



Richland County
Development and Services Committee
March 22, 2021
MINUTES
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: February 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. English, 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. **Department of Public Works – FY21 Annual Roads Report** – Ms. Terracio inquired if a motion was necessary to receive the report as information.

Mr. Pugh responded in the affirmative.

Ms. Terracio moved, seconded by Ms. English, to receive the FY21 Annual Roads Report.

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

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The vote in favor was unanimous.

Ms. Newton thanked staff for the report. She stated it was helpful to have a retrospective into the County's roads.

- a. **Department of Public Works – FY22 Comprehensive Transportation Improvement Plan (CTIP)** – Ms. Barron moved, seconded by Ms. English, to forward to Council with a recommendation to approve the FY22 Comprehensive Transportation Improvement Plan (CTIP).

Ms. Newton requested staff give an overview of the CTIP process to determine which projects we want to do moving forward.

Ms. Shirani Fuller, Assistant County Engineer, stated this is the second year the Public Works Department has created the CTIP. The plan is to update the report annually. The report shows the projects being done by Public Works, as well as the Department of Transportation; however only the County-maintained roads are reflected in the report. The CTIP gives details, and functions, of each department, as well as the goals and how the proposed funding will be allocated based on the project type and resources. The projects were chosen using a 2015 pavement management study. A new study was done at the end of 2021, so the next report will be using that data. With the pavement study, pavement condition indexes are determined for each road, with a range from 0-100. When choosing the roads, they use the ordinance and go by the pro-rata, then funding, and finally the PCIs. She noted in May they plan to have a Public Works work session to go into more detail on the new study.

Ms. English inquired if the list reflects the roads that have been de-scoped and/or re-scoped.

Ms. Fuller responded some of the projects were rolled over and may seem repetitive as they were actually planned to be constructed and completed by June 30th.

Mr. Malinowski stated the State recently approve additional funding for the CTIP. He inquired about how much funding the County would receive from the State.

Ms. Fuller responded the CTC did provide a little information on a non-recurring, one-time funding allocation in November.

Mr. Malinowski stated the information he received was within the last month. He will provide the information to Director Malone. He inquired about the "incoming right-of-ways in progress" verbiage.

Ms. Fuller responded those are road miles we know we will receive from new development; but have not been deeded over to the County.

Mr. Malinowski stated, it was his understanding, we cannot use public funds for private road maintenance, except for a one-time emergency. Therefore, how can the County maintain the street name signs for all public and private roads and streets?

Mr. Maloney responded the street name signs are provided for emergency vehicles wayfinding.

Mr. Malinowski inquired if the County will be reimbursed from the DOT for the speed bump installation.

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Ms. Fuller responded we will not be reimbursed.

Mr. Malinowski inquired why not, as we are using County taxpayer funds for State purposes.

Mr. Maloney responded the DOT will not put in speed bumps.

Mr. Malinowski stated he does not know why the County should bear the cost. He inquired if installation of the speed bumps is a liability.

Mr. Wright responded, if the DOT refuses to do so, and our department thinks they are necessary for that area, and the County does not put them in, it could also be a liability.

Mr. Malinowski inquired about the cost to acquire 59 roads, and where the funds are coming from. He requested a list of those roads, along with a ranking of them being repaired or brought into the system.

Ms. Fuller responded the 59 roads to be acquired are going to be deeded to the County. To date, she does not believe we have paid for any of the roads. Her understanding is we will take the roads into our system and evaluate the roads so they can become a part of the long-term plan.

Mr. Malinowski stated, in order for the road to be put into the system, the roads have to meet the County's qualifications. If we are taking them over, and they are not meeting County standards, something needs to be done first.

Mr. Maloney stated, in general, they review the roads, and they are not putting us in a situation where we are taking unsafe roads that were not designed and built to County standards.

Mr. Malinowski requested to see the cost of the roads being brought in, the funding source, and a list of how they will be ranked. He stated there were other roads we are being requested to takeover because the developers backed out. He noted it is going to create a situation where the County taxpayers will be paying for work that should have been done by developers. He stated we should work with Legal to determine if there is any recourse to allow us to go after the developers.

Mr. Maloney inquired if he could take Mr. Malinowski's request and make it a part of the work session so that staff will have more time to work on it.

Mr. Malinowski responded in the affirmative.

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

The vote in favor was unanimous.

6. **ITEM 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]** – Ms. Newton stated, based on the previous conversations, staff is working on creating a process by adjusting the process they

used in comprehensive planning. This is still in progress, and we do not need to take action.

- b. **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 inquired if they need a date to have a work session.

Mr. Jensen inquired if the workshop was sufficient or is additional information desired before bringing the plan back to Council.

Ms. Newton requested the full body be included in the decision.

Ms. Barron noted a recent advertisement for the Congaree River was featured in a national magazine; therefore, the work has already begun on the tourism plan.

- 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. [NEWTON, DICKERSON, ENGLISH and TERRACIO - November 19, 2019]** – Mr. Jensen stated staff has created an internal team, which is working on formulating policies with Ms. McLain. Ms. McLain is writing an internal legal opinion on what we can and cannot do. He noted they are a month behind schedule, but hope to have something before the committee by June.

Mr. Livingston inquired if we know who the landlords are in Richland County.

Mr. Jensen responded they are looking at a 3-pronged plan. One is identifying the parties involved. Typically, when we investigate a site, we find a tenant, a property manager, and the property owner. It is often a lengthy process to identify the property management firm and property owner. They are looking at establishing an internal database of who all the owners, property managers and tenants are at any given time. He noted the tenants will be harder to manage, as they are often fluid.

- 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. Price stated staff is still working on the motions as they are doing a number of amendments with the Land Development Code.

Ms. Barron inquired if we are in a holding pattern until the Land Development Code rewrite is finalized.

Mr. Price stated what is before Council is a text amendment. Staff will be bringing back a schedule. While working on the remapping, they are going to breakdown the proposed text amendment in phases. The first phase will address and/or correct unintended language issues. The second phase will be address Mr. Malinowski's concerns regarding the codes. The third phase will introduce the new uses, if there is a use that was not identified.

Ms. Newton inquired about the current timeline.

Mr. Price responded on April 1st staff will have a work session with the Planning Commission to discuss comments and issues identified by the community in preparation for the April 4th Planning Commission meeting. The Planning Commission will take a vote and make a recommendation to Council regarding remapping and the Land Development Code. During the Zoning Public Hearing, staff will present the remapping and recommendations from the Planning Commission.

Ms. Newton inquired when the text amendment will come before the Planning Commission or Council.

Mr. Price stated they plan to move forward following the April 26th Zoning Public Hearing.

Mr. Malinowski stated Chambers may be inundated with the public, and we may need to have two dates to accommodate everyone that wishes to speak.

Mr. Price stated that would have to be the will of the body.

- e. **Amending "Fireworks" Ordinance - [PUGH - December 7, 2021]** – Mr. Wright stated he had a draft, but did not share it, as there is an Attorney General’s opinion that cautions against having criminal penalties for local fireworks ordinances. The motion would have to include a civil penalty, and not criminal. This would take it out of the Sheriff’s Department’s purview, and involve either Code Enforcement or the Fire Marshal. He inquired as to how Council wants to proceed.

Mr. Livingston inquired if the fine has to be limited to \$100.

Mr. Wright responded it does not, but the issue is we cannot include the “30-days”, as it would be a criminal penalty.

Ms. Barron stated she is concerned that we need more enforcement than the Fire Marshal. She noted she does not want to send people to jail for firing fireworks, but she wants people to think twice about using fireworks.

Mr. Wright stated the concern is the Attorney General’s opinion that specifically cautions against firework ordinances, by local entities, having criminal penalties. He inquired how they want to move forward if we take out the criminal penalties.

Mr. Malinowski inquired if after three violation a person/entity be deemed a public nuisance and be brought in under the public nuisance ordinance similar to the bars and restaurants.

Mr. Wright stated he does not believe we can declare a person a public nuisance, but we could declare a specific house or place a public nuisance.

Mr. Pugh stated, since this is aa military town, he would like to figure something out. He noted we receive a lot of complaints about fireworks being used after 2:00 AM.

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 5:43PM.