

Town of Pine Ridge

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Special Council Meeting April 16, 2019 AGENDA

Town Council Work Session

6:30 P.M. – 6:45 P.M. Public Hearing: Ordinance 2019-24 Zoning/Land Development Moratorium for a 90-day period on approvals relating to the pending revision of the Zoning and Land Development Ordinance

6:45 P.M. - Town Council Meeting

Call to Order & *Invocation*

Freedom of Information Act Compliance

New Business

1. Adjourn to Executive Session:
 - a) Receipt of legal advice and discussion of negotiations incident to proposed franchise arrangements for SCE&G and Mid-Carolina Cooperative Inc. (SC Law 30-4-70 (a)(2))
2. Reconvene to Regular Session
3. Possible Actions by Council in follow up to Executive Session
4. Ordinance 2019-24 Zoning/Land Development Moratorium for a 90-day period on approvals relating to the pending revision of the Zoning and Land Development Ordinance – 1st reading

Citizen's Comment Time

ADJOURN

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Council present: Mayor Wells, Mayor Pro-tem Davis, Councilman Dinkins,
Councilman Simms and Councilwoman Sturkie

Staff present: Town Administrator, Mrs. Viki Miller and Chief Neeley

**6:30 P.M. – 6:41 P.M. Public Hearing: Ordinance 2019-24 Zoning/Land
Development Moratorium for a 90-day period on approvals relating to the pending
revision of the Zoning and Land Development Ordinance**

Mayor Wells opened the public hearing for Ordinance 2019-24, by reading the public hearing notice that was published in the Chronicle, emailed to residents and posted on the Town's website and Facebook:

NOTICE IS HEREBY GIVEN that the Pine Ridge Town Council will hold a **SPECIAL MEETING** on **Tuesday, April 16, 2019 at 6:30 pm at the Town Hall, 2757 Fish Hatchery Road, West Columbia, SC 29172**. The purpose for the meeting will be to hold a **PUBLIC HEARING** and First Reading to consider adoption of Ordinance 2019-24 which proposes to implement a moratorium, for three months on the issuance of zoning permits and other approvals, including but not limited to any approval from the Town Council, Planning Commission and Zoning Board of Appeals from processing, hearing, rehearing, approving or signing new zoning permits or preliminary or final site plan, preliminary or final subdivision, special exception, variance or other land use application or permit which relates directly or indirectly to the Town of Pine Ridge Zoning and Land Development Ordinance that is currently in the process of being revised by the Pine Ridge Planning Commission and the Pine Ridge Town Council. Copies of Ordinance 2019-24 can be located online at: [https://www.townofpineridgesc.com/](https://www.townofpineridgesc.com/Government/Minutes/2019) under Government/Minutes/2019

Mayor Wells stated the Special Meeting and public hearing was announced during the April 9th regular Town Council meeting.

Mayor Wells read aloud the title of Ordinance 2019-24, which states: An Ordinance to impose within the territorial limits of the Town of Pine Ridge, South Carolina, a temporary moratorium for ninety days (unless sooner terminated) on the issuance of zoning permits and other approvals, including but not limited to any approval from the Town Council, Planning Commission and Zoning Board of Appeals from processing, hearing, rehearing, approving or signing new zoning permits or preliminary or final site plan, preliminary or final subdivision, special exception, variance or other land use application or permit which relates directly or indirectly to the Town of Pine Ridge Zoning and Land Development Ordinance.

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Mayor Wells asked Mrs. Miller, the Town Administrator if she had a staff recommendation for Town Council as she also serves as the Zoning Administrator.

Mrs. Miller made the following statement to Council:

As Zoning Administrator, I would like for Council to consider approving a moratorium on zoning approvals for a 90-day period as the current Zoning Ordinance and Land Development Ordinance are being updated.

I would like to start off with a little background as to why I am proposing the moratorium.

Over the years the Zoning Ordinance has been updated in various parts and we had adopted the Lexington County Land Development Regulations. During a recent request concerning Cluster Development Zoning, through Central Midlands, it was discovered that the adoption of the Lexington County Land Development Regulations only pertains to the Stormwater portion. Our current Zoning Ordinance still contains references to the Town's original Subdivision Regulations from 1985.

However, through our agreement with Lexington County, after our initial approval, the county receives and approves all engineering and construction which are reviewed and approved according to County standards. The County also performs the inspections. This has been a benefit for the town since we do not have the staff to accomplish this. Our land development regulations (formerly subdivision regulations) did not reflect this agreement. Our land development regulations may be outdated and not followed in practice because the process has been superseded by the Lexington County agreement, but they are still in place as a Town ordinance. The proposed zoning & land development ordinance that the Planning Commission is currently reviewing and will be up for a first reading and public hearing by Council, on May 14th, will reflect the agreement with Lexington County. The regulations are written so that the town's and the county's review and approval processes are coordinated.

The Town still has review authority to be sure all zoning requirements are met as well as additional land development standards (beyond county road, stormwater, and other engineering requirements) such as sidewalks, trails and bike paths, underground power and communication lines, open space, block lengths, performance bonds, etc. The objective is to have an applicant submit plans for staff and/or planning commission review that demonstrates compliance with all the town's requirements (including landscaping), prior to them submitting the engineering and construction plans to Lexington County.

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With that said, I am asking Council to approve the implementation of a moratorium, for a 90-day period. A moratorium ordinance is the appropriate way to halt the administrative process while the zoning laws are being changed. The Town of Pine Ridge has never done this before, because the zoning ordinance has been updated in bits & pieces. The merge of the zoning ordinance and what was formerly called the subdivision ordinance from 1985 is a major update! The Town should not allow approval of any kind of project based on the ability of someone to get their project in before the new ordinances receive their second reading.

The moratorium ordinance protects the public interest by preventing an approval of an item that the requirements may be pending a change or a use no longer allowed. Council has the authority to enact an ordinance suspending further permitting under a zoning or land development ordinance while it considers whether to amend the current ordinance. The proposed moratorium is uniformly applied and the moratorium period is reasonable. A temporary moratorium is not considered a taking of property requiring compensation under the Takings Clause of the Fifth Amendment of the U. S. Constitution. The proposed ordinance has been approved by our Attorney and a Certified Planner who has over twenty years' experience as a Planner.

The Town of Pine Ridge Zoning and Land Development Ordinance is currently in the process of being revised by the Pine Ridge Planning Commission and is scheduled for a public hearing and first reading under Ordinance 2019-25, by Council on May 14th at 6:30pm. Based on the scheduled readings, the second reading will be June 11th, which will be a little less than 60 days. I am working with our attorney to include a statement on ordinance 2019-25 that the moratorium end. The copy that the Planning Commission is currently reviewing is on our website.

Mayor Wells stated a public hearing speaker sign-in sheet for Ordinance 2019-24 was placed on the table beside the agenda packet for this meeting. Mayor Wells began calling forward to the podium those who signed up to speak about Ordinance 2019-24.

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Mr. Rock Lucas of 222 Clubhouse Drive stated the following:

Mr. Mayor and Councilmembers, I'd like to thank you for your time and community service although I know you would much rather be doing something else than having all these special meetings. I'm just going to talk about the moratorium for a second. None of this ever came to light until I start a process, something that has been going on in communications for a long time. While I am in the middle of doing this, all of a sudden, the rules are starting to change. I am not necessarily opposed because I have talked to the Zoning Administrator and the town needs to update the Subdivision Regulations. It needs to be done in a clear, concise way of doing business but the process of what we are going through, the moratorium, is not necessarily needed in our case. We were just going through the ZBA. There is no possible way in ninety days we can be permitted and ready to go. The Moratorium in our particular case is not even close to being warranted. All it does is delay us going to the ZBA, trying to change the lot sizes. It's not the approval of the subdivision. The ZBA has no approval authority over a subdivision. I'd still have to go before the Planning Commission. I find it strange that all of a sudden, this is all rushed and the town has this meeting now and another next week. All because, to my knowledge, there is only one project on the books that has even been mentioned for development. It just doesn't add up. We are already vested, the Town has the opinion that we are not. That is not for discussion tonight, that is for other parties and other times. What we were just trying to do, briefly, is to something very special with property in town. We are trying to do something to protect an icon in this town since the Seventies. We are trying to do something that will protect the property, the property values of the homeowners around the community, around the golf course, around the golf course properties. Everything I am seeing is going on and taking place, not one single thing is there to say, hey, what can we do that everybody wins. What can we do to protect these properties that everybody wins? Instead of what I am seeing is this. No. No. No. No one is willing. No one has asked. No one has come forth and said, what can we do to preserve this property. What can we do that everybody wins? It's all, let's stop it, it's against it. It's every possible thing we can do except for behind the scenes, there is a large majority with texts, emails, phone calls saying, hey, we are for you. But you got a vocal minority that's banging on the podium, we don't want anything. We don't want any growth, whatsoever. I am not going to get into that. That's time for another discussion. I think the moratorium in this particular case, I don't know of anyone else lined up to do any development, rushing in here to do it, so I am not sure why we are doing it.

Mayor Wells continued calling those who signed up to speak.

Mr. Richard Wood of 104 Scott's Court stated he would like to pass on speaking right now.

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Mr. Brinson Perkins of 108 Elsie Court stated that he would like to pass on speaking.
Mrs. Denise Perkins of 108 Elsie Court stated that she would like to pass on speaking.

Mr. Earl McLeod, Executive Director of the Building Industry Association of Central South Carolina stated the following:

We represent seven Counties here in the midlands of the state. I have been in this position for thirty-four years and I have never run across any jurisdiction in central South Carolina that has imposed a moratorium and I would ask that you seriously consider not doing so. I think it sets a very bad precedent for the town. It may not be illegal according to the Supreme Court but can certainly place a hardship on someone wanting to build their home. Ninety days can make a difference in terms of finance and whether they are made to move forward or not. There has got to be a better way to accomplish your re-write of your land development manual than to stop all new growth for a ninety-day period. It happens all the time. Lexington County is currently re-writing their Land Development Manual. Richland County is currently re-writing their Land Development Manual. The City of Columbia is currently re-writing their Land Development Manual. None of those have had any mention or suggested a moratorium is necessary to do that. It seems like working together, we could work through the issues that are out there and not have someone's property denied or a homeowner denied an opportunity to build a house. So, I'd ask that you not pass or give reading to a moratorium and let's work together to get it worked out.

Mayor Wells asked those that had signed up to speak if they would like to speak now. No one else in attendance chose to speak

Mayor Wells closed the public hearing for Ordinance 2019-24.

With nothing more to discuss, Mayor Wells closed the work session.

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TOWN COUNCIL MEETING – 6:41 P.M.

CALL TO ORDER

Mayor Wells called the Town Council meeting to order at 6:41 P.M. with Mayor Pro-tem Davis, Councilman Dinkins, Councilman Simms and Councilwoman Sturkie present.

Staff present: Town Administrator, Mrs. Viki Miller and Chief Neeley

INVOCATION

Councilman Dinkins led those assembled in prayer.

Freedom of Information Act Compliance – Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act.

NEW BUSINESS

1. Adjourn to Executive Session:
 - a) Receipt of legal advice and discussion of negotiations incident to proposed franchise arrangements for SCE&G and Mid-Carolina Cooperative Inc. (SC Law 30-4-70 (a)(2))

Councilman Simms made a motion to go into executive session to discuss receipt of legal advice and discussion of negotiations incident to proposed franchise arrangements for SCE&G and Mid-Carolina Cooperative Inc., in which this item is allowed by SC Code of Law, Section 30-4-70 (a)(1)(2) AND to invite our Attorney Matt LaFave for counsel. Councilwoman Sturkie seconded the motion, which was unanimously approved.

2. Reconvene to Regular Session

Councilman Simms made a motion to reconvene to regular session. Councilwoman Sturkie seconded the motion, which was unanimously approved.

Mayor Wells stated that no vote was taken in Executive Session other than to adjourn and resume the Regular meeting.

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3. Possible Actions by Council in follow up to Executive Session

No action was taken by Council.

4. Ordinance 2019-24 Zoning/Land Development Moratorium for a 90-day period on approvals relating to the pending revision of the Zoning and Land Development Ordinance – 1st reading

Mayor Wells read aloud the title of Ordinance 2019-24, which states: An Ordinance to impose within the territorial limits of the Town of Pine Ridge, South Carolina, a temporary moratorium for ninety days (unless sooner terminated) on the issuance of zoning permits and other approvals, including but not limited to any approval from the Town Council, Planning Commission and Zoning Board of Appeals from processing, hearing, rehearing, approving or signing new zoning permits or preliminary or final site plan, preliminary or final subdivision, special exception, variance or other land use application or permit which relates directly or indirectly to the Town of Pine Ridge Zoning and Land Development Ordinance.

Councilman Dinkins made a motion to approve Ordinance 2019-24, as submitted. Councilman Simms seconded the motion, which was unanimously approved.

Citizen's Comment Time

Mr. Rock Lucas of 222 Clubhouse Road stated that Council had no discussion on the Ordinance 2019-24.

Mayor Wells stated that it was his error and apologized.

Mr. Lucas stated that someone could have said they would like to discuss it.

Mayor Wells stated he would be glad to reopen the item for Council discussion.

Mayor Wells asked Council if they would like to have a discussion on the item.

No Member of Council responded.

Mr. Richard Wood of 104 Scott's Court stated that he was aware that Mr. Lucas withdrew his request from the ZBA at the December meeting but was unaware of any updates.

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Mrs. Miller stated that Mr. Lucas submitted his updated plans for the ZBA. The date for the ZBA meeting was set, Mr. Lucas was notified and he stated that he would not be available. Has been trying to set another date with the members of the ZBA, in which only two have responded. The revision of the Zoning/Land Development Ordinance was approved at the November Council meeting. The proposed Cluster Development was submitted after and a hearing took place in December. The submission was withdrawn and Mr. Lucas was to resubmit it with the additional items that the ZBA required. The ZBA does approve a special exception that would allow a Cluster Development. Mr. Lucas can not go any further on any plans without the ZBA approval under our current ordinance. Other City and Towns have done moratoriums. One specifically that is close is the City of Cayce. Their moratorium was specifically on Special Exceptions. Our moratorium is broad and isn't picking on anybody. This is just making sure that the new rules apply everybody, where the old rules are outdated. Apologies to anyone who feels picked on, it just seemed like the right thing to do where everyone was following the same rules.

Mayor Wells asked if anyone else wished to speak, no one in attendance answered.

ADJOURN

With no further business to discuss, Mayor Pro-tem Davis moved to adjourn, with a second by Councilman Dinkins. With the Council's unanimous approval, Mayor Wells adjourned the meeting at 6:59 P.M.

Respectfully submitted,

APPROVED:

Viki M. Miller, Town Administrator

Robert M. Wells, Jr., Mayor

Date: _____