



Richland County Council

DEVELOPMENT AND SERVICES COMMITTEE

February 27, 2018 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Greg Pearce, Chair; Jim Manning, Gwen Kennedy, Chip Jackson, and Seth Rose

OTHERS PRESENT: Yvonne McBride, Norman Jackson, Bill Malinowski, Paul Livingston, Brandon Madden, Michelle Onley, Ismail Ozbek, Tracy Hegler, Jamelle Ellis, Shane Kitchens, Kim Williams-Roberts, Dale Welch, Stacey Hamm, Sandra Yudice, Geo Price, Dwight Hanna, Brad Farrar, Trenia Bowers, Larry Smith, and Michelle Rosenthal

1. **ELECTION OF CHAIR** – Mr. Rose moved, seconded by Mr. Manning, to nominate Mr. Pearce for the position of Chair.

In Favor: Pearce, Rose and Manning

The vote in favor was unanimous.

2. **CALL TO ORDER** – Mr. Pearce called the meeting to order at approximately 5:00 PM.

3. **APPROVAL OF MINUTES**

- a. **January 9, 2018** – Mr. Rose moved, seconded by Mr. Pearce, to approve the minutes as distributed.

In Favor: Pearce and Rose

Opposed: Manning

The vote was in favor.

4. **ADOPTION OF AGENDA** – Mr. Madden stated staff is requesting to remove Item #5(a): “Accepting a portion of Fountain Lake Road into the County Road Maintenance System” from the agenda. He stated staff usually has a vetting process between departments with staff initiated requests prior to it being added to a committee agenda. The vetting for this item was not completed when it was added. It was added in error to this month’s agenda.

Mr. N. Jackson stated this matter has been going on for 2 years. He heard from the Engineering that they finally accepted the project. He inquired as to what is so important that it cannot move forward. The additional information can be brought to Council.

Mr. Madden stated there were some concerns regarding the acceptance of the road and staff wanted to vet that more. It is the committee’s prerogative not to accept the staff’s request for removal.

Mr. N. Jackson stated the people have been waiting for 2 years. The City finally got the property. The County did some patch work a year ago. It has gotten worse again.

Mr. Manning moved to adopt the agenda as published.

Mr. Pearce stated Mr. Rose needs to leave early and has requested that Item 5(g) be moved to the beginning of the agenda for action.

Mr. Manning moved, seconded by Mr. Rose, to adopt the agenda as amended.

Mr. Malinowski inquired if all the information needed is not present for Item #5(a) why it would be discussed and forwarded.

Mr. Pearce stated we will find out when we get to Item #5(a).

In Favor: Pearce, Manning, and Rose

The vote in favor was unanimous.

5. **ITEMS FOR ACTION**

- a. Council Motion: Move to review the existing “cat” ordinance and remove the last sentence of the ordinance [PEARCE] – Mr. Pearce stated the correct interpretation is to deal with the placement of cats back into the community after they have been picked up and neutered. He stated the issue is the original plan was the cat would be picked up, it would be neutered and it would be returned to the community from wince it came. Eventually the feral cat population would die out. When we passed the ordinance, it was passed with language that would permit the individuals not to accept the cat back into the community, which means the cat would either be euthanized or put up for adoption.

Ms. Haynes stated the feral cats cannot be adopted; therefore, they would be euthanized.

Mr. Pearce stated about 1/3 of the cats are being euthanized now.

Ms. McBride inquired as to what happened to the cats prior to the ordinance being passed in 2017.

Ms. Haynes stated all of the feral cats were euthanized.

Ms. McBride stated the County is saving the lives of many cats. She further stated there are community people that have cat phobias. The voice of the community says they do not want the cats. She inquired as to why the County does not look at some type of adoption program rather than putting the community people in fear and making them uncomfortable in their own homes. She believes the County did a really good compromise on this. She wanted to speak on behalf of those that fear cats. Not that they want to have them euthanized, but they cannot have them in their community. She also wanted to speak of the thousands of cats we have saved because of the ordinance. This is a democracy, which requires compromise.

Ms. McBride stated the County has to find a way to strengthen the advocacy for finding another means of placing them somewhere else because they should not be placed where the people do not want them.

Mr. Pearce stated the County owns a substantial amount of property. He inquired about the possibility of relocating the cats on the County property.

Ms. Haynes stated the feral cats cannot be relocated.

Mr. Pearce stated so that would not work.

Mr. Rose stated, at the last committee meeting, the members voted to have a representative from Pawmetto Lifeline to come to this meeting. He requested Ms. Wilkinson, CEO, to frame the issue as she sees it with the current ordinance and how it could be approved.

Ms. Wilkinson stated the current ordinance does not work. In order for it to accomplish the intended goal, the following language needs to be removed, "unless the property owner or caretaker requests the cat not be returned to that location." She also suggested to the committee the potential for an educational program for residents that are afraid of the cats.

Mr. Rose stated the ordinance currently calls for the relocation of the cat, but everyone is saying a feral cat cannot be relocated. If a feral cat is neutered/spayed and released back to where it was trapped it cannot reproduce, so they will ultimately die out on their own. He inquired if it was accurate that the ordinance states the property owner, where the feral cat was trapped, can request the cat not come back.

Ms. McBride stated again we are saving the lives of over a 1,000 cats. She speaks for the community she represents and she feels the people should have a voice. While she is an animal lover, she also loves the people and if they do not want the cats in their communities then they have a choice. She reviewed Greenville's ordinance and it has the same language. We could go back to the original ordinance and all of the cats would be euthanized. Now we are saving over a 1,000 lives. There has to be a compromise and we have to listen to the people within the community. It is not to relocate. They just cannot bring those cats back. The taxpaying citizens should have a voice in what happens in their community.

Ms. McBride stated she agrees no cat should have to die and we have put for an effort to save as many lives as we can. No citizen should be made to live in their home and afraid to come out of their doors because of cats. No child should be afraid to play in their yard because of cats roaming around and smelling up the community. She has been to many communities and in the lower income areas you find all of the cats roaming around. In some of those areas the people can barely feed themselves, so she does not think they are feeding the cats. She has spoken to the residents and this is what they want.

Mr. Rose inquired if the cats cannot be relocated why the ordinance calls for something that cannot be done.

Mr. Rose moved, seconded by Mr. Pearce, to forward to Council with a recommendation to amend the ordinance to remove the language “unless the property owner or caretaker requests the cat not be returned to that location”.

Mr. Manning made a substitute motion, seconded by Mr. C. Jackson, to forward this item to Council without a recommendation.

In Favor: Manning and C. Jackson

Opposed: Pearce

The vote was in favor.

Mr. Malinowski stated for clarification on the vote, if we have the same rules that every member must vote, then why do we play games and Councilman Rose did not vote when he was present. It seems to him that if you are present and you do not vote on a motion then the whole thing should be thrown out. If Legal is going to say he did not vote but he goes with the majority, the rule says he has to vote and he did not vote.

Mr. Smith stated the rules are clear, in terms of what should occur when there is a question on the floor. If the Council member does not have a conflict and has not registered a conflict, they should cast a vote on the question on the floor.

POINT OF CLARIFICATION – Mr. Manning stated at the Council meeting a week ago there was a great deal of dialogue that we do not have updated rules. He stated he has sent 3 emails with regard to that requesting we get the rules, so that we have the rules. He has not received the rules. He is still at a loss as to what rules.

Mr. Malinowski stated it was germane to the last vote and there has been no change to that particular rule.

Mr. Pearce stated Mr. Malinowski is not on this community; therefore, he does not know if he can challenge a vote.

Mr. Malinowski stated he was requesting clarification and to know if it was a proper vote.

Mr. Pearce stated he is ruling it is a proper vote.

Mr. N. Jackson stated he understands Mr. Rose did not vote. If you cannot vote or do not want to vote, then you should not be able to make a motion.

Mr. Rose inquired if the vote goes with the prevailing side.

Mr. Smith stated that is true if a vote is not cast. However, the rules also say if you are at the rostrum and you abstain...

Mr. Rose stated he did not abstain.

Mr. Malinowski stated Mr. Rose did not cast a vote and the rules say you must cast a vote if you are here.

Mr. Rose stated by rule it goes to the prevailing side.

Mr. Smith stated if a vote is not cast.

Mr. Malinowski stated by rule prior to that rule Council members have to cast a vote.

Mr. Rose stated he will make a motion to reconsider the item. Mr. Pearce has ruled it a proper vote. He does not understand though. We are asking the County Attorney his opinion. Mr. Smith says it goes to the prevailing side. He stated he did not cast a vote to abstain.

Mr. Pearce ruled the committee is going to move to the next item on the agenda. It would be helpful if we can clarify for the future. It was his understanding that if one does not vote the vote is counted on the prevailing side.

- b. Accepting a portion of Fountain Lake Road into the County Road Maintenance System – Mr. Pearce stated in his review of this item, all of the information had been provided. The road had been evaluated by Public Works. The CTC had agreed to provide repair of the road and the annual cost of maintaining the road is \$340. Staff's recommendation was for the County to accept the road.

Mr. Manning moved, seconded by Mr. C. Jackson, to forward to Council with a recommendation to approve the request to accept the portion of Fountain Lake Road within the County limits into the County Road Maintenance System contingent upon the CTC committing funding or the repairs needed.

Mr. Malinowski stated in reviewing the information, this item came to the County in 2016 and 2017. However, he knows there are other roads in the County that have been in the same situation that have not been completed or brought to County standards and they go back before this date. He inquired as to why this road should receive precedence over the other roads. He stated he believes the roads need to be put in order and address them in older to newer.

Mr. Ozbek stated as far as this project it has some unique situations, unlike the others. The City of Columbia and Richland County has been working on it. The funding came from the CTC. This was in response to the citizens of the neighborhood.

Mr. Malinowski stated the citizens that came before this road also had concerns about their roads. The CTC funds could have likely gone to those roads, as well. There is nothing unique about this to exclusion of the other ones. Taxpayer funds from somewhere are paying for the upgrading of the road.

Mr. Ozbek stated what staff does is put it in front of you.

Mr. N. Jackson stated this item has been ongoing since 2008. The problem was that part is in the City and part is in the County and the owner was out of state. They could never get any traction and the County kept repairing the road over and over. It is costing the County a lot. We have had several community meetings about this road. Staff was there. Engineering staff was there. The City was there. The problem was to locate the owner and get it done. The end of last year, it finally happened. The CTC has been aware of it. The project has been active, so it did not just jump ahead of the other roads. He stated he has several other roads in his district that need repairs also, but they have not gotten to them as yet. This one there is an agreement with the City and the County to jointly repair it. If the City fixes their portion and the County portion is not fixed there is going to be potholes, so they both need to be done at the same time.

Mr. Malinowski inquired as to when the road stopped being privately owned.

Mr. Pearce stated we have a long agenda and he would appreciate moving forward.

In Favor: C. Jackson, Pearce and Manning

The vote in favor was unanimous.

- c. Petition to Close Old Percival Rd. – Mr. C. Jackson moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve the petitioner’s request to close the subject road and direct Legal to answer the suit accordingly.

In Favor: C. Jackson, Pearce and Manning

The vote in favor was unanimous.

- d. Richland County Release and Abandonment of Water Line at Killian’s Crossing – Mr. C. Jackson moved, seconded by Mr. Pearce, to forward to Council with a recommendation to sign the release and accompanying resolution.

Mr. Malinowski stated the Administrator or Utilities Director needs to ensure abandoning this waterline/easement will not affect the potential for establishing the County’s water system in the future.

Mr. Pearce stated it is his understanding this is right through the middle of a subdivision and it has been moved.

Mr. Malinowski stated in the old agreement it did not say if Richland County paid any fees for the easement. The court said it would not request the County to pay anything at that time. If there was a fee needed the County would be assessed a fee and pay it later. If we paid a \$1,000 fee we should be recouping our costs and not selling it back for \$1. He would like to have an answer prior to this item going to Council.

In Favor: C. Jackson, Pearce and Manning

The vote in favor was unanimous.

- e. Council Motion: HOA’s operated by developers or management firms should be fined if due to their poor management, and not that of the homeowners, it causes a hardship on the homeowners or community. NOTE: There are improperly maintained detention ponds that have trees growing in them which causes flooding during a bad storm [N. JACKSON] – Mr. Pearce stated the staff’s report on this item says the County does not have the legal authority to do part of it, but that we do have the ability to enforce the County’s ordinances

Ms. Hegler stated at the last committee meeting there were some questions asked of her. In the packet are the responses to those questions. The primary question being, when does the HOA turn over from the developer to the homeowners? She thought there may be a State standard, but there is not. They have talked about it, but have enacted anything. After speaking with a few developers, they typically will not turn it over to the neighborhood until it is almost fully built out. She further stated it is correct the County enforces their current ordinances. If the HOA is responsible for keeping certain things maintained, per our ordinance, we can enforce that against them. Otherwise, it becomes a private issue between the HOA and the neighborhood.

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Mr. N. Jackson stated the reason he brought this up was that some of the developers will hold onto one lot. People have to pay their HOA fees. There is no board or bylaws. The management of the system takes the money and does not do what they are supposed to do. The problem we are having is when flooding tears up the roads, then the County ends up fixing these roads because the management collects the money, but fail to do their job. He stated the County needs to create an ordinance to fine the developers and their HOAs so they do the right thing. The citizens come complaining to Council and there is nothing we can do about it. If the developers are going to build in Richland County they should adhere to some rules.

Mr. C. Jackson stated he agrees with Mr. N. Jackson. He is familiar with a neighborhood where that exact case is happening now. A road has not been finished because the developers have still maintained that small piece of property and have not turned the community over to the HOAs. As a result of that, they are riding on uneven roads. The developer has promised to get it done and get it done and it is yet to be done.

Mr. C. Jackson moved, seconded by Mr. Manning, to forward to Council with a recommendation to direct staff to develop an ordinance that addresses this issue, as it relates to increasing the accountability in whatever way they can do that, to hold developers responsible for those areas.

Mr. Pearce stated there is a State law pending that would give Counties more authority to enforce things of this nature. Apparently it has a potential of passing the Legislature this year.

In Favor: C. Jackson, Pearce, and Manning

The vote in favor was unanimous.

- f. Proposal to improve the treatment and care of lost and abandoned animals in Richland County and Forest Acres via Councilman Manning – Mr. Madden stated staff did not have a recommendation. Essentially, Mr. Manning brought forth a proposal from Mary Reynolds, which is included in the agenda packet. The proposal from Ms. Reynolds is to add an additional staffer to the Animal Care Services Department to be a liaison between the other municipalities to ensure they are aware of feral cats and dogs. Mr. Madden further stated the committee may consider forwarding this to be discussed during our budgetary since it has budget implications.

Mr. Manning moved, seconded by Mr. C. Jackson, to forward to Council to forward this item to the budget process.

In Favor: C. Jackson, Pearce and Manning

The vote in favor was unanimous.

- g. Council Motion: In future housing development or construction, houses built must be at a safe distance to prevent the transfer or being affected by fire. Fire retardant materials must be used or a safe distance must be developed separating the houses [N. JACKSON] – Mr. Madden stated this item was before the committee at its January committee meeting. At that time, there were questions and requests to staff for additional information to augment the discussions.

Ms. Hegler stated the motion talks about the separation of buildings. To quickly summarize that, that is prescribed by the International Building Code and then the codes adopted by the State. The County is required to adopt those codes. Those are presumably the established safe standards that everybody uses.

Mr. Peace inquired if the standards can be altered.

Ms. Hegler stated those are minimum requirements.

Mr. Pearce inquired if the County has the power to change it.

Ms. Hegler stated the County does and is what she put in the agenda packet. The County cannot change the building code, but the County can affect the same change the motion intended with zoning setbacks.

Mr. Pearce inquired if this is something that can be taken up in the code rewrite.

Ms. Hegler stated it could be. It is a part of the Land Development Code.

Mr. Pearce stated one option would be to refer this item to the rewrite of the code. He inquired about the fire retardant material and if that would be a code also.

Ms. Hegler stated the County has to follow the building separation requirements for fire retardants walls. Nothing in the Land Development Code could conflict with that. Staff can work with the consultants to make sure we are proposing the safest and most logical and modern zoning setbacks for those buildings.

Mr. N. Jackson stated that was one of his concerns in high density subdivisions. Even though the County adopts the International Building Code, fire still spreads from house to house.

Mr. Pearce inquired if Mr. N. Jackson would be comfortable with the committee recommending to refer this to the code rewrite.

Mr. N. Jackson responded in the affirmative.

Mr. C. Jackson moved, seconded by Mr. Pearce, to forward to Council with a recommendation to refer this item to the Land Development Code rewrite.

In Favor: C. Jackson, Pearce, and Manning

The vote in favor was unanimous.

- h. Council Motion: I move that for the reasons of transparency, integrity, accessibility, dignity, accountability and citizen respect that all County Council Work Sessions/Workshops be conducted in the newly renovated, state-of-the-art Council Chambers and Livestreamed (to include being archived on the County website) [MANNING] – Mr. Manning moved, seconded by Mr. C. Jackson, to forward to Council with a recommendation to conduct workshops in Council Chambers and to have the workshops livestreamed and archived on the County's website.

Mr. C. Jackson inquired if there were any instances where Council would not be able to be in Chambers for a workshop and if so, he would like for it to be stated those exceptions would not be in violation of this motion. If there is a legitimate reason, he would like for it not to be a situation where we have to come back and say we cannot do that because we are in violation. If there are circumstances, beyond our control, where we cannot meet in Chambers he would like for there to be the option to meet in another location.

Mr. Manning rephrased his motion as follows: “when possible County Council Work Sessions/Workshops be conducted in the newly renovated, state-of-the art Council Chambers and otherwise be filmed and recorded remotely, livestreamed, and archived.”

Mr. Manning stated when we were renovating the Council Chambers and we met at the library and the Decker Center we livestreamed and archived those meetings. We clearly have the capability to do it when we are not here. He would rather not make an exception for when we cannot meet here. He stated this should be Council’s go to location, but when there is a reason to have it somewhere else, with the reworded motion, that we still, as we did with the Council meetings in 2017 when the Chambers was undergoing the renovations, we were still able to allow the citizens watch the deliberations on livestream and have them archived.

Mr. C. Jackson stated he will support the reworded motion.

Mr. C. Jackson stated his whole intent was to simply not restrict us to this physical location. He has no problem with the recording. He just did not want to be bound to this physical location in the event we had a reason we could not get in here.

Mr. Malinowski stated in the staff recommendation it mentions about budgetary considerations. By the time it gets to full Council, knowing now what are the exact things that are wanted, he would like some additional information on the budgetary considerations.

In Favor: C. Jackson, Pearce and Manning

The vote in favor was unanimous.

6. ITEMS PENDING ANALYSIS

- a. Council Motion: Direct staff to research changing the ordinance relating to water runoff so in the future it will require environmental studies and not allow any runoff that exceeds the current runoff from the undeveloped property. This motion should be reviewed/completed and provided to the Planning Commission no later than their June meeting [MALINOWSKI] – No action was taken.
- b. Council Motion: That the Open Space Ordinance/Regulation be revisited and changed so that only true Open Space in a development is used for a density bonus. Currently any land not usable, such as ponds, wetlands, streams, ravines and the like are attributed to open space when they can’t be built on anyway, so no credit should be given for these items [MALINOWSKI] – No action was taken.
- c. Conservation Commission manage County-owned historic and conservation properties [N. JACKSON] – No action was taken.
- d. I move to declare “bump stock” “bump fire stocks” “trigger crank” and “gat crank” trigger devices illegal in Richland County. NOTE: In 2010 the Us Bureau of Alcohol, I move to declare “bump stock” Tobacco, Firearms, and Explosives declared a “bump stock” is a firearm part and is not regulated as a firearm under the US Gun Control Act or the National Firearms Act. [Manning]

(a) Any device capable of being attached to a firearm for the purpose of increasing the firing rate or capabilities of the firearm using recoil, commonly known as ""bump stocks" or "bump fire stocks", are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in magistrate court.

(b) Any device capable of attaching to a firearm and which repeatedly activates the trigger of the weapon through the use of a lever or other part that is turned in a circular motion, commonly known as "trigger crank" or "gat crank", are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in magistrate court.

(c) Violations as stated in Section (a) or (b) above are subject to the following exceptions:

1. Any member of the United States military or any legally sworn law enforcement personnel while engaged in the course of their duties or in training;

2. Any "bump stock" or "trigger crank" device which is possessed by a person who is not prohibited under State or Federal law from using, owning or possessing a firearm, and the device is completely disconnected from any firearm in a manner which would render the device inoperable and stored in a separate container from the firearm or weapon;

3. Any law enforcement officer or department which has seized a firearm, with "bump stock" or "trigger crank" attached, pursuant to a lawful seizure of a weapon, as contraband or evidence of a crime, inside Richland County; provided, however, any law enforcement agency taking possession of a "bump stock" attached to a firearm must notify the Sheriff's Department immediately to inform them of the existence of the device, the location where it was obtained, where the device will be stored and any other facts relevant to the use or possession by any person. – No action was taken.

6. **ADJOURNMENT** – The meeting adjourned at approximately 6:02 PM.