



Richland County Council
Development and Services Committee Meeting
MINUTES
September 27, 2022 – 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Derrek Pugh, Chair; Allison Terracio, Gretchen Barron, Cheryl English and Chakisse Newton.

1. **CALL TO ORDER** – Chairman Derrek Pugh called the meeting to order at approximately 5:00PM.
2. **APPROVAL OF MINUTES**

- a. July 24, 2022 – Ms. Terracio moved to approve the minutes as distributed, second by Ms. Barron.

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

The vote in favor was unanimous.

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

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

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

- a. Community Planning & Development – Conservation – Historic Columbia Heritage Tourism Marketing Plan – Ms. Barron moved to approve this item, seconded by Ms. Terracio.

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

The vote in favor was unanimous.

5. **ITEMS FOR DISCUSSION**

- a. I move to direct the County Administrator to work with the County Attorney 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] – Mr. Pugh inquired as to what is needed to move this item to Council.

Mr. Aric Jensen, Assistant County Administrator, responded that the committee has a proposal from staff for an administrative process to register the owners of property occupied by individuals other than themselves, which we colloquially call absentee landlords. The

system would be free of charge for the individuals unless they have more than a certain number of units, which would require them to obtain a business license. They anticipate this information will allow us to more quickly address issues because we will have a database of contacts and ownership in the event a situation arises. Accompanying that is an ordinance drafted by the County Attorney's office clarifies a couple different points. In particular, it codifies the concept that any party who is part of whatever the issue is can also be part of the remedy. A property owner, a property management company and the tenant may all be involved in whatever is occurring on the property that is creating the nuisance. The recommendation is to direct the Administrator to move forward with the procedures of creating a database and registration system for absentee landlords and to also recommend the draft ordinance language to the Council. Staff has internally discussed civil penalties versus criminal penalties that have taken place in other communities that have been very profitable and successful. It will take time to put that type of program together. In the future, staff will recommend Council and staff look at another potential way to address the issues.

Ms. Barron inquired if the database will include all landlords in general or just the absentee landlords. She stated it would be helpful to capture all of the landlords.

Mr. Jensen responded it is specifically for situations where the owner does not reside on the property.

Ms. Barron inquired if this database will be public information.

Mr. Jensen responded he would have to speak with the County Attorney's office to determine to what degree this will be public information. He believes it would be public information in the sense that if they made a request to know who the manager of the property is it could be provided.

Mr. Pugh stated he thought the database would be used by the County to identify someone who is being a nuisance. He did not know if we want to create a public database. This could lead to neighbors harassing the landowners.

Mr. Wright responded they would have to check. Anything created could potentially be considered public information. The owner would definitely be public, and all their information could potentially be public.

Ms. Newton inquired if we have a certain amount of property/ownership records already accessible through GIS or would there be a way this could be considered different.

Mr. Wright responded all properties can be looked up and find out who owns them. This situation is to make sure all the information is current to make the process simpler.

Ms. Newton inquired about the rationale behind the following language: *"If the owner shall not reside within fifty (50) miles of the registered address, then all of the above information is also required of an authorized agent residing with[in] the fifty (50) mile radius"*.

Mr. Wright responded the point is for there to be someone local to deal with situations that come up because it could be difficult to contact an owner if they lived in another state. The owner would be required to have an authorized agent within a 50-mile radius that could be contacted in that instance.

Ms. Newton inquired if that is an undue burden.

Mr. Wright responded it is a common practice.

Ms. Newton inquired if there is an order of operations for who would be held responsible for an item or if it is all individuals equally at all times.

Mr. Wright responded it would depend on the violation and/or issue. A zoning issue or

building regulation would not involve the tenant, but the owners. The height of the grass depends on what the lease states.

Mr. Malinowski noted the ordinance states in Section 16.73 – Enforcement and Penalties, “It shall be the responsibility of the owner, property manager, property management company, and tenant, each individually and collectively to all county ordinances related to maintenance...”, which would address Ms. Newton’s questions.

Mr. Pugh stated the County should focus on the landlord, and he did not want to get into the weeds regarding rental agreements.

Mr. Wright stated, as it is now, the owner of the property is responsible, but if they live out-of-state it could be difficult to serve them, so it would be hard to enforce anything if we cannot serve the tenant you may never serve the out-of-state owner.

Ms. Newton inquired if we are allowed to fine an owner when the County incurs costs to remedy a problem when they are the responsibility of another party.

Mr. Wright responded there are potential remedies such as placing a lien, which takes effect when the property is sold. The problem is how to get the owner to pay. You can ticket them, but unless there is a criminal penalty it would just be a lien.

Ms. Newton stated, for clarification, the only way the County could recoup the costs would be a lien on the property when sold, a fine, or a criminal penalty.

Mr. Wright responded in the affirmative.

Ms. Newton inquired if we could send a bill.

Mr. Wright responded you could, but that does not mean you would get anything.

Mr. Jensen stated there was a bill before the Legislature that died in committee, which would have given the County the ability to place the liens on the tax roll. They are working on bringing the bill back before the next session. He noted cities have this ability, but counties do not.

Mr. Wright stated it would require a change in State law.

Ms. Barron requested when the bill comes back please let Council know so they can help support the bill.

Mr. Malinowski requested a response to his questions by the next committee meeting. He noted he does not know where the 50 miles came from as Richland County is larger than that. He suggested including the following language: “or live within the County”. It was noted any person or entity owning 2 or more non-occupied residential units are required to obtain a business license. Relative to this section is an apartment complex considered one unit or is each apartment a separate unit? In addition, if the owner lives in the complex are they absolved from this section? What is the cost associated with creating the database? How will the program be profitable? Is the database only for absentee landlords or all landlords? He suggested all landlords be required to obtain a business license. He noted there could be new loopholes with the new law; therefore, we should be cautious. It is his opinion the landlord should be responsible for the upkeep of the yard and not the tenant.

Ms. Newton inquired if there is a plan on how to communicate with landlords about the process.

6. ITEMS PENDING ANALYSIS: NO ACTION IS REQUIRED

- a. Move to direct the County Administrator 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 - Pending recommendation from the Planning Commission.

- b. 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] - The appropriate department(s) will be prepared to discuss this matter at the October 25, 2022 committee meeting. Ms. Newton requested that Chief Polis, Ms. McBride, and herself be included in any meeting(s) regarding this matter.
- c. Based on the below information no further action should be taken by the Planning Commission or Council related to the new Land Development Code (LDC) until the urban heat island map is completed. The expanding residential, commercial, and transportation infrastructure contributes to areas where temperatures are much warmer, and that could put people at risk of injury or death on hot days.

“This study will help demonstrate to local governments and others where we need to preserve undeveloped land and trees, plant additional trees or build other green infrastructure to reduce or prevent heat islands in Richland County,” (Quinton) Epps said. (Division Manager, Community Planning and Development Department)

The heat-mapping initiative aims to improve understanding of and guide action to reduce heat-health risks, encourage economic development and boost the area’s quality of life overall, therefore, before council decides what zoning needs to be placed in specific areas without having that information would be a dereliction of our duties to the residents of the county. [Malinowski - August 30, 2022] - Mr. Wright stated Council cannot direct the Planning Commission not to consider something before them. They are required by statute to consider certain things that are already before them.

Mr. Malinowski inquired if the motion could be reworded to change “direct” to “present”.

Mr. Wright responded in the affirmative. He suggested changing the motion as follows: “to be brought to the Planning Commission for consideration of the heat mapping items”.

Ms. Barron moved to amend the motion as recommended by the County Attorney, seconded by Ms. English.

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

The vote in favor was unanimous.

- 7. **ADJOURNMENT** - Ms. Newton moved to adjourn, seconded by Ms. English.

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

The motion in favor was unanimous

The meeting adjourned at approximately 5:39 PM.