



Richland County Council

DEVELOPMENT AND SERVICES COMMITTEE

June 27, 2017 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29201

COMMITTEE MEMBERS PRESENT: Seth Rose, Chair; Yvonne McBride, Gwen Kennedy, Chip Jackson, and Dalhi Myers

OTHERS PRESENT: Bill Malinowski, Norman Jackson, Brad Farrar, Brandon Madden, Michelle Onley, Sandra Yudice, Tracy Hegler, Quinton Epps, Kevin Bronson, Jamelle Ellis, and Jennifer Wd>>

CALL TO ORDER – Mr. Rose called the meeting to order at approximately 5:00 PM.

APPROVAL MINUTES

May 23, 2017 – Ms. Myers moved, seconded by Ms. McBride, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA – Mr. C. Jackson moved, seconded by Ms. Myers, to adopt the agenda as published. The vote in favor was unanimous.

ITEMS FOR ACTION

- a. **Council Motion: Require that all municipal utility service providers must request consent and approval from Richland County Council prior to extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County** – Ms. Myers stated she has received pro and con information on this matter. She understands why this matter causes concern within the building industry, but wanted to explain the theory behind why this is important. Presently the County and City have water and sewer concerns. The County has boundaries and within those boundaries the County has obligations to their taxpayers. Those taxpayers expect the County to provide service and/or let them know who is going to provide service. As it stands right now, she has constituents she is unsure who their service provider is. On the other side of it, the County has streamlined provisions so that the building industry does not get bottlenecked.

She further stated she represents people in an area that needs the developer community to get to work, but it has to be in concert with the governing body. Nobody would come into the City of Columbia and propose laying pipe, fiber, etc. without going through the City's process. The County is simply saying that shouldn't happen in the County either.

Mr. Malinowski stated in discussions he has had with members of the building industry, they cited not allowing the City to lay their lines wherever they want to is what is hindering development. He requested some examples of how development has been hindered by the County by something that is currently not in place. As stated by Legal at the last committee meeting, there is a State law that says where and who is in charge of certain services to be provided. The County cannot explore providing those services when other municipalities are providing or plan to provide those services without the County's knowledge.

Mr. Malinowski further stated the County is not hindering development. When developers purchase property and do their due diligence they are aware if there is water service available. If there is not

service available at the time, then they have to request that service.

Mr. C. Jackson stated residing in a rural part of the County, which is not underdeveloped, the concern he has is to ensure the process happens in a way that benefits everyone and that no one is unfairly hindered or encumbered by a process. To that extent, he agrees with Ms. Myers and Mr. Malinowski's comments.

Mr. C. Jackson stated he would like an opportunity to hear from the developers and others who can respond in a setting that will allow discussion about their concerns and if those concerns can be mitigated. Whereas at the same time, preserving the integrity of what Ms. Myers and Mr. Malinowski has suggested and proposed.

Mr. C. Jackson moved to hold in committee and hold a roundtable discussion with developers and other interested parties regarding this matter with the D&S Committee, as well as, other Council members.

Ms. Myers requested a friendly amendment to bring this item back to the July D&S Committee meeting and hold a work session within the next two weeks.

Mr. C. Jackson stated he doesn't feel there is any urgency; therefore, he is fine with deferring the matter until the September D&S Committee meeting instead of rushing to hold a work session on July 6th.

Ms. Myers seconded Mr. C. Jackson's motion to defer the item until the September D&S Committee meeting.

Mr. N. Jackson stated the problem is after citizens/developers develop their plans the City comes in and annexes the property. It is frustrating to expend funds to develop these plans and the City comes in and changes everything. If the County is aware ahead of time of the plans, at least the County may have some leverage or be able to request the City and developers to meet certain conditions.

Mr. C. Jackson stated in the spirit of full transparency he would like everyone to have an opportunity to voice their concerns. If no one attends the work session or they don't bring any new information that will clarify the matter.

Mr. Malinowski stated according to the calendar there is a Regular Council meeting on July 18th and a work session could be held prior to that meeting and then come back to committee on July 25th. The matter would then come to Council at the first Council meeting in September. Delaying beyond that would have the matter on the September committee and October for Council. Although it was stated this is not time sensitive, Mr. Malinowski stated he can show where there are miles of pipe that has been laid by the City unbeknownst to the County.

Ms. McBride made a substitute motion, seconded by Mr. C. Jackson, to hold a work session on July 18th.

Mr. Farrar stated the committee needs to decide how the requirement would be enforced. Creating a policy or motion is not going to set a requirement. An ordinance could, however, there is existing State law that Mr. Malinowski referenced. In Title 5-7-60, "Municipality authorized to perform any of its functions or services except within a designated service area of another municipality or political subdivision." The service area for Richland County is the unincorporated area; therefore, the law already exists to prevent someone from coming in without the Council's approval. This may be a matter of coordination with the municipalities and the service providers. Keeping in mind the power of annexation, which is significant. The law is very pro-annexation.

Mr. Rose inquired if annexation law is Federal or State law.

Mr. Farrar stated it is State law and is largely in Title V.

Ms. Myers suggested codifying something in the form of an ordinance that makes it clear and also gives staff clarity on how many days they have to approve/disapprove something in order to put the

development community at ease.

Mr. Rose restated the substitute motion to hold a work session on July 18th and invite the stakeholders to the meeting to receive input. The item will then be placed on the July D&S Committee agenda.

The vote in favor was unanimous.

- b. Contract Extension for NPDES Services for Public Works Stormwater Management Division – Mr. Madden stated this item is an extension of a contract with the consultant Woolpert.

Ms. Kennedy moved, seconded by Ms. Myers, to forward this item to Council with a recommendation to approve the request for the Public Works Stormwater Division to continue to work with Woolpert to meet the requirements to stay in compliance with the NPDES MS4 Permit and meet mandated program deadlines.

The vote in favor was unanimous.

- c. Approve an agreement with Cascata Development, LLC and Rivers Station, LLC to complete the construction of the roads in Rivers Station Subdivision and Blythecreek Subdivision – Mr. Madden this item is a request on behalf of Community Planning and Development Department. The request is for approval of the agreement to move forward with the construction of the roads in the subdivisions.

Ms. Myers moved, seconded by Ms. Kennedy, to forward this item to Council with a recommendation to approve the execution of the agreement which will allow the Department of Public Works to facilitate repairs and completion of the road to serve the citizens in the neighborhoods.

The vote in favor was unanimous.

- d. Approval of Temporary Right-of-Way Agreement for Logging Truck Access on Mill Creek Club Road – Mr. Madden stated this item is a request to approve a temporary right-of-way agreement to White Wood, Inc. to allow them to use an unpaved road.

Ms. Myers inquired if the public was noticed regarding this matter.

Ms. Hegler stated staff did not notice the public, but staff could certainly meet with the community.

Ms. Myers moved, seconded by Mr. C. Jackson, to defer this item until the July D&S Committee meeting and hold a meeting with the community prior to the next committee meeting.

The vote in favor was unanimous.

ADJOURNMENT – The meeting adjourned at approximately 5:27 PM.