



Richland County Council
Development and Services Committee
MINUTES
December 15, 2022 – 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Derrek Pugh, Chair, Allison Terracio, Gretchen Barron, Cheryl English, and Chakisse Newton.

1. **CALL TO ORDER** – Chairman Derrek Pugh called the meeting to order at approximately 5:00 PM.

2. **APPROVAL OF MINUTES**

a. November 17, 2022 – Ms. English moved to approve the minutes as distributed, seconded by Ms. Barron.

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

The vote in favor was unanimous.

3. **ADOPTION OF THE AGENDA** – Ms. Barron moved to adopt the agenda as published, seconded by Ms. Newton.

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

The motion in favor was unanimous.

4. **ITEMS FOR ACTION**

a. FY22 Annual Roads Report: Staff requests that County Council receive the attached Annual Roads Report for information and general publication – Ms. Newton inquired if the map in the agenda packet refers to the crew that services the roads of this area.

Ms. Fuller responded in the affirmative.

Mr. Malinowski inquired about the difference between the roads listed as “Transportation” and those listed as “Public Works”.

Ms. Fuller replied if the road was listed as Transportation, it was a Penny Tax Project, and Public Works oversaw the work on the other roads.

Mr. Malinowski inquired how it was decided which entity would be responsible for the work.

Ms. Fuller responded the Department of Transportation had a list that came about at their origin. The Public Works Department reviews the road conditions yearly and the available funding.

Ms. English inquired if there would be an updated list of roads provided.

Mr. Michael Maloney, Public Works Director, responded there is a spreadsheet that can be sorted and provided to Councilmembers.

Mr. Pugh commended Mr. Maloney and his team for keeping up with these projects.

Ms. Newton moved to forward the information provided to the committee to Council, seconded by Ms. Barron.

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

The vote in favor was unanimous.

- b. Amending "Fireworks" Ordinance – Mr. Pugh stated this ordinance was before Council, but many community stakeholders were missed. He thanked the County Attorney's Office for meeting with him and the stakeholders. He noted the item was sent back to the committee for any proposed changes.

Mr. Patrick Wright, County Attorney, stated they discussed including other holidays, but the Fireworks Association felt the adjusted times in section (b) would cover those holidays. In section (c)(3), the purchase age was changed from fourteen (14) to sixteen (16). The main change is the fine amount from \$100 to \$500 for the 1st offense, \$750 for the 2nd offense, and \$1,000 for the 3rd offense. Lastly, section (h) states, "Disputed violations will be heard in the local magistrate court upon petition of the alleged offender." This gives weight to someone who wants to dispute/appeal the ticket they received."

Mr. Malinowski inquired if the changes outlined by Mr. Wright were additions or deletions to the proposed ordinance.

Mr. Wright responded there is a red-lined ordinance in the agenda packet that outlines the proposed changes.

Ms. Anette Kirylo, Clerk to Council, stated, for clarification, the red-lined ordinance was provided to Councilmembers at the December 13, 2022, Council meeting. The red-lined ordinance was received after agendas were distributed.

POINT OF PERSONAL PRIVILEGE – Ms. Barron stated that it would be helpful for paperless Councilmembers to be provided a digital copy.

Mr. Malinowski noted it would have also been helpful if someone had informed Councilmembers there was updated documentation provided. He further inquired why the age was changed from fourteen (14) to sixteen (16).

Mr. Wright responded that State law sets the age as sixteen (16).

Mr. Malinowski stated in section (c) of the proposed ordinance it states: "(2) Intentionally detonate fireworks upon the land of another without express prior consent" and "(4) To ignite or detonate fireworks within six hundred (600) feet of a church, hospital, public school". Therefore, if you receive permission from a church pastor to detonate fireworks on church property, would you still be in violation by discharging fireworks on the church's property? Also, do you have to get written permission, or is verbal consent acceptable?

Mr. Wright replied that a ticket would be issued only if someone associated with the church were to report a violation. Code enforcement or the Sheriff's Department will not actively look for violators.

Mr. Malinowski inquired if there are multiple offenses by different individuals (i.e., apartment complex), how will section (f) "After three separate violations in a single location, the location is declared to be a public nuisance and further unlawful activities may be abated by the county sheriff or a lawful officer serving under him." be applied/enforced.

Mr. Wright replied the offense applies to the person and not the location.

Mr. Malinowski inquired if there was a timeframe for the three offenses.

Mr. Wright responded the timeframe for the offenses can be set by Council.

Ms. Newton inquired if a person lives within 600 ft. of a school, church, etc., will they be excluded from violating the ordinance if they detonate fireworks in their yards.

Mr. Pugh responded this is a framework regarding fireworks within the County.

Mr. Wright replied the ordinance would apply unless Council wanted to make an exception.

Ms. Newton stated that a \$500 fine for a first offense seems exceptionally high. Regarding enforcement, will it be a mandatory fine, or will there be discretion?

Mr. Pugh replied that there is a discretionary clause in the ordinance. He does not see the Sheriff's Department kicking down doors trying to locate fireworks.

Mr. Wright noted section (f) allows the County Fire Official to authorize someone to shoot fireworks.

Ms. Terracio suggested adding the following language in section (c)(4): "unless during these designated hours." This would allow individuals living within 600 ft. of a church, hospital, or school to celebrate with fireworks. She agrees the first-offense fine is relatively high. She also believes a timeframe should be established to deem the three offenses as a nuisance. Her suggestion would be within a seven (7) day period.

Ms. Barron stated the ordinance's purpose is to provide quiet hours for the residents, specifically those suffering from PTSD.

Ms. Barron moved to forward this item to Council with a recommendation to approve the proposed ordinance, seconded by Ms. Terracio.

Ms. English stated she does not believe fireworks should be detonated near a hospital and suggested making this a separate section in the ordinance.

Mr. Malinowski noted we need to be specific about whom the County Fire Official is issuing a permit.

Ms. Terracio requested the briefing document include the suggestions made by the committee.

Ms. Barron amended her motion as follows: to include the recommendations from the County Attorney's Office and the suggestions made during the committee meeting. Ms. Terracio seconded the amended motion.

Mr. Wright suggested Councilmembers send their recommended ordinance modifications to the Clerk's Office.

In Favor: Pugh, Terracio, Barron, and English

Opposed: Newton

The vote was in favor.

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

- 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]

The schedule regarding this item is as follows:

- ❖ January-February 2023 – Research ordinances from other communities and industry best management practices.
- ❖ March 2023 – Report on research findings to Committee.
- ❖ April 2023 – Direction from Committee.

6. **ADJOURNMENT** – Ms. Barron moved to adjourn the meeting, seconded by Ms. Newton.

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

The motion in favor was unanimous.

The meeting adjourned at approximately 5:36 PM.