



RICHLAND COUNTY COUNCIL

DEVELOPMENT AND SERVICES COMMITTEE

Julie-Ann Dixon	Bill Malinowski	Norman Jackson (Chair)	Jim Manning	Seth Rose
District 9	District 1	District 11	District 8	District 5

OCTOBER 22, 2013

5:00 PM

2020 Hampton Street

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Session: September 24, 2013 [**PAGES 3-6**]

ADOPTION OF AGENDA

ITEMS FOR ACTION

2. To Correct Reference to the 2006 Edition of the International Building Code, since the 2012 Edition is now in effect [**PAGES 7-11**]
3. To direct the County's legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots [**PAGES 12-14**]

4. Proposed Comprehensive Business Approval Process Framework for Applicants [PAGES 15-18]

ADJOURNMENT



Special Accommodations and Interpreter Services

Citizens may be present during any of the County’s meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council’s office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

Richland County Council Request of Action

Subject

Regular Session: September 24, 2013 [PAGES 3-6]

Reviews

MINUTES OF



**RICHLAND COUNTY COUNCIL
DEVELOPMENT AND SERVICES COMMITTEE
TUESDAY, SEPTEMBER 24, 2013
5:00 P.M.**

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.

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MEMBERS PRESENT

- Chair: Norman Jackson
- Member: Julie-Ann Dixon
- Member: Bill Malinowski
- Member: Jim Manning
- Member: Seth Rose

ALSO PRESENT: Kelvin Washington, Paul Livingston, Torrey Rush, Damon Jeter, Greg Pearce, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Warren Harley, John Hixon, Geo Price, Tracy Hegler, Kecia Lara, Donny Phipps, Brad Farrar, Nancy Stone-Collum, Anna Lange, Pam Davis, Randy Cherry, Daniel Driggers, Tiaa Rutherford, Buddy Atkins, Rodolfo Callwood, Rudy Curtis, Amelia Linder, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting started at approximately 5:02 p.m.

APPROVAL OF MINUTES

June 25, 2013 (Regular Session) – Mr. Manning moved, seconded by Mr. Rose, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Manning moved, seconded by Mr. Rose, to adopt the agenda as published. The vote in favor was unanimous.

ITEMS FOR ACTION

Ordinance Amendment for Town of Irmo Roadway Maintenance – Mr. Malinowski moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve the request to amend Ordinance 21-6 to allow acceptance for maintenance of pavements constructed to Lexington County standards in the Town of Irmo. The vote in favor was unanimous.

UPDATE: Bagging Yard Debris in Solid Waste Collection Service Areas 2 and 6 – Mr. Manning moved, seconded by Ms. Dixon, that this item be tabled in committee.

Mr. Rose made a substitute motion, seconded by Ms. Dixon, to forward this item to Council without a recommendation. The motion failed.

The vote was in favor of tabling the item in committee.

Mr. Manning moved, seconded by Mr. Rose, to move for reconsideration. The vote was in favor of reconsideration.

Mr. Manning moved, seconded by Mr. Rose, to forward this item to full Council without a recommendation. The vote in favor was unanimous.

Amend Section 6-84, Boarded-up Structures, so as to include commercial structures; and change the name of the “Unsafe Housing Division” to the “Unsafe Structures Division” –

Ms. Dixon moved, seconded by Mr. Rose, to forward to Council with a recommendation to approve the request to amend Section 6-84 to provide regulations for commercial boarded-up structures; as well as residential boarded-up structures; and to reference the Division’s new name of “Property Maintenance Division.” The vote in favor was unanimous.

Closing Unlicensed Businesses – Mr. Malinowski moved, seconded by Mr. Rose, to forward to Council without a recommendation. The vote in favor was unanimous.

Proclamation Designating October 2013 as Community Planning Month in Richland

County – Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council with a recommendation to approve the proclamation and proclaim October 2013 as National Community Planning Month. The vote in favor was unanimous.

Enter into a Restrictive Covenant Agreement with John A. Grant Concerning Property

Located at 6319 Shakespeare Road, Columbia, SC – Mr. Malinowski moved seconded by Mr. Rose seconded, to forward to Council with a recommendation to approve the request to enter into a Restrictive Covenant Agreement with John A. Grant. The vote in favor was unanimous.

Delete the Requirement of Craftsmen Qualification Cards – Mr. Malinowski moved,

seconded by Mr. Rose, to forward to Council with a recommendation to approve the request to amend Chapter 6 to delete the requirement of Craftsmen Qualification Cards. The vote in favor was unanimous.

Direct Staff to Establish Mobile Home Park Regulations that are Enforced by the Building Codes and Inspection Department – Ms. Dixon moved, seconded by Mr. Malinowski, to

forward to Council with a recommendation to approve the request to direct staff to draft an ordinance amendment to Chapter 6 of the Richland County Code of Ordinances to add mobile home park regulations. The vote in favor was unanimous.

Hopkins Farmland Conservation Easement – Ms. Dixon moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to approve the request to place a conservation easement on Mr. Hopkins’ farmland thus preserving the land in perpetuity for agricultural production, forestland, and/or open space. A discussion took place.

The vote in favor was unanimous.

Amend the Buffer Requirements for Religious Institutions that are Located in General Commercial or Industrial Zoning Districts – Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council with a recommendation to approve the ordinance that would amend the buffer requirements for religious institutions that are located in General Commercial or Industrial Zoning Districts. The vote in favor was unanimous.

Richland County Community Garden Program – Ms. Dixon moved, seconded by Mr. Rose, to forward to Council with a recommendation to approve the request to develop a Richland County Community Garden Program. The vote was in favor.

ADJOURNMENT

The meeting adjourned at approximately 5:53 p.m.

Submitted by,
Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

To Correct Reference to the 2006 Edition of the International Building Code, since the 2012 Edition is now in effect
[PAGES 7-11]

Reviews

Richland County Council Request of Action

Subject: To correct reference to the 2006 edition of the International Building Code, since the 2012 edition is now in effect.

A. Purpose

County Council is requested to approve an ordinance to correct reference to the 2006 edition of the International Building Code, which is found under Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code.

B. Background / Discussion

On October 1, 2013, County Council enacted Ordinance No. 050-13HR, which adopted and codified the 2012 edition of the International Building Code, along with other various building codes. Unfortunately, staff did not realize at the time that Section 6-168 also needed to be amended to properly reference the 2012 International Building Code.

C. Legislative / Chronological History

Pursuant to its authority in Section 6-9-40 and in Section 6-9-50 of the SC Code of Laws, the South Carolina Building Codes Council recently adopted the 2011 edition of the National Electrical Code and the 2012 editions of the International Residential Code, International Building Code, International Plumbing Code, International Mechanical Code, International Fire Code, and International Property Maintenance Code, all such codes to go into effect throughout the state on July 1, 2013.

This is a staff-initiated request, as correcting the wrong code citation in Section 6-168 will avoid confusion should members of the public happened to notice it.

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the request to correct reference to the 2006 edition of the International Building Code, which is found under Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code by approving the attached ordinance. If this alternative is chosen, the County Code of Ordinances will be consistent with State law
2. Do not approve the request to correct reference to the 2006 edition of the International Building Code, which is found under Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code. If this alternative is chosen, the County and its citizens will still have to comply with the current edition of the 2012 edition of the International Building Code, but it will conflict with Ordinance 050-13HR and it may cause confusion among the public.

F. Recommendation

It is recommended that Council approve the request to correct reference to the wrong edition of the International Building Code by approving the attached ordinance, so that this information can be placed into the Richland County Code of Ordinances and on the internet, therefore being more available to interested citizens.

Item# 2

Recommended by: Donny Phipps Department: Building Codes & Inspections Date: 10/4/13

G. Reviews

Finance

Reviewed by Daniel Driggers:

Date: 10/7/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 10/8/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

Administration

Reviewed by: Sparty Hammett

Date: 10/8/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE IX, SWIMMING POOL CODE; SECTION 6-168, REQUIREMENTS; SO AS TO REFERENCE THE 2012 EDITION OF THE INTERNATIONAL BUILDING CODE.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code; Section 6-168, Requirements; is hereby amended to read as follows:

Sec. 6-168. Requirements.

In addition to the requirements imposed by the ~~2006~~ 2012 edition of the International Building Code, the following administrative requirements are hereby enacted:

- (1) A licensed swimming pool contractor shall be responsible for securing a permit from the County Building Official for the installation of an in-ground swimming pool.
- (2) In the event an approved wall, fence, or other substantial structure to completely enclose the proposed pool is not in existence at the time an application is made for the permit to install a pool, it shall be the responsibility of the property owner to have the enclosure installed prior to the final inspection and, further, to ensure that said structure remains in place as long as the swimming pool exists.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2013.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE _____ DAY

OF _____, 2013

Item# 2

Michelle Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading:
Public Hearing:
Second Reading:
Third Reading:

Richland County Council Request of Action

Subject

To direct the County's legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots **[PAGES 12-14]**

Reviews

Richland County Council Request of Action

Subject: To direct the County’s legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots.

A. Purpose

County Council is requested to direct the County’s legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots.

B. Background / Discussion

State law currently allows municipalities to place a lien on the cost of cleaning a citizen’s lot and having the lien collectable in the same manner as municipal taxes. See below:

SECTION 5-7-80. Ordinances relating to upkeep of property within municipality.

(1) Any municipality is authorized to provide by ordinance that the owner of any lot or property in the municipality shall keep such lot or property clean and free of rubbish, debris and other unhealthy and unsightly material or conditions which constitute a public nuisance.

(2) The municipality may provide by ordinance for notification to the owner of conditions needing correction, may require that the owner take such action as is necessary to correct the conditions, may provide the terms and conditions under which employees of the municipality or any person employed for that purpose may go upon the property to correct the conditions and may provide that the cost of such shall become a lien upon the real estate and shall be collectable in the same manner as municipal taxes.

HISTORY: 1962 Code Section 47-37; 1975 (59) 692.

However, there is no similar legislation to allow counties to place the cost of cleaning a person’s lot on county tax bills. Because this service results in a significant cost and is disruptive to the services the staff is intended to provide, it would be beneficial to have this authority placed within Title 4 of the S.C. Code of Laws. Many of the One-Stop complaints for overgrown lots each year are for the same lots, which belong to out-of-town property owners. This makes enforcement of the County’s ordinances related to overgrown lots difficult, and the lots end up being cleaned once or twice per year at no cost to the property owner.

Public Works responds to an average of 150 overgrown lot cleanups annually. They estimate that a typical clean up takes a three man crew two hours. Location and travel time can vary greatly, so they use an estimated cost of \$150 per location. Public Works also responds to approximately 15 requests annually to remove debris from lots, and these costs can be similar to overgrown lot cleanup.

C. Legislative / Chronological History

This is a staff-initiated request.

D. Financial Impact

The County would save approximately \$24,750 annually if the cost of cleanup could be placed on citizens' tax bills and collected in that manner.

E. Alternatives

1. Approve the request to direct the County's legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots.
2. Do not approve the request to direct the County's legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots.

F. Recommendation

It is recommended that Council approve the request to direct the County's legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots.

Recommended by: Sparty Hammett Department: Administration Date: 10/3/13

G. Reviews

Finance

Reviewed by: Daniel Driggers	Date: 10/8/13
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
<input checked="" type="checkbox"/> Recommend Council discretion	
Comments regarding recommendation: Policy decision	

Public Works

Reviewed by: David Hoops	Date:
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Legal

Reviewed by: Elizabeth McLean	Date: 10/15/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Administration

Reviewed by: Sparty Hammett	Date: 10/15/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: Recommend Council approval of the request to direct the County's legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots. The recommended legislation would aid the County in addressing an ongoing problem and place the cost of property maintenance back on the property owner.	

Richland County Council Request of Action

Subject

Proposed Comprehensive Business Approval Process Framework for Applicants **[PAGES 15-18]**

Reviews

Richland County Council Request of Action

Subject: Proposed Comprehensive Business Approval Process Framework for Applicants

A. Purpose

County Council is requested to direct the Business Center and Planning Department to create a detailed step by step process for applicants.

B. Background / Discussion

The Clearance Form describes in general what an applicant needs to do, which includes, most often, coordination and review by the Planning and Building Departments and Fire Marshal’s Office. For example, for each Clearance Form, the Planning Department reviews the zoning, landscaping and parking supply for compliance with the Richland County Land Development Code. This is described when the applicant starts the process and on the Clearance form and is sufficient for the majority of all cases.

This process yields a quick turnaround for the vast majority of the applications the County receives. In some cases, improvements need to be made to site/building prior to Planning or Building Department approval. These situations are difficult to document in a process because each can be unique to a use or site.

C. Legislative / Chronological History

On September 17, 2013, Council approved a motion sponsored by the Honorable Julie-Ann Dixon as follows:

“Business Center and Planning Department to create a detailed step by step process for applicants.”

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the request to direct the Business Center and Planning Department to create a detailed step by step process for applicants.
2. Do not direct approve the request to direct the Business Center and Planning Department to create a detailed step by step process for applicants.

F. Recommendation

Recommended by: Hon. Julie-Ann Dixon Department: County Council Date: 9/17/13

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 10/7/13

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend approval to direct staff to provide the best available easy to use step-by-step instructions

Business Services

Reviewed by: Pam Davis

Date: 10/15/2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Building Codes and Inspections

Reviewed by: Donny Phipps

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Fire Marshal

Reviewed by: Michael A. Byrd

Date: October 17, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Planning

Reviewed by: Tracy Hegler

Date: October 17, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: As stated in the background discussion above, situations may be presented to the Planning Department that make a more detailed step by step process difficult and would undermine the ability for staff to provide discretion in how best to proceed. This discretion frequently allows us to make the business-friendly decision for the citizen/applicant, often saving them cost and time. In other words, if we were to capture every possible situation in a detailed process, we would have to err on the side of more regulations, at the expense of the citizen/applicant.

Legal

Reviewed by: Elizabeth McLean

Date: 10/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

Administration

Reviewed by: Sparty Hammett

Date: 10/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The current clearance process works very well for most applicants and minimal complaints are received. As indicated by the Planning Director, making the process more detailed would eliminate staff's ability to use discretion in working with applicants to meet the requirements of the County's Land Development Code, and often result in higher costs for the citizen/applicant. This would also be in direct conflict with one of the recommendations of the Business Friendly Task Force report which Council approved:

Recommendation #11 - The City and County should create ordinances and/or policies for staff level waivers, alternatives and deferrals. Many of the jurisdictions that the Task Force researched have developed policies that while setting boundaries provide leeway

Item# 4

for staff to work with the applicants on alternative compliance to help solve issues and problems. Often there are logical solutions that both staff and the applicant recognize are reasonable, but there is no flexibility in the rigid ordinances.