



COLUMBIA CITY COUNCIL MEETING MINUTES TUESDAY, FEBRUARY 14, 2023

CALL TO ORDER

The Columbia City Council conducted a work session on Tuesday, February 14, 2023 at City Hall (Mayor's Conference Room), 1737 Main Street, Columbia, South Carolina. The Honorable Daniel J. Rickenmann, Mayor called the meeting to order at 3:03 p.m. The following members of Council were present: The Honorable Howard E. Duvall, Jr., The Honorable Edward H. McDowell, Jr., The Honorable William Brennan, The Honorable Aditi Bussells, and The Honorable Tina N. Herbert. Also present were Ms. Teresa Wilson, City Manager and Ms. Erika D. Moore Hammond, City Clerk. The meeting was advertised in accordance with the South Carolina Freedom of Information Act.

INVOCATION

The Honorable Edward H. McDowell offered the invocation.

CITY COUNCIL DISCUSSION

1. Climate Protection Action Committee (CPAC) Update - Mr. Bob Petrulius, CPAC Chair

Mr. Bob Petrulis, CPAC Chair said CPAC is composed of seven voting members and eight appointed non-voting members representing a range of organizations and concerns. The main purposes are to inform the city about climate related issues, public outreach and education, and build partnerships with the city and interested organizations. Current projects include addressing climate impacts on low and moderate residents and the transition to renewable energy. In 2006, the mayor signed the U.S. Conference of Mayors Climate Protection Agreement. CPAC was established a year later to work on this issue. In 2017, City Council adopted the Ready for 100 Resolution. It established the goal of transitioning to 100% clean and renewable energy by 2036. The original resolution lacked benchmarks and an implementation plan. In the last year, we developed a new resolution. Resolution 2.0 establishes benchmarks; creates a road map for the transition of city properties and operations to clean and renewable energy; it will also save money and improve capacity at the city; and it sets a goal of 75 MW of new solar to meet the city's projected operational needs.

Mayor Rickenmann said we need a plan that we can achieve. Solar is one part of it. We want to reconstitute the Hydro Plant; that could get us five to ten megawatts. We need to look at alternatives. I am on the Mayors Climate Committee and the U.S. Conference of Mayors Energy Committee. We had a lot of discussions about projects that can realistically get us there. How do we build a plan with all those pieces? We want to achieve this goal without putting our city at



COLUMBIA CITY COUNCIL MEETING MINUTES TUESDAY, FEBRUARY 14, 2023

risk. We hope to add solar at the Wastewater Treatment Plant. We are talking to Dominion about what they can do to help us achieve these goals.

Mr. Bob Petrulis, CPAC Chair said we hope to leave enough flexibility in the plan for the city to take advantage of improved technology and new ideas.

Councilor Brennan asked if other municipalities in the state have an organization like CPAC. Are we comparing notes to see if their initiatives are on par with ours? We could have a stronger voice at the State House.

Mr. Bob Petrulis, CPAC Chair said there are advisory groups that work with cities in the rest of the state. Resolution 2.0 looks specifically at city operations as opposed to the wider community. We will bring in energy audits. Resources are becoming available through the Infrastructure Bill and the Inflation Reduction Act (IRA). We are part of the Communities Local Energy Action Program and we receive technical assistance from the U.S. Department of Energy. We are looking at helping low and moderate income families retrofit their homes and improve energy efficiency. Over 50% of the households in Columbia are rented and this makes it more difficult. Last summer, we undertook a Heat Study. We mapped the city's heat islands and we have a better idea of the areas that are subject to increased heat. Two years ago, we commissioned a report on the clean energy transition for the city of Columbia. That report was shared with city departments and others. It gives us ideas on methods for approaching this problem. Several programs are available through IRA funding. We stand ready to provide assistance with meeting these goals. We hope to continue conversations as we move forward.

Councilor Bussells said we talked about reducing litter in our city. There are conversations about working with the state to increase fines around littering. It would be interesting to talk to CPAC about the environmental perspective and impact of looking at some of those pieces.

Mr. Bob Petrulis, CPAC Chair said there may be some things that shade into fossil fuel use. For example, if we could encourage restaurants that provide take out to look at using biodegradable or compostable clamshells. There may be things that are beneficial to businesses.

Councilor Herbert suggested that Resolution 2.0 go to the Health Social and Environmental Affairs Committee.



COLUMBIA CITY COUNCIL MEETING MINUTES TUESDAY, FEBRUARY 14, 2023

-
2. Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Building Regulations, to add Article IX, Short Term Rentals - The Honorable Howard E. Duvall, Jr.

Councilor Duvall explained that we have studied this topic for over a year now and I hope we will come up with a document that we can send to the council meeting. There is nothing in section 2-51 of the city code that prevents us from voting in a work session. Today, we will go through questions that several of us have about specific sections of the proposed ordinance. The only way to move this forward is to decide if there are four councilmembers that want the provision changed. If we can't come to general consensus on changing or including an item, I hope we can vote on it this afternoon.

Councilor McDowell sought legal advice on voting in a work session.

Ms. Teresa Knox, Esq., City Attorney said the practice has been that Council would not vote in work sessions or subcommittees. Council recently decided to start voting in subcommittees. It is not a final vote of an issue but to send a matter out of subcommittee and back to Council. I assume that Councilman Duvall is talking about voting an issue out of here but not taking a vote on the final matter.

Councilor Duvall said not taking a final vote, but the consensus of the work session is that this needs to be included in the ordinance. The ordinance would then go to the February 21 meeting for a public hearing on the fee and first reading of the ordinance. Anybody would reserve the right to make an amendment at the full Council session. We need a mechanism for deciding whether the majority of us think something should be included.

Councilor McDowell asked about the disposition of the committee.

Councilor Duvall said the committee met several times and we had at least three public hearings. We have referred it back to the Council. Council had a work session on it a few weeks ago and came up with a list of nine suggested changes. We made the suggested changes in the redline version that you have. Substantial changes were made after the work session. The mayor has sent me several questions that need to be decided. If there is not obvious consensus, we need to vote.

There was an in-depth discussion related to the formality of voting in this session. There was consensus to begin reviewing the ordinance.



COLUMBIA CITY COUNCIL MEETING MINUTES TUESDAY, FEBRUARY 14, 2023

Councilor Duvall said we may need a 30 day buffer to allow for implementation of the hardware and software necessary to receive the permits. We will add 30 days to the 120 days.

Mr. David Hatcher, Housing Official / Code Enforcement said we use Energov for the current rental permits. We are capable of doing the STR permits through the same software. It would take more time if you all decided to hire a third party for data collection. If we do it in house, 30 days is enough time.

Councilor Duvall said Madam City Manager, is 150 days enough time if we go through a third party. We need a third party to help administer this and monitor where the STRs are.

Ms. Teresa Wilson, City Manager said we already started discussing this in the context of a contract we already have because they potentially have the capacity to do this. We need to talk to legal and procurement about this. Yes, I think we can figure that out.

Councilor Duvall asked if Council is comfortable with adding a buffer period of 30 days after the passage of the ordinance before we start the 120 day clock.

Councilor Bussells asked if the goal of the moratorium is to be able to collect accurate data.

Councilor Duvall said the moratorium gives us to July 2024 to collect data. If Council does not act by July 2024, the restriction comes off. It forces the neighborhoods and STR industry to work with the Council to come up with something they can live with.

Mayor Rickenmann asked Mr. Duvall to go through the data being collected.

Councilor Duvall said that is where the third party can help us. This gives us until July 2024 to use the data that is being collected to determine whether we need to move forward. If you don't move forward, it takes away any restrictions on the non-owner occupied STRs.

Councilor Herbert said I could support a temporary moratorium that specifically states the reason for it, which is to collect data to come up with a specific strategy or recommendation.

Mayor Rickenmann said I believe we need to get all of these registered. We need to be collecting fees that are owed to us. We need to tread lightly over a period of time to make sure we don't alienate ourselves and get caught up in something that effects a lot of other things that benefit this community.



COLUMBIA CITY COUNCIL MEETING MINUTES TUESDAY, FEBRUARY 14, 2023

Councilor Duvall said this ordinance is moderate. We have a year to look at the data. We should not put specific language in there. Section 5-406 talks about the moratorium.

Councilor Bussells said we want more information to understand the scope of the problem. I am supportive of us doing whatever we need to do to explicitly make the case for treating our STRs like many other businesses where they have to get a business license. I am supportive of making our policies consistent with VRBO and Airbnb. We need to be clear that our goal is to have more information and data about where these rentals are positively or adversely affecting communities and districts within Columbia. We can be more explicit about that.

Councilor Duvall suggested adding explicit language to whereas clauses. You are comfortable adding the 30 day buffer before starting the 120 days. Staff is comfortable that they can administer this and get the proper support for it. We are putting the moratorium on and that will give STRs plenty of time to get registered. If Council doesn't take the data that will be gathered by the third party or own resources by July 1, 2024, that moratorium is relieved and the non-owner occupied STRs can get permits anywhere in the city.

Councilor Herbert asked if it is simple to notify STR owners.

Councilor Duvall said we can use the platforms to notify owners. If a third party provides the addresses, we can send them notices. We will be proactive in making sure they know.

Councilor Brennan asked if owner-occupied STRs are required to have a business license.

Councilor Duvall said we have to include both of them.

Ms. Teresa Knox, Esq., City Attorney recalled that we are in litigation against Airbnb and our main cause is for business licenses and accommodation fees because they are not remitting now.

Mayor Rickenmann suggested that owner occupied short-term rentals be added to section 5-406.

Councilor Duvall said I am willing to apply the moratorium to everyone until July 1, 2024.

Councilor Herbert inquired about the fees for non-owner occupied and owner occupied. Why isn't it the same number?

Councilor Bussells asked if it is a consistent practice to have two different application rates.



COLUMBIA CITY COUNCIL MEETING MINUTES TUESDAY, FEBRUARY 14, 2023

Councilor Duvall said yes. I agree to remove the million dollar general liability policy requirement.

Ms. Teresa Knox, Esq., City Attorney asked if we are removing all of section 5-402(d) or the amount.

Mayor Rickenmann asked if we have inspections with the long-term rentals.

Councilor Duvall said yes. David has the authority to inspect them. Take (d) out.

Mr. David Hatcher, Housing Official / Code Enforcement Division said it is similar to how we do long-term inspections. They have to provide a checklist certifying that everything meets minimum code or they can ask us to do inspections. If it is a problem property, we will require an inspection.

Mayor Rickenmann said we need to have a deeper discussion on that, especially with the long-term rentals. We need to figure out how to fund more inspectors. Long-term rentals in Columbia are a huge issue. We have people beating the system and using tax shelters to hide. The way some people are living in our community is not acceptable. We are spending a lot of time on this when we need to be figuring out how to take care of that issue.

Councilor Brennan said a better reporting portal would help to.

Councilor Duvall said this will allow us to get more code enforcement officers that can help with that issue and the short-term. The Mayor had the parking requirements on his list. The ordinance [section 5-402(m)] requires that one parking space for every two bedrooms in a dwelling unit must be made available and designated for a STR. Guests must be notified of the parking plan and the maximum number of vehicles allowed, which shall not exceed six between sunset and sunrise.

Mayor Rickenmann asked about parking on a public street.

Councilor Duvall said the city of Columbia requires two parking spaces per residential house and you can only use 40% of your front yard to park vehicles. This is essentially the same requirement.



COLUMBIA CITY COUNCIL MEETING MINUTES TUESDAY, FEBRUARY 14, 2023

Councilor Brennan said I don't want to see property owners throwing down gravel on half of their front yard and calling it parking.

Councilor Duvall reviewed section 5-408(c)(1)b. We don't need to say that in the long-term or short-term rentals.

Mr. David Hatcher, Housing Official / Code Enforcement Division said the intent of the ordinance is that if they violate any city ordinance that is a first offense. The next time we go out there for another violation of whatever city ordinance, whether it is the same offense or not, that is the second offense.

There was an in-depth discussion related to violations and the assessment of points.

Mayor Rickenmann inquired about ADA compliant parking.

Councilor Duvall suggested amending section 5-408(c)(1)b to read: Five points will be assessed for a second occurrence and each occurrence thereafter within the last 12 months. Do you have any particular questions? According to the list, the only question we haven't solved is parking.

Ms. Elle Matney, Director of Parking Services said for our current residential permitted neighborhoods, homeowner residents may receive two homeowner permits and three visitor permits. If you are the homeowner non-resident, you only get one visitor permit and the tenant may be permitted for two. It varies slightly depending on the residential area. We may be challenged moving forward about the visitor permits because they are not assigned to a specific license plate versus a block. We may want to consider that non-resident homeowner who wants to lease their home would only be entitled to one visitor permit. How will we account for their parking? We were talking about how to move forward with a short-term rental that obsessively abuses parking. There are four permitted neighborhoods.

Councilor Duvall said we are not going to solve that in the next ten minutes. Why don't we agree to send this up to the full Council 4:00 p.m. session, have a public hearing on the fees and potentially first reading on the ordinance? Maybe the Mayor can help us with parking.

Mayor Rickenmann said I am struggling with the moratorium.

Councilor Duvall said we can't shirk our duty because the General Assembly is thinking about doing something. I want to move it up. Are there four of you who want to do that?



COLUMBIA CITY COUNCIL MEETING MINUTES TUESDAY, FEBRUARY 14, 2023

Councilor McDowell said I am not ready.

Councilor Bussells said I prefer that this be passed in a way that is very focused on us wanting to have fair policies for short-term and long-term rentals and our desire to collect accurate data. As it is currently written, I think we need more time.

Councilor Herbert said it is important for us to have the next draft ahead of time.

Councilor Bussells asked if we can do the public hearing and not do first reading.

Mayor Rickenmann said we all agree that we want them to get registered, we want to have agents and we want a way to collect the data.

Ms. Teresa Knox, Esq., City Attorney said we need to have something to put on the agenda. Do you want these changes you talked about today to be drafted? We have to put the fees in the ordinance. It is 15-days' notice to do the public hearing.

Councilor Herbert suggested the following additional language: temporary moratorium to allow city and the council we are creating to establish a registration system and gather data to determine the impact of STRs on housing stock, neighborhoods, etc. City Council should make a final recommendation or changes to such ordinance no later than July 1, 2024.

Councilor Duvall said the moratorium automatically comes off unless the Council acts. We will clean it up to get it as close to what I think the majority of the opinion is here and get it back to you to read before you come to the next meeting. Maybe the first meeting in March we can have the public hearing.

Ms. Teresa Wilson, City Manager said you have to put it out there in such a way that the community response will be such that everyone understands what you are doing.

Councilor Herbert said the ad-hoc committee had several sessions. I think we heard from the core people who are interested in this issue. We had a lot of public input.

Mayor Rickenmann said it is best to make March 21 the date for the public hearing and first reading. Tina share your language with Teresa Knox. We need to figure out the parameters with parking and how to include something that is universally enforced.



We Are Columbia

**COLUMBIA CITY COUNCIL MEETING MINUTES
TUESDAY, FEBRUARY 14, 2023**

ADJOURNMENT

The meeting was adjourned at 4:55 p.m.

Respectfully submitted:

Erika D. Moore Hammond, CMC
City Clerk