

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA



ORDINANCE REVIEW AD HOC COMMITTEE

November 17, 2015
2:00 PM
4th Floor Conference Room

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building

CALL TO ORDER

Ms. Dixon called the meeting to order at approximately 2:06 PM

Mr. Malinowski moved, seconded by Ms. Dixon, to have the minutes from the previous meeting included in the agenda packet for approval in the future. The Legal Department will draft language to cover the minutes that were not approved from the previous meetings. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-173, Off-Street Parking Standards; Subsection (F), Parking of Recreational Vehicles, Boats, and Travel Trailers; so as to add utility trailers

Ms. Dixon stated the proposed ordinance language is as follows: "shall be permitted to be parked on any lot".

Ms. Dixon inquired if the parking on the side of the house is allowed.

Ms. McLean stated parking would be allowed on the side of the house.

Mr. Malinowski moved, seconded by Ms. Dixon, to approve the proposed ordinance.

Mr. Price stated currently the way the code is written you cannot park within the setbacks, which typically means outside of 25 ft. of the front yard property line and 5ft of the side yard property line. The proposed ordinance would remove those restrictions and allow parking on all parts of your property.

Ms. Dixon gave an example of parking issues in her neighborhood.

Mr. Malinowski stated it the County's responsibility to insure that emergency vehicles can traverse the roads, which may mean changing the development codes so that roads can be made wider or put up signs stating "No Parking on this side of the Street".

Ms. Dixon inquired about the Sheriff's Departments stance on the proposed ordinance.

Committee Members Present

Julie-Ann Dixon, Chair
Bill Malinowski

Others Present:

Geo Price
Amelia Linder
Elizabeth McLean
Daniel Driggers
Warren Harley
Michelle Onley

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Mr. Harley stated he was not sure what their stance was on the proposed ordinance.

Mr. Price stated in discussions he has had with the Sheriff's Department regarding parking on the street, he does not believe the Sheriff's Department receives frequent calls where vehicles are impeding the roads in neighborhoods. However, the way the code is written it is designed for cars to be able to traverse not park in the right-of-way.

Mr. Harley stated unless the HOA excludes on street parking, parking is allowed as long as it does not impede traffic.

Mr. Malinowski stated even if the HOA excludes on street parking, how will anyone know unless there are signs in place?

Mr. Harley stated the HOA police their own neighborhoods.

Ms. Linder stated the ordinance will have to go to the Planning Commission before it receives Second Reading.

The committee recommended sending the ordinance to the Planning Commission prior to it going to Council for First Reading.

The vote in favor was unanimous.

Amending Chapter 17 to prohibit the parking of motor vehicles in front yard within certain residential zoning districts [REFERRED FROM D&S COMMITTEE] –

Mr. Malinowski moved, seconded by Ms. Dixon, to forward the proposed ordinance to Council with a recommendation to approve. The vote in favor was unanimous.

In suburbs or subdivision the maximum height for grass should be 12 inches similar to the City of Columbia, Richland County has one of the tallest height in the Midlands of 24 inches [JACKSON] –

Mr. Harley stated Major Cowan expressed concerns regarding the 12 inches and would increase the workload of the Public Works Department. Mr. Harley further reminded the committee the cost for this service cannot be recouped by placing it on the tax bill.

Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council with a recommendation to maintain the current ordinance.

Mr. Malinowski stated the language in Section I (e) states "...within ten (10) days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of Section 1-8 of this code." He further stated he did not know what the penalty was, but he would hate to be placed in jail for not cutting the grass.

Ms. McLean stated every violation of an ordinance is a misdemeanor subject to Section 1-8 except the smoking ordinance.

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Mr. Malinowski stated the matter of the misdemeanor is not his main concern; it is the ten (10) after the notice is deposited in the US Mail. It appears that is not giving ample time to comply.

Mr. Price stated the timeframe is really for the person to contact the department. Until the summons is actually written the person cannot be found guilty.

Mr. Malinowski moved, seconded by Ms. Dixon, to amend the number of days in Section I (e) and (f) to thirty (30) days from the date the notice is deposited in the mail. The vote in favor was unanimous.

Mr. Harley reminded the committee this also includes posting of the property.

The vote in favor was unanimous.

Music Festival Commission [REFERRED FROM RULES & APPOINTMENTS

COMMITTEE] – Ms. McLean stated Chapter 19 of the County Ordinances that was removed at the November 3rd Council meeting provides for the appointment to the Music Festival by Richland County.

State statute states, “Councils shall provide by ordinance the appointment of all County boards, committees, and commissions.” Therefore, the County has appointment authority to the Music Festival.

Mr. Malinowski moved, seconded by Ms. Dixon, to recommend the Rules and Appointments advertise for the vacancies on the Music Festival Commission. The vote in favor was unanimous.

Motion to name Courtroom 2b in the Judicial Center the Ada Harper James

Courtroom [ROSE] – Ms. McLean stated there are two competing factors: political and legal.

Basically, State law states the Clerk of Court holds the keys to the courthouse. She is responsible for opening and closing the courthouse and handing out keys. She decides who is in the building. Case law states she does exactly those things. It does not say she does more, but it does not say she does less either.

The County has an ordinance that says the Council can name buildings and structures. It does not specifically say rooms, but it could be implied. The ordinance could be amended to include rooms.

In regard to this specific item, you have to get pass the potential legal and absolutely political issue of what the Clerk of Court wants.

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Mr. Malinowski inquired if the State statute Ms. McLean was referring to is S. C. Code Ann. Section 14-17-210.

Ms. McLean stated that is the statute she referenced. It states: "Every Clerk shall have charge of the courthouse within his county, open the same when required for public use and at all other times keep it closed. For every night any courthouse shall be kept open the clerk shall be liable to a penalty of five dollars..."

Ms. McLean stated there is an Supreme Court Order that says the Clerk open and closed the courthouse and they get to decide who is in the building (Solicitor's Office and Public Defender are able to be housed in the courthouse).

Mr. Malinowski moved, seconded by Ms. Dixon, out of respect to the elected official, in charge of a particular building, that naming of any interior spaces or rooms of buildings would follow the recommendation of the elected official.

Ms. Dixon inquired if the motion is allowed and if it will be effective.

Ms. McLean stated Council can pass an ordinance to that effect, but there are a fair amount of elected officials that could rename rooms as they so choose.

Mr. Malinowski withdrew his motion.

Ms. McLean recommended if the County wants to name a room or building they receive the recommendation of the elected official.

Mr. Malinowski moved, seconded by Ms. Dixon, if a request is received to name interior rooms of County buildings, the elected official in charge of the building will have their opinion sought, which will weigh heavily in the final outcome of the naming.

Ms. McLean inquired if Mr. Malinowski would like his motion added to the existing ordinance that deals with naming of County buildings.

Mr. Malinowski responded in the affirmative.

Ms. McLean stated another option is to just not name rooms.

Mr. Malinowski withdrew his motion.

Mr. Malinowski moved, seconded by Ms. Dixon, due to the volume of rooms under County authority, the committee recommends not approving this item and amending the current ordinance to further clarify that rooms will not be named. The vote in favor was unanimous.

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ADJOURNMENT

The meeting adjourned at approximately 2:46 PM.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

