



Richland County Council

DEVELOPMENT AND SERVICES COMMITTEE

May 23, 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: Greg Pearce, Bill Malinowski, Joyce Dickerson, Paul Livingston, Jim Manning, Norman Jackson, Gerald Seals, Larry Smith, Brad Farrar, Brandon Madden, Michelle Onley, Sandra Yudice, Pam Davis, Tracy Hegler, Ismail Ozbek, Quinton Epps, Shahid Khan, and Kevin Bronson

CALL TO ORDER – Mr. Rose called the meeting to order at approximately 5:06 PM.

APPROVAL MINUTES

April 25, 2017 – Mr. C. Jackson moved, seconded by Ms. Kennedy, to approve the minutes as distributed. The vote in favor was unanimous.

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

ITEMS FOR ACTION

- a. **Legal Department: Petition to Close Portion of Appleton Lane** – Mr. Smith stated this was a petition filed by Mr. Cleveland Jackson to close a portion of Appleton Lane. Appleton Lane is located in District 10. Traditionally EMS, Public Works, and Planning Department are contacted to determine whether there is any issues with the petition. It has been determined it will not present a problem to close this portion of Appleton Road.

Ms. Myers stated she has spoken with the petitioner and he had some damage from the flood that he is unable to remediate at this time; therefore, she has not objection with petition.

Ms. Myers moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve the petitioner's request to close the subject road and direct Legal to answer the suit accordingly. The vote in favor is unanimous.

- b. **Legal Department: Petition to Close Portion of Jilda Drive near Olga Road** – Mr. Smith stated this is a petition that has been filed by Larry A. Powell & Associates. It is unclear if Richland County ever maintained this dirt road; however, it is staff's understanding that Mr. Powell actually owns the property. The County was namely primarily in case the County had an interest in the property. Planning, EMS and Public Works had no objection to the closure of this portion of Jilda Drive.

Mr. Malinowski inquired as to why the County is getting involved if the County does not definitively own the road.

Mr. Smith stated it is his understanding the County may have at some point maintained the road; therefore, the County was named as a party to the closure petition. The County is not necessarily closing the road, but not the County is not objecting to the petition.

Mr. C. Jackson moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve the request to close the portion of Jilda Drive near Olga Road. The vote in favor was unanimous.

- c. Legal Department: Road Closing of an Alleyway in the Vicinity of 5313 Two Notch Road – Mr. Farrar stated this is a grass alleyway in the vicinity of 5313 Two Notch Road, which is located in Council District 3.

Ms. McBride stated this is the first she is hearing of this request; therefore, she would like to discuss the request in more detail.

Ms. McBride moved, seconded by Ms. Myers, to defer this item until the June D&S Committee meeting. The vote in favor was unanimous.

- d. An Ordinance authorizing deed to the City of Columbia for certain water lines to serve the Ballentine Branch Library Dutch Fork Road; Richland County TMS# 03303-01-06 & 02 (Portion) – Mr. Smith stated the County purchased property in the Ballentine area for the location of the Richland Library in the committee. Apparently the library has been built and the water lines, water meters, and infrastructure needed to support the building are being installed. The City of Columbia, as provider of the water to the building, is requesting the County deed over the water lines and infrastructure.

Mr. C. Jackson moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve the request.

Mr. Malinowski stated normally when the City of Columbia provides water an annexation agreement has to be signed. He inquired if an MOU would be drafted to protect the County from annexation of this property.

Mr. Smith stated there has been discussion of the County moving forward in that direction, but he is unsure if that has been formally voted upon by Council. He is to go back and research if the County has adopted anything in the past in regards to this matter.

The vote in favor was unanimous.

- e. 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 – Mr. Khan stated both water and sewer are operated under the regulatory guidelines of DHEC and EPA. Both the utilities are treated differently when it comes to construction and expansion.

Sewer is operated through DHEC and Central Midlands Council of Governments (COG). They define territories for different service providers. No one can enter into the service provider territories until they get a final consent approval or no objections certificate from the other service provider.

Water is treated more like a business or an independent commodity. There are no regulatory guidelines in terms of controlling the tidal flow.

Mr. Khan stated he cannot speak from the legal perspective, but from the technical perspective, the County should have a control on our area, our expansion and giving the different service providers the right to provide the service under terms and conditions that respect the best interests of Richland County.

The biggest service provider currently is the City of Columbia. The City has a standard procedure as a part of their water flow service. They require the customer to sign a covenant document, wherein if their property is adjacent to the City limits they cannot object to annexation.

Mr. Smith stated this is an issue that has come up multiple times. It is his understanding, Council requested the prior Administration to contact the City. He does not know what occurred regarding this particular issue. There is a statute, which allows for the County to require their consent.

Mr. Khan stated he does not recall any request being made and honored. He further stated there are tools in the County's pocket. The first step in development is to have the development concept approved by Zoning Office, wherein those tools (i.e. statute) could be utilized to take control of these matters.

Mr. Rose stated the City of Columbia is in the process of building millions of dollars' worth of infrastructure that would be directly impacted by the enforcement of this statute. He would like to hold this item in committee and request a formal recommendation from the Legal Department.

Mr. N. Jackson stated the City of Columbia has a practice of moving forward and informing the County after the fact.

Ms. Kennedy stated she contacted the Mayor regarding areas in her district and was assured they were not pursuing annexation of those areas. Last week these areas received a message the City is planning to annex those areas.

Mr. Malinowski stated he believes it is somewhat derelict that the Legal Department did not provide the information where there is already a State Law on the books that grants the County a particular territory to control water.

Mr. Smith stated for clarification that there is a State law which requires the City of Columbia to seek the County's consent.

Ms. Myers stated she does not know if this motion does any harm to the City. It simply says if you want to annex our areas, you have to notify us. She does not feel like it's too much to ask for the City to come before the County and state they are interested in incorporating unincorporated areas into the City. There is no reason to not move forward with this item tonight.

Mr. C. Jackson stated he concurs with Ms. Myers.

Mr. Rose inquired if the City of Columbia provided water to all of the unincorporated portions of the County.

Mr. Smith stated the City provides water to the majority of the County.

Mr. Rose inquired if water is provided to an unincorporated part of Richland County does that portion then waive their right to fight annexation.

Mr. Smith stated that is not what he said.

Ms. Myers stated the concern raised by Mr. Rose that the City has all these infrastructure projects underway and to impose this requirement on them would mean they would be at a disadvantage is the basis for her prior comments. Richland County has its own unique concerns. The City of Columbia has its set. Planning to incorporate an unincorporated area does not have anything to do with whether the City has plans for water infrastructure. This simply says this is our territory and the City has to inform the County they have an interest in the County's territory. It's the County's right to aggressively monitor the areas under the County's control.

Mr. N. Jackson stated the problems he's seen over the years is when a Comprehensive Land Use Plan or Neighborhood Master Plan and then the City decides to annex that area. The plan goes out the window after the County has spent some much time and money because the City has the right to annex if the developer has utilized City water.

Mr. C. Jackson moved, seconded by Ms. Myers, to call for the question. The vote in favor was unanimous.

The vote in favor was unanimous to forward this item to Council with a recommendation to require that all municipal utility service providers must request consent and approval from Council prior to extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County.

- f. Richland County lost millions of dollars by not collecting taxes on (SOB) for the past five years. I move that the Legal Department along with Administration explore recovering the funds from Sexual Oriented Businesses directly

The Committee went into Executive Session at approximately 5:37 PM and came out at approximately 5:58 PM.

Ms. Myers moved, seconded by Ms. McBride, to proceed as discussed in Executive Session. The vote in favor was unanimous.

ADJOURNMENT – The meeting adjourned at approximately 5:45 PM.