120,000
MC - Wayfinding and signage	\$50,000
total:	\$370,000
Sum Total:	\$6,330,000
15% contingency	\$949,500
Grand total:	\$7,279,500



Agenda Briefing

Prepared by:	Geonard Price	Title:	Zoning Administrator/Deputy Director
Co-Author:	Brian Crooks, AICP	Title:	Planning Services Manager
Department:	Community Planning & Development	Division:	Planning & Development Services
Date Prepared:	June 3, 2022	Meeting Date:	June 28, 2022
Legal Review	Patrick Wright via email	Date:	June 9, 2022
Budget Review	Abhijit Deshpande via email	Date:	June 10, 2022
Finance Review	Stacey Hamm via email	Date:	June 10, 2022
Approved for consideration:	Assistant County Administrator	Aric A Jensen, AICP	
Meeting/Committee	Development & Services		
Subject	Amend Sec. 26-186 (Development with Open Space Design Standards) of the 2005 Land Development Code		

RECOMMENDED/REQUESTED ACTION:

If the Committee desires to recommend an amendment to Sec. 26-186 as can be inferred from the Council motion, it should make a request to the Planning Commission to consider such an amendment. At this time County Planning Staff does not recommend such an amendment.

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:

None applicable.

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

None.

REGULATORY COMPLIANCE:

Per Title 6, Chapter 29, SC Code of Laws, all zoning ordinance amendments are the purview of the County Council after they have at a minimum been considered by the Planning Commission, and the Commission has forwarded a recommended action to the Council. In Richland County, any amendment to the County zoning ordinance (Land Development Code) must first be presented to the Planning Commission for its review and recommendation, then the Council must hold a Zoning Public Hearing and three Readings of approval.

The DHEC standards referenced in the Council motion regulate the spacing and design of septic systems. Neither the Council nor the Planning Commission have jurisdiction to modify or waive these standards.

MOTION OF ORIGIN:

"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."

Council Member	Bill Malinowski, District 1
Meeting	Regular Session
Date	January 4, 2022

STRATEGIC & GENERATIVE DISCUSSION:

Background

The only question at hand is to what degree a property owner can utilize "constrained open space" as part of a site's development. Requirements and regulations of the Department of Health and Environmental Control (DHEC) are not within the purview of the Council.

Procedure

If Council approves a motion requesting the Planning Commission to consider an amendment to the Land Development Code, that motion would be forwarded to the Planning Commission for its review and recommendation just like any other request to amend the Code. At the direction of the Commission, the Planning Staff would then prepare a briefing document on the request. The Planning Commission would then have the option to recommend approval, modify the proposal, or to recommend denial. The item would then go before Council again at a Zoning Public Hearing as well as 1st Reading, following the normal process with all other text or map amendments.

Preliminary Analysis

The requested action is problematic for several reasons. First, Section 26-186 is an optional, incentive-based regulation within the Land Development Code [LDC]. It allows for a reduction of lot sizes in exchange for conserving and preserving undeveloped land throughout a site. This effectively reduces the amount of land developed and the amount of roadway constructed by allowing the clustering of dwellings.

Second, not allowing any economical use of certain areas subjects the County to potential takings claims (per se or regulatory). It is recommended that the Committee and Council obtain an independent opinion from the County Attorney on the matter.

Lastly, as previously stated, Council cannot modify or waive DHEC standards. In this instance, the relevant DHEC provisions require minimum distances from certain features when installing a septic tank. Sec. 26-186(c)(3) of the 2005 LDC states that in order to apply for the flexibility allowed under the Open Space Design Standards, the development must utilize sanitary sewer and water. In other words, if a

development was submitted with wells and/or septic systems, that development would not be eligible to apply under Sec. 26-186. As such, the issue is moot.

Alternatives

There are multiple options for the Committee and Council to consider, beyond the standard motions of approval or denial as drafted. One alternative is to require mandatory open space set asides for all residential developments. Another would be to delete Sec. 26-186 in its entirety and to effectively not allow clustered development. A third alternative is to allow a lesser number of units per acre for constrained areas than for unconstrained areas.

How does the 2021 LDC address this Issue?

The 2021 Land Development Code uses a customized density standard referred to as design-based zoning. The density standard, as with the minimum lot size in the 2005 LDC, is interrelated to a minimum amount of acreage based upon a certain number of units. For instance, minimum lot size of 12,000 square feet (the min. lot size for RS-LD) is roughly equivalent to 3 units per acre.

Unlike the 2005 Code, the 2021 LDC does NOT provide for automatic bonus densities for setting aside land within a development. Additionally, the 2021 LDC has a mandatory open space set-aside for every zoning district for all use classifications, which the 2005 LDC does not.

ADDITIONAL COMMENTS FOR CONSIDERATION:

Sec. 26-186 Development with Open Space Design Standards, is one of the more progressive and beneficial provisions of the 2005 LDC. The regulations allow for design variations that are beneficial to the community, such as the reduction of asphalt, the preservation of contiguous open space, and the reduction of housing costs.

ATTACHMENTS:

1. County Council January 4, 2022 Regular Called Meeting Minutes
2. Sec. 26-186 of the 2005 Land Development Code

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-22HR

AN ORDINANCE ESTABLISHING THE OFFENSE OF USING, DISCHARGING, SHOOTING, OR IGNITING FIREWORKS OR SIMILAR EXPLOSIVES WITHIN RICHLAND COUNTY BETWEEN CERTAIN HOURS, TO PROVIDE EXCEPTIONS, AND TO PROVIDE A PENALTY FOR EACH VIOLATION.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances, Chapter 18, Offenses, is hereby amended by adding:

Sec. 18-7. Fireworks and Similar Explosives

- (a) Except as otherwise provided in this section, it is unlawful for a person to use, discharge, shoot, or ignite fireworks or similar explosives within Richland County between the hours of 10:00 PM and 7:00 AM. This section may not be construed to prohibit the discharge or lighting of sparklers or similar pyrotechnic products which generate no appreciable noise at any time.
- (b) Notwithstanding the provisions of subsection (a), the permitted hours for the use of fireworks must be extended on the Fourth of July and New Year's Eve. Therefore, it is only unlawful for a person to use, discharge, shoot, or ignite fireworks or similar explosives within Richland County between the hours of 12:30 AM and 9:00 AM on July 5th and January 1st.
- (c) It is unlawful to:
 - (1) Negligently, recklessly, or intentionally direct the discharge of fireworks towards a structure, animal, or person;
 - (2) Intentionally detonate fireworks upon the land of another without express prior consent;
 - (3) Offer for sale or sell permissible fireworks to children under the age of fourteen (14) years unless accompanied by a parent;
 - (4) To ignite or detonate fireworks within six hundred (600) feet of a church, hospital, public school;
 - (5) To ignite or detonate permissible fireworks within a motor vehicle or discharge a permissible fireworks from a motor vehicle; and
 - (6) To place or throw an ignited firework into or at a motor vehicle.
- (d) A County fire or law enforcement official may seize, take, remove, or cause to be removed all stocks of fireworks or explosives held in violation of the provisions of this section.
- (e) A violation of this section is punishable by a civil penalty of up to one hundred dollars (\$100). Each violation of this section may be punished as a separate offense.

- (f) After three separate violations in a single location, the location is declared to be a public nuisance and further unlawful activities may be abated by the county sheriff or a lawful officer serving under him.
- (g) The County fire official may issue a permit authorizing the use of fireworks or a public display of fireworks or similar explosives. The fire official may, in his discretion, grant or refuse to grant the permit or grant the permit subject to restrictions and limitations provided by this ordinance or deemed necessary in the interest of public safety in connection with such public display or exhibition by the fire official.
- (h) Nothing in this article may be construed to prohibit the use of flares or similar devices necessary for the safe operation of railroads, buses, trucks, or other vehicles within the County.

SECTION II. Effective Date. This ordinance shall be enforced from and after _____.

RICHLAND COUNTY COUNCIL

By: _____
Overture Walker, Chair

Attest this _____ day of
_____, 2022.

Anette Kirylo
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

First Reading:
Second Reading:
Public Hearing:
Third Reading:

To: Patrick Wright

From: Chris Ziegler

Date: May 16, 2022

Re: Fireworks Ordinance Inquiries

PUBLIC NUISANCE

The term “public nuisance” is exceptionally broad and was held in State v. Turner to be “an offense against the public order . . . of the State, being either the doing of a thing to the annoyance of the people, or the neglecting to do a thing which the common good requires. Public nuisances are not specifically classified and are generally punished by civil fines or penalties with the level of the fine similar to a state level violation, if applicable. An opinion from the Attorney General’s Office noted that Courts were favorable towards ordinances with civil penalties rather than those that establish misdemeanors. Relying on that information and looking at active state law, the fines for knowingly and wilfully discharging fireworks in a Fireworks Prohibited Zone is not more than one hundred dollars for a first offense and two hundred dollars for a second and all subsequent offenses. I believe that this is likely the closest infraction and penalty to the overall purpose of this ordinance. The time frame inquiry is one that is up to the discretion of Council. The use of fireworks in the County likely only takes place around New Years and July 4th. I believe that the best practice would be to use a short period of time for stacking violations – within a week or even just a few days.

A public nuisance can be defined and declared in the ordinance. In Section 18-4 of the Code of Ordinances of Richland County, weeds or rank vegetation at a height of two feet or more “may be deemed and declared a nuisance in the judgment of the sheriff.” Alternatively, in Section 18-6, relating to the prohibition of smoking in certain places, a violation of this section is automatically declared to be a public nuisance. The choice as to whether grant the sheriff the authority to make the judgment as to whether the use of fireworks outside of the suggested time frame is one that remains with Council. As a best practice, I think that when an issue is less clear cut it is best to introduce human judgment into the equation. Despite that belief, abatement is the goal when dealing with fireworks taking place at late hours so using the Sheriff’s department would be the best practice in my opinion. Please let me know if you have any questions that I can assist with please let me know and I will do my best to answer them promptly and completely.

Very respectfully,

Chris Ziegler

**RICHLAND COUNTY
ADMINISTRATION**

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



Agenda Briefing

Prepared by:	Quinton Epps	Title:	Division Manager
Department:	Community Planning and Development	Division:	Conservation Division
Date Prepared:	June 6, 2022	Meeting Date:	June 28, 2022
Legal Review	Patrick Wright via email	Date:	June 8, 2022
Budget Review	Abhijit Deshpande via email	Date:	June 9, 2022
Finance Review	Stacey Hamm via email	Date:	June 9, 2022
Approved for consideration:	Assistant County Administrator	Aric A Jensen, AICP	
Committee	Development & Services		
Subject:	Heritage Tourism Marketing Plan - Approval		

RECOMMENDED/REQUESTED ACTION:

Staff recommends approval of the proposal from Historic Columbia to create a Richland County Heritage Tourism Marketing Plan as recommended by the Richland County Conservation Commission.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input checked="" type="checkbox"/>	Yes	<input 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:

In FY2019/2020, County Council allocated \$372,715 in Hospitality Tax (H-tax) Funds for the Historic Corridor project for the purpose of marketing and enhancing the County’s historic resources. After considerable discussion, the Conservation Commission decided to expand the project to include strategies for building upon the success of the new African American Museum located in Charleston. The selected vendor for the expanded project proposed a budget of \$144,610.00, and the Commission is requesting to add a 20% contingency for a total of \$173,532.00.

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

None.

REGULATORY COMPLIANCE:

None applicable.

MOTION OF ORIGIN:

“...to approve \$372,715 for the Historical Corridor, and that within 60 days of the approval of the budget, that staff bring Council back a plan to mobilize the funds.”

Council Member	The Honorable Jim Manning, Formerly of District 6
Meeting	Special Called
Date	May 23, 2019

STRATEGIC & GENERATIVE DISCUSSION:

The Richland County Conservation Commission (RCCC) approved the Request for Proposals (RFP) for the Heritage Tourism Marketing Plan (HTMP) at its January 10, 2022 meeting. The RFP was released, and Historic Columbia was selected as the vendor subject to Administration and Council approvals for \$144,610.00 with a 20% contingency for a total of \$173,532.00. The contingency is for additional services or activities that may be identified during the process of creating the Marketing Plan.

As a brief background, RCCC is charged with promoting the development and preservation of historical resources and promoting tourism - with an emphasis on the natural, cultural, and historical resources of Richland County (County). In its strategic plan for 2018 – 2023, goal number two of five is “to promote the development and preservation of inclusive and accurate historical resources.” The strategies, objectives, and action steps associated with this goal aim to increase and disperse knowledge of the County’s rich heritage while protecting its built legacy.

As South Carolina prepares for the Grand Opening of the International African American Museum (IAAM) in Charleston, SC in late Fall 2022, the RCCC seeks to promote the heritage, sites, and people of Richland County and to take advantage of the attention and marketing done by the Museum, the City of Charleston, Charleston County, and the state.

The success of the National Museum of African American History and Culture (NMAAHC) in Washington D.C. (over 7.5 million visitors since the 2016 opening, despite closing during periods of COVID-19), suggests that visitor numbers to the IAAM will be high. Charleston, SC expects increases in heritage tourism as a result of the opening of the IAAM, and the RCCC hopes to attract IAAM visitors to travel from Charleston to Richland County to extend their heritage tourism experiences.

The overall goal of the HTMP is to develop a comprehensive marketing campaign and strategy designed to promote heritage tourism and strengthen the County’s ability to attract a greater number of local, regional, national, and international visitors who are interested in heritage tourism and will be visiting the IAAM in Charleston, SC when it opens. The emphasis of the campaign will be to demonstrate the African American experience in America did not end in the Charleston area but was carried out in other regions of the United States, including Richland County.

It is anticipated that the project will include a wide range of historic sites, natural resources and other county-based resources. These attractions should be organized in usable ways so visitors (especially visitors coming to Richland from the IAAM in Charleston) can select from a menu of experiences during their stay.

The project objectives and milestones are outlined below:

1. Project Timeline - At the start of the project, the vendor should develop a project timeline for each deliverable and provide to the Conservation Division staff for review and comments.
2. Report – The vendor will prepare a report and will present the report to the Historic Committee of the RCCC. Following feedback from the Historic Committee, the vendor will revise the report and will present the final version to the RCCC.
 - a. Detail existing heritage resources, including, but not limited to, websites, brochures, mobile apps, videos, virtual tours, cemeteries, historic houses, etc. Include African American sites and resources which may not have been previously developed or

promoted. The Richland County Historical Resources and Lower Richland Tourism Plan can be used as guides.

- b. Evaluate the above heritage resources and existing marketing platforms. Include information about how these resources and platforms are currently used, operated, and funded; associated incomes and expenses; and any other relevant information needed to develop a cogent marketing plan.
- c. Provide recommendations to the RCCC on how existing heritage resources and marketing platforms can be enhanced or improved, or how new resources or platforms can be created, to draw visitors who are interested in heritage tourism (especially visitors who are already visiting the IAAM in Charleston) into Richland County. Prioritize these recommendations based on ease of implementation, cost and predicted impact. Provide detailed cost estimates, methodologies and implementation strategies for the development of the above recommendations. Include timelines, media outreach plans, and any other items needed for implementation.
- d. Provide information on similar programs elsewhere with statistics of attendance and revenue for the involved communities.

In conclusion, the HTMP will provide a strategy to improve visitation and knowledge of the County's historical and cultural resources by highlighting their value and promoting their conservation.

ADDITIONAL COMMENTS FOR CONSIDERATION:

Click or tap here to enter text.

ATTACHMENTS:

1. Click or tap here to enter text.



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.