



Richland County Council  
DEVELOPMENT AND SERVICES COMMITTEE  
**MINUTES**  
May 23, 2023 – 5:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Chakisse Newton, Chair (participated via Zoom; arrived at 5:30 PM); Derrek Pugh, Gretchen Barron, and Cheryl English

Not Present: Allison Terracio

OTHERS PRESENT: 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, Zachary Cavanaugh, Chelsea Bennett, Michael Byrd, John Ansell, Susan O’Cain, Dale Welch, Geo Price, and Shirani Fuller.

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

Although Ms. Newton was present on Zoom, Ms. Barron noted she would chair the meeting on Ms. Newton’s behalf.

2. **APPROVAL OF MINUTES**

- a. April 25, 2023 – Ms. English moved to approve the minutes as distributed, seconded by Mr. Pugh.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Mr. Pugh moved to adopt the agenda as published, seconded by Ms. English.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

- a. Department of Public Works – Engineering Division – Carolina Crossroads – Center Point Rd. Right-of-Way – Mr. Leonardo Brown, County Administrator, stated the recommendation is to approve the staff’s request to transfer the right-of-way on Center Point Road to the South Carolina Department of Transportation for the Carolina Cross Roads Project.

Mr. Pugh moved to forward to Council with a recommendation to approve the transfer of the right-of-way on Center Point Road to the South Carolina Department of Transportation for the Carolina Cross Roads Project, seconded by Ms. English.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

- b. Department of Public Works – Engineering Division – Lake Dogwood Circle S Right-of-Way – Mr. Brown noted the County has an ordinance that allows for unused right-of-way to be provided to adjacent property owners. This specific request concerns Lake Dogwood Circle South, which contains no road or

other infrastructure. The requestor owns the properties on both sides of the right-of-way in question. He stated staff's recommendation is to transfer the unused right-of-way to Bobby J. and Nancy Y. Spivey.

Ms. English moved forward to Council with a recommendation to transfer the unused right-of-way on Lake Dogwood Circle South to the adjoining property owners, Bobby J. and Nancy Y. Spivey, seconded by Mr. Pugh.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

## 5. ITEMS FOR PRELIMINARY ACTION

### a. Short-Term Rentals:

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

Mr. Zach Cavanaugh, Business Service Center Manager, stated there are two examples of existing short-term rental ordinances. There is the newly adopted City of Columbia ordinance and the Hilton Head Island ordinance, which was adopted a decade ago. He noted the County has a team ready to draft an ordinance but is seeking direction from the body.

Ms. English inquired about the legality of the "number of occupants allowed." She thought that it was governed by fire and other regulatory bodies.

Mr. Cavanaugh acknowledged there are caps on occupants in both ordinances. The City of Columbia's ordinance allows two occupants per bedroom plus an additional two. He indicated a Fire Marshal's Office would typically designate occupancy based on square footage, but since this is residential, the ordinance we adopt would have an occupancy cap. He noted he has received input from the neighbors and those that operate the rentals. Obviously, they have different concerns, and we want to adopt an ordinance with a good balance.

Ms. Barron stated we want to ensure we are in line with our neighbors so there are no drastic differences between the ordinances. She would like to see something that makes ease for the property, while at the same time holding them accountable. She asserted Hilton Head is in a sphere all by itself because it is a destination location. She indicated she would like the committee, as well as the other Council members, to take a closer look at the ordinance(s) and provide input to the Clerk's Office by June 6<sup>th</sup>. She requested the Clerk's Office email Council members requesting their feedback on the ordinances.

Mr. Pugh declared Columbia poses a unique situation. We are considered a transient town because of the military and schools of higher education population. He noted people purchase property here but no longer reside in Richland County. He wants us to tailor the ordinance to our community and not penalize those property owners. Holding people accountable for maintaining their property is one thing, but we also want to make it palatable for everyone in the community.

From reviewing the briefing document, Ms. Newton stated her impression was that staff would utilize the Hilton Head and Columbia ordinances as inspiration. For the record, she noted she had voted in favor of the previous items.

Mr. Cavanaugh expressed there are things in both ordinances that would work for Richland County. At the same time, other parts would need to be omitted. Therefore, the draft ordinance would be a mixture of the ordinances.

- b. 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. Brown stated now that Council has turned this over to the Planning Commission, and the Planning Commission has done its work, they are the voice of the recommendations associated.

Mr. Christopher Yonke, Planning Commission Chair, recognized that Commissioners Frierson, Dennis, Johnson, Durant, and Grady were in attendance. He noted there are three topics related to this item: Land Development text, the maps, and the Planning Commission's amendments. The Planning Commission has completed its task of thoroughly reviewing and receiving public input on the Land Development Code.

Ms. Barron mentioned at the last meeting Ms. Newton requested Council members to submit questions and/or concerns to the Clerk's Office. She inquired if the task was accomplished.

Ms. Anette Kirylo, Clerk to Council, responded the Clerk's Office did not receive any feedback.

Ms. Barron inquired if the Clerk's Office or the County Administrator's Office sent a request to Council members for feedback.

Ms. Kirylo and Mr. Brown both responded a request was not sent out to Council members for their offices.

Ms. Barron formally requested the Clerk's Office to email Council requesting input or concerns related to the Land Development Code.

Mr. Pugh thanked the Planning Commission for their hard work on this document. It was brought to his attention the recommendations of the Planning Commission are not verbatim in the documents. He inquired if that was something that could be fixed.

Mr. Brown responded he believes the Planning Commission could do so.

Mr. Pugh inquired if this document leaves the committee, will there still be an opportunity to correct the verbiage?

Mr. Brown responded if there is any information that does not reflect the actions of the Planning Commission, the answer would be yes.

Mr. Branham stated under the Planning Commission's recommendations, RU properties will be divided into three categories: "0-3 Acres", "3-35 Acres", and "35+ Acres." If the property were 35 acres, there would be a question of which category the property falls into. He likes the D&S Committee retaining a level of jurisdiction over the matter, even if some recommendations are made and sent up to Council. He noted some ancillary or additional matters could remain with the committee.

Ms. Barron declared she has a problem with us passing something forward that we know already contains mistakes. If your recommendations are clear, why can we not have that document before this body and then send it to Council? She asserted she is not voting for anything that needs to be cleaned up. She noted there are people across Richland County depending on Council getting it right the first time.

Mr. Pugh inquired if this matter is time sensitive.

The County Attorney, Patrick Wright, responded this motion is not ready to go before Council. He acknowledged that he and Mr. Branham talked to ensure the verbiage was correct for the motion, but this motion should not be before Council until Council has voted on the maps. As he has previously stated, Council has already approved the text for the Land Development Code. The maps go with the text. Once the maps are approved and we have a complete Code, we can make the amendments.

Mr. Pugh inquired if there would be a gap between the maps being approved and this verbiage being approved. Additionally, will the maps be able to be used?

Mr. Wright responded when Council approves the maps, they can delay the implementation of the maps for a time. In the interim, Council can take up the motion for the text amendments.

Mr. Pugh inquired how we got to where we are now in committee if we have not done our due diligence on the maps.

Mr. Wright stated former Councilmember Malinowski made a motion that went to Planning Commission. For the last year and a half, while the Planning Commission dealt with the potential amendments, Council halted the process of approving the maps.

Mr. Pugh noted when he and Ms. Barron took office, they were under the impression this should have been approved. It was almost like they were being force-fed the Land Development Code, and they wanted to understand where they were when it came to the Code. There are a lot of things hanging in the balance. He stated they were told the community gave input, but when he spoke to his community, they indicated they did not have any input. There has also been the Land Development Code tour throughout the County, and it still seems there is no understanding of exactly where we are and what we have going on. He indicated he agrees with Ms. Barron that if we have a document with holes in it, he does not understand why we would approve moving forward.

Mr. Wright acknowledged if there are any concerns with the recommended amendments, those should be dealt with before it goes to Council.

Mr. Branham expressed his desire to see some votes being taken on the recommendations so we can get a sense of where the committee, and potentially Council, stands. He noted this would also help the public know where Council stands. He feels the recommendations of the Planning Commission are sufficiently specific to be able to review and make a recommendation.

Ms. English inquired if the maps' approval and First Reading of the corrected language could be at the same meeting.

Mr. Wright responded in the affirmative.

Ms. English requested a timeline for the process.

Ms. Newton stated this has been an extremely complex and convoluted process. There is a suggested timeline for addressing this process, which would leave these recommendations in committee for a while longer. She noted it could be helpful for staff to address the recommended timeline.

Mr. Aric Jensen, Assistant County Administrator, the important thing to understand is that the maps must be adopted to complete the existing ordinance before the body can make amendments. The timeline is based on Mr. Wright's direction and interpretation. It suggests the County's consultant, Clarion, would start drafting redlined corrections, which would then come to the committee. Essentially, it is suggested the committee forward a zoning map that Council could act on. Council could then do a "moratorium" so the maps would not go into effect until the committee and Council have had a chance to amend the Code. For clarification, the recommendation is for Council to approve the zoning map, the committee to hold the text into committee, and guide the consultant to make any changes the body feels are appropriate.

Ms. Newton restated the recommendation, as follows: because Council approved the original text and did not approve the associated maps within a set timeframe, now Council must approve maps to go along with the Code passed in 2021, so we can make further amendments to the text. The text cannot be amended until maps associated with the 2021 Code are adopted.

Mr. Wright stated the Land Development Code is the text and the maps. Council approved the text in November 2021. Until the maps are approved, Council cannot amend the text. As soon as the maps are approved, Council can begin the text amendment process. The map's effective date can be set for a future date, allowing the amended text and maps to go into effect simultaneously. If it were up to him, he would

suggest approving the maps, so you can amend whatever you wish.

Ms. Newton inquired if approval of the maps would require three readings and a public hearing.

Mr. Wright responded in the affirmative.

Mr. Branham stated the Planning Commission was not operating under this understanding. As such, the version of the map that the Planning Commission recommended included the carrying over of the M-1 District from the 2005 Land Development Code. The M-1 District is not in the 2021 version of the Land Development Code. He inquired if there was anything legally inappropriate about the committee making recommendations about the Planning Commission's version of the map and their suggested amendments.

Mr. Wright responded the problem is not with the recommendation. The problem is that once it goes to Council, they have to act on what the committee recommends. Council cannot act on the recommended amendments if they have not approved the maps.

For clarification, Mr. Branham stated there is a period when they could take that action based on the committee's recommendation and adopt the map with everyone having an understanding the committee's recommendation was to adopt specific Planning Commission recommendations subsequently.

Mr. Wright noted if the committee sends a recommendation to Council, then Council must do something.

Mr. Branham inquired if they would need to defer a vote on the Planning Commission's recommendations once the maps were approved out of necessity.

Mr. Wright replied they would need to, but he could not say they would.

Mr. Brown indicated that sometimes Council gets a report from the committee without Council acting on the item. He suggested that may be a mechanism where the information could be shared.

Ms. Newton acknowledged that she is on board with following the legal process. It is clear the Planning Commission made recommendations and that many members of the body want to adopt those recommendations. She noted the Code that was passed in 2021 is not one we want to be operating under without revisions. In terms of editing the text, what opens the most doors is moving to adopt the map. She suggests adopting the map and immediately applying a "moratorium."

Mr. Wright noted he would not term it a "moratorium." The effective date would be a different date.

Ms. Newton requested that the ledger be attached.

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

- a. I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [Newton - August 30, 2022] - No action was taken.
- b. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [PUGH, BARRON, and NEWTON - January 3, 2023] - No action was taken.

## 7. **ADJOURNMENT** - Mr. Pugh recognized that Commissioner John Metts was also in the audience.

Mr. Pugh moved to adjourn the meeting, seconded by Ms. Barron.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

The meeting adjourned at approximately 5:58 PM.