



Richland County Council

DEVELOPMENT AND SERVICES COMMITTEE

November 21, 2019 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Calvin Jackson, Chakisse Newton, Jim Manning and Allison Terracio

OTHERS PRESENT: Bill Malinowski, Joyce Dickerson, Dalhi Myers, Yvonne McBride, Michelle Onley, Larry Smith, Clayton Voignier, John Thompson, Ashiya Myers, Leonardo Brown, Angela Weathersby, Tariqu Hussain, Chris Eversmann, Stephen Staley, Ronaldo Myers, Synithia Williams, Jennifer Wladischkin, Janet Claggett, Quinton Epps, and Kimberly Williams-Roberts

1. **CALL TO ORDER** – Mr. Jackson called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
 - a. October 22, 2019 – Ms. Newton moved, seconded by Ms. Terracio, to approve the minutes as submitted.

In Favor: Terracio, Jackson and Newton

Present but Not Voting: Manning

The vote in favor was unanimous.

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

In Favor: Terracio, Jackson and Newton

Present but Not Voting: Manning

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

- a. Little Jackson Creek/Spring Valley HOA request to remove sediment – Ms. Newton stated, for clarification, we had mitigation credits. As part of that project, we initiated several projects in Spring Valley. Her understanding was, there were multiple phases, and although we have not done the phase requested here, we have fulfilled the obligations for the mitigation credits.

Ms. Williams responded in the affirmative. She stated the way mitigation credits work, when we were proposing the taxiway extension at the airport, and making wetlands impacts, that we repair wetlands somewhere else, so this location was chosen. That mitigation project has been

completed, and credits from that project went toward the permitting for the airport taxiway extension.

Ms. Newton stated the remaining request is separate, and something additional the County committed to do.

Ms. Williams stated there are three (3) phases. The first phase was to do the wetlands mitigation. The second phase was to address the upditch, and the third was the request to clean out the sediment within the pond.

Ms. Newton stated, in relation to the request, there were two essential issues: (1) There was an opinion from the Attorney General that said this would not be an appropriate use of funds; and (2) Doing this particular project would not conform with our policies.

Ms. Williams responded they have updated their "Private Pond Outfall Maintenance Policy" to try to address the multiple requests they have received to do similar projects where we would address sediment buildup around outfalls from County roads. This entrance lake is not connected to a County road.

Ms. Newton stated this is an instance where the County made a promise to the community. We were told later by the AG that we could not do it. She wants to make sure that promises we make, of this nature, are appropriate to make.

Ms. Williams stated, for clarification, the original discussion was to do the wetlands project. It was not a promise that all three (3) projects were going to be done. They told the HOA they would get the design done to see about doing these. The design is complete, but there was never a promise. With any project, you have to go back to look at funding and whether you can get it on the projects' list.

Ms. Newton stated she was not implying this happened in that case, but in her experience, County staff saying anything get interpreted as a promise. Having a more formalized procedure, protects staff, in that situation.

Ms. Dickerson stated we got stuck with a couple projects like this before. She thinks we were trying to put something in place, when staff was out working and were questioned by constituents that they should go through the process.

Mr. Manning inquired if the FEMA funding that was discussed, as a part of this, was connected to the airport mitigation project.

Ms. Williams stated the FEMA funding, which was discussed, was for stabilization of the upditch, due to high erosion and the railroad, which runs parallel to Two Notch Road, being undermined, after the 2015 Flood. They are finishing up the design now, in order to put it out to bid.

Mr. Manning stated, for clarification, one part has been done, and one part is going to be done.

Ms. Williams stated, if the bids come back and are within the grant budget amount, the 2nd part will be done.

Mr. Manning stated the concern he has, representing that area, is if we are going to try to understand whether the people thought this was something we were going to do, as opposed, to somebody they saw drive by in a County truck, flagged down and asked to do something, and we said, "Sure", is we did a design. He thinks the citizens feel like there was not just some talk. Someone made a promise, because the County had an understanding, with the people that lived

there, the County was serious about doing this, and not some misunderstanding, if you go ahead and pay someone to do a design. That is somewhat of a degree of evidence, as to why the group was of the belief that this was not just somebody that drove, and told them they would help them out with this. We did a design, and you do designs because you are going to do the project.

Ms. Williams stated, in February 2016, there was an internal meeting to discuss the estimates to clean out the pond, and the estimates exceeded the budget amount. At that time, the decision was made that we did not have the funding to do the full dredging of the pond, and if the pond could possibly qualify under the private pond maintenance policy, we had at the time. That was relayed back to the HOA. In August 2017, she was at a meeting with the HOA President, and relayed the same information, and that the County would complete the promise of getting the design done. Also, at that time, they let the HOA know that the private pond policy was changing, and they did not have the funding to do the full dredging of the pond.

Mr. Manning stated that sounds like we were telling the HOA we were going to work with them to complete the design, but we are changing the policy, so the policy will make it so we cannot do it.

Ms. Williams stated the policy was not changed specifically to address this pond.

Mr. Manning stated, if he were a citizen, and the G-Man came in and told him, "Yeah, we are going to work with you, but we are changing the policy and we are going to get the policy changed so you will not qualify anymore." He would be thinking, what kind of government...

Ms. Newton stated it sounded to her like the County's promise was to do the design work, and if it falls within our budget, then we will consider it.

Ms. Williams stated the work authorization, originally approved, was to do the design for the projects. Funding and scheduling would have had to be found.

Ms. Newton stated she understands why someone would expect, hope, or want you to do it after you did the design, but the actual promise was fulfilled by the design work. Then, there were two (2) problems. The first problem was, after you did the design, is it was already over budget, even if there had been no policy change or AG Opinion.

Ms. Dickerson inquired about how the request was initiated. She inquired if it was a result of the October 2015 flood.

Ms. Williams stated the funding they are using to stabilize the ditch was funding that became available after the October 2015 flood. The discussions took place in 2013 - 2014, and preceded her.

Ms. Dickerson noted FEMA denied the ditch application.

Ms. Williams stated there were a lot of delays. It took FEMA approximately a year to approve the final grant application to stabilize the ditch. It was not denied, FEMA requested additional information for the grant application.

Mr. Jackson stated the fact that it is not an appropriate use of specific funding, as indicated by the AG's Opinion, does that exclude any other possible funding streams, or discussions with the HOA about a public/private partnership. The bottom line is they are trying to find any financial relief they can to get this done. Obviously, once we tell them we cannot do it, the burden is squarely on their shoulders to remove the sediment or let it stay.

Ms. Williams stated she has not had those conversations with the HOA. In research that she has done for other projects, she has not found any other sources of funding. Usually this is considered maintenance, and the responsibility of the property owners, the pond owners' association, or the HOA. Therefore, there are not a lot of Federal grant funds that will cover something like this.

Mr. Jackson stated, it is his recollection, that we received request for assistance in regards to dam breakages. He inquired as to what they did to repair the dams (i.e. contract with the County, etc.)

Mr. Epps stated the County assisted them to create special purpose districts, so that they could get loans from the SBA. They could not get the loans without creating the special purpose districts, and now the County collects the revenue on behalf of the special purpose districts.

Ms. Myers stated, it is her understanding, this was brought to the subdivision HOA by the County, and there were no moves to do anything until we came to them. That might be something that needs to be clarified and resolved. This is not an issue that was percolating in the community. This was an issue that was raised by the County, or that is the understanding the community has. She stated she will not be voting on this when it comes to Council because she owns a house in Spring Valley.

Ms. Newton stated to her it seems clear what we cannot do. Regardless of how it came to be, we cannot do this particular action. She wonders if there is some other action that we can take, or conservation that we can have, as part of a good faith effort.

Ms. Williams stated when they previously had discussions with the HOA and mentioned, under the previous policy, removing as much sediment as we could from the bank with the equipment that we have, which would not be a lot of sediment, the response was that is not enough. They want all of the sediment taken out, so even the compromise they put on the table was not received. She would have to research any other potential options to assist the HOA.

Ms. Terracio stated this has been going on for some time, and is sure we would like to move forward from it. However, she wondered what would happen if nothing was done, and if there is any danger of future flooding.

Ms. Williams stated, without cleaning out the pond, it will eventually migrate downstream. We will reduce further sedimentation through the mitigation project that has been completed. It took out a lot of sediment before it reached the pond, restored the wetlands, and stabilized the lower end of the upditch. The upditch project will also reduce the volume and velocity of the flow down the ditch, which go into the wetlands and ultimately the pond.

Mr. Smith stated, as he understands it, there was a design done, on the portion, which is in controversy. Since the design has been completed, but the County, based on the AG's opinion, cannot do the work, he does not know that the community could not use the design. The design has a value of approximately \$300,000. To Ms. Terracio and Ms. Newton's points, about some things we may be able to look at, it seems the design has a value, and we may be able to allow them to use that, so they would not have that cost to bear.

Mr. Jackson inquired who would draft a letter to the HOA (i.e. Public Works, Administration, etc.).

Mr. Smith stated the HOA is now represented by an attorney, so he would suggest the letter should come from Legal, in conjunction with staff.

Mr. Malinowski stated Mr. Smith is offering to compose a letter, but he did not hear the committee say what kind of letter they would like for him to compose.

Ms. Terracio moved, seconded by Ms. Newton, to deny the request and instruct staff, and Legal Counsel, to research the possibility of donating the design the sediment removal.

In Favor: Terracio, Jackson and Newton

Opposed: Manning

The vote was in favor.

- b. Resolution in Support of Dreamers by Congress – Ms. A. Myers stated she included the information provided by Mr. Manning, the maker of the motion.

Mr. Manning moved, seconded by Ms. Terracio, to forward to Council with a recommendation for approval.

Ms. Dickerson stated she is confused as to what impact Council will have on Congress, even though she read all of the stats for South Carolina, in regards to the Dreamers.

Mr. Manning stated Council recently approved ERA Resolution, and sent it to the State House. He does not know what impact that did, or did not have. As you can see from the documentation, he thinks it would be important for Council to let those members, which represent Richland County in Congress, know what level of support we would like for them to have. He cannot address what impact a South Carolina County Council resolution would have. He does not know that he personally needs that calculation to make a determination to ask Council to do something similar to what we have done for the State House.

Ms. Dickerson stated seldom do we get any help from members of Congress or the State House on issues that we are dealing with. She did not support the ERA Resolution because she felt like that was something they needed to handle. She cannot vote on it, and she did not go down there and lobby for it. She worked on this issue years ago, in terms of how much money each person was being paid. The reason she did not support the resolution was that the language was not correct because it said “women”, and she knows for a fact that there are discrepancies in the numbers. She stays out of State House business, and she hopes they stay out of hers until she needs them.

Ms. Newton stated on p. 28 there is a draft resolution. Her question is, “Is what is before us referring this specific resolution to Council?”

Ms. A. Myers responded in the affirmative.

Ms. Newton stated the last statement says, “...supports the passage of permanent protections for Dreamers....” It does not specify any specific protections.

Mr. Jackson stated his interpretation was that this was a resounding show of support for this body’s belief, and protection, of the citizens who live in Richland County that are going to be affected by the Act, one way or the other. So, there would be no misinterpretation of where we stand on this matter, just as when we attempted to introduce language to support bump stocks for guns, and found out later that we were no in a position to do that. The intent was to demonstrate, for those who live in our community, where we stand with regards to their human rights, and their basic protections.

Ms. Dickerson stated the numbers she read in here looked like they referenced the whole State. Now, if they are modified to represent the numbers in Richland County vs. the State. She would like for the numbers to reflect Richland County, and our citizens.

Mr. Jackson stated the impact of the Act would affect Richland County, even though the numbers reflect South Carolina. The intent of the support was for us to support those citizens, and neighbors, who live in Richland County.

Ms. Newton stated the challenge she is having is, although she is in support of human rights, and we need comprehensive immigration reform. The thing that is causing a hiccup for her is that there are competing versions of legislation addressing this, and it makes her wonder if endorsing this resolution is that somehow interpreted...there may be one, or more, versions of legislation that she may, or may not, agree with, even though she agrees with the intent of showing her support for this population. It puts her in a position that makes her feel like she is endorsing more than human rights, and acknowledging the difficult situation they are in.

Ms. Terracio stated maybe this resolution would gather more support if there was specific language about what kind of protections we would be in support of, as Richland County Council. There is likely some universal language in every version of the bill that could be added to details what kinds of protections would be supported. She inquired if Mr. Manning would be open to receiving additional language for the resolution.

Mr. Manning responded in the affirmative.

In Favor: Terracio, Jackson and Manning

Present but Not Voting: Newton

The vote in favor was unanimous.

Mr. Manning requested the Clerk's Office to send an email out to remind Councilmembers to provide, or come prepared, with additional information they wish to be included in the resolution.

- c. County Sidewalk Program – Mr. Brown stated this item came out of a request for clarity on how we could develop a program to better address sidewalks. There has been some work done on that, and hopefully this committee can get some additional guidance.

Mr. Eversmann stated, if you recall at the last meeting, we brought before a request to award two (2) design contracts. As a result of the discussion, it came to light Council would like a more developed, formal approach, with regard to moving forward with sidewalk projects. There is a charge, in Section 21-22 of the County Code of Ordinances, which charges the Director of Public Works with developing a program. He broke out different ways in which sidewalks might get built: (1) in the course of new development; (2) projects we have done in the past, and we have identified funding sources; (3) maintenance and repair; and (4) retrofit program.

Ms. Newton stated, as she is looking at the retrofit program, and from a process perspective, the idea is a constituent would first make a request for a sidewalk. Then, those requests would be evaluated.

Mr. Eversmann responded in the affirmative. Right now we do projects on an individual basis, as they are requested. One of the proposed changes is we would receive the request for project, in the course of a fiscal year, develop them, and rate them on uniform standard, which would establish a priority by which we could manage the funding request to the CTC. The requests

would come through One Stop, from a citizen. They can build into the process that the Councilmember is informed on the front, and a stakeholder in the process.

Ms. Newton inquired if the vision is to accept the request over “X” period of time, so you got a critical mass, and then the evaluation process would proceed.

Mr. Eversmann stated the program shall be managed on the basis of the County’s fiscal year, with an annual cutoff date of June 30th. He stated, based on the fact that a lot of sidewalk construction is taking place under the Transportation Penny Program, they have found the number of requests coming forward have been down.

Ms. Newton stated she is under the impression that the reason they are not getting more requests is that people do not know all it takes is a call to One Stop. She stated she has personally received more than 2 sidewalk requests. She believes there is a massive demand. She inquired, if this were approved today, is all of the criteria that you would use to be evaluated listed on p. 37 of the agenda, or would there be additional criteria.

Mr. Eversmann stated what they are proposing is consistent with the language of the ordinance, as well as past practice.

Ms. Newton stated, for clarification, approving the motion, as written, means these are the criteria that will be used to evaluate the program.

Mr. Eversmann responded in the affirmative. He further stated that it is consistent with the past practice of the County Transportation Committee, as well.

Ms. Newton stated, as she understands it, the retrofit program is one that reactive to requests that come in from citizens. It was noted there was the possibility of considering some that is proactive. She was curious what, if any, additional thinking has happened along those lines, and if any source of funds had been identified that might pay for a more proactive sidewalk program.

Ms. Myers inquired what the source of funds is for the “Sidewalk Program.”

Mr. Eversmann stated three (3) sources are identified in the ROA: (1) Transportation Penny, which would be outside of what we are talking about; (2) C-Funds, which are administered by the County Transportation Committee; and (3) SCDOT Grants.

Ms. Myers inquired if we are excluding any funds from any compulsory sources. If we are making people pay a fee for a service, but they do not get the service unless they ask, and then still may not get it. In her mind, there are some concerns about people paying a fee for a service they may never get. She further inquired if SCDOT has a sidewalk program.

Mr. Eversmann stated one of the funding sources is the Transportation Alternative Program (TAP), which are SCDOT funds.

Mr. Staley stated SCDOT is getting away from doing sidewalks because of the liability involved in them.

Ms. Myers stated we would be proposing to do sidewalks on SCDOT roads, and they would be put on equal footing with County roads, most of which have zero sidewalks.

Mr. Eversmann stated they give a “bonus” for projects requested within the County Road Maintenance System.

Ms. Myers stated, if we are going to use compulsory County funds for this, we ought to have a priority list ourselves, rather than just waiting.

Mr. Eversmann stated this would establish, on an annual basis, a priority list. He stated there are some sources that have identified potential projects that we could look toward.

Ms. Newton moved, seconded by Ms. Terracio, to defer this item until the December committee meeting.

In Favor: Terracio, Jackson and Newton

Present but Not Voting: Manning

The vote in favor was unanimous.

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

- a. I move that Richland County undertake a study regarding the existence/prevalence of PFAS in groundwater and soil throughout the County. If desired, the County should coordinate with all municipalities within its boundaries to derive a comprehensive study on these harmful chemicals, and if necessary or warranted, a plan for corporate remediation [MYERS] – No action was taken.

6. **ADJOURNMENT** – The meeting adjourned at approximately 5:58 PM.