



Richland County Council

DEVELOPMENT AND SERVICES COMMITTEE

June 26, 2018 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Greg Pearce, Chair; Seth Rose and Chip Jackson

OTHER COUNCIL MEMBERS PRESENT: Paul Livingston, Norman Jackson, Bill Malinowski, Dalhi Myers and Joyce Dickerson

OTHERS PRESENT: Brandon Madden, Michelle Onley, Kim Williams-Roberts, Trenia Bowers, Tim Nielsen, Ismail Ozbek, Sandra Yudice, Stacey Hamm, Janelle Ellis, Art Braswell, Larry Smith, Stephen Staley, and Chris Eversmann

1. **CALL TO ORDER** – Mr. Pearce called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
 - a. May 22, 2018 – Mr. C. Jackson moved, seconded by Mr. Rose, to approve the minutes as distributed.

In Favor: C. Jackson, Pearce, and Rose

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

In Favor: C. Jackson, Pearce, and Rose

The vote in favor was unanimous.
4. **ITEMS FOR ACTION**
 - a. An Ordinance Amending Chapter 17, Motor Vehicles In Traffic; Article II, General Traffic and Parking Regulations; Section 17-9, Through Truck Traffic Prohibited; so as to include Hobart Rd. –Mr. Pearce stated, as you recall, we had an extensive discussion about this road. The committee requested additional information. Public Works has supplied additional information. It is the recommendation of staff to move forward with closing the road.

Mr. Ozbek stated the original recommendation was to continue with placing no through traffic signs. The information that was requested was the policy, and how to go about closing Hobart Road.

Mr. Malinowski stated on p. 18 of the agenda, it says Mr. Byrd believed Brad Farrar may have some information, but he is out of the area until August. He inquired if Mr. Farrar responded or received any information he may have had.

Mr. Ozbek stated Mr. Farrar already made that determination before he left. Mr. Smith clarified that with Mr. Staley.

Mr. C. Jackson stated the only issue he has is the enforcement, if in fact we do pass this forward. He stated he lives in a community where there is a sign on both ends of a thoroughfare, that runs through his community, that says "No Through Traffic". It probably has no effect on trucks that are coming through there. He does not want us to deceive ourselves by thinking that putting up a sign, and expecting that is going to make a difference.

Mr. Ozbek stated staff's recommendation is to proceed with placing a "No Through Traffic" sign on the County section, and also make the recommendation to SCDOT to place a similar sign, which will state "No Through Truck Traffic Ahead".

Mr. Rose moved, seconded by Mr. Pearce, to forward to Council with a recommendation to approve an amendment to the ordinance, Article II. General Traffic and Parking Regulations, Section 17-9 prohibiting through truck traffic on Hobart Road and the Brookhaven neighborhood within Richland County, and recommend to SCDOT to place a "No Through Truck Traffic Ahead" sign on the road.

In Favor: Pearce and Rose

Opposed: C. Jackson

The vote was in favor.

- b. Review Section II(i)(2)(4) of County Ordinance 043-14HR, "If twenty-five (25%) percent or more of all such property owners decline said road paving, then the subject road shall not be paved." This seems to go against the way most items are done in our country, by majority, so why shouldn't a majority also decide if a road should be paved or not? – Mr. Pearce stated this item is in response to a motion by Mr. Malinowski.

Mr. Malinowski stated in our government system that we follow for most things it is 50%, plus one, or a majority would have a say on what should take place. On this particular one, he does not know how, or why this was done, but it is only 25% has the control over the other 75%. He felt it should be changed to 51% of the property owners are needed.

Mr. Pearce stated, for clarification, if Mr. Malinowski were capable of making a motion, he would be making a motion to change from 25% to 51%.

Mr. Malinowski stated that is correct. It would be to change Sec. 4 of the current ordinance, which is located on p. 33 of the agenda packet.

Mr. C. Jackson moved, seconded by Mr. Rose, to forward to County without a recommendation.

In Favor: C. Jackson, Pearce, and Rose

The vote in favor was unanimous.

- c. Implementation of the proposed Bulk Item Collection Procedure – Mr. Pearce stated the County has a helter skelter way of picking up bulk items. Staff has come up with a plan to pick them up on a regular basis, so people will have better information. The question, he had, is how we would notify the people of the change, so they would know that we are trying to improve the system.

Mr. Braswell stated the plan is to work with Public Information and the Ombudsman's Office to publicize the change, and notify the residents there will curbside collection every other week.

Mr. Pearce stated, for clarification, it would include all the items listed in the agenda packet. There was a reference to electronics, but it did not specify.

Mr. Braswell stated, under State law, you cannot mix electronics with other waste. The plan is to address electronics separately. They plan to 4 major recycling events around the County, similar to the one at the fairgrounds in May. They are planning to have one in August at the Columbia Place Mall, one in the Fall at Irmo High School, and another one at Lower Richland High School in January/February. Also, the zoo wants us to have a joint one with them and Lexington County sometime in the Winter.

Mr. Pearce stated, when we notify the public, we would notify them specifically of what they could/could not put out. He inquired if Mr. Braswell and his staff had reviewed the changes and are comfortable with them.

Mr. Braswell stated he is. They had a work group that worked on it for a good number of months, as well as, had discussions with the haulers.

Mr. Pearce inquired if the haulers are comfortable with the changes.

Mr. Braswell responded in the affirmative. The changes will be implemented without an additional cost to the County.

Mr. Livingston stated what we are talking about is changing from someone having to call to have something pick up to having it automatically picked up.

Mr. Braswell stated the County receives over 900 calls per months requesting bulk item collection. This will make it easier on the residents. Instead of having to call us, then us call the hauler, and the hauler calls the resident back. This will make the process easier, and they just sit it out by the road.

Mr. C. Jackson stated his concern is that all neighborhoods are not created equal. As a result of that, when he looked at the list of items that could be placed on the curb to be picked up, it concerns him. When we start talking about mattresses, and other kinds of things. And, the fact they can do this twice a month, as opposed to an as needed basis. He is not comfortable with the kinds of items that can be left on the curb for any period of time. He is assuming they would only be allowed to be put out there the day before the day of collection.

Mr. Braswell stated they should have it out by 7:00 a.m. on the day of collection, and the items should be picked up by the end of the day.

Mr. C. Jackson stated with the effort we are making to increase the number of community clean sweeps, especially in District 9, he really thinks that approach has been working. He is not comfortable with having residents being able to put out furniture, mattresses, and those kinds of things in neighborhoods, and on the curb because of the appearance of that kind of debris. He really believes if we open up this "Pandora's Box" then we are going to have to have someone regulating what can be put out there. When items are put out there that are not on approved list, then what do we do about that. It opens up a level of discomfort for him that does not exist right now because the onus is on the homeowner to take the initiative to make a phone call. If they are not willing to do that, at least, reduce the number of times it can be picked up from twice a month to no more than once a month. Finally, one of the things we have talked about in District 9, is the possibility of getting a much large recycling facility put in place for citizens to be able to take these kinds of things to that location 5 – 6 days a week. If we are not going to do that, because this is going to replace that, it troubles him even more. The purpose of having staff to look at facility, to be constructed, that would be accommodating, and would be large enough to accommodate these kinds of things on a daily basis, was his desire to prevent the kind of collection debris in front of homes this might cause.

Mr. Livingston stated one thing that has been helpful in the past, particularly with collections, we have oftentimes done a pilot program in a couple areas of the district before we fully implement it. Any reason why we would not choose to do a pilot program before we implement it?

Mr. Braswell stated we can try that. It is just making sure the residents in certain areas know they are under the pilot program.

Ms. Myers stated this already occurs in some parts of the County. She stated she has a house in a neighborhood where you can put a mattress out once a week.

Mr. Braswell stated a lot of residents do not know they are supposed to call in when they place items by the curb.

Ms. Dickerson inquired if Mr. Braswell was looking at implementing the pilot program Countywide.

Mr. Braswell stated they are proposing going Countywide with the program.

Ms. Dickerson stated one of the problems may not happen in certain neighborhoods, that have HOAs, but when you have communities like 90% of her district, if we do not find a program that is going to work. She has mattresses laying out for a week that she has to call about sometimes. If you have a lot of renters, or people that do not go to neighborhood meetings, it creates a serious problem.

Mr. Braswell stated they thought this would address that by having the haulers collect every 2 weeks.

Mr. C. Jackson moved, seconded by Mr. Rose, to forward to Council without a recommendation.

In Favor: C. Jackson, Pearce, and Rose

The vote in favor was unanimous.

- d. Property donation offer, TMS # R17400-03-23 – Mr. Pearce stated, as he understands it, this individual wants to donate a detention pond to the County.

Mr. Madden stated the detention pond is on the property.

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Mr. Pearce stated the detention pond is overgrown and in need of dire repair. If we accept it, we will have to...He inquired if we do not accept the property, do we have any authority over requiring the detention pond to be maintained.

Mr. Ozbek stated we do have authority.

Mr. Pearce stated, for clarification, it is not being maintained presently.

Mr. Ozbek stated the individual purchased a piece of property, without doing their proper due diligence, and found out there was a detention pond. The detention pond serves the area, and they have all the proper tools. If we accept the property, we will be doing all the maintenance.

Mr. Pearce inquired if the detention pond was functional.

Mr. Ozbek stated it is a functional detention pond. It may not be manicured, or the appearance may not be as good as it needs to be.

Mr. Pearce stated, if we accept the property, we will be responsible for maintenance in perpetuity.

Mr. Ozbek stated that is the issue. The current condition is acceptable.

Mr. Rose inquired if this would have any benefit to the County.

Mr. Ozbek stated it will not have any benefit to the County.

Mr. Rose moved, seconded by Mr. C. Jackson, to table this item.

Mr. N. Jackson stated this is a homeowner's nightmare. When someone builds a subdivision and you buy a house, and then the HOA fee you have to pay to maintain a detention pond. When you purchase a house, you do not know that. When we take over the roads, we take over the roads and maintain it, but we are not taking over the detention pond. If they stop paying taxes on it, it goes to the tax sale and nobody owns it. If there is flooding, and it is not maintained, it causes major problems. What do we do with the citizens who complain because they did not know what the developers did?

Mr. Ozbek stated this is a commercial area on Clemson Road.

Mr. N. Jackson stated it still affects businesses.

Mr. Rose withdrew his motion.

Mr. C. Jackson moved, seconded by Mr. Rose, to forward to Council with a recommendation to decline the offer to accept the property.

In Favor: C. Jackson, Pearce, and Rose

The vote in favor was unanimous.

- e. Richland County Storm Drainage Easements within City of Columbia Limits – Mr. Madden stated the City will accept stormwater easements, within the City, if the County brings them up to their standards.

Mr. Pearce inquired about what that would entail.

Mr. Madden stated that would entail the County paying for repairs or repairing easements or drainage infrastructure that is already within the City. Staff's recommendation is to not do that.

Mr. Malinowski stated on p. 54 of the agenda is the conclusion of an AG opinion, which states it is their opinion the municipality, and not the County, is responsible for maintenance and repair of the roads.

Mr. Pearce inquired if we have any idea what the costs or extent would be.

Mr. Madden stated there are a number of easements that we have. There is one neighborhood in particular, the Yorkshire neighborhood, that staff has reviewed the costs, which is around \$400,000.

Mr. Ozbek stated that is the neighborhood that prompted this issue. He stated we have literally hundreds of thousands of linear footage of easements. If they are annexing properties from the County into their municipality, they need to take care of the drainage, roads, etc.

Mr. Rose stated if we are talking about the storm drainage easements, which would be in the City limits, why would we not want them to have access and maintain it.

Mr. Ozbek stated we would be more than glad to give all the easements to the City.

Mr. Rose stated he thought staff's recommendation was against it.

Mr. Madden stated it is not necessarily staff's recommendation. In staff's internal discussions, doing work, or spending our dollars, in areas that are not within our jurisdiction, is not the protocol we have in place. If Council directs staff to do that, of course, staff would do it. The City annexed those areas, and they charge a stormwater fee for maintaining those areas. The County charges a millage for stormwater, but we do not charge the residents within the City. The funding that we collect is for unincorporated areas. Whereas, the stormwater fee the City collects they use for their infrastructure. It is somewhat difficult to address that without Council direction.

Mr. Rose stated, for clarification, so we would not be alleviating staff of extra work. It seems if there is an easement, and it is in the City, then the City would be the one taking care of. Ismail and his crew would not be going out. There would be a cost savings with staff, and otherwise, because we would not be taking care of an issue as it arises.

Mr. Ozbek stated, for example, an area in a neighborhood is being annexed into the City. That is annexed with the road, and road maintenance, with shoulders, etc. Within that area there could be storm drainage systems, ditches, and channels, which goes along with the maintenance of that. Some of these are so old there are repairs needed on the pipe. Yorkshire has a large 16" pipe that has a huge sinkhole. The gentleman spoke at the City-County joint meeting. Just that one repair could cost \$300,000 - \$400,000. The City is saying they will take the easement, but the County has to repair the system before they will accept the easement. The County is saying the City has already accepted these areas, and we will be glad to give the City the easements.

Mr. Smith stated on p. 54 of the agenda packet the AG's conclusion is: "Our opinion is that the municipality, and not the county, is responsible and repair of the roads located inside its corporate limits. We believe that county councils are only responsible for repairing roads which are in unincorporated areas of the county." What they are talking about is streets, roads, infrastructure, that may be annexed by municipalities, that were once in the County, but is subsequently annexed

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within the City limits, and whose responsibility it is once it is annexed. They are saying once the municipality annexes it, then it is the municipalities responsibility, and not the County.

Mr. N. Jackson stated it did not say ditches though. It just said infrastructure, but they did not specify ditches. Does it include ditches or stormwater systems?

Mr. Smith stated he thinks it includes roads, bridges, any infrastructure, which would include ditches.

Mr. N. Jackson stated the property owner usually suffers because the City is claiming they did not annex the stormwater system. So, for years it was not maintained. When the property owner calls, they say it is a County problem. And, the County says it is a City problem. Back and forth and nothing happens. He stated he has visited that property, and that property owner's grandchildren cannot play in the backyard because it is so dangerous. They putting boards over it so people do not fall through. It is crumbling, and somebody is going to get hurt. When it rains heavy the property owner and their neighbors cannot go in their backyards. Before we get sued or gets hurt, someone needs to take responsibility and fix this system. A 60" pipe that is 5' tall is crumbling in the property owner's backyard, and no one is responsible. We have to find a policy to either have the infrastructure built to a certain standard, and the City or County takes it over, instead of the homeowners being responsible for it. In this case, when it was annexed the City was wrong.

Mr. Pearce stated the committee is voting to establish a policy, as to whose responsibility it is. If we accept staff's recommendation, we will grant the easements to the City, but we decline our responsibility to repair them. That would then establish a very clear policy. If it is within the City, the City will fix it. If it is within the County, the County would fix it.

Mr. N. Jackson stated, at the end of the day, if the City decides it's the County, even though we set a policy, we may have to go to court.

Mr. Livingston stated, at the last Council meeting, a young lady came to express some concern about a ditch in her backyard, in the Belvedere Community. He stated he is trying to understand if this will address her concerns. The Belvedere Community was annexed into the City, but the City claimed they did not annex the ditch. So, the ditch is still in the County. Will this address her concern, if the City is going argue that they did not annex the ditch.

Mr. Smith stated on p. 51, the Attorney General's opinion talks about previous opinions they have issued regarding this subject, as follows: "This Office has, on several occasions, expressed its belief that a county's exercise of police power is restricted to the unincorporated areas of the county." Again, it goes back to, once it is annexed within the corporate limits our power to do anything is restricted to the unincorporated area, and the City of Columbia is responsible for anything within its boundaries.

Mr. Livingston stated the argument is the ditch was not incorporated.

Mr. Smith stated on the issue of the ditch, if the ditch that you are talking about, in this particular instance, was not incorporated within the annexation that the City did, and it is still in the County, then based on this opinion the County would be responsible for the ditch. To Mr. N. Jackson's question; however, even if you do not specifically talk about a ditch, if it is annexed within the City limits, the exercise of the county's police power stops within the incorporated area.

Mr. Livingston stated that is not fair to the County. If they are going to annex an area, and we have a ditch going right along someone's backyard, and they annex right up to the ditch.

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Mr. Smith stated there are certain portions of the County the City annexes for various, and they leave out for various reasons.

Mr. Rose moved to have our staff, and Legal, go to the City to try to work out something that might be amenable to both sides. He inquired that has already been tried.

Mr. Madden stated staff had a conference call with City staff about this issue. One option Council may want to consider, for areas that are flood prone because of the infrastructure, an agreement where the County pays a portion to help bring it up to standard.

Mr. Rose inquired as to when staff last had a conversation with the City.

Mr. Madden stated approximately 3 weeks. They communicated to the City they would be bringing this forward to Council for vetting.

Mr. Ozbek stated the City of Columbia has a stormwater utility. The utility's purpose is to collect money, and spend the money on areas that impact storm drainage, ditches, pipers, etc. The County does not have that resource. He stated this is just one easement. There are literally thousands of these. If you do one, he guesses you would have to do the rest of them.

Mr. Rose moved to hold this in committee and have County and City staff meet to discuss this matter further.

The motion died for lack of a second.

Ms. Myers stated, for clarification, the fund we use for stormwater drainage, and repair of these ditches, is only taxed in the unincorporated areas.

Mr. Madden stated it is a dedicated millage.

Ms. Myers stated she represents people in the incorporated, and unincorporated areas. If she lived in the unincorporated areas, and we started raiding this fund to make repairs, where municipalities had incorporated areas, she would be very concerned. Secondly, we have the AG's opinion that specifically states we have no business doing it. Thirdly, if something goes wrong, while we are there doing it, or something years later erupts from the repair, then we have issues from having gone to a place where we should not have been, according to law, from the beginning. She understands we want to be kind to the residents who do not have someone to save them now that the City has incorporated them. There is no money that follows that. There is also additional liability that does not belong on the County. She thinks with all of the drainage, and other issues we have in the areas, where people are paying the tax, it would be highly unfair to take that fund, and use it for areas that have been incorporated. When we have a big issue in an area that unincorporated, is the City going to run out and clear those drains and make repairs?

Mr. C. Jackson stated he wished there was some rationale approach to annexation. If that existed, we would not have these kind of issues that come up after the fact. Rather than skirting around who is going to pay a bill, and whether we have a bottomless pit of funds we can cover all these bizarre actions that occur, as a result of decisions made without consulting us. He wishes there was some approach that would require the City to give us prior notice before annexation occurs. And, that someone would do due diligence, with regard to that particular annexation, and state, as a result of this request here is what comes with that. It makes much more sense than making a decision, creating doughnut holes, annexing the house, but not the ditch, etc. At the end of the day, it is the property owners that suffer because they have this gigantic problem in their backyard, and no one

wants to assume responsibility. Yet we have lost the tax revenue coming from it, as a result of losing the property off the tax rolls.

Mr. Pearce stated it would be easy to take the first part of what Mr. C. Jackson said about annexation, and attach it to the motion.

Mr. N. Jackson stated Mr. C. Jackson said what he wanted to say, but in a different way. At the end of the day, annexation and those things need to be cleared up before we move forward.

Ms. Dickerson stated, prior to annexation, there are numerous attempts to go into the neighborhoods to see whether or not they want to be annexed. It has to be a percentage, correct?

Mr. Smith stated in some cases. The other scenario is, in order for them to get water, they must sign an agreement that says they are subject to annexation, in consideration for the City giving them water.

Ms. McBride stated, as a follow-up to Mr. Livingston's statement, are we saying it is the County's obligation now? In the beginning, we knew the ditch was not annexed.

Mr. Ozbek stated we did not know. We were not even given that opportunity.

Mr. Smith stated, based on the AG's opinion, the ditch is still in the unincorporated area; therefore, it is the County's responsibility.

Mr. Malinowski inquired if a resolution was reached where the City was going to be required to ask permission before they run a waterline in the unincorporated area.

Mr. Smith stated he does not know where that is. He was not a part of any discussions with the City regarding that. He knows we gave that information to the committee and Administration. It is my understanding, there were supposed to be follow-up discussions with the City, but he does not know whatever came of those discussions. All of this goes back to previous discussions we had, which deals with annexation, which deals with the issue of them extending waterlines into our areas and us reacting to it, after the fact.

Mr. Malinowski stated if there is not some change in the annexation rules, he would be more than happy to get all the taxes, and then tell people your roads, ditches, etc. are still the responsibility of the other guy.

Mr. Pearce moved, seconded by Mr. C. Jackson, to forward to Council with a recommendation to grant the easements to the City of Columbia; however, the County respectfully declines responsibility to pay for repairs. In addition, the County believes part of the problem relates to the manner in which the City is annexing this property. The County would be willing to meet to discuss a better method of annexation where possibly some of these areas could be addressed prior to the annexation.

In Favor: C. Jackson, Pearce, and Rose

The vote in favor was unanimous.

- f. Proposed District 9 Neighborhood Master Plan "Pontiac" – Mr. C. Jackson stated he has had multiple conversations with staff about this since he joined Council. Staff has been doing an excellent job of working toward accomplishing the goal of creating a Neighborhood Master Plan for those in District

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9. However, he would like to make a motion to defer this until the next committee meeting to give staff and himself to go over the areas he would like to see included in the report.

Mr. C. Jackson moved, seconded by Mr. Rose, to defer this item until the July committee meeting.

In Favor: C. Jackson, Pearce, and Rose

The vote in favor was unanimous.

- g. Using Public Funds on Private Roads: Hardship Options – Mr. Madden stated the issue of accepting privately owned roads into the County’s inventory system for maintenance has come before Council on multiple occasions. What staff has attempted to do is put together some options, that you may consider, that establishes a policy for addressing those private roads, and accepting those roads into the County system. Also, an option for areas that may fall outside of that, that may involve public emergency related efforts. So, if there is a road that may need to be repaired so that an EMS vehicle or handicap accessible bus could reach them, it would give an option that Council may consider for that. Right now we do not have a policy to govern that.

Mr. C. Jackson inquired as to what the current practice is.

Mr. Madden stated, for example, you have a developer putting a subdivision in, and they have roads. They bring those roads up to the County standards. Then the County accepts those roads. We have instances where a developer may abandon a development, may not complete the roads. We should have a warranty or performance bond to assist in those instances, and those bonds lapse and we are unable to draw down on those bonds. In those instances, they are on a case by case basis. In 2013, the County made a decision to accept a number of roads into the County’s inventory, but that is typically not the process that is used. The process is a developer builds a subdivision, brings the road up to County standards, and the County accepts those roads into the County’s inventory.

Mr. C. Jackson stated we have accepted a couple in neighborhoods where there was a County road up to a certain point. It became a private road for a couple blocks, and then became a County road again. The request was for us to close that gap for those 2 or 3 blocks.

Mr. Malinowski stated, on p. 89, staff’s recommendation was for a work session to refine the process. If in fact that is what the committee decides, he would also like to know what years did the bonds lapse for each of these projects. What years were the requests made for each of these particular projects? Was it a request by Council, homeowners, etc.?

Mr. Rose moved, seconded by Mr. C. Jackson, to forward to Council with a recommendation to hold a work session.

In Favor: C. Jackson, Pearce, and Rose

The vote in favor was unanimous.

- 5. **ADJOURNMENT** – The meeting adjourned at approximately 5:56 p.m.