



Richland County Council

DEVELOPMENT AND SERVICES COMMITTEE

September 24, 2019 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Gwen Kennedy, Chair, Calvin Jackson and Chakisse Newton

OTHER COUNCIL MEMBERS PRESENT: Bill Malinowski, Joyce Dickerson and Yvonne McBride

OTHERS PRESENT: Michelle Onley, Larry Smith, Stacey Hamm, Clayton Voignier, John Thompson, Ashiya Myers, Ashley Powell, Jennifer Wladischkin, Dale Welch, Leonardo Brown, Synithia Williams, Chris Eversmann, Janet Claggett, Quinton Epps, Dwight Hanna, and Tariq Hussian

1. **CALL TO ORDER** – Ms. Kennedy called the meeting to order at approximately 5:00 PM.

2. **APPROVAL OF MINUTES**

a. July 23, 2019 – Mr. Jackson moved, seconded by Ms. Newton, to approve the minutes as distributed.

In Favor: Jackson, Newton and Kennedy

The vote in favor was unanimous.

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

In Favor: Jackson, Newton and Kennedy

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

a. Little Jackson Creek/Spring Valley HOA request to remove sediment – Ms. Williams stated Stormwater received a request from the Spring Valley HOA to remove the sediment from their entrance lake. In 2014, it was originally proposed as part of a 3-phase project in the Spring Valley neighborhood. At the time, there were plans to extend the runway at the Hamilton-Owens Airport, and mitigation credits were needed. Because the County had a conservation easement in the Spring Valley neighborhood, the neighborhood was chosen to do the mitigation project. The mitigation project, to reestablish the wetlands in the area, was one part of it. The other parts were to improve the up ditch, which run parallel to Two Notch Road. The up ditch goes into the entrance lake. Also, to remove sediment from the entrance lake. In December 2014, Council approved a work authorization to do the design for plans for the mitigation project, repair/stabilize the up ditch, and plans to remove the sediment from the entrance lake. They worked with the consultant to get the plans put together, but we had the October 2015

flood, which delayed many projects. After that, the engineering estimate, to do the up ditch and the entrance lake, came back at over \$1.2M, which was not in Stormwater's budget. At that time, FEMA funding was sought out, through the Hazard Mitigation Grant Program, to stabilize the up ditch and reduce the sedimentation coming into the entrance lake. Based on an AG opinion, unless there is proven public benefit, you should not use public funds on private property. Since Spring Valley is a privately maintained subdivision, staff sought recommendation on whether or not to proceed with removal of the sediment. At that time, they had the private pond maintenance, which stated they would remove sediment from the banks of the entrance lake with County equipment. The proposal was presented to the HOA. The HOA was not thrilled with the option; therefore, staff completed the design plans, and made them available. In August 2018, an email was sent to the HOA, letting them know that we were going to proceed with the grant funding for the up ditch, but we would not be removing the sediment from the entrance lake because it was not in the budget and did not comply with the AG opinion. Staff did not hear back from the HOA until earlier this year, when they again requested the County to remove the sediment from the entrance lake. The request is being brought forward to Council on how to proceed. Ms. Williams pointed out, since the October 2015 flood; Public Works has gotten other requests to remove sediments from other lakes. The Cary Lake HOA was told Public Works would not remove the sediment from their lake. Richland County Council did approve some funding to go to City of Columbia and the Lake Katherine sediment removal project. Public Works removed sediment from the outfalls on the Upper Rockyford Lake.

Mr. Jackson stated, if the AG's opinion regarding the use of Federal funds was discouraged, because it was on private property, do we see it any differently with County funds to be used for the same project.

Ms. Williams stated the AG's opinion was related to County funds, and that is why we removed the entrance lake. It was taken off of the capital projects list and is currently not budgeted in the Stormwater budget. The up ditch is being pursued using the Hazard Mitigation funding.

Mr. Smith stated, when the flood hit, the question came up to whether or not you could deviate, or there was an exception, in an emergency situation. The Attorney General indicated there would not be an exception to the basic rule that you cannot use public dollars on private property.

Mr. Jackson inquired if there is any discharge that is occurring, from any other area, that may be impacting it that would help justify our expense.

Ms. Williams stated the discharge into the up ditch comes off Two Notch Road, which is a SCDOT maintained road. Across from that is commercial property, and not County property. The roads within the subdivision are also privately maintained roads.

Mr. Jackson stated, it is his understanding Public Works has denied a similar request.

Ms. Williams stated Public Works did deny a request to Cary Lake. The request from Lake Katherine did not come directly to Public Works, but was directed to Administration. Public Works followed the Outfall Silt Removal Policy on the Upper Rockyford Lake.

Mr. Jackson inquired if staff has a recommendation regarding the request.

Ms. Williams stated they sent an email back to the HOA last summer letting them know, based on these reasons, we would not be doing the entrance lake. In addition, there are no budgeted funds and would require a budget amendment. The current estimate, from the Engineer, to do the project is \$399,000.

Ms. Kennedy stated the State and the City of Columbia have a part of Lake Katherine.

Ms. Williams stated Lake Katherine is located completely within the City limits. The City requested the County to assist them with removing the sediment from the lake.

Ms. Kennedy stated she is concerned about the County putting money into roads and lakes that do not belong to them.

Ms. Williams stated, if the request comes to Public Works, she takes note of it. Lake Katherine is the only one she is aware of that is outside of the County limits.

Mr. Smith stated there is another component to this. Since the time that this occurred, when it was communicated back to the citizens the County would not be in a position to go forward, we have received several letters from the attorney that represents the association. He requested to brief the committee in Executive Session on some legal implications, related to this particular issue.

Ms. Newton stated, for clarification, we proposed three projects to receive mitigation credits, and we have done two.

Ms. Williams stated restoring the wetlands within the neighborhood was done to receive the mitigation credits. The other 2 projects were to protect the wetlands by restoring the up ditch and the request from the HOA for the entrance lake.

Ms. Newton inquired, from staff's perspective, if we have fulfilled our obligations that we committed to in exchange for the mitigation credit.

Ms. Williams stated, in the original request, it was to do the work authorization to do the design for all 3 projects. We have completed the design. The projects were dropped, based on budgeting.

Ms. Newton inquired if we did our part.

Ms. Williams stated she was not in the original discussions. The only agreement she has seen is the agreement to allow the County to go in to do the 3 projects. The up ditch is designed and we have received FEMA funding. We have not started construction on this project.

Mr. Malinowski inquired if the Lake Katherine project had some legal matters associated with it.

Ms. Williams stated she is not as familiar with that one, but she does think it was part of the request from the City.

Ms. Newton stated she requested the minutes related to Lake Katherine and it did appear to be a little different. The County was responsible for 8%, the City paid a part and the State paid a part.

Mr. Jackson moved, seconded by Ms. Newton, to go into Executive Session.

***The committee went into Executive Session at approximately 5:18 PM
and came out at approximately 5:38 PM.***

Mr. Jackson moved, seconded by Ms. Newton, to defer this item to the October committee meeting.

In Favor: Jackson, Newton and Kennedy

**Development and Services
September 24, 2019**

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 5:40 PM