



## Richland County Council

ORDINANCE REVIEW AD DOC COMMITTEE  
October 16, 2018 – 1:00 PM  
4<sup>TH</sup> FLOOR CONFERENCE ROOM  
2020 Hampton Street, Columbia, SC 29202

COMMITTEE MEMBERS PRESENT: Bill Malinowski, Chair, Norman Jackson, and Dalhi Myers

OTHERS PRESENT: Yvonne McBride, Gwen Kennedy, Michelle Onley, Ashley Powell, Tracy Hegler, Geo Price, Sandra Yudice, and Chief Chris Cowan

1. **Call to Order** – Mr. Malinowski called the meeting to order at approximately 1:07 PM.
2. **Adoption of Agenda** – Mr. N. Jackson moved, seconded by Mr. Malinowski, to adopt the agenda as published.

Mr. Malinowski stated that Item 8(a) “Proposed Amendment to Chapter 5 – Animals and Fowl” is not an item this committee took up before, and it was not on any previous agenda. He stated it does not give us any background as to why it is here or who put it here. It just starts off with definitions and goes on from there. He inquired as to who put the item on the agenda.

Mr. N. Jackson stated, when we get to it, we can defer it.

Mr. Malinowski stated he does not believe it is properly before us; therefore, he would like to delete it from the agenda. Whoever put it here needs to give it some specifics, not just an ordinance with nothing here.

Dr. Yudice stated the Sheriff’s Department requested the item be placed on the agenda.

The vote in favor was unanimous.

3. **Election of Chair** – Mr. N. Jackson moved, seconded by Mr. Malinowski, to nominate Mr. Malinowski to serve as Chair. The vote in favor was unanimous.
4. **Review of November 15, 2016 Minutes** – Mr. N. Jackson moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

**Staff Briefing Document RE: Ordinance Review Agenda Items** – Dr. Yudice stated this item is before the committee. Her understanding is the Planning and the Sheriff’s Department has been working together to develop this briefing document.

5. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-3, Noise; so as to limit noise in the unincorporated areas of Richland County** – Chief Cowan stated the previous 18-3 ordinance covers several items they felt needed to be addressed by this committee, specifically, making the language very clear, concise, and manageable for the deputies that are responsible for enforcing the ordinance. They have provided clarity on how they believe the ordinance should be written in order for the deputies to be able to manage, and to be fair to the citizens, while making sure there are not requirements placed on the deputies that are unenforceable. For example, the prior ordinance required decibel meters. That is something that we talked about, in this committee, as being a fiscally unsound activity for deputies. We have included language, which we feel will be appropriate, as well as be fair to the citizens, while being manageable for the department.

Ms. McBride thanked everyone for coming. She stated she is not a member of this committee, so if you see me not voting, it is because she cannot vote. She is very interested in the subject, and she knows that she has been working with some of you for a while. Now that she has seen the history of it, she sees that Councilpersons have been working a long time, so she hopes we can bring resolution.

Mr. Malinowski stated in "(b) Noise – Amplified sound from vehicles" it uses a distance of 50 feet in any direction. He stated that is roughly 17 yards. That does not seem that far. There are some houses that probably do not have that much distance between them. It seems that anybody...if you go down "(c) it states, 'It shall be unlawful for any persons to make, continue, or cause to be continued, any loud, excessive, unnecessary, or disturbing noise, or any noise which either annoys, disturbs...'" This gives any person the opportunity to have anyone cited because they do not like them. Being it a neighbor, or somebody that comes to visit a neighbor. When houses are so close together, and it is a Spring/Fall day, where we have temperatures that are not that outrageous, and people have the radio on in their own house. It does not have to be that loud to be heard 50 feet away. If the person next door has theirs open, now is the chance to say, "They are playing that music again that I do not like. If they played my music, I would be okay with it. Therefore, I'm going to call them in and have them cited. The ultimate penalty is arrest. "What did you get arrested for? What are you here in jail for, for 30 days? I played my radio too loud."

Chief Cowan stated the setback for the vehicles, that you are specifically speaking of, the 50 feet for vehicular, which is in the roadway.

Mr. Malinowski stated that does not mean that if I pull into my driveway and I'm listening to the Gamecock Football because there is 2 minutes left, and I want to be there with the excitement of it.

Chief Cowan stated the way this is written it puts the discretion back in the officers' hands, and it also gives the opportunity for somebody to abate the issue without receiving a citation. Again, this is not us just walking up and presenting tickets to everybody. This gives people the opportunity to fix the issue, prior to being cited for a County violation.

Mr. Malinowski stated he knows, in the rural area, if you got water areas, you could hear somebody on their back deck. He thinks we need to have some type of discretion as to who gets cited for what purpose.

Mr. N. Jackson inquired as to what this ordinance is attempting to address.

Chief Cowan stated the majority of the complaints they receive for noise violations are coming from vehicles.

Mr. Malinowski inquired as to what the proof that is needed. For example, one of the residents sees a vehicle, describes it, even gets the license number. Do you wait until the next time, and call up and say the vehicle is back, but now there is no noise being made?

Mr. N. Jackson stated if it is up to the discretion of the officer, the officer has to hear it to address it.

Mr. Malinowski stated, for clarification, the office has to hear it.

Chief Cowan responded in the affirmative.

Mr. N. Jackson stated the office hearing it, and addressing them about the noise from that point.

Mr. Malinowski stated he would like to go a little more. He read it in detail, and it seemed there were a lot of generalities, like in 2(a)(vi) and (vii). He stated he has made these comments before, when it comes to the private citizen versus the government. Item 2(a)(vi) says, "Any noise resulting from activities sponsored or co-sponsored by the county." And, Item 2(a)(vii) says, "Noise created by any government sponsored events or privately organized sports, recreation, or athletic events." These activities are exempt according to the ordinance, so you can sponsor a block party and have all the noise you want, and you are exempt. But, I can have a BBQ, in my backyard, and I'm not exempt and can be cited. Again, it is Big Brother, the government, gets away with it, but the little guy does not is how he reads that. He would like to see that changed. He inquired why the government is exempt. If every person here has to pay the penalty, and abide by the rules, why is the government exempt from the same rules.

Mr. N. Jackson stated, his understanding is if you have a government sponsored the entire community is aware of it. The entire community is involved in, so it is shared by everyone. Someone having something by themselves, that is a total different situation.

Mr. Malinowski stated he may be the guy that has to get up at 4 AM to go to work, and at 11 PM they are still raising cane because it is government sponsored, so it is okay. He does not think anyone should be above the law in this case. If we are making every one of these people, then government should fall in step too.

Mr. N. Jackson stated he is not seeing it as above the law. He is just seeing it as, if it is government sponsored, the entire community is involved. The government is not going to have anything in a community where nobody attends and nobody cares about it. It is going to be properly supported, and the entire community will be involved compared to one individual doing something where it is just that individual, and his group, and not the entire community. There is a difference.

Mr. Malinowski stated, what if I invited all the government employees?

Mr. N. Jackson stated it does not matter. It is still private.

Ms. McBride inquired if this particular language unique for Richland County, or is this general language used in a noise ordinance.

Chief Cowan stated Joanna McDuffie helped us draft this, and he believes it is actually consistent.

Ms. McDuffie stated the language, in its entirety, is unique, but most of it has been taken from other ordinances that have been upheld by courts in prior counties. To address the Chairman's question about enforcement earlier, if you look at paragraph 3, in order to have evidence for court, you would need the complaints of 3 or more persons, or one person combined with the officer themselves hearing the noise. It does allow for the person to abate the noise, and not receive the citation.

Mr. Malinowski stated he was going to address Item 3 next. He inquired if that addressed Ms. McBride's question.

Ms. McBride stated she thinks you have thought through these things, and it appears there would be some control with a governmental entity having an event versus a private citizen. And, there would be some kind of notification, as Mr. N. Jackson has said.

Ms. Myers stated she would have not issues with the ordinance itself, but for the fact that it is accompanied by jail time. She is troubled by violations that are civil, in nature, that we are criminalizing because of the imposition of jail time. To the extent that they are civil in nature, she would increase the fine, and remove jail time for not cutting your grass or playing your music, in your backyard, too loud. That strikes her at Big Brother's hand overreaching. To take away someone's freedom for not cutting their grass. When we use jail for people who rape, rob and murder, it is a little bit extreme. She would raise the fine to such a level that it is a real deterrent, but she does not know that she would go along with jailing people for playing their music too loud at a picnic.

Ms. McDuffie stated that is within Council's discretion. That language was taken from Sec. 1-8 of the Code, which is the penalty section for the Code when one is not specifically provided. That is the general penalty under the Richland County Code.

Ms. Myers stated this is where we got hung up last time. She specifically asked, when we came back, to increase the penalties so we can get this ordinance adopted, and stop saying we are going to lock people up because their grass is an inch too high. There is a ridiculousness in that. She knows, for her, living next door to the house that the grass is an inch too high because she hates your lawn looking bad. That is a personal pet peeve, but it is not the same as you shooting somebody. We are equating those things, and that is frightening to her.

Mr. Malinowski stated that in previously speaking to one of the deputies that if they go out to enforce an ordinance there has to be the potential for jail time.

Chief Cowan stated the issue is, exactly what Ms. McDuffie said, these ordinances that we are asking to be changed, we are citing the penalty, as directed under the current Richland County Code. If you change the Code, then you may change the method of enforcement. Meaning that we as deputies may not be if it becomes civil. Again, we are basing it off how the Code is written.

Mr. Malinowski stated he wanted to go back to #3 where you mentioned about the 3 persons needed for filing the complaint. He inquired if anyone in here feels that a law enforcement officer's word is better than their own word.

Ms. Myers stated the Supreme Court has said that. We are sort of done with that. They get a presumption of truth, and we don't.

Mr. Malinowski stated in #3 you need 3 citizens to file a complaint, but you only need 1 citizen and 1 law enforcement officer. It is kind of like the law enforcement officer is worth 2 people, even though he is only one.

Mr. N. Jackson stated he is the one making the report.

Mr. Malinowski stated he is making the report based on 1 citizen calling him.

Mr. N. Jackson stated if he is involved in it, and hears.

Mr. Malinowski stated Ms. Myers said we cannot do anything about that anyway.

Ms. Myers stated she thinks you would have a problem with that. Like she said earlier, she is not troubled by any of this, except locking people up in jail. She thinks we need higher penalties and people need to know that you cut your grass or we cut it and it costs you \$2,000, if we cut it. If your music is too loud, there is a penalty. You can keep on paying these big tickets if you want the privilege of disturbing everybody, but it needs to be real money. If you charge somebody \$1,000 - \$1,500 because they won't turn down the radio, it will get turned down.

Mr. N. Jackson stated, usually, an officer can make a claim by himself. He does not need a citizen. In this case, a citizen with the officer is giving more authority.

Ms. Myers moved, seconded by Mr. N. Jackson, to increase the penalties by levels of offense, (1<sup>st</sup> - \$500; 2<sup>nd</sup> - \$1,000, 3<sup>rd</sup> - \$1,500, and 4<sup>th</sup> - \$2,000) and remove the jail time.

Ms. Kennedy inquired if this motion was coming to Council.

Chief Cowan stated to keep in mind that if you change it to those amounts you take it from Magistrate's Court to General Sessions Court.

Ms. Myers stated, if it is a 4<sup>th</sup> offense, it might need to be somewhere else.

Ms. McDuffie stated General Sessions does not have jurisdiction.

Mr. N. Jackson inquired about what the maximum fine is.

Ms. Myers stated it is \$1,300 or \$1,800.

Mr. N. Jackson stated the maximum is \$1,069.

Mr. Malinowski stated it is right around \$1,100.

Mr. N. Jackson stated to hold it to \$1,069 then.

Ms. Myers stated, for clarification, for repeat offense.

Mr. Malinowski inquired if the \$500 multiples up to that amount, so at \$500 you are still at that figure. Therefore, we are still not increasing the fine.

Ms. Myers stated this was the same issue she raised last time, which is, are we prepared to say that we think playing your car radio too loud is the same as stabbing somebody; 30 days in jail for either one. It's just not the same. That is her trouble with it. She thinks there are distinctions in violations of law. This does not create those kinds of distinctions. What she asked for last time was, if there was a penalty structure. She thinks we need to suggest something that is more creative, that gets to where you are saying, which is people just do it because the fine is so low.

Mr. N. Jackson inquired if there is a problem because this was not enforceable. What was the problem?

Chief Cowan stated the problem was it was enforceable. Judges were repeatedly throwing out the cases because of the decibel meter verbiage, as well as the ambiguity of the ordinance. All we are doing is refining the ordinance to allow it to be fair to the citizenry, so they have the opportunity to abate it. Secondly, for there to be some measure of proof. Thirdly, to be fair to the deputies that are being required to enforce it because we could not enforce it the way it was.

Mr. N. Jackson stated now it has been tweaked and can be enforceable. He agrees to move it forward until the fee structure changes by the legislators. At least it is one step to move forward, so it won't be thrown out. If the jail time can be taken out, take it out.

Ms. McDuffie stated the jail time can be taken out, but the maximum fine that a Magistrate has jurisdiction over is \$500.

Ms. Malinowski stated, as the Chief said, you need to go to General Sessions, but you can take the jail time out and increase the fine.

Ms. McDuffie stated a General Session judge has no jurisdiction to enforce a County ordinance. They only have jurisdiction to enforce State law. The maximum this could ever carry is 30 days and \$500.

Ms. Kennedy stated she was concerned because it said it was \$500 or imprisonment for 30 days. This is for noise and she just thinks it is utterly ridiculous. Somebody with 30 days in jail for playing music loud.

Mr. N. Jackson stated that is why he moved to take it out.

Ms. Kennedy stated how many times are you riding in the car and turn the radio, and then you fine them \$500 because they are coming past a neighborhood with the music playing loud.

Mr. N. Jackson stated it is addressed by the officer.

Ms. Kennedy stated, no offense, if she is playing her music, and it is his word against my word that my music was a certain volume. Why is it that his word is going to be the ultimate word?

Mr. N. Jackson stated we can find some decibel meters.

Ms. Kennedy stated it is going to be the officer's word, and it is not always going to be the truth.

Mr. N. Jackson stated we tried to make something enforceable. There have been problems with the courts, so he is trying to make the language where it can be enforceable. We have to find a way to address it.

Ms. Kennedy stated we need to have a workshop to look at it any way, but to just say you are going to charge somebody \$500 because the officer said the music.

Mr. N. Jackson stated an officer can say you were speeding, and you say you were not speeding, so it is the same thing.

Mr. N. Jackson moved, seconded by Ms. Myers, to move forward with staff's recommendation and eliminate the potential of jail time.

Ms. Myers inquired if the Sheriff's Department uses any kind of sound measuring devices, or is it just each individual officer's sense of what is loud.

Chief Cowan stated they do not use the sound devices, that is why it was in committee last time. We had the issue of the what the cost would be with outfitting.

Ms. Myers inquired if we have that equipment.

Chief Cowan responded there is a cost of calibrating them every year, there is a cost for purchasing them, and then there is a cost for training.

Ms. Myers stated it is literally each subjective officer's judgment in that moment. She stated she is violently against jail time with all of these civil issues, but what are the other available remedies in our Codes. She stated what she suggested, on one of these, was that we take upon ourselves to cut the grass.

Ms. McDuffie stated the 2 options are incarceration or a fine for any of those. In terms of the grass, or other things, if there is a fee associated with that, that would be assessed against the person as well.

Ms. Kennedy stated she hopes that what we decide, it is done so that it can be done justly to everybody. She stated this is going to be a problem because it is going to be dealt out in some areas more harshly than other areas. She stated you will hear from her if it dealt in her area more so than other areas. There are some areas that are going to be allowed to ride around with the music playing loud, and some other areas you are going to get about 10 – 15 arrested or fined because they were playing their music loud. As long as it is dealt out justly, she is fine, but that is not going to be the case.

Ms. McBride inquired if there was a cost analysis conducted to see how much it was going to cost for the decibel meter machines.

Chief Cowan stated he would have to go back and look at the notes because it was provided in 2016.

Mr. Malinowski stated it was a huge amount for the decibel machines. In addition to the purchase of the

machines, they would have to be given to every officer, and then there would be calibration of the machines.

The vote in favor was unanimous.

6. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential and Commercial Zones of the County; so as to define vehicles subject thereto** – Mr. Malinowski stated one of the things he said, and he thought other committee and Council members said, was they did not want a one-size fits all. What is being offered to us again, is a one-size fits all. The same thing happens in the rural area that happens in the low-density, medium-density, high-density and commercial. It is the exact same thing all the way across the board. Why cannot we create an ordinance that says, “If you live in a neighborhood, with sidewalks or curb and guttering, then there’s the policy. If you live in a rural area, where you just have runoff and ditches, then there is the policy.” Is there any reason we cannot differentiate?

Mr. N. Jackson stated one of the concerns is it says residential, which includes subdivisions and everything. In the rural community, you have zoned rural where it is not zoned residential, but it is rural. You have more 1 acre lots compared to any residential zoning in a subdivision may have small lots. A 10-acre lot in the rural area, is different than a subdivision where you have a quarter-acre lot. There is a difference. He is not sure when it is written like this, when it is zoned residential, or zoned rural, if rural will be included in residential because there is a difference between the rural community and the suburbs.

Ms. Myers inquired if they are objecting to the carve out that has been made in the proposed ordinance for RU zoning, and for lots 3 acres or greater. Are we saying that is insufficient?

Mr. Malinowski stated he is objecting to the fact that we are creating one ordinance that is going to fit all areas of the whole County. It said residential, and you have Residential-Single Family and Rural-Residential. He does not know who arbitrarily changed if from 1 to 3 acres or greater in the rural zoning. If you are in the rural, you are in the rural. Who cares how much acreage it is.

Ms. Myers stated it matters. If you own 1-acre and you are in a rural area, as a opposed to where she sits and you own 33. If you own 1-acre, and you have even one car...

Mr. Malinowski stated there are other citations that can be given for that.

Ms. Myers stated that does matter. The size of it. That is why she is asking if we are objecting to the size.

Mr. Malinowski stated he is objecting to the fact that someone arbitrarily went from 1 to 3 acres because it is rural. If it is rural, the odds are most of the lots around there are, at least, 1-acre or greater.

Ms. Myers stated not necessarily.

Ms. McBride inquired if staff could identify the areas of change. Right now it is just general.

Ms. Hegler stated to let her set the context. Chief Cowan will have to speak to the ordinance itself. If you go back to 2016, and you read your minutes, there are a number of questions about definitions within this ordinance. No one is proposing that you use them, those are simply responses to the questions of the definitions of those different things. She thinks the red-lined text before you is what was discussed last time. The changes are from the Sheriff’s Department, as a starting point for discussion. In addition to that, there is a map that might get at what Councilman N. Jackson was discussing. She never sees this part of the ordinance, but when we start trying to define different contexts of the county, we may be able to aid in that discussion by trying to identify different places throughout the county. How you do that is going to be up to you. This is a stab at it. This is simply some lines on a map, that takes into account what we know the land currently looks like, what our future plans are for that property. Just a way to say, so do not offer one-size fits all. Here are potentially 3 different contexts you could have in Richland County, that would potentially allow you to have 3 different sets of rules. They have not proposed those rules. We thought it would be better to understand the context better, and that is going to be up to the Sheriff’s Department on how they think they can enforce that.

Mr. Malinowski stated he would like to refer to p. 4 of this agenda, where it says a motion was made and seconded, and passed unanimously, to instruct the Planning Department to immediately begin working on an ordinance that will layer the different areas of the County (i.e. Rural, Subdivisions and Neighborhoods, Urban and Suburban) to address the issue of vehicular parking. After legal review the ordinance will be brought back to committee for discussion and voting. He did not see any of that in here.

Ms. Hegler stated that is because she does not have authority over Chapter 17. She stated they are doing a Code Rewrite, which is incorporating a lot of these things.

Mr. Malinowski inquired who has that authority.

Ms. Hegler stated they are trying to tag team. The Code Rewrite will address a lot of these things, but not parking because Chapter 26 does not have parking in it. What they are doing is Planning, at least, establishing the context underneath its Code Rewrite of setting up these areas, so you could start to amend any other ordinance you wanted to have those different sets of rules, that they think they can enforce. There was never an ordinance that could be brought back, other than what is in here, and then trying to layer that with different options for different parts of the county.

Mr. Malinowski inquired why the committee was not told, back then, they could not do that.

Ms. Hegler stated she does not know because she was not here at that meeting, so she cannot answer that. She stated she would argue that the answer is, they knew they were embarking on the Chapter 26 Code Rewrite, that would set the stage for you to be able to do this in other parts of ordinance.

Mr. Malinowski inquired as to when that will be done.

Ms. Hegler stated they are about a year into it.

Mr. N. Jackson stated initially most of the complaints came from subdivisions, not in the rural area. He is not saying it does not happen in the rural community, but most of the complaints he has received are from subdivisions. In the rural area, the minimum lot size is .76 acres, with 125 ft. frontage. That is standard for rural communities, and he has never gotten a complaint from the rural area. He stated it is about tractor trailers. Either the tractor head or the trailer is parked in the subdivision, and blocking the sidewalk. Them starting up early in the morning, and fumes are all over the neighborhood. The truck is running and making noise. That is most of what the complaints are for. That is what we were trying to address. Of course, one does not fit all. If we can separate subdivisions or neighborhoods from rural, he thinks that is a good starting place to move this ordinance. It would address some of the concerns. Subdivisions, houses are so close together. Rural, by standard, they have to .76 acres minimum, and that is a difference. He would move along those lines until we can tweak it.

Ms. McBride stated this has been very frustrating for her. She had no idea how long the community, and the committee, had worked on it. When she talked with Ms. Hegler about 1 ½ years ago, we talked about the Rural, Urban and Suburban. Ms. Hegler stated it would be very difficult, and complex, and we are working on how to draw out and define these different areas. She stated planning takes a long time, so we could be another 2 – 4 years down, and they want some immediate relief. We talked about doing some pilot programs to see how it works, and then they would get feedback. She stated she does not know legally how it could be done. See how well that works. At least, we will have some immediate relief and we will know if this is the direction that we need to go, rather than just waiting. She cannot make a motion, but it may be something the committee wants to look at. Even in piloting it, we need to think about the Sheriff's Office or Code Enforcement because we are going to have to give them additional resources to pilot to make sure it is going to work.

Ms. Myers inquired if we can take this suggested ordinance, of course remove the jail time, as it is a civil issue, and remove the portions that speak to areas that are not having these issues, which are the rural communities. Some of the suburban communities, obviously have this issue, but for rural communities it is a different discussion. Could we take Ms. McBride's suggestion, use this ordinance as a pilot for all of our communities that are essentially neighborhood communities. Adopt it as a pilot program, and move forward, and just exempt designations of RU.

Ms. Hegler stated this goes back to what Mr. N. Jackson was saying earlier. The current ordinance only applies to everything we have defined by zoning as residential. If you are trying to get more specific than that, we need the direction to do so.

Ms. Myers stated she does not think we are trying to get more specific, we are trying to get more enforcement.

Ms. Hegler stated she is not sure what more she would say to add or delete. Right now it is only applied to Rural-Residential, Single Family-Residential, Manufactured Home. We could define the residential zoning...

Mr. N. Jackson stated we could use subdivisions, as a start.

Ms. Myers stated, to the extent, that cars are untagged, are you requiring those cars to be removed or just covered.

The representative from the Sheriff's Department stated they could either tag the car or the car can be covered with a fitted cover, and that will satisfy the current ordinance.

Ms. Myers stated, for clarification, so it can be in your front yard with a cover. She thinks the change there needs to be that they have to be removed, and certainly the up to 5 has to go. She stated that is too small of a lot for an inoperable car.

Mr. Malinowski stated he has seen a mobile home or that type of small home on a 1-acre lot. The person is a truck driver for their livelihood, and they drive the tractor home on the weekend. They are paying thousands of dollars out there to begin with, and that is why he is saying the 1-acre lot in the rural area needed to be exempt. He is fine with not parking it in any of these neighborhoods.

Ms. Kennedy stated her concern is the neighborhood that their constitution or by-laws already have rules about the amount of cars. She knows for a fact that the neighborhood she lives in has that because she wrote the constitution. You cannot park so many cars in there without being fined. It is not being enforced all the time, but you have a lot of neighborhoods and subdivisions that have their own rules and regulations. She inquired about what they are going to do about since that has been in their constitution for over 40 years.

Mr. N. Jackson stated the ordinance supersedes.

Ms. Kennedy stated you have not been doing anything about it for all these years.

Mr. N. Jackson stated we are trying to enforce it now.

Ms. Kennedy stated we have come up with this before, and it has not been enforced all this time, so she certainly hopes that it is enforced this time.

Mr. N. Jackson moved that we define subdivisions, as a start, because that is where most of the complaints are coming from, not rural communities, and we can tweak it as we go forward.

Mr. Malinowski moved, seconded by Ms. Myers, to promote a pilot program in neighborhoods that do not have HOAs; consult with Legal to be sure we can do this, so they do not say we are singling these people over others; and what is wrong with placing a sign at every entrance to the neighborhood that says, "No Overnight Truck Parking".

Chief Cowan stated there are 2 reasons they changed from 1-acre to 3-acres. The first reason is because you need to make it consistent with the other sections of the Code. The other is about the size of the acreage, and how our complaints are coming in, and how we are enforcing it. It is critical for us, we wanted to separate the division between the neighborhoods and the rural. That is how we felt, from an enforcement standpoint, we could do that. Section b and c, clearly cover the issues and concerns the neighborhoods are having, as well as, our ability to enforce it.

Mr. Malinowski requested to see the other sections before we make the changes.

Chief Cowan stated it is included in the agenda packet.

Mr. N. Jackson made a substitute motion, to move forward with staff's recommendation, which as Chief Cowan said, it separates the lot from 1 to 3 acres, and addresses communities, which are usually subdivisions.

Mr. Malinowski inquired if this was another motion. He clarified what he thought was the motion, which was moving forward with the pilot program, and getting legal input.

Mr. N. Jackson stated there was not a second.

Ms. Myers stated she seconded it.

Mr. Malinowski stated the motion also included putting up signs at the entrance to these neighborhoods that will say, "No Overnight Tractor Trailer Parking".

Mr. N. Jackson inquired, if we are going to pay for these signs.

Mr. Malinowski stated we can come back with a cost for these signs.

Ms. Myers inquired if the request to remove the jail time incorporated in.

Mr. Malinowski stated we want the jail time removed also. Any other changes, we will look at later.

The vote in favor was unanimous.

7. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-4, Weeds and Rank Vegetation; so as to amend the time for notification** – Mr. N. Jackson moved, seconded by Ms. Myers, to move forward with staff's recommendation.

Mr. Malinowski stated he thinks we need discussion on that.

Mr. N. Jackson stated we can discuss it in full Council, but we have been waiting for years.

Mr. Malinowski stated that is the problem. These things ended up in full Council before and they kicked them right back to the committee.

Mr. N. Jackson stated that is his motion. In Council, we can send it back, but at least have a discussion in Council.

Mr. Malinowski stated to make you aware that to do something like this, it may cause the Sheriff's Department to incur additional costs.

Chief Cowan stated it depends on the form or fashion you pass it.

Mr. N. Jackson stated we cannot do something because there may be a costs.

Chief Cowan stated he is not clear as to what you are suggesting we pass.

Mr. Malinowski stated time is up. There is another meeting downstairs.

Mr. N. Jackson stated he made the motion, and it has been properly seconded.

Mr. Malinowski stated that is just it. With the motion properly seconded, there is discussion that is allowed before debate ends.

Mr. N. Jackson stated he made the motion. It was properly seconded.

Mr. Malinowski stated we are in discussion phase. We have not completed discussion; therefore, we cannot take a vote.

Ms. Myers moved, seconded by Mr. N. Jackson, to call for the question. The vote was in favor.

The vote was in favor of the motion to move forward with staff's recommendation.

8. **Other Items:**

a. **Proposed Amendment to Chapter 5 – Animals and Fowl** – This item was not taken up.

9. **Adjournment** – The meeting adjourned at approximately 2:02 PM.