



Richland County Council
DEVELOPMENT AND SERVICES COMMITTEE
MINUTES
October 24, 2023 – 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Chakisse Newton, Chair; Derrek Pugh, Allison Terracio (via Zoom), Gretchen Barron, and Cheryl English.

OTHERS PRESENT: Jason Branham, Michelle Onley, Ashiya Myers, Angela Weathersby, Patrick Wright, Stacey Hamm, Leonardo Brown, Aric Jensen, Anette Kirylo, Lori Thomas, Dale Welch, Michael Maloney, Shirani Fuller, Ashley Fullerton, and Chelsea Bennett

1. **CALL TO ORDER** – Councilwoman Chakisse Newton called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
 - a. September 26, 2023 – Ms. Barron moved to approve the minutes as distributed, seconded by Ms. English.
In Favor: Pugh, Terracio, Barron, English, and Newton
The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Ms. English moved to adopt the agenda as published, seconded by Ms. Barron.
In Favor: Pugh, Terracio, Barron, English, and Newton
The vote in favor was unanimous.
4. **ITEMS FOR ACTION**
 - a. Department of Public Works – Engineering Division – Briarsgate Circle – County Administrator, Leonardo Brown, stated the South Carolina Department of Transportation (SCDOT) is requesting 809 square feet of the southern portion of the County maintained road Briarsgate Circle at the intersection of Broad River Road to be transferred to their ownership for the re-alignment of the I-20 interchange (Carolina Cross Roads Project). The northern connection of Briarsgate Circle to Broad River Road is signalized and will be improved to accommodate traffic. The southern connection of Briarsgate Circle to Broad River Road will be closed since this is a part of the new I-20 onramp. Public Works, Community Planning & Development, Emergency Management, and the Sheriff’s Department reviewed the request and have no opposition to the request.

Mr. Pugh moved to forward this item to Council with a recommendation to approve the transfer of the right-of-way on Briarsgate Circle to the South Carolina Department of Transportation (SCDOT) for the Carolina Cross Road Project, seconded by Ms. Barron.

In Favor: Pugh, Terracio, Barron, English, and Newton

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] – Mr. Brown stated the updates in the agenda packet address some changes regarding the language we were using.

- The phrase “rank vegetation” is no longer common industry nomenclature. South Carolina Code and industry practitioners now use the phrase “noxious vegetation” to refer to plants that are undesirable or invasive for a given region.
- Clemson University Agricultural Extension maintains a periodically updated list of plants that are invasive and/or noxious to South Carolina. This list is not a regulatory document; Council could adopt it or create a Richland County-specific list.
- The existing ordinance makes a distinction between residential and commercial properties, and there is no stated reason or justification for the distinction. The existing ordinance excludes undeveloped residential properties from being declared a nuisance, but not undeveloped commercial properties. The proposed language is to replace these sections with language defining rural and developed properties, which is a more useful distinction, and for the committee to discuss what standards are appropriate for each.

Mr. Brown acknowledged these recommendations do not really address the unsafe issues that we were trying to get to.

Ms. Newton inquired about what staff would like to see come out of this meeting regarding this item.

Mr. Brown responded the intent was to take some definitive steps and discuss the suggested amendments. We are looking to change and update the name of our ordinance and what it is addressing. In addition, we want to talk about whether we want to adopt the list from Clemson University. Lastly, provide the ability for the existing ordinance to be changed to include undeveloped commercial properties so you give the Sheriff's Department and Code Enforcement entities the ability to address residential and commercial properties.

Ms. Barron stated she welcomes the idea of adopting the Clemson University list. However, she would like to see the document before we adopt it.

Ms. Newton indicated her original intent in making the motion did not include noxious or invasive species, so she will accept whatever the best practice is. The main objective is for the neighborhoods to look nice. She noted the proposed ordinance refers to properties that are zoned “Rural.” We know that terminology will change as a part of our Land Development Code. She wants to ensure it was updated appropriately. She requested someone on staff to speak about the distinction between commercial, residential, and vacant properties and the best practices.

Mr. Aric Jensen, Assistant County Administrator, stated as to the “Rural vs. Urban” vs. “Residential vs. Commercial” distinction, our code in the past was not clear. In speaking with the Sheriff's Department, they had some concerns and felt their hands were tied. What they have recommended is the proposed text in the agenda packet. However, it could be stricter. If it was the committee's and Council's desire to include residential structures and development, we could do that as long as we do not run afoul of the South Carolina State Code. He will rely on the County Attorney's Office to ensure that does not happen.

Ms. Newton inquired if there are any other concerns about taking the step where all properties are required not to be nuisances.

Mr. Jensen stated that it is a broad policy question. Every jurisdiction is different. When dealing with residential structures, particularly someone's home, they tend to react differently than if it is a commercially owned property.

Mr. Brown noted the County has already taken a stance on blight remediation. It has been an ongoing goal/initiative the County has discussed being a part of. As it relates to property and the upkeep of it,

as long as we are within the bounds, he does not see an issue with taking the position that the ordinance applies to properties within the bounds of Richland County.

Ms. Newton requested staff to continue working with Legal on the language of the proposed ordinance. She inquired about the County's authority regarding enforcement of a lien and payment.

Mr. Patrick Wright, County Attorney, replied the lien is on the title of the property; therefore, the property cannot be sold without satisfying the lien.

Ms. Barron inquired, if we wanted to levy fines; what would be the process?

Ms. Newton replied the State legislature would have to change the law. Currently, we are not allowed to do so.

Ms. Barron inquired if we have a lobbyist who could work on our behalf for something like this.

Mr. Brown responded in the affirmative. In addition, the South Carolina Association of Counties is also pushing to get the same authority afforded to the counties.

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] – Ms. Newton stated staff has prepared an RFP to bring in a consultant to make recommendations. What we are allowed to do by State law is not as comprehensive as we might think. The RFP was geared toward getting information on what the law says, what we can do, and what other governments and municipalities are doing. She inquired if staff were optimistic we would have a vendor selected and approved by Council.

Mr. Jensen responded this is a relatively specialized field with only a few vendors, so we can likely have the vendor selected by December, but Council may not have an opportunity to approve them.

- 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. Brown indicated when Special Services team goes out to a property that has been identified in violation, the property owner is noticed, and it goes through the judicial process. The property owner has the opportunity to go through the process. If they have not already attended court and their property is still in that state, the magistrate could allow them 30 days to clean up the property. The County would have to return and inspect the property after that timeframe. In some recent instances, the magistrate has allowed the County to move forward with enforcement if the property has not come into compliance. He noted citizens who are not compliant still have a process they get to go through while their neighbors are experiencing the challenges of the nuisance. Even with the actions you take, there is still going to be an opportunity and a timeframe in which they are going to be given to remediate before the County can step on this private property. This is a time-intensive process. It does not mean that County staff is not being attentive to the request, but we have to follow the instruction of the magistrates. It was noted when County staff goes to some of these properties without law enforcement, they have had their lives threatened. He mentioned that staff has remediated the blight in an area, and sometime later, that same area is faced with this nuisance again.

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

In Favor: Pugh, Terracio, Barron, English, and Newton

The vote in favor was unanimous.

The meeting adjourned at approximately 5:30 PM.