



Richland County Council
DEVELOPMENT AND SERVICES COMMITTEE
MINUTES
February 27, 2024 – 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

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

OTHERS PRESENT: Don Weaver, Michelle Onley, Ashiya Myers, Angela Weathersby, Patrick Wright, Stacey Hamm, Anette Kirylo, Lori Thomas, Michael Maloney, Shirani Fuller, Ashley Fullerton, Kyle Holsclaw, Dale Welch, Leonardo Brown, John Thompson, Jackie Hancock, Tamar Black, Aric Jensen, and Zach Cavanaugh

1. **CALL TO ORDER** – Councilwoman Allison Terracio called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
 - a. **December 14, 2023** – Ms. Barron moved to approve the minutes as distributed, seconded by Ms. English.
In Favor: Branham, Terracio, Barron, English, and Newton
The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Ms. Barron moved to adopt the agenda as published, seconded by Ms. English.
In Favor: Branham, Terracio, Barron, English, and Newton
The vote in favor was unanimous.
4. **ELECTION OF CHAIR** – Ms. Barron moved to nominate Ms. Newton for the position of Chair, seconded by Ms. English.
In Favor: Branham, Terracio, Barron, English, and Newton
The vote in favor was unanimous.
5. **ITEMS FOR ACTION**

- a. **I move to direct the County Administrator to review and update the illegal dumping ordinance, including raising fines up to \$5,000, jail time, and community service (picking up debris on roadways) [English – June 6, 2023]** – Ms. English stated her district is beautiful and rural. Seeing trash, mattresses, and stuff dumped on the side of the road when we have free County services is not a good sight for Richland County. She has been working with the County Attorney to ensure we are not going outside State law.

Mr. Branham stated, for clarification, the proposed penalty is to increase the fine up to \$5,000. In addition, we have a staff recommendation. It is his understanding the county is presently administering community service to those found guilty of illegal dumping.

County Administrator, Mr. Leonardo Brown, stated staff's recommendations directly reflect the motion. When you read the recommendations, they are designed to provide what is requested and are in excess of state statute. There are questions from the Attorney's Office about whether or not the increases are something we would be able to do. Other information may be more appropriate for the County Attorney to share in Executive Session.

Ms. Newton indicated that, as much as she despises litter, she is uncomfortable sending people to jail because they litter. She would support having the individual to conduct community service and pay an increased fine. She noted Sec. 12-66(d) states, "For a second distinct offense or more, the community service shall be 50 hours...the minimum jail time is fourteen (14) days, not to exceed thirty (30) days. She suggested making the jail time optional, with a not to exceed thirty (30) days of jail time. In addition, she inquired what the county's authority is to charge the property owner if the county has to abate the nuisance by removing debris.

Mr. Branham moved to go into Executive Session, seconded by Ms. English.

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

The vote in favor was unanimous.

***The Committee went into Executive Session at approximately 5:14 PM
and came out at approximately 5:32 PM***

Ms. Barron moved to come out of Executive Session, seconded by Ms. English.

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

The vote in favor was unanimous.

Ms. English noted the fine for up to \$5,000 or jail time was to bring awareness to the frustration of seeing mattresses, tires, etc., dumped on the side of the road.

Mr. Branham moved to request the Administrator to re-draft the ordinance by pulling from the existing county ordinance and state statute. We want to incorporate a community service element as one of the penalties. In addition, higher penalties for businesses that engage in illegal dumping should be created, including potential revocation or suspension of business licenses. Lastly, an escalation schedule should be included based on the weight of the material illegally dumped and whether the individual is a repeat offender within a twelve-month period.

Ms. Barron stated that when you see an abundance of tires or any particular item dumped, you can safely assume that an individual did not do that, which is why we are including the businesses. As a business owner, the expectation is that you would care about our communities, just as individuals would. If we can track those illegally dumped items can be tracked back to a business, then they should be held liable for those items and be fined appropriately.

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

The vote in favor was unanimous.

b. Business Service Center – Short Term Rental Draft Ordinance:

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." [The Honorable Bill Malinowski, formerly of District 1, December 5, 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 accommodations tax." [The Honorable Bill Malinowski, December 6, 2022]*

Mr. Zachary Cavanaugh, Business Service Center Manager, stated this ordinance was previously in front of the body. It was tabled due to ongoing legislation at the State House. We were waiting for them to determine how they would deal with short-term rentals on the municipal and county level. The County's new Land Development Code does allow for short-term rentals in certain zoning designations; therefore, we feel it is time to move forward with the ordinance.

Ms. Barron inquired if we move forward with the ordinance, does that expose the County to liability should the bill pass?

Mr. Cavanaugh responded we do not anticipate any conflict with the pending state legislation. He noted we are not capping or limiting a certain percentage of residential properties deemed short-term rentals.

Ms. Barron inquired if this would be one of those things we would have our lobbyist or appropriate staff person to monitor to ensure we stay within the "safety zone" with the bill.

Mr. Brown responded in the affirmative.

Ms. Newton requested Mr. Cavanaugh to provide a timeline to ensure we are on track.

Mr. Cavanaugh indicated there are a handful of regulations that affect this industry type in the new Land Development Code. The ordinance before the committee goes a step further in making sure the industry does not go unregulated.

Ms. Newton inquired if the remedies for nuisance properties were included in the proposed ordinance or if our existing remedies would be utilized. In addition, she was curious if the two (2) parking spaces were an industry best practice.

Mr. Cavanaugh responded there is a section in the ordinance that enables us to enforce the existing nuisance aspect of the code. The language is included in Sec. 16-82(b). The two (2) required parking spaces are an industry standard for this type of business.

Mr. Branham inquired if Mr. Cavanaugh consulted the recently enacted City of Columbia ordinance and Hilton Head's longstanding ordinance to draft the proposed ordinance.

Mr. Cavanaugh responded in the affirmative.

Mr. Branham noted this is not a ban on short-term rentals. We want to get compliance with the business enterprise by requiring them to have a business license, and we also want to see the collection of the accommodations tax. In addition, we are trying to mitigate nuisances. One of the ways to do that is to have good contact information for the person responsible for the property.

Ms. Terracio stated it does not appear the bill is getting a lot of movement at the State House.

Mr. Cavanaugh responded the bill was not. His contact at the Municipal Association is fighting against the bill. They want our cities and towns to be able to regulate the industry however they see fit.

Ms. Barron moved to forward to Council with a recommendation to approve the proposed short-term rental ordinance to ensure proper regulation practices are conducted for this industry type, seconded by Ms. English.

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

The vote in favor was unanimous.

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

- a. 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] – Assistant County Administrator Aric Jensen stated staff has prepared and submitted an RFP. He noted two (2) responses were received. The Director of Procurement has reviewed them and recommended a vendor. We are in the process of finalizing those details and entering into a contract. The information will be provided to the committee before July 1, 2024.

7. **ADJOURNMENT** – Ms. English moved to adjourn the meeting, seconded by Ms. Barron.
In Favor: Branham, Terracio, Barron, English, and Newton
The vote in favor was unanimous.
The meeting adjourned at approximately 5:53 PM.