



Richland County Council
DEVELOPMENT AND SERVICES COMMITTEE
MINUTES
November 16, 2023 – 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

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

NOT PRESENT: Allison Terracio

OTHERS PRESENT: Michelle Onley, Ashiya Myers, Angela Weathersby, Patrick Wright, Stacey Hamm, Aric Jensen, Anette Kirylo, Lori Thomas, Michael Maloney, Shirani Fuller, Ashley Fullerton, Chelsea Bennett, Kyle Holsclaw, Jennifer Wladischkin, Tamar Black, Geo Price, and John Thompson

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

The County Administrator, Leonardo Brown, had a conflict with tonight’s meeting and could not attend the meeting.

2. **APPROVAL OF MINUTES**

- a. October 24, 2023 – Mr. Pugh moved to approve the minutes as distributed, seconded by Ms. English.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

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

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 – Harborside Pointe Right-of-Way – Mr. Michael Maloney, Interim Transportation Director, stated the Public Works Department is requesting Council approve the transfer of a portion of right-of-way at the intersection of Long Pointe Lane and Harborside Circle to the developer, Lake Carolina Development. He noted he provided a map of the specific portion. This right-of-way is unoccupied and ultimately goes to an unnamed street.

Ms. Newton inquired if it would be appropriate to include the supplemental map in the minutes or update the online agenda packet.

Mr. Patrick Wright, County Attorney, responded he would include it in the minutes.

Ms. English moved to forward to Council with a recommendation to approve the transfer of a portion of the right-of-way at the intersection of Long Pointe Lane and Harborside Circle to the developer, Lake Carolina Development, seconded by Mr. Pugh.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

5. **ITEMS FOR DISCUSSION/PRELIMINARY ACTION**

- 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] – Ms. Newton noted one of the staff's recommendations is to change the name of the ordinance to "Unsafe and Noxious Vegetation." She requested that staff outline how the comments from our stakeholders were incorporated into the updated ordinance.

Mr. Aric Jensen, Assistant County Administrator, indicated the ordinance was drafted in collaboration with multiple parties, including the Richland County Sheriff's Office, which does most of the noxious weed enforcement for the County. All parties have vetted the language of the draft ordinance and includes their comments.

Ms. Newton noted Sec. 18-4(a)(2) references "rural," which, effective March 2024, no longer exists. She is unsure what the appropriate edit would be, but her concern is that if we passed this, it would not be consistent with the new Land Development Code.

Mr. Jensen indicated they anticipated that, and "rural" is not capitalized. Within the Land Development Code, three (3) zones are classified as rural zoning designations (HM, RT, and AG). He does not think the ordinance needs to be amended, but he will double-check to ensure the adopted Land Development Code specifies those three (3) zones as rural zones.

Ms. Newton stated we run into circumstances where someone's vegetation, overgrown trees, etc., are infringing on the property of others. In fact, she has a constituent who lives next to a vacant lot where the overgrown trees threaten her life and limb. The trees are falling over into her yard. Fortunately, she was not there when a limb entered her bedroom. The constituent has looked at civil claims, which have not gone anywhere for various reasons. She inquired if there was anything the County has the authority to do to stop someone's vegetation from jeopardizing another person's property.

Mr. Wright responded that he does not think we can add anything to the ordinance. Unfortunately, until something happens that affects another person's property, there is not much we can do, and the property owner would have to take civil action.

Ms. Newton inquired if the property owner with the overgrown vegetation could be cited under this new ordinance.

Mr. Wright indicated they could be cited if they meet the ordinance standards. It would have to be law or code enforcement that does it and not the adjacent property owner that has a concern.

Ms. Newton noted she is trying to figure out what the "safe determination" is and safe for whom in the circumstance she is trying to address.

Mr. Wright replied the law enforcement officer would have to make that determination.

Mr. Pugh moved to forward this item to Council for approval, pending Administration's review of the Land Development Code, seconded by Ms. English.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

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

- a. 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. Jensen stated he spoke with the Procurement Director, and the RFP will be issued in early December. Staff will be prepared to present something to the committee in February/March.

Ms. Newton asked if the vendor's report would be brought back to the committee.

- b. I move to direct the Administrator to review and update the illegal dumping ordinance, including raising fines up to \$5,000.00, jail time, and community service (picking up debris on roadways) [English and Terracio, June 6, 2023] – Mr. Maloney stated the requested dollar amount required them to review the State's statute regarding illegal dumping. He noted it is hard to identify those who perpetrate the problem. Occasionally, they find something with an address, but generally, we find tires, furniture, mattresses, etc. The only way to identify those individuals would be to have surveillance in that particular area. He indicated Refuse Control is looking at upgrading the surveillance equipment to something that will be able to read license plate numbers. Currently, we are using something akin to a deer cam. Additionally, we are recommending community service, as well as jail time. He noted it may be up to the court to determine jail time.

Ms. English indicated she is not trying to put people in jail. She is trying to keep the County beautiful. She is disheartened when she sees mattresses on the side of the road when we provide a free service to have them picked up. She noted the amount of money it costs to clean this up causes taxes to go up.

Ms. Newton stated she does not know if she is ready to send something to jail over litter. She requested clarification regarding two statements in the briefing document. On p. 29, it states, "Staff recommends jail time after the first offense." Then, on p. 32, it says, "For a second offense..."

Mr. Maloney responded that the staff recommendation is for a second offense and beyond would result in jail time.

Ms. Newton inquired what offense requires jail time in the State's statute.

Mr. Maloney responded he would have to review the State's statute.

It is Ms. Newton's understanding that the State's is based on weight. She noted that constituents often complain that the commercial haulers do not appropriately cover their loads and are guilty of much of the litter. She inquired if the ordinance could tighten down on these haulers.

Mr. Wright indicated he believes the language is in the ordinance; it just needs to be enforced.

Ms. Newton requested that we take a firmer approach to the commercial haulers.

Mr. Maloney stated Refuse Control and Special Services have the authority to stop someone, but do not have the authority to pursue them.

Mr. Wright indicated the Sheriff's Department does have the authority to pursue.

7. **ADJOURNMENT** – Ms. English moved to adjourn the meeting, seconded by Mr. Pugh.

In Favor: Pugh, Barron, English, and Newton

Not Present: Terracio

The vote in favor was unanimous.

The meeting adjourned at approximately 5:30 PM.