



**COLUMBIA PUBLIC SAFETY COMMITTEE MEETING MINUTES
TUESDAY, SEPTEMBER 27, 2022**

The Columbia Public Safety Committee met on Tuesday, September 27, 2022 at City Hall (Mayor's Conference Room), 1737 Main Street, Columbia, SC. Chairman Duvall called the meeting to order at 1:02 p.m.

Attendee Name	Title	Status
Howard E. Duvall	Chair	Present
Tina N. Herbert	District I	Present
Joe E. Taylor	District IV	Present

ADOPTION OF THE AGENDA

There was consensus of the committee to adopt the agenda as presented.

COMMITTEE DISCUSSION

1. Proposed Distance Requirements for Smoke or Vape Shops

Councilor Duvall recalled that we were preparing to get this on the agenda two weeks ago and questions were raised by the convenience store association about the exemption for tobacco sales which is in the definitions section. It gives them 200 sq. ft. to display tobacco products without falling under the purview of this ordinance. We pulled it from the agenda and asked them to poll their members to see if 200 sq. ft. of display space is enough for their tobacco products. Michael Fields, Executive Director at the South Carolina Convenience & Petroleum Marketers Association confirmed that 200 sq. ft. is sufficient for them to be exempted from the intent of this ordinance. Unless there are any other questions about this ordinance, we can move this back to the Council agenda.

Upon a motion made by Ms. Herbert and seconded by *Mr.* Taylor, committee members voted unanimously to recommend approval of the proposed Distance Requirements for Smoke or Vape Shops. The proposed ordinance will be sent to the Planning Commission for a recommendation to City Council.

2. Proposed Resolution to Consider Ordinance 2022-081 and Invoking the Pending Ordinance Doctrine with Respect to this Ordinance

Councilor Duvall explained that this is an amendment to the zoning laws and it has to go to the Planning Commission. It will come back to Council. In order for us to have the protection of the pending ordinance, we want to have this resolution that will cover us from having to license any vape shops while this is being taken up by the Planning Commission.



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Upon a motion made by Mr. Duvall and seconded by Ms. Herbert, committee members voted unanimously to recommend approval of the proposed Resolution to Consider Ordinance 2022-081 and Invoking the Pending Ordinance Doctrine with Respect to this Ordinance. [City Council deferred consideration of the resolution on September 20, 2022.]

3. Proposed CBD Disclosure Ordinance

Councilor Taylor explained that everybody advertises the good news without telling the young people of Columbia the bad news and that is consumption of THC and CBD products may cause you to fail a drug test. We are proposing that sellers of cannabis products that contain THC (delta eight, delta nine, delta ten, and HHC) are required to place warning signs in the areas where they sell these products warning purchasers that the product may cause them to fail a drug test. It can be legal, but still cause you to fail a drug test and cause you to lose your job. We are seeing it in high schools, too. It is important to get the message out there.

Councilor Duvall asked how to interpret "these signs must be 50% of the purveyor's signage of the shop and its product signage"? Is that all of the signage?

Councilor Taylor said it is for CBD signage and anything cannabis driven.

Councilor Herbert asked if the language needed to be clarified.

James Knox, Esq., Senior Assistant City Attorney said the notice sign has to be equal to or greater than 50% of the sign that is advertising the actual CBD product.

Teresa Knox, Esq., City Attorney suggested deleting "signage of the shop". Is the intention to schedule the items for next week?

Councilor Taylor said yes.

Upon a motion made by Mr. Duvall and seconded by Ms. Herbert, committee members voted unanimously to move the proposed CBD disclosure ordinance forward to Council subject to removing "signage of the shop".



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4. Proposed Ordinance Establishing the Manner and Times of Lawful use of Fireworks and Proving Certain Civil Penalties for Violations thereof

James Knox, Esq., Senior Assistant City Attorney explained that the fireworks ordinance mirrors the ordinance that Richland County is currently considering. This proposal prohibits the discharge of fireworks in the City of Columbia between 11:00 p.m. and 7:00 a.m. However, on the Fourth of July and New Year's Eve that window would be extended until 12:30 a.m. Paragraph (h) exempts any fireworks display that receives a permit from the city and state fire marshal. Paragraph (c) outlines unlawful activities. Violations are subject to a civil penalty of up to \$100. After three violations within a six month period, that location could be declared a public nuisance. Paragraph (f) states that nothing in this section may be construed to prohibit within the City the use of flares or similar devices necessary for the safe operation of railroads, buses, trucks, or other vehicles within the City or that is necessary during emergencies.

Councilor Taylor asked how this might affect minor league baseball games.

Councilor Duvall said they are exempt.

George Adams, Fire Marshal said they will get one permit.

Councilor Duvall sought clarification on the unlawful activities in paragraph (c).

Chief Aubrey Jenkins, Columbia Fire Chief said churches will have a display on certain holidays. Our fire marshals will go out and verify the distances.

James Knox, Esq., Senior Assistant City Attorney clarified that a permit exempts them from the time restrictions in paragraphs (a) and (b), unless you want to include paragraph (c).

Councilor Taylor said a permit should exempt them from all of the regulations.

Councilor Herbert disagreed. Maybe we should add (c) (4) to the exemption.

George Adams, Fire Marshal said the 600' distance requirement is state law.

Councilor Taylor asked if an ordinance is necessary.

Chief Aubrey Jenkins, Columbia Fire Chief said we receive complaints about people shooting fireworks after hours.



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Councilor Duvall asked if we currently have a fireworks ordinance.

James Knox, Esq., Senior Assistant City Attorney said we don't have a fireworks ordinance but we do have provisions that apply to fireworks. For example, it is unlawful to possess, explode or ignite fireworks in city-owned parking facilities unless you have a permit from the city. You can't discharge fireworks in a city park or recreational facility without a permit.

Councilor Herbert said I have heard from people with dogs that are sensitive to fireworks so it is better to have a certain period of time. I have also heard this from veterans with PTSD.

Chief Aubrey Jenkins, Columbia Fire Chief asked if the ordinance addresses shooting fireworks away from residences. We also tell people not to shoot on dry grass.

Councilor Duvall said (c) (1) includes structures.

Upon a motion made by Ms. Herbert and seconded by Mr. Taylor, the committee members voted unanimously to recommend approval of the proposed ordinance establishing the manner and times of lawful use of fireworks and proving certain civil penalties for violations thereof subject to including paragraph (c) (4) as an exemption to paragraph (a) if you have a permit. [First reading consideration is scheduled for October 18, 2022.]

5. Code Enforcement Violations - Mr. David Hatcher, Housing Official / Columbia Police Department

Councilor Taylor said I asked for this to be referred to the committee because of the things we have been working through. Are our fines adequate to compel people to correct some of the code violations we are seeing in residential neighborhoods? I have received a lot of comments about the appearance of the city. Neighborhood leaders accumulate and send us full reports of issues in their neighborhoods. In some cases, people pay the fine and leave it like it is. What can we do to inspire folks? Do you have the right tools to compel them to bring it up to code? Do we need a public awareness campaign? I didn't know that property owners are responsible across the sidewalk and all the way to the curb. I don't know how many people understand that. I know you are in the process of hiring additional code compliance officers. A large television has been on the side of Gervais Street for a month. What can we do to make our city shine again?



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David Hatcher, Housing Official said we are in the process of putting together a public service campaign for October. The right of way is an example of what we will tell people about along with the top ten things we enforce.

Councilor Taylor asked that the information be sent electronically to neighborhood groups on a regular basis. I would like for us to talk to the television stations about public service announcements.

David Hatcher, Housing Official said that is part of the plan and we will shoot videos of actual violations.

Councilor Herbert said the media would be interested in it, too.

Councilor Taylor said I wonder if people realize that we don't pick up tires. We need to make the public aware, make sure we have the fines in place, and we need a yard of the month program. You told me that 90% of the people take care of the problem immediately. We need to figure out how to motivate the 10%.

David Hatcher, Housing Official said we hope the media campaign will result in less cases. Part of the campaign would be to encourage people to be proactive and take pride in their community.

Councilor Taylor said we are going to talk to Mr. Cliff Judy about his yard of the month program in the Belmont Community. We can have an annual program where the neighborhood associations nominate yards for various categories. I believe in the broken windows theory. The better looking the neighborhoods are, the lower the crime and the lower the dropout rate.

Councilor Herbert concurred. The neighborhoods with yard of the month programs tend to take care because people are naturally competitive. I commend David because he has been working overtime in District One. The Greenview Community asked about increasing the fines. I want to hear any guidance you may have about that. What are the fines?

David Hatcher, Housing Official said we two primary fines. There is a criminal offense penalty which is when we issue a uniform ordinance summons and that takes them to municipal court. It is set by the state and the max is \$500. If we write you a summons to go to court, it is a criminal offense. If you are found guilty for not cutting your grass that goes on your criminal record. Civil fines are tied to permits. The rental ordinance has fines for failure to comply and fines are tied to the point system. They are not criminal in nature.



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Councilor Taylor asked if we have trouble finding landlords.

David Hatcher, Housing Official said it depends on the issue. If it is a care of premise issue like litter, debris, and overgrowth, we will write the summons to the tenant and notify the owner. The home owners receive a summons for structural issues and things that are not the tenant's responsibility.

Councilor Taylor asked about the process for a property with overgrowth.

David Hatcher, Housing Official said everything has to be in writing. Per the Property Maintenance Code, we mail a notice of violation. If it is a structural issue we send the notice as certified mail. If it is for care of premise, we put it in the regular mail. We give them a timeframe for getting the work done.

Councilor Taylor said I would look at doing a door tag for warnings.

Councilor Duvall said we also have the ability to impose a fine each day.

David Hatcher, Housing Official said it is per violation, also. We will start being more aggressive. The state caps the fine at \$500 and it is at the discretion of the judge. We use door hangers for things that are not technically violations but may look bad.

Councilor Taylor said you can leave a door tag and come back 10 days later to check.

David Hatcher, Housing Official said these are criminal offenses and we would have to prove that they were notified. That is why we use letters.

Councilor Herbert said the properties with problems, have had problems for a long time and they are beyond the warning stage. In District One, we walk on Wednesdays. I walk with neighbors as they point out houses. I take pictures and send them to David to determine if there are violations. Some people don't know the difference between violations and just not liking something. This is simple but it works.

Councilor Duvall asked if officers can automatically generate letters while onsite.

David Hatcher, Housing Official said I will talk to Chief Holbrook. That would go a long way.

Councilor Taylor asked for an update on personnel.



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David Hatcher, Housing Official said we are filling three of the six vacancies for housing inspectors. We also have one vacancy for a customer service representative and one crew member that I hope to fill in the next few months. I will talk with legal about the door tags and other options for fines. We have what we need in place. We may need to change some procedures and policies, be stricter with repeat offenders, look for alternatives and come back with any proposed ordinance changes.

Councilor Herbert said I have been harping on making sure the property owners are receiving the bills when David and his folks have to correct the problem. Maybe we need to look at those fees and fines. Maybe with a stiffer fine, they will realize that they need to maintain their own properties instead of waiting on us to do it.

Councilor Taylor thanked the Columbia Police Department for coming together to address the homeless situation at Forest Drive and I-77. Folks were allowing the homeless to camp on their property and having the Code Enforcement Division involved in this is something we needed to do for a long time. You are making a real difference. We are going to Garners Ferry Road next.

ADJOURNMENT

The meeting was adjourned at 1:38 p.m.

Respectfully submitted:

Erika D. Moore Hammond, CMC
City Clerk