



Development & Services Committee
December 17, 2020 -5:00 PM
Zoom Meeting

COMMITTEE MEMBERS PRESENT: Allison Terracio, Chair, Jim Manning, Gwendolyn Kennedy and Chakisse Newton

OTHERS PRESENT: Paul Livingston, Bill Malinowski, Michelle Onley, Leonardo Brown, Tamar Black, Angela Weathersby, Kyle Hoslcaw, Ashiya Myers, Mike Zaprzalka, Ashley Powell, John Thompson, Brian Crooks, Geo Price, Randy Pruitt, Ronaldo Myers, Jennifer Wladischkin, Brad Farrar, Lori Thomas, Mike Maloney, Chris Eversmann, Elizabeth McLean, Larry Smith, Brittney Hoyle-Terry and Sandra Haynes

1. **CALL TO ORDER** – Ms. Terracio called the meeting to order at approximately 5:00 PM.

2. **APPROVAL OF MINUTES** –

a. Regular Session: November 19, 2020 - Ms. Newton moved, seconded by Ms. Terracio to approve the minutes as distributed.

In Favor: Terracio, Newton

Present but Not Voting: Manning

Not Present: Kennedy

The vote in favor was unanimous

3. **ADOPTION OF AGENDA** – Mr. Malinowski inquired if item 4(c) is a time sensitive matter.

Mr. Brown responded, to the extent that we are trying to get funding from another source, we need to know whether the County is going to approve this item.

Mr. Malinowski stated he did not think it was properly before the Committee, based on the Council Rule that items, with information, are to be turned in two weeks prior to the Committee meeting. He noted from emails between the Committee Chair and Mr. Brown this item was added a couple of days before the agenda was printed.

Ms. A. Myers responded the documentation was submitted to Administration on December 3rd.

Ms. Newton moved, seconded by Ms. Terracio, to adopt the agenda as published.

In Favor: Terracio, Newton

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Present but Not Voting: Manning

Not Present: Kennedy

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

- a. Move that Richland County discontinue its practice of demolishing private property in the unincorporated areas of Richland County where that property is not on a public road without that property owner's consent and opportunity to be heard by Richland County council, and I further move that any and all such involuntary demolitions be incurred at the County's expense and not the property owner's expense - Mr. Manning moved, seconded by Ms. Newton to approve staff's recommendation for items 4(a), (b), and (c).

Ms. Newton inquired about what problem Item 4(a) was trying to solve.

Mr. Brown responded Councilwoman Myers communicated she felt as though these properties were being demolished and taken from the residents without their input and an ability to say so. He believed her intent was to try to put something in place that would not allow the demolishing to take place. Staff tried to address it in the documentation. The information was shared with those residents, and they were contacted. This activity did not take place without their knowledge or awareness.

Ms. Newton stated, for clarification, residents are notified and given a chance to remediate any problems before the County takes action.

Mr. Brown responded in the affirmative.

Ms. Terracio stated staff's recommendation was to continue our current implementation. She noted Council is more informed about how we implement this program.

Mr. Malinowski inquired why the County is able, or allowed, to go onto private property and do something. He believes that was one of Ms. Myers' concerns was when a property is not on a public road, and it is without the property owner's consent.

Mr. Zaprzalka responded the property maintenance code, as we have adopted it, does not distinguish between private roads or private property. It outlines an unsafe structure, as a whole. Therefore, the building official, by the authority of the code, can deem a structure unsafe regardless of the type of property it is. To ease the mind of Council, we do not go on a property with a "Do Not Trespass" sign". They stop and take a picture from afar, and then notify the owner. They have been working with Legal in reference to what the County's legal right is to fully enter the property for the unsafe structure. As the code is written, it does not distinguish between private and public property. It clearly states unsafe structure that are deemed unsafe.

Mr. Malinowski stated the fact that staff is working with Legal it seems we are being asked to pass something that we do not know if the County could be held liable for in a particular situation. All of that information should have been brought here before asking permission to enact an ordinance or continue with an ordinance as it is. Regardless of what the code says,

there are questions that Legal has to answer. He inquired why staff would not get those answers before bringing this before the Committee.

Mr. Zaprzalka responded it is not a matter of it being a liability factor the way we currently do it. Periodically we take situations where there is a "No Trespassing" sign and send it to Legal to verify they are doing it correctly. The way the code is written, and from Legal's perspective, we are okay to operate as we have been doing. This is not something we are questioning. We are verifying that we are interpreting things correctly in moving forward. We want to make sure we continue to make the correct decision.

Mr. Malinowski inquired if Legal has made any comment on whether there is an expectation of privacy on an individual's private property, especially with "No Trespassing" signs, and if taking pictures is a violation of that privacy.

Ms. Powell requested to defer the question to Legal.

Mr. Pruitt stated Chapter I of the Code adopted by Council a right of entry to the building official if they can identify an unsafe structure from the road. It does not matter what type of road, whether it is dirt or paved. If the inspectors are out doing their job, then the Codes gives them that authority.

Ms. Terracio inquired if that is how we know if there is a potentially unsafe structure or do people call them in.

Mr. Pruitt responded sometimes people called them in, and sometimes they see them from the road.

Mr. Malinowski noted Mr. Farrar has not weighed in yet.

Mr. Farrar responded he believed the motion pertained to demolishing structures, not trespassing.

Ms. Terracio stated the motion is regarding the demolishing of unsafe structures that the property owners have been given a chance to remedy. She noted Mr. Malinowski brought forward the concerns about the County going onto private property without permission.

Mr. Farrar stated trespassing differs depending on what you are talking about. If you are talking about going up to a structure without a fence, you have every right to go up to the structure to inspect it. If there is a fence and a lock on it, then you have a different issue. If there is a fence, lock and a sign on it then you have a different issue. This is not a one size fits all. We have training classes that deal with trespassing. A lot of them exempt government officials doing their basic duties.

Ms. Terracio inquired if it was safe to say staff is following the law.

Mr. Farrar responded he does not have any concern about what they are doing. We want to avoid any confrontation with the public because it is public safety issues. If you are not invited or someone tells them to go away, then back off and come back another day. You may have to get a search warrant or a deputy escort. This is something we take seriously in the training classes with the code enforcement officers.

Ms. Newton stated, to address the motion made, there is a section for County Attorney feedback that says, "We need to be very careful about violation of equal protection and the prohibition of spending public funds on private property." There were two parts to the motion. The first part being that we not demolish it. Secondly, if we did demolish property involuntarily it be done at the County's expense, and not the property owner's expense. In the case of what is termed "involuntary demolition", we are still accessing those fees to the property owner.

Mr. Zaprzalka responded, when it comes to spending the funds on the private property, the funds are recouped through a lien on the property under Chapter I of the Code. We are not in the business of tearing down someone's home. Every opportunity is given to the homeowner to remediate the building.

Ms. Terracio inquired if the unsafe structures are generally sheds, garages, or is it just across the board.

Mr. Zaprzalka responded there is a broad spectrum. A higher percentage would be abandoned and dilapidated mobile homes. Then there are old sheds or block buildings that people have not done anything with.

Mr. Malinowski noted on Item 4(b), "SCDOT Snow and Ice Removal Agreement, the agreement may not come into play, but the comment was made this is an opportunity for the County to possibly get additional money into this particular department. When he read through the agreement it said, "Fuels, lubricants, and necessary repairs and maintenance are to be furnished by the County". Therefore, if we have a motor grader that is damaged while someone is removing the snow or ice; by striking a hidden cutoff pipe or a manhole, we are looking at the potential cost of large repairs. Have we looked at the potential costs?

Mr. Eversmann responded the routine repairs, incidental to the employment of equipment, is reflected in their operating budget, which is appropriated by the County. He noted it is also reflected in the Davis Bacon reimbursement rates. A lot of things go into the determination of those rates, to include wear and tear. If it were something large scale and significant, we would, to a certain degree, eat those costs. For a catastrophic incident, we are insured. In the past, we have performed these services, on behalf of the State, every 4 or 5 years. Because there has not been an agreement of this nature, we have not gotten the benefit of any reimbursement.

Mr. Malinowski inquired about the hourly pay rate of the motor grader operators.

Mr. Eversmann responded it varies, but typically \$18 - \$24/hr. He noted, as far as the wage rates, Davis Bacon corrects the County. SCDOT will apply a multiplier depending if they are on standby or deployed.

Mr. Malinowski stated, based on the Executive Order, the hourly minimum wage was \$10.80. The document cites the Davis Bacon Act, but he is not sure how that act raises the wages. He inquired if the County employees would be compensated at a rate they would be willing to work.

Mr. Eversmann responded the employee will be compensated at their existing rate. It is just a matter of how much the SCDOT will be reimbursing us for our overall efforts.

Ms. McLean inquired if the Committee could add a sentence to this agreement that would make

it clear that only County employees operate this equipment.

Mr. Manning and Ms. Newton accepted Legal's requested amendment.

Mr. Malinowski noted he believes Item 4(c) went to Full Council and it was voted down. He inquired why this is back at the committee level.

Dr. Thompson responded he was not sure why it came back to the committee. He noted staff has addressed Council's concerns. One of those concerns was that the CTIP that staff set forth did not include dirt roads. The modified CTIP includes dirt roads. The other concern was we addressed abandoned roads over dirt roads, so the abandoned roads have been removed from the CTIP.

Mr. Malinowski inquired why the changes were not highlighted in the document. He did not see the changes; therefore, he did not go back and review the documents. He requested the changes be notated before it is presented to Council.

Dr. Thompson responded in the affirmative.

Mr. Maloney stated they brought it back because what the committee recommended was different because of the addition of the dirt roads. By the time this item is presented to Council, the changes to the CTIP will be highlighted.

In Favor: Terracio, Manning, Newton

Present but Not Voting: Kennedy

The vote in favor was unanimous.

Mr. Manning moved, seconded by Ms. Newton, to reconsider Items 4(a), (b) and (c).

Mr. Malinowski inquired why they need to reconsider these items when they have to go to full Council.

Ms. Terracio ruled Mr. Manning's motion out of order.

Dr. Thompson requested the committee forward items 4(b) and 4(c) to the Special Called meeting this evening. He noted staff will provide an updated briefing document for Item 4(c) to Mr. Malinowski prior to the meeting.

Ms. Terracio stated she would agree to forward these items to the Special Called meeting, but it would be up to the Chair to amend the agenda.

Mr. Manning moved, seconded by Ms. Newton, to reconsider item 4(b) and (c), so they can be forwarded to tonight's Special Called meeting.

Opposed: Terracio, Manning, Newton, Kennedy

The motion for reconsideration failed.

- b. SCDOT Snow and Ice Removal Agreement (Local Governments)] – This item was taken up under Item 4(a).
- c. Move that Richland County proceed with completing the plan to move the EOC/EMS out of the windowless basement of the parking garage to the old junkyard property brought years ago for that purpose at the corner of Two Notch Rd and Cushman Drive [MANNING] – This item was taken up under Item 4(a).

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

- a. I move to evaluate affordable housing options to include the option of establishing an Affordable Housing Trust Fund for Richland County as a benefit to the public. Housing is considered to be “affordable” when 30% or less of one’s income is spent on housing and utilities. In Richland County, nearly half of renters pay more than a third of their income on rent and utilities - No action was taken.
- b. I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance. [NEWTON and DICKERSON] – No action was taken.
- c. Amend the County's current ordinance, in order to allow lighting on Broad River Road [DICKERSON] – No action was taken.

Ms. Newton noted as the Rules and Appointment Committee was reviewing Council Rules, and proposed changes to rules, our current rules state that when items are in the Pending Analysis category, information is to be provided as an update. She wanted to point that out, so when these items come back before them, they can have that information.

Ms. Terracio inquired if there were any updates from staff.

Ms. Powell responded following conversations from the last committee meeting, and subsequent to that committee, both of these items moved back to the staff work group. There is not a comprehensive update at this time.

Ms. A. Myers stated, in relation to item 5(b), she has requested an updated ordinance from Legal, per the request.

- 6. **ADJOURNMENT** – The meeting adjourned at approximately 5:39 PM.