



Richland County Council  
DEVELOPMENT AND SERVICES COMMITTEE  
**MINUTES**  
April 25, 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

Not Present: Derrek Pugh.

OTHERS PRESENT: Overture Walker, Don Weaver, Jason Branham, Michelle Onley, Ashiya Myers, Angela Weathersby, Patrick Wright, Stacey Hamm, Michael Maloney, Leonardo Brown, Aric Jensen, Anette Kirylo, Lori Thomas, Kyle Holsclaw, Bill Davis, Dante Roberts, Zachary Cavanaugh, Chelsea Bennett, and Shirani Fuller.

1. **CALL TO ORDER** – Chairwoman Chakisse Newton called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
  - a. **March 28, 2023** – Ms. Terracio moved to approve the minutes as distributed, seconded by Ms. English.  
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. English.  
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 Policy Update** – Ms. Shirani Fuller, County Engineer, noted speeding complaints are one of the most frequent complaints Public Works receives. This has been an internal policy for approximately ten years, but no record of the policy came before Council.  
  
Ms. Newton requested Ms. Fuller to describe some key changes in how we would operate by officially adopting this policy.  
  
Ms. Fuller responded that if a resident called, we would put them on a list, which would be addressed on a first-come, first-served basis. We would go out and do the traffic study and then analyze the data. Often, we found only 10% of the speeding complaints met the criteria. They are considering moving the petition, which shows the community support of the neighborhood, to the top. They will then do a desktop or field review to determine if there is a possible place to install traffic-calming devices. They would put you on the list to fill out a petition when that is determined. The community would fill out the petition. Once the support is received, you will move to the next step in the process, the installation of the traffic calming device.  
  
Ms. Newton stated her understanding is that part of the intent for making this change is the list of communities who want speed humps is so long, and then they do not always get them at the end.

With the traffic calming policy, we hope to speed up getting them information and make it a faster, more efficient process.

Ms. Fuller noted there is also the aspect of resources. This is not a full-time job but a portion of someone's job. We are limited in the amount of time we can spend on these. Right now, we spend time and resources when we do not have roads meeting the criteria to have placement of a calming device.

Ms. English mentioned traffic studies do not always capture what the residents observe.

Ms. English moved forward this item to Council with a recommendation to approve Public Work's request to adopt the Traffic Calming Policy, as revised on March 1, 2023, 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 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] – Staff estimates they will be able to bring amendments to the committee for review in September.

Mr. Leonardo Brown, County Administrator, stated, when you consider this ordinance, we want you to be aware that this particular enforcement mechanism may be similar to one before. We might need to discuss what steps will be appropriate when people do not meet the criteria outlined in the code. We may discover our current process is not prohibitive enough or does not allow for enough encouragement for individuals to comply. If the committee can provide input along the way that speaks to how the current penalties meet or fail to meet the level of encouragement we think should be there. The briefing document points out that this is not a criminal issue but a civil one. As a result, individuals feel the system takes longer than they want it to take. He is requesting the committee to consider these things as you think about what kind of input you may want in terms of an enforcement mechanism to make failure to comply with the code more encouraging for individuals.

Ms. Newton inquired if there is any additional documentation or other information staff would like to provide to the body for them to react to during the intervening months.

Mr. Brown responded they could highlight the penalties to determine if the body feels they are appropriate. The initial review by staff pointed out that some of the best practices are reflected in the current ordinance. If we are not getting the level of compliance we want from the current ordinance, there might need to be more improved encouragement. As you think about what you want to do with the ordinance, you will have that as a focal point and not wait on what staff may provide.

Ms. Newton inquired if it would be appropriate for a future briefing document to outline some of the best practice options.

Mr. Brown responded in the affirmative. He remarked he has staff members taking notes so that they will include that in the next iteration of the briefing document.

Ms. Newton mentioned there is legislation at the State House being considered that would allow counties to add penalties to property tax rolls in the case of nuisance, which she would see as a further inducement for compliance.

Mr. Brown stated that two County staff members worked on drafting and submitting some language associated with that. We support that as an option for improved encouragement to comply.

- b. 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] –
- c. 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] – Mr. Aric Jensen, Assistant County Administrator, stated he has requested the Business Service Center Manager, Zach Cavanaugh, to lead the effort to prepare the proposed short-term rental ordinance. Mr. Cavanaugh has been meeting and coordinating with the City of Columbia to draft their ordinance so that we can bring back a similar ordinance so that

individuals with short-term rentals in the City and the County will have some familiarity, and it will not be a shocking difference between the two.

Mr. Cavanaugh noted he has been working with the City of Columbia's legal division and the Community Planning and Development Department to discuss items in their recently passed ordinance that may translate to the County. He is in the process of reviewing that with the Legal Department. He anticipates making a presentation to the D&S Committee in May.

Ms. Newton inquired if we know if other municipalities in Richland County also have short-term licensing.

Mr. Cavanaugh responded he was not aware of any other short-term rental ordinances. He attended a Webinar with the Town of Hilton Head. They have been in the short-term rental game for a long time. He obtained some information from them, and we may transfer some of that language to our ordinance. In his opinion, it would be nice to mirror what we can from the City of Columbia's ordinance and then edit things that would not transfer.

Ms. Terracio mentioned she had been made aware of the possibility that the Accommodations Tax associated with the rentals being utilized for affordable housing measures. She inquired if staff was aware of the effort and could be kept in the back of our minds as we look at the short-term rentals.

Mr. Brown responded he believes she is referring to S.284 and that staff would keep Council informed about its progression. Affordable housing has been a question of the members of the body, so any opportunity that may come out of that, they will certainly inform Council.

Mr. Cavanaugh indicated the current legislation in the State House is a ban on a ban. The City of Columbia amended its ordinance not to cap non-owned occupied short-term rentals. They removed the cap to align their ordinance language with what may come from the State House.

Ms. Barron thinks it is important that we align our ordinance with those around us. She stated, as a reminder, that we are the capital county. So being the capital county, there may be some measures that we need to step outside of what the City of Columbia or others are doing and have them align with us and be more proactive. She knows the City of Columbia already has a solid plan in place. She does think there are some things we can include in ours.

Mr. Cavanaugh stated that next month's presentation would have some information on what other jurisdictions in Richland County are doing as a jumping-off point to start the discussion.

Ms. Newton inquired if staff would only present the City of Columbia's ordinance at the May committee meeting or if a Richland County draft ordinance would also be presented.

Mr. Cavanaugh replied that both ordinances would be presented.

- d. 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 stated in the initial review of this item, based on how impact fees can be used and what they can be used for, it looks like there are limitations. While we are doing our internal research, it may be important for the committee to consider other experts in this area. From what we see, based on how impact fees can be used, it may not have the transformative value we hoped for.

For clarification, Ms. Barron stated that when Mr. Brown spoke of other resources, was he suggesting this is something that we may need an outside consultant or expert to work alongside staff so we can achieve better results?

Mr. Brown responded he does think it is something that would be worthwhile. He believes there is a thought that impact fees could be implemented and provide a resource to the County. He wants to ensure we do not miss anything as we go through this process. He would like to ensure it is a good, clean research and overview of what is possible and the benefits to the County.

Ms. Barron inquired if this was something Mr. Brown needed before bringing this item back to the body in September. To her, it appears it would give us more substance if we had an expert that worked alongside staff before presenting anything back to the body. Noting that Mr. Brown mentioned there may be some limitations, we might want to do this now.

Mr. Brown stated it is his understanding that the body, on some level, believes that impact fees may be a viable option for the County, and they want them explored. As a result, we want to ensure that staff does exactly what needs to be done to assess that, which would require external resources.

Ms. Barron indicated that as we look forward to the 3-7 years in development, it would be great if we find this helpful and profitable for the County. She would encourage the body to push this forward. This is an excellent time to do so.

Mr. Weaver stated it would be shameful if the revenues poured into the General Fund without a specific purpose. What will happen is there will be more fees going in during the good times. The revenue will build up, and then we will have a recession. He suggested that when staff does their research, they find

out how other counties and governments handle it. He thinks it would be wiser to put the funds into a capital projects trust fund to offset the costs in the future.

Mr. Brown noted the Executive Summary states the funds cannot be used for ongoing operations. Some of the limitations we referenced are for specific uses, which is another area we are finding and pointing out. What would be helpful is if, beyond what we see and think we have found, individuals who deal specifically with this could also clearly articulate what those utilizations are and what the impacts look like for Richland County. This removes what benefit it is for Administration to share with you. It allows for a cleaner review of this matter.

Ms. Newton thanked her colleagues for addressing her questions and concerns. She noted Mr. Brown has certain things that fall under his purview where he is able to act and expend funds without Council action. She inquired if he desired a motion to empower him to bring in this resource.

Mr. Brown responded that he would like a motion because it specifically says you want it done and find it important or necessary. To the intent that the funding is beyond his threshold, it could then be reported to Council if it exceeds his authority.

Ms. Newton stated she believes this is important for Richland County as we fulfill our goals of the Strategic Plan, specifically regarding sustainable and smart growth.

Ms. Barron moved to direct the Administrator to secure outside sources or resources to support the request made by the committee, seconded by Ms. English.

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

- e. I move that County Council adopt the 2021 Land Development Code text amendments and the zoning map recommended by the Planning Commission by unanimous vote on November 7, 2022, to take effect on the effective date of the full 2021 Land Development Code text and associated maps [BRANHAM – April 4, 2023] – Mr. Branham reminded the committee the recommendations were outlined in the previous Council meeting agenda packet. He encouraged everyone to think about what is going on with three (3) different components. The first one is the base 2021 adopted text. The second component is the zoning map that needs to be adopted before anything can take effect. The third component is any and all Planning Commission recommendations Council decides to adopt. He stated that one of the Planning Commission's recommendations regarding the map relies on one of their recommendations for the text amendment. The recommendation is that the M-1 zoning district would carry forward from the old code and zoning map to the new code and zoning map. The idea is that all three of those components would take effect simultaneously. He noted he had a great meeting with the County Administrator, the County Attorney, and Chairman Walker about the process. His motion was specifically worded out of the conversation with that group, hoping that we could have the effective date of those three components be at the same time so there was as little disruption as possible once the new map and text take effect.

Ms. Barron inquired if the November 7, 2022, recommendations also included the motions that came through Council in September 2022. She noted there were a number of motions authored by Mr. Branham's predecessor. When she started to look at the list and the information presented, it appeared that some motions were not addressed by the commission that, either existing Council members or past Council members had. She indicated she would like those items to be addressed if they have not been.

Mr. Branham inquired if Ms. Barron had the motions.

Ms. Barron responded she did not have a copy with her, but there were approximately 15. We have had a lot of conversations about the November 7, 2022, meeting, but the two lists are not matching up somewhere along the line. She wants to ensure that we have not lost some along the way.

Mr. Wright stated that certain motions made were determined to be improper. The purpose of the motion(s) was to undo the vote that had taken place in November 2021, which was past the point where that could be done. The motions that went to the Planning Commission were the motions that were properly made.

Ms. Barron inquired how Council would know if that was the case.

It was Mr. Wright's understanding this was discussed, and it was determined they were improper, so they did not move on.

Ms. Barron noted she would get the list of questions and have them to ensure we are comparing apples with apples. She indicated she is concerned about us passing all three of these at one time when we already know there are things we need to go back and fix. We should fix them now, have a solid document, and vote on them. She acknowledged that she wants to trust the system to ensure the plethora of changes needed will occur, but she does not want it to get lost. She indicated for her district; this document is critically important. She noted she could not support something that appeared incomplete from the beginning. She knows we have had conversations that we cannot split them up. She inquired if a State statute says we cannot do that.

Ms. Newton stated that Ms. Barron's questions and concerns are fundamentally about process and order, which is what we must do and in what order. Does State statute define it? Do we have to do it the way we are going to do it? The other part of the question is, regardless of what process we use, how do we ensure all of the recommendations and proposals are incorporated into the document that will come before us for a vote?

Mr. Wright responded State statute does require this body to redo the Land Development Code at least every ten years. There is a specific process that has to be gone through, which includes the Comprehensive Plan.

Ms. Newton stated that she understands we must update the Comprehensive Plan every ten years, but not the Land Development Code.

Mr. Wright noted that you can only update the Land Development Code through a Comprehensive Plan. It is the same process.

Ms. Newton stated there is so much confusion when you say Land Development Code. If we just leave it that the Land Development Code has to be updated every ten years, that could cause a lot of confusion. The Comprehensive Plan piece is required to be updated every ten years, which is a part of the Land Development Code process.

Mr. Wright stated the County had a Comprehensive Plan, which resulted in a vote in November 2021, wherein the body approved the text. Both the text and maps could have been approved. The purpose of the maps is that they match the text. It is past the point where you can undo it. The text is set in stone. What we have to do at this point is approve the maps to match the text. Once you have the complete Land Development Code, you can make adjustments or amendments. You cannot make the amendments before you adopt the maps because the text has already been approved. We have been operating under the 2005 Code because that is the interim procedure, but the 2021 Code has been passed. He noted the maps were supposed to take effect in May 2022 automatically, but that process was halted. This did not change the fact that the text was approved in November 2021; the maps were just halted, so we have been operating under interim procedures for the past 1 ½ years. Until the process is completed, we cannot make the amendments requested by the Planning Commission.

Mr. Branham stated, for clarification, that there is an opportunity for us to delay the effective date of the zoning map to allow Council time to review and vote on the Planning Commission's recommendations and then have them take effect simultaneously.

Mr. Wright responded the text is already in place, so once the maps are approved, we can delay the effective date of the new Land Development Code, which would allow Council the opportunity to consider the amendments and conduct the Three Readings and Public Hearing. He indicated both would then take effect at the same time, so there was no delay.

For clarification, Ms. Barron stated the recommendations for the map being suggested by the Planning Commission match the text approved in November 2021.

Mr. Branham responded in the affirmative but with one exception. The 2021 version of the text does not include a zoning district that is M-1. The Planning Commission's version of the zoning map includes parcels continuing to have the zoning label M-1.

Ms. Barron stated that if that is the case, and there is an exception, then what we are doing is different from what Mr. Wright has said we need to do, which is her challenge. Her challenge is that, on the one hand, we are saying we need to accept both of these documents together. Today Mr. Wright shared that the two documents must match. If they must match, there cannot be an exception. If the Commission is asking for an exception, what you are asking for is something we cannot do.

Ms. Newton acknowledged this process has been extremely convoluted. For those who have been with us from day one, if there are questions in your mind, she understands why. One of the challenges is that initially, when the Code was passed in November 2021, the intention was that within a short amount of time, we would come back and put the maps together. In response to an outcry from the public, we delayed the process. Her suggestion would be for this committee to set a specific date for questions to be submitted to staff, so the answers can be brought forward when we meet again. She requested FAQs about this document.

The Clerk's Office was requested to coordinate the date for submitting questions.

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

In Favor: Terracio, Barron, English, and Newton

Not Present: Pugh

The vote in favor was unanimous.

The meeting adjourned at approximately 5:58 PM.