

# **RICHLAND COUNTY**

## **DEVELOPMENT & SERVICES COMMITTEE AGENDA**



**Tuesday, SEPTEMBER 25, 2018**

**5:00 PM**

**The Honorable Greg Pearce, Chair**

**County Council District 6**

**The Honorable Seth Rose**

**County Council District 5**

**The Honorable Gwen Kennedy**

**County Council District 7**

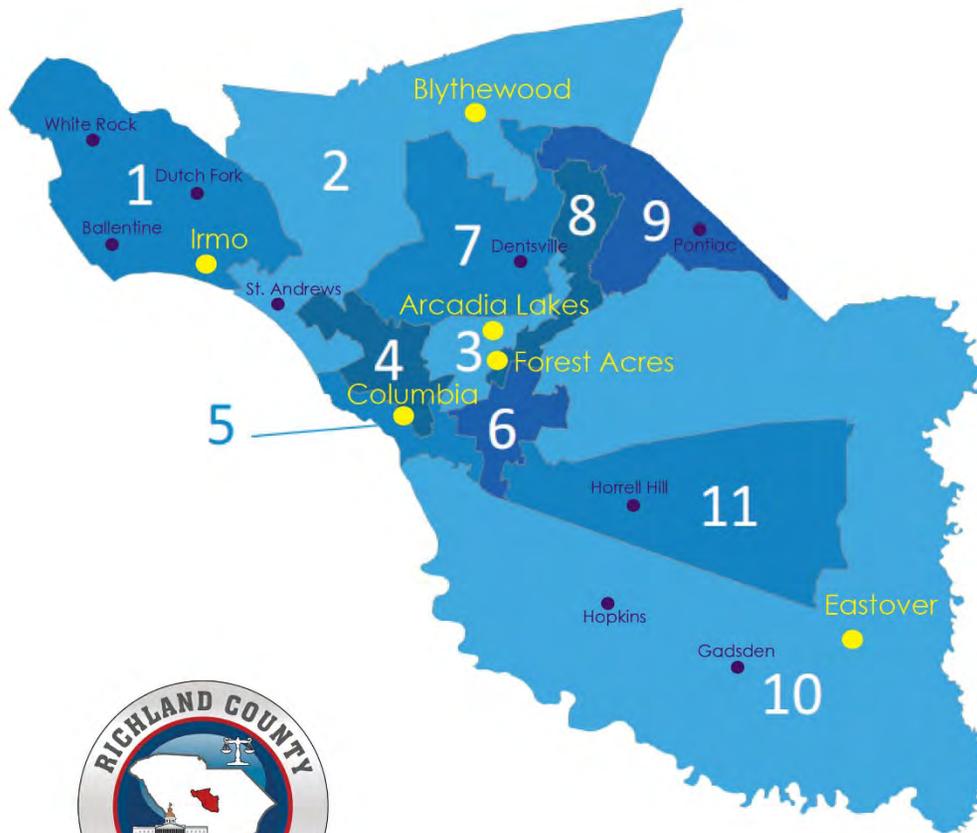
**The Honorable Jim Manning**

**County Council District 8**

**The Honorable Chip Jackson**

**County Council District 9**

# RICHLAND COUNTY COUNCIL 2017-2018



**VICE CHAIR**  
Bill Malinowski  
District 1



**CHAIR**  
Joyce Dickerson  
District 2



Yvonne McBride  
District 3



Paul Livingston  
District 4



Seth Rose  
District 5



Greg Pearce  
District 6



Gwendolyn Kennedy  
District 7



Jim Manning  
District 8



Calvin "Chip" Jackson  
District 9



Dalhi Myers  
District 10



Norman Jackson  
District 11



Richland County Development & Services Committee

September 25, 2018 - 5:00 PM

2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER** The Honorable Greg Pearce
2. **APPROVAL OF MINUTES** The Honorable Greg Pearce
  - a. Regular Session: July 24, 2018 [PAGES ]
3. **ADOPTION OF AGENDA** The Honorable Greg Pearce
4. **ITEMS FOR ACTION**
  - a. County Utility System
  - b.
    1. Council Motion: Move that Council immediately move forward with the revised Lower Richland Sewer Plan, which has been (1) improved to remove lift stations from private property (consolidated into 3 on public property), (2) expanded to replace all failed, closed septic systems at Richland One Schools (Hopkins Elementary and Middle Schools and Gadsden Elementary School) and the Franklin Park subdivision, (3) clarified to ensure that access to public sewer is available, without tap fees, to any requesting resident along the revised route, who requests service as the lines are being constructed. No resident will be required to tap on to the system unless they wish to. Staff is further instructed to expedite the planning and procurement process to facilitate commencement of construction by April 2019, and targeted build out to residents, schools, and McIntyre Air Force Based by August 2019 [MYERS]
    2. Council Motion: Move forward with approved Sewer System which has been delayed since February 2018 for unknown reasons. Citizens have signed up and are depending on the service [N. JACKSON]

- c. 1. Council Motion: Move to authorize Dr. Yudice and staff to utilize emergency funds to facilitate third party well testing in areas potentially impacted by Westinghouse's previously undisclosed 2011 uranium leak. Funds would be available for testing over the next thirty days, subject to individual requests [MYERS and DICKERSON]
- 2. Council Motion: To resolve the water contamination issues in the Lower Richland community and put the citizens at ease I move that Richland County move forward with the water system already approved with partnership with Westinghouse nuclear energy plant, International Paper, SCE&G and others to provide seed funds as they all have contributed to water quality in the area [N. JACKSON]
- d. An Ordinance authorizing deed to the City of Columbia water lines for Richland Library Northeast, 7490 Parklane Road; Richland County TMS#17707-08-01 (PORTION); CF #340-15

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

- a. Council Motion: State and/or Federal law prohibitions against a county plastic bag ordinance [MALINOWSKI and N. JACKSON]

**6. ADJOURNMENT**



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



## Richland County Council

### DEVELOPMENT AND SERVICES COMMITTEE

July 24, 2018 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Greg Pearce, Chair; Seth Rose, Calvin “Chip” Jackson, Jim Manning and Gwen Kennedy

OTHER COUNCIL MEMBERS PRESENT: Norman Jackson and Bill Malinowski

OTHERS PRESENT: Brandon Madden, Michelle Onley, Kim Williams-Roberts, Trenia Bowers, Tim Nielsen, Sandra Yudice, Stacey Hamm, Larry Smith, Stephen Staley, Tracy Hegler and Tiffany Harrison

1. **CALL TO ORDER** – Mr. Pearce called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
  - a. June 26, 2018 – Mr. C. Jackson moved, seconded by Ms. Kennedy, to approve the minutes as distributed.  
  
In Favor: C. Jackson, Pearce, Kennedy and Rose  
  
The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Mr. Rose moved, seconded by Mr. C. Jackson, to adopt the agenda as published.  
  
In Favor: C. Jackson, Pearce, Kennedy and Rose  
  
The vote in favor was unanimous.
4. **ITEMS FOR ACTION**
  - a. Proposed District 9 Neighborhood Master Plan – “Pontiac” – Ms. Hegler stated this item is before the committee as a result of a prior action requesting us to investigate a potential master planning area in District 9. We have put the area through the process they developed, and this was a highly suitable area for developing a master plan. The district does not currently have one, after the redistricting in 2010.

Mr. C. Jackson stated that District 9 is his area. After reviewing the revised document, which reflects more accurately the historic path this initiative has taken, he is pleased with the end result.

Mr. C. Jackson moved, seconded by Mr. Manning, to forward to Council with a recommendation to begin the process for a new District 9 Neighborhood Master Plan tentatively titled "Pontiac."

In Favor: C. Jackson, Pearce, Kennedy, Manning and Rose

The vote in favor was unanimous.

- b. Council Motion: State and/or Federal law prohibitions against a County plastic bag ordinance [MALINOWSKI and N. JACKSON] – Mr. Pearce stated the request was to see if there were any State or Federal prohibitions against a County plastic bag ordinance. There were no laws found, so he believes Mr. Malinowski would request the committee move this item on for the development of a proposed ordinance.

Mr. Malinowski responded in the affirmative.

Mr. Pearce stated the motion would be to send this forward to Council for potential development of an ordinance for later consideration.

Mr. Malinowski stated, in order to vet it in committee, he would request staff bring the language back to the committee.

Mr. Rose moved, seconded by Mr. Pearce, to direct staff to develop an ordinance banning plastic bags in Richland County, and bring it back to the September committee meeting.

Mr. Manning stated we are going to have to give a lot of careful look at this. One of the things that occurred to him, after he saw it, was that he has been taught by the conservation people that when he takes his dog for a walk he is supposed to take a plastic bag to pick up after it. When we ban plastic bags, does that mean the feces can go back in the stormwater, as a lesser evil than him having a plastic bag to pick up after the dog. One division of the County, has provided containers with those plastic bags, so now will the County distribute cloth bags. He stated the notion of all plastic bags. He is great with the grocery store not having plastic bags. At the same time, he carries a plastic bag for his dog because the County told him to do that to pick up after the dog. We have to be careful that we are not conflicting what the County is teaching what to do, and not do. He wants us to be sensitive to "all plastic bags" can go pretty far and broad.

Mr. Malinowski stated that is the purpose for the staff to bring back some discussions for the next meeting. He stated you still have paper bags, Ziploc bags, and other forms that you can pick up your puppy poop.

Mr. Manning stated Ziploc bags are plastic bags.

Mr. Malinowski stated Ziploc bags are not counted. He was referring to the ones from the store.

Mr. Manning inquired if that was Mr. Rose's motion, the one from the stores.

Mr. Rose stated his motion was for plastic bags. He does not how we start picking and choosing which plastic bags. The exception becomes the rule when we start meddling into it. It is either something we want to move forward with or we do not. He does not start with we have this rule, but then we have exceptions.

**Development and Services**

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Mr. Pearce stated it was his understanding of the motion, that although it does sound rather global in nature, he thinks any reduction in the amount of plastic going into the system would be of great value. We have to start somewhere. He his interpretation of the motion was that staff would look at how other communities addressed this problem, and come up with some sort of guideline for us to begin a discussion of the specifics of what we want to do in Richland County. At this point, it is a conceptual idea that is being passed to get started.

Mr. Manning requested Mr. Rose to restate the motion.

Mr. Rose stated the motion was for County staff to bring back an ordinance, for this committee to vet, that would ban all plastic bags in Richland County.

Mr. Malinowski stated we could add using ordinances that currently exist in areas where they have this.

Mr. Rose stated he does not think that needs to be added.

Mr. Manning stated that is his confusion. We are talking about stuff they would look at, but the motion is all plastic bags. If you go to the grocery store, and get corn out of the freezer, it is probably in a boil bag that is plastic.

Mr. Malinowski stated, to him, that is not what the motion is about. We cannot control a product that is made in Greenbay, Wisconsin.

Mr. Manning stated he agrees with that, but he has asked for the motion to be repeated twice, and the Chair's interpretation and what Mr. Malinowski is saying, is not what the motion is. The motion is to bring us an ordinance to ban all plastic bags in Richland County. And, he is giving examples of plastic bags, and you are telling me "Oh, no. We don't mean plastic bags. The motion is about plastic bags."

Mr. Rose amended the motion to direct staff to look at other counties, and perhaps States, that have implemented a plastic bag ordinance. Rather than drafting an ordinance, bring back recommendations and options, seconded by Mr. Manning.

In Favor: Pearce, Manning and Rose

Opposed: C. Jackson

The vote was in favor.

- c. Council Motion: Coordination of DHEC inquiries [N. JACKSON] – Mr. N. Jackson stated Pinewood Lake Park is owned by the County and the Pinewood Lake Park Foundation. The dam is owned by the Foundation. He stated he has been getting complaints from the members of the board of the Foundation that DHEC has been inquiring as to when they are going to improve the dam. His point is, staff members should check with the Foundation before checking directly with DHEC. If the Foundation is doing something, or have a consultant working on permits for the dam, and the staff is doing something totally different, and ignoring the Foundation, it causes confusion. The staff that is involved with the park should check with the Foundation before making any inquiries or request to DHEC on the dam. He would like for staff to coordinate with the Foundation, instead of going directly to DHEC.

Mr. Pearce stated, for clarification, that the Conservation Commission coordinate all inquiries regarding the Pinewood Lake dam with the Foundation, as opposed to going directly to DHEC and making any requests or recommendations.

Mr. N. Jackson stated what is going to happen is if DHEC starts to fix the dam, and there is no money, then they may decide to do away with the dam. If the dam is done away with, we will not have a lake. What we are trying to do is secure the dam until they get some funding through the "Penny Tax Greenway Program".

Mr. Pearce stated, for clarification, the assumption is they are not coordinating.

Mr. N. Jackson stated the complaint from the Foundation is that no one talks to them, and DHEC is saying the County staff called them to do certain things.

Mr. Malinowski stated, he would think the fact this is a privately owned piece of property, if DHEC goes to whoever happens to be in the building, the position of the County should be that is privately owned and provide the owners contact information to them.

Mr. N. Jackson stated staff is inquiring to DHEC.

Mr. Malinowski stated they should not be. They should refer DHEC directly to the owner.

Mr. Pearce stated what Mr. N. Jackson is looking for is any issues related to the Pinewood dam, that were brought to the attention of the County, the County would consult with the Foundation prior to speaking with DHEC.

Mr. N. Jackson stated he wants the Conservation Commission to coordinate with the owners of the dam before they make a direct request to DHEC.

Mr. C. Jackson moved, seconded by Mr. Rose, for forward to Council with a recommendation to direct the Assistant County Administrator to have a conversation with all of the parties involved, and make sure she clarifies to them what Mr. N. Jackson is requesting.

In Favor: C. Jackson, Pearce, Kennedy, Manning and Rose

The vote in favor was unanimous.

- d. County Council is requested to approve an amendment of the Richland County Code of Ordinances, Chapter 21: Roads, Highways, and Bridges – Mr. Madden stated the Public Works Department is responsible for maintaining the County's roadway and drainage infrastructure. That is done pursuant to an ordinance. The ordinance use words such as "the County". What this amendment does is clarifies it to be the unincorporated areas of the County.

Mr. Rose moved, seconded by Mr. C. Jackson, to forward to Council with a recommendation to approve the amendment.

In Favor: C. Jackson, Pearce, Kennedy, Manning and Rose

The vote in favor was unanimous.

5. **ADJOURNMENT** – The meeting adjourned at approximately 5:20 p.m.

**Development and Services**

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**Development & Services Committee Meeting  
Briefing Document**

**BACKGROUND**

The County’s Utilities Department provides water and sanitary sewer services in the unincorporated areas of the County via the Broad River and the Lower Richland Utility Systems. These systems are comprised of several County-owned and operated water and waste water treatment facilities.

**Broad River Utility System**

The Broad River system includes a County-owned waste water treatment facility (e.g., treatment plant, collection system) and water distribution system.

- The Broad River Waste Water Treatment Plant was designed and constructed in 2007-08 and is permitted to treat 6 million gallons per day (MGD). The primary source of effluent is transferred to the plant from the waste water collection system serving the residential neighborhoods in the northwestern area of the County. The waste water rate for the Broad River Wastewater system is \$44.54 monthly / \$133.62 quarterly per REU. (residential equivalent unit).
- The Broad River Water Distribution network, commonly referred to as the White Rock Water System, was designed and constructed in June 1988 and includes a full distribution system with a small number of customers.
- The water service rate for the White Rock Water system, as detailed in the table below, is based off water usage and are the same as the Hopkins and Pond Drive Water System rates.

1st 1,000 gallons (Minimum base charge standard meter)	\$20.00
Next 8,000 gallons	\$4.67/1,000 gallons
Next 11,000 gallons	\$4.37/1,000 gallons
Next 10,000 gallons	\$4.12/1,000 gallons
Next 30,000 gallons	\$3.87/1,000 gallons
Next 60,000 gallons	\$3.87/1,000 gallons

- Debt
  - The County issued \$19,300,000 Sewer System General Obligation Refunding Bonds, Series 2011A, dated November 15, 2011 (the “2011A Bonds”), to refund a portion of the Broad River Sewer System General Obligation Bonds, Series 2003D. The un-refunded portion has since been retired.

- The County issued \$15,235,000 Broad River Sewer System General Obligation Refunding Bonds, Series 2016C dated December 16, 2016 (the “2016C Bonds”), to refund the Board River Sewer System General Obligation Bonds, Series 2007B.
- While the 2011A Bonds and the 2016C Bonds are general obligation bonds, the County anticipates the full debt service will be paid with revenues derived from the operation of the Broad River Sewer System. In the unanticipated event the debt funds do not have sufficient revenues, a County tax levy must be made to meet the payments of principal and interest, until such time as bonds can be re-structured or sewer rates are increased to levels sufficient to pay for the debt obligations.

The table below provides a summary of Broad River Utility System Debt via Bonds over the last 15 years.

<b>Outstanding 7/1/2003</b>	
1994A	5,945,000
<b>Issued - New Money</b>	
2003D	15,500,000
2007B	16,970,000
	32,470,000
<b>Issued - Refunding</b>	
2003E	6,275,000
2011A	19,300,000
2016C	15,235,000
	40,810,000
<b>Bonds retired</b>	
1994A	5,945,000
2003D	14,860,000
2003E	3,270,000
2007B	14,860,000
	38,935,000

The table below provides a summary of Broad River Utility System debt that is currently outstanding.



<b>Summary of Activity:</b>	
Bonds issued	38,415,000
Bonds issued for refunding	40,810,000
Bonds Retired	(38,935,000)
Principal paid on bonds	(10,840,000)
Currently Outstanding 7/1/2018	29,450,000
Interest paid over 15 years	(20,430,570)
<b>Outstanding 7/1/2018</b>	
2011A	14,725,000
2016C	14,725,000
	29,450,000

### Lower Richland Utility System

The Lower Richland system includes a County-owned waste water treatment facility (e.g., treatment plant, collection system) and two (2) water distribution systems.

- The Eastover Waste Water Treatment Plant was designed and constructed in March 2012 and re-rated February 2016 to treat 0.75 MGD. The primary source of effluent to the plant is the residential neighborhoods in the southeastern area of the County, inclusive of the Town of Eastover. The system currently serves the Town of Eastover, a wholesale customer; and one commercial customer, Kemira. The waste water rate for the Lower Richland Wastewater system is \$37.60 monthly / \$112.80 quarterly per REU.
- Richland County also operates an old Lagoon type WWTP serving Franklin Park Subdivision in South East Richland Area, serving approximately 40 customers. Records indicate that that the asset (which was in a bare minimum operable conditions) was given to us by South Carolina Department of Health and Environmental Control (SCDHEC) (still owned by Piney Grove Utility) under receivership agreement adopted by the council on July 26, 2005. The service area was expected to become integral part of Lower Richland Sewer Project (LRSP), which is pending at the moment awaiting resolution commitment of City of Columbia’s transfer of customers. While the DHEC has substantially waived their regulatory expectations at the time of signing the receivership agreement, the continued operation of the asset “As Is” may pose regulatory & liability concerns over time. The waste water rate for this system is the same as rest of the Lower Richland Wastewater system (i.e. \$37.60 monthly / \$112.80 quarterly per REU).

### Hopkins Water and Pond Drive Water Distribution Networks

The Lower Richland Water Distribution network includes the Hopkins Water distribution network and the Pond Drive Water distribution network in addition to a dedicated Water System serving Gadsden Elementary School (on behalf of the School District). It is the desire of the Utilities to connect standalone Gadsden system to Hopkins Water System should funding become available serving the best interest of the school and surrounding community.

- The Hopkins Water distribution network receivership agreement was entered with the South Carolina Department of Health and Environmental Control (SCDHEC) to assume operations of one wastewater treatment facility and two community water systems that were abandoned by a private utility in July 2005. An upgrade was designed and constructed in August 2012 and includes a full distribution system and serves 521 customers.
- The Pond Drive Water distribution network receivership agreement was entered with the South Carolina Department of Health and Environmental Control (SCDHEC) to assume operations of one wastewater treatment facility and two community water systems that were abandoned by a private utility in July 2005. An upgrade was designed and constructed in August 2012 and includes a full distribution system and serves 30 customers.
- The water service rates for the Hopkins Water and Pond Drive water systems as detailed in the table below, are based off water usage and are identical to the White Rock Water System rates.

1st 1,000 gallons (Minimum base charge standard meter)	\$20.00
Next 8,000 gallons	\$4.67/1,000 gallons
Next 11,000 gallons	\$4.37/1,000 gallons
Next 10,000 gallons	\$4.12/1,000 gallons
Next 30,000 gallons	\$3.87/1,000 gallons
Next 60,000 gallons	\$3.87/1,000 gallons

- Debt
  - The County issued its \$2,033,000 Waterworks System Improvement Revenue Bond (Hopkins Project), Series 2011 dated October 14, 2011, which was purchased by the United States Department of Agriculture, Rural Development. The Bond is payable monthly as to principal and interest over 40 years beginning November 14, 2011.
  - The payment for the bond is \$8,193 per month or \$98,316, annually. The currently balance of the bond as of August 31, 2018 was \$1,862,521.55.



**ISSUE(S):**

The waste water and water fees are determined periodically by rate studies and are set at levels to recoup the projected expenses of the operations, maintenance, upgrades, and debt service in a similar manner as a private business. All activities necessary to provide water and sewer service are expected to be accounted for each system, including but not limited to customer service, engineering, operations and maintenance in addition to R&R (renewal and replacement) and Capital Improvement/upgrades of the assets. Given that the systems are designed to operate as a private business enterprise, the revenues and expenditures are accounted for through the Broad River and the Lower Richland enterprise funds.

The County’s utility enterprise funds are designed to be self-supporting through user fees or charges for services. However, historically, the expenditures for the Lower Richland utility system have been higher than its revenues. As such, annually, the Broad River utility system and the County’s General Fund have subsidized the Lower Richland utility system. As illustrated in the table below, the amount subsidized has averaged a total of \$342,145 yearly over the past five (5) years, with subsidies for the Lower Richland Sewer and the Lower Richland Water averaging, \$172,802 and \$169,343, respectively (Exhibit A – Detailed Subsidy Overview).

*Summary of Subsidies*

**Lower Richland Sewer**

<b>Fiscal Year</b>	<b>Subsidized Amount</b>	
2013	\$133,943	
2013	\$96,065	
2015	\$184,000	
2016	\$225,000	
2017	\$225,000	
	<b>\$864,008</b>	<b>Total Of Transfers In/Out</b>
	<b>\$172,802</b>	<b>Annual Average Of Transfers</b>

**Lower Richland Water**

<b>Fiscal Year</b>	<b>Subsidized Amount</b>	
2013	\$23,895	
2013	\$121,621	
2014	\$20,133	
2014	\$112,790	
2014	\$223,275	
2015	\$145,000	
2016	\$100,000	
2017	\$100,000	
	<b>\$846,714</b>	<b>Total Of Transfers In</b>
	<b>\$169,343</b>	<b>Annual Average Of Transfers</b>

These subsidies conflict with the framework of a government enterprise fund, the County’s financial policies, and GAAP as the utility systems should be self-sufficient and should not rely on the County’s General Fund to address revenue deficits.

There are several factors contributing to the aforementioned conflicts:

- The rates are not uniform. There is a difference between the sewer rates for each system. As noted above, the waste water rates for the Broad River system is higher than those rates for the Lower Richland system. The water rates for each system are the same.
- Historically, the Broad River system generates sufficient revenue to cover the expenditures associated with the minimal day -to-day operations of the system but does not sustain the cost of aging infrastructure, upgrade and R&R. Whereas, the Lower Richland system does not generate enough revenue to account for the minimal expenditures associated with the operations of the system and cannot invest in its aging infrastructure.
- The need for the implementation of a water and sewer rate study. According to policy, the County should conduct a rate study every 3-5 years. Review of the archives attendant to this matter revealed that the County did not perform rates studies in accordance with its policy. A preliminary rate study was initiated more than a year ago, the results of which have not been finalized.
- Inadequate funding of the capital improvement / maintenance needs for both systems. Historically, the County has not adequately funded the capital outlay for both utility systems. This has contributed to failing infrastructure and the constant need to make emergency repairs.
- The County has a number capital improvement related commitments that should proceed and will require funding mechanisms supported by its Utility System, including the Cedar Cove and Stoney Point Utility System Improvement Project and the Lower Richland Sewer project via the Satellite Sewer Service Agreement with the City of Columbia. As such, Council's pending policy decision attendant to having a combined utility system must be timely.

Given the recent completion of the preliminary countywide rate study, along with the preliminary projection of long-term needs of the County's utility system, Council is facing a number of critical policy decisions. While the timeliness of those decisions cannot be understated, Council needs to review all of the available information and begin deliberations to address the critical needs of both utility systems. Given the aforementioned issues, staff is seeking to obtain direction from Council with regard to the following policy initiatives:

1. **Proceeding or not proceeding with a combined utility system.** It is advantageous for the County to move towards operating the utilities as one combined or regional system to provide equity and uniformity in its rates for all of its customers. Further, a combined utility system will set the foundation for the County to move toward a county-wide sewer and water system which can eliminate the many "pockets" of sewer service countywide.
2. **The Capital Improvement Plan (CIP) schedule as it relates to the County utility infrastructure.** There are a number of utility system infrastructure related improvements and upgrades impacting both utility systems via the County's Water and Sewer Master Plan which includes expansion projects. Further, there are planned capital expenditures, including R&R (refurbishment & replacement) for the assets and components of the utility system. Council will need to approve the CIP during its upcoming Biennium Budget II process, including the plan's funding sources. The



development of the County's ten year CIP is underway, with a tentative completion date in the Fall 2018

- 3. Implementation of utility rate adjustments vis-à-vis the Willdan Rate Study.** As noted, the County's utility systems are intended to be self-supporting through user fees or charges for services to the customers of the utility systems. Completion of the countywide rate study will allow for the proper development of funding mechanisms for the Utility System CIP. Once the CIP is completed and funding mechanisms are in place, the County can implement rate adjustments upon approval from County Council in order for the utility systems to be self-supporting and financially sustainable. Further, if Council approves moving forward with a combined utility system, the next steps would include equalization of rates adjusted to appropriate levels to eliminate transfers in or subsidies from the County's General Fund and fund necessary CIP projects. Currently, without the subsidy from the General Fund, utility customers would necessarily face large rate/fee increases in order to operate on a stand-alone basis. The adoption of final rate study results and associated CIP funding strategy will address the matters needing urgent attention of aging infrastructure, R&R and the upgrade needs for antiquated equipment. Lack of timely attention to the above can result in serious consequences including, but not limited to, Public Health/Environmental Impact together with possible regulatory violations and associated penalties.

#### **Fiscal Impact**

Proceeding with a combined utility system will provide parity in its rates for all of its customers. Further, a combined utility system will allow for system revenues to be pledged for any Revenue Bonds issued by the System, thus boosting the credit strength of the System drawing from a larger user base, which would result in lower overall borrowing costs to address the system needs.

#### **Past Legislative Actions**

None.

#### **Alternatives:**

1. Consider staff's request and proceed as recommended.
2. Consider staff's request and do not proceed as recommended.

#### **Staff Recommendation:**

Pursuant to the aforementioned information, staff recommends the following actions:

- 1. Proceed with a combined utility system.** As noted above, the combined utility system will set the foundation for the County to move toward a county-wide sewer and water system which can eliminate the many "pockets" of sewer service countywide. This action will require an ordinance via three readings and a public hearing.
- 2. Allow the working group to present an emergency financing plan to address BRWWTP Consent Order.** The working group (County Administration, County Utilities, County Finance and Budget, County Legal, Bond Counsel, Financial Advisor and Willdan) will develop a financing plan for Council to consider no later than November 2018.



3. **Accept the Capital Improvement Plan (CIP) schedule and priorities as it relates to the County utility infrastructure as information.** The preliminary capital improvement program (“CIP”) as proposed by the Utilities Department and ranked by the CIP Review Team, will be included in the County’s ten-year CIP for Council consideration during its normal budgetary process in Spring 2019.
  
4. **Allow the working group continue efforts to update the preliminary Utility Rate Study Report vis-à-vis the Willdan Rate Study as information.** The proposed CIP, the proposed operation and maintenance budgets, the County’s financial policies and currently outstanding utility debt, as well as any new and/or restructured or refunded debt, will collectively serve as the basis for establishing the proposed financing model and rates necessary to support the systems. Once the County’s CIP is approved by Council, the recommended rates will be developed and presented for Council approval in Spring 2019.



Exhibits

**Exhibit A: Detailed Subsidy Summary**

<b>Detailed Subsidy Summary</b>				
	<b>Date</b>	<b>Repayment Amount</b>	<b>Amount of Subsidy/Loan</b>	<b>Net</b>
<b>TRANSFER TO BROAD RIVER SEWER FROM LOWER RICHLAND SEWER:</b>				
	6/30/2010	-	\$198,000	\$198,000
<b>TRANSFER TO BROAD RIVER SEWER FROM STORMWATER:</b>				
	6/30/2011	-	\$344,075	\$344,075
	4/30/2012	-	\$346,813	\$346,813
<b>LOAN FROM GENERAL FUND TO BROAD RIVER SEWER:</b>				
	6/30/2009	-	\$700,000	\$700,000
	6/30/2009	64,000.00	\$0	-\$64,000
	6/30/2010	64,000.00	\$0	-\$64,000
	6/30/2011	64,000.00	\$0	-\$64,000
	6/30/2012	64,000.00	\$0	-\$64,000
	6/30/2013	64,000.00	\$0	-\$64,000
	6/30/2014	64,000.00	\$0	-\$64,000
	6/30/2015	64,000.00	\$0	-\$64,000
	6/30/2016	64,000.00	\$0	-\$64,000
	6/30/2017	64,000.00	\$0	-\$64,000
	6/30/2018	64,000.00	\$0	-\$64,000
				<b>\$60,000</b>
<b>TRANSFER TO LOWER RICHLAND SEWER FROM GENERAL FUND:</b>				
	6/30/2018	-	\$35,232	\$35,232
<b>TRANSFER TO LOWER RICHLAND SEWER FROM COUNTYWIDE BOND 2002B:</b>				
	10/31/2010	-	\$1,200,000	\$1,200,000
<b>TRANSFER TO LOWER RICHLAND SEWER FROM STORMWATER:</b>				



6/30/2011	-	\$155,925	\$155,925
4/30/2012	-	\$153,187	\$153,187
3/31/2013	-	\$133,943	\$133,943
6/30/2015	-	\$184,000	\$184,000
6/30/2016	-	\$225,000	\$225,000
1/31/2017	-	\$225,000	\$225,000
6/30/2018	-	\$283,889	\$283,889
6/30/2013	-	\$155,000	\$155,000
<b>LOANS FROM BROAD RIVER SEWER TO LOWER RICHLAND SEWER:</b>			
3/31/2015	-	\$283,870	\$283,870
10/31/2015	-	\$98,521	\$98,521
1/31/2016	-	\$32,233	\$32,233
1/31/2017	-	\$38,601	\$38,601
1/31/2017	-	\$0	\$0
			<b>\$453,225</b>
<b>TRANSFER TO LOWER RICHLAND WATER FROM RC CAPITAL PROJECTS CAPITAL FUND:</b>			
6/30/2008	-	\$455,000	\$455,000
<b>TRANSFER TO (POND DRIVE) LOWER RICHLAND WATER FROM STORMWATER:</b>			
3/31/2013	-	\$23,895	\$23,895
<b>TRANSFER TO LOWER RICHLAND WATER FROM STORMWATER:</b>			
3/31/2013	-	\$121,621	\$121,621
3/31/2014	-	\$112,790	\$112,790
3/31/2014	-	\$20,133	\$20,133
5/31/2014	-	\$223,275	\$223,275



6/30/2015	-	\$145,000	\$145,000
6/30/2016	-	\$100,000	\$100,000
1/31/2017	-	\$100,000	\$100,000
6/30/2018	-	\$249,680	\$249,680
			<b>\$1,551,394</b>

## **RICHLAND COUNTY GOVERNMENT ADMINISTRATION**

2020 Hampton Street, Suite 4069, Columbia, SC 29204  
P 803-576-2050 | F 803-576-2137 | TDD 803-576-2045  
richlandcountysc.gov



### **Development & Services Committee Meeting Briefing Document**

#### **Agenda Item**

During its September 11, 2018 Special Called Council meeting, Councilperson Myers brought forth the following motion:

“Move that Council immediately move forward with the revised Lower Richland Sewer Plan, which has been (1) improved to remove lift stations from private property (consolidated into 3 on public property), (2) expanded to replace all failed, closed septic systems at Richland One Schools (Hopkins Elementary and Middle Schools and Gadsden Elementary School) and the Franklin Park subdivision, (3) clarified to ensure that access to public sewer is available, without tap fees, to any requesting resident along the revised route, who requests service as the lines are being constructed. No resident will be required to tap on to the system unless they wish to. Staff is further instructed to expedite the planning and procurement process to facilitate commencement of construction by April 2019, and targeted build out to residents, schools, and McIntyre Air Force Based by August 2019”

Also, during its September 11, 2018 Special Called Council meeting, Councilperson N. Jackson brought forth the following motion:

“Move forward with approved Sewer System which has been delayed since February 2018 for unknown reasons. Citizens have signed up and are depending on the service”

#### **Background**

Located in the area known as the Midlands in the State of South Carolina, Richland County encompasses a land area of 757.07 square miles and a population of 407,051 residents, as of July 1, 2015. Population growth projections indicate that the Midlands region will have a population of one million by 2035. As the population increases, so will demand for services including utility services.

In the interest of the constituents and per direction from Richland County Council, staff had been working on Lower Richland Sewer Project which once completed was intended to become a back bone of the sewer service to the South East Richland including wastewater treatment to Franklin Park and schools which are currently under Consent Order.

Records indicate that during community meeting in Hopkins, beginning in October 2005, concerns were discussed regarding the need for utility services to the South East portion of the County. Those discussions began to involve other community stakeholders, including the government of Richland County, resulting in County Council voting to proceed with the development and implementation of a wastewater treatment plan for Lower Richland during its October 5, 2010 meeting deliberations. Subsequently, the following actions occurred:

- Commissioned an engineering study to CDM Smith Consulting, which recommended the viability and a concept design for the Southeast Richland Sewer Project, which was completed in August 20, 2012.
- CDM Smith, the Consultant of the Record performed engineering analysis and financial analysis of multiple scenarios, working closely with the staff and county leadership, and recommended a project layout this was later was approved and slated for funding through multiple federal and state agencies, including USDA loans, Rural Infrastructure grants and State Revolving Fund. The design included installation of multiple lift stations & sewer lines of varying sizes and capacities. All lift stations were intended to be installed in private properties, requiring easements from property owners together with need for private easements for some areas of sewer lines as well
- Based on project layout and engineering study completed by CDM Smith, USDA issued a Letter of Conditions for financing the project as defined by CDM PER. County Council adopted USDA Letter of Conditions in February 2013.
- Consultancy services for Detail Engineering of “Project Approved Layout”, Issuance of Construction permits / Drawings, and procurement for contracting services was solicited & commissioned on March 20, 2014. These consultancy services were awarded to Joel Wood and Associates, who is the Engineer of Record for final construction plans and documents.
- Since March 2014 to date there had been several protests, blockades and resistance to the project which resulted in stoppage of work and permits reviews delaying the Procurement of Contracting services and commencement of construction.
- Finally and on May 13, 2016 DHEC issued “Permit to construct” authorizing the commencement of Construction of the project ( **Figure 1** shows that layout of permitted design).
- However and unfortunately within the 2 weeks of issuance of “Permit to Construct”, the DHEC decision was challenged at DHEC Board and afterwards in Administrative Law Court (ALC), pushing the project back on hold.
- In November 2016, ALC, after its review issued a judgment upholding the issuance of the permit and allowing the commencement of construction per DHEC approval.

The project as permitted requires several Lift Stations to be constructed on sites requiring acquisition of private properties in residential neighborhoods and most of which are concentrated in Hopkins area.

The project, as approved, had divided opinions amongst residents in Lower Richland since its inception such as extreme levels of resistance including, challenging the project’s existence and permit to construct, and law suits. As such this project has experienced delays, effectively placing the project at “halt.”



The key to the success of this project remains completely dependent on the costumers and residents intended to benefit from the project and their acceptance of the project. Proceeding with project “as is” without regaining public trust and establishing good relationships with the community retains the probability of serious consequential impacts in the long run.

Being mindful of the aforementioned information, in order to address the public unrest, political divide, and, most importantly, the public trust and project success, County Administrator, in May 2017, developed a team of Richland County Staff review and revisit the LRSP “as approved” and identify potential alternatives.

The numerous follow up discussions, and with assistance of a Utility Consultant, 5 potential alternatives (**Figure 2**) were reviewed and evaluated and discussed with the Administration as well as Council members representing the South East region which resulted into the development of the most favorable options as enclosed (**Alternative 5 – Figure 3**). Copy of all other alternatives is enclosed for information as well ( see **Appendix A**). Note that while options have their Pros and Cons, Alt 5 plan aligns with the Sanitary Sewer Master Plan for Southeast Richland County and will become the backbone of the system well into the future.

### Issues

The issue is the approach (original vs. revised –Alternative 5 ) Council desires to take in proceeding with the Lower Richland Sewer Plan (original plan) or the Southeast Richland Sewer Plan (Alternative 5 of the revised plan).

### Fiscal Impact

Please see attached Comparison Matrix highlight the Fiscal Impact of each alternate

### Past Legislative Actions

There are no past legislative actions associated with this request.

### Alternatives

1. Consider the motions and proceed with one of them accordingly.
2. Consider the motions and do not proceed.

### Staff Recommendation

The original Lower Richland Sewer Plan, as permitted, requires eight (8) Lift Stations, (not inclusive of pipeline and lift station serving Gadsden Elementary School) to be constructed on sites several of which require acquisition of private properties in residential neighborhoods and most of which are concentrated in Hopkins area. The inclusion of infrastructure for Gadsden Elemenetary School will result into (9) lift station. The project, as approved, had divided opinions amongst residents in Lower Richland since its inception such as extreme levels of resistance including, challenging the project’s existence and permit to construct, and law suits. This contributed to challenges in acquiring private properties for the lift stations. As such this project has experienced delays, effectively placing the project on “hold.”

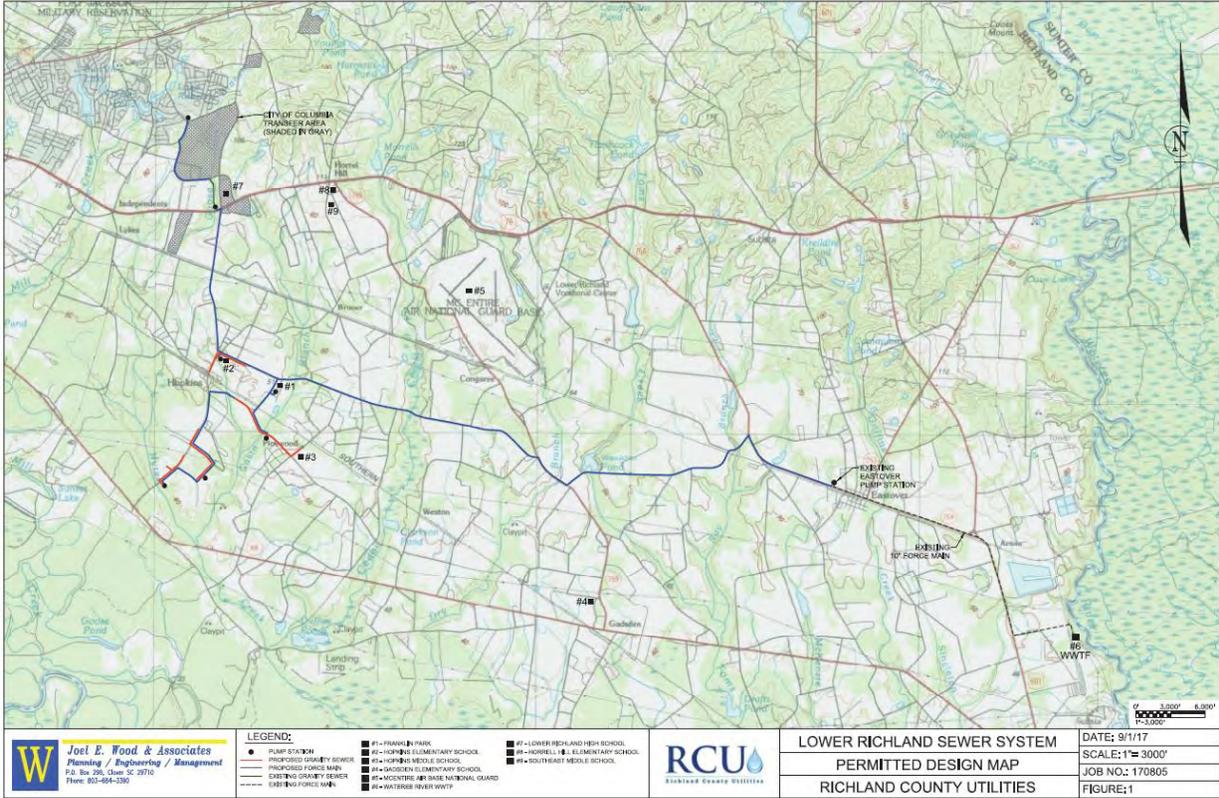


Staff recommends an alternative design, the Southeast Richland Sewer Plan (Alternative 5 – see Figure 3) that will minimize encroachment on the private property owners in the impacted communities. The revised Southeast Richland Sewer Plan design proposes the following:

1. Reduce the number of lift stations to seven (7), few of which will be in Hopkins area and none will be on private property.
2. Explicit Council Resolution removing the mandatory hook-ups fees during construction only.
3. Removed the utilization of private properties for sewer lines and use strictly public rights-of-way and/or public property instead.

Proceeding with the revised Southeast Richland Sewer Plan can defragment the sewer system in this area of the County by absorbing the sewer services of several neighborhoods adjacent to the City Limits (such as Rose cliff, Myers Creek, Quail Creek and many others) and consolidate the sewer service provided to McIntyre National Guard, Hopkins, Franklin Park, Gadsden, other adjacent areas and the District One schools into one system.

# FIGURE 1: LAYOUT OF PERMITTED DESIGN



## FIGURE 2: ALTERNATIVE COMPARISON MATRIX

SOUTHEAST RICHLAND COUNTY SANITARY SEWER PROJECT ALTERNATIVE MATRIX						
	PERMITTED DESIGN (PHASE 1)	ALTERNATE # 1	ALTERNATE # 2	ALTERNATE # 3	ALTERNATE # 4	ALTERNATE # 5 (SEE PH. BREAKDOWN IN ADD. TABLE BELOW)
<b>TOTAL PROJECT COST</b>	\$14,323,230.00	\$22,384,000.00	\$30,037,000.00	\$20,253,400.00	\$21,435,550.00	\$34,012,600.00
<b>PROJECT DURATION TO COMPLETION</b>	24 MONTHS	40 MONTHS	40 MONTHS	40 MONTHS	40 MONTHS	40 MONTHS (PH 1 ONLY)
<b>NUMBER OF POTENTIAL CUSTOMERS SERVED (REUs)</b>	NOT DETERMINED	2,469	2,572	2,332	2,401	2,581
CITY OF COLUMBIA CUSTOMERS TRANSFER	1,400	1,400	1,400	1,400	1,400	1,400
TOWN OF EASTOVER USERS	210	210	210	210	210	210
NEW SERVICE AREA USERS	NOT DETERMINED	859	962	722	791	971*
<b>LENGTH OF GRAVITY SEWER</b>	24,325 L.F.	54,270 L.F.	71,700 L.F.	36,500 L.F.	48,000 L.F.	40,000 L.F.**
<b>LENGTH OF FORCE MAIN</b>	96,435 L.F.	150,170 L.F.	148,800 L.F.	135,600 L.F.	134,200 L.F.	189,400 L.F.**
<b>NO. OF LIFT STATIONS (INCLUDING REQUIRED UPGRADES)</b>	8 ***	11	10	9	10	9
<b>NO. OF PRIVATE USE LAND EASEMENTS NEEDED</b>	5	5	4	2	3	4
<b>NO. OF PUBLIC USE LAND EASEMENTS NEEDED</b>	3	6	6	7	7	5

**NOTES:**

\* ACTUAL NUMBER OF CUSTOMERS TO BE DETERMINED – ESTIMATE BASED ON CONSTRUCTION COSTS TO EXPAND COLLECTION SYSTEM BY A VALUE OF \$3.5 MILLION

\*\* LENGTHS SHOWN ARE FOR PHASE 1 & 2 ONLY – PHASE 3 LENGTHS ARE NOT YET DETERMINED

\*\*\* PERMITTED DESIGN DOES NOT INCLUDE PUMP STATION OR LINE WORK TO CONNECT GADSDEN ELEMENTARY SCHOOL TO PROPOSED SYSTEM

ALTERNATE #5 PHASES 1-3 (PREFERRED ALTERNATE)			
	PHASE 1	PHASE 2	PHASE 3
<b>TOTAL PROJECT COST PER PHASE</b>	\$16,409,500.00	\$8,218,100.00	\$9,385,000.00
<b>PROJECT TARGET DATE FOR COMMENCEMENT</b>	JAN. 2021	APRIL 2026	APRIL 2028
<b>NUMBER OF POTENTIAL CUSTOMERS SERVED (REUs)</b>	2,243	2,406	2,581
EW SERVICE AREA USERS	633	163 (796 PH 1 & 2)	175 (971 ALL PHASES) *
<b>LENGTH OF GRAVITY SEWER</b>	N/A	40,000 L.F.	T.B.D. **
<b>LENGTH OF FORCE MAIN</b>	151,000 L.F.	38,400 L.F.	T.B.D. **
<b>NO. OF LIFT STATIONS (INCLUDING REQUIRED UPGRADES)</b>	8	1	T.B.D.
<b>NO. OF PRIVATE USE LAND EASEMENTS NEEDED</b>	3	1	T.B.D.
<b>NO. OF PUBLIC USE LAND EASEMENTS NEEDED</b>	5	0	T.B.D.

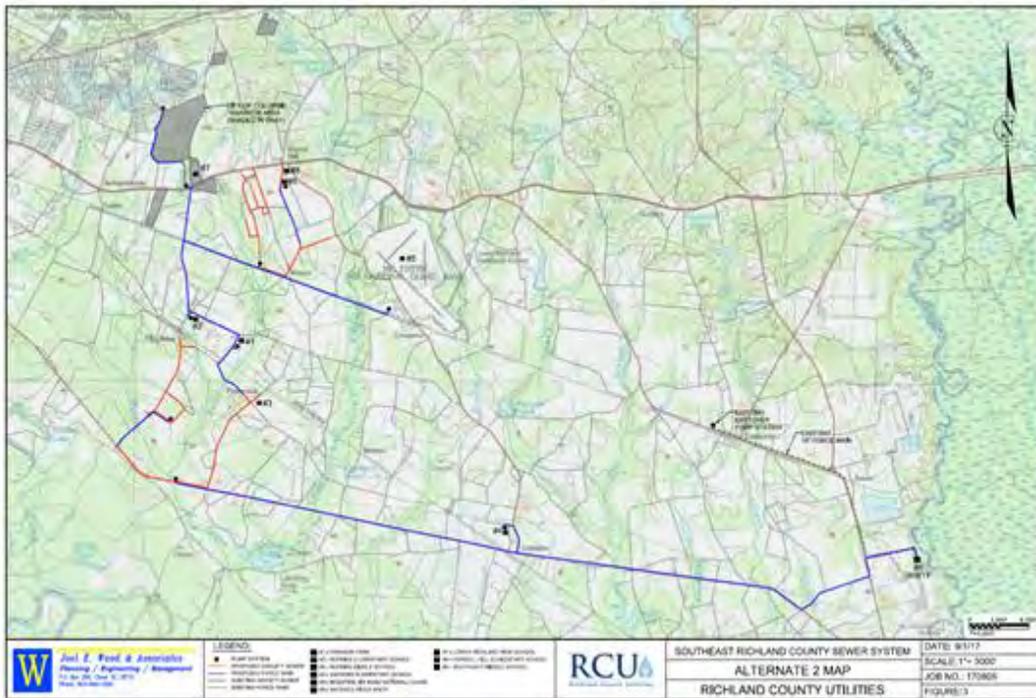


# APPENDIX A

ALTERNATE 1



ALTERNATE 2







## **Development & Services Committee Meeting Briefing Document**

### **Agenda Item**

Utilize emergency funds to facilitate third party well testing in areas potentially impacted by Westinghouse's previously undisclosed 2011 uranium leak

### **Background**

During its September 11, 2018 Special Called Council meeting, Councilperson Myers brought forth the following motion:

"Council Motion: Move to authorize Dr. Yudice and staff to utilize emergency funds to facilitate third party well testing in areas potentially impacted by Westinghouse's previously undisclosed 2011 uranium leak. Funds would be available for testing over the next thirty days, subject to individual requests"

In 2011, Westinghouse experienced a uranium leak. The June 2018 U.S. Nuclear Regulatory Commission facility report indicated that contamination could spread into creeks, ponds and groundwater.

### **Issues**

Potential ground water contamination due to Westinghouse's previously undisclosed 2011 uranium leak in the southeastern portion of the County.

### **Fiscal Impact**

Staff has identified \$70,000 in the current fiscal year budget to be used for this effort.

### **Past Legislative Actions**

There are no past legislative actions associated with this request.

### **Alternatives**

1. Consider the motion and proceed accordingly.
2. Consider the motion and do not proceed.

### **Staff Recommendation**

Funding for this initiative is available should Council proceed with approving this motion. Staff has obtained three quotes from vendors that can perform the testing, with the lowest cost being \$210 per test.



## **Development & Services Committee Meeting Briefing Document**

### **Agenda Item**

Move forward with the water system already approved with partnership with Westinghouse nuclear energy plant, International Paper, SCE&G and others to provide seed funds as they all have contributed to water quality in the area

### **Background**

During its September 11, 2018 Special Called Council meeting, Councilperson N. Jackson brought forth the following motion:

“To resolve the water contamination issues in the Lower Richland community and put the citizens at ease I move that Richland County move forward with the water system already approved with partnership with Westinghouse nuclear energy plant, International Paper, SCE&G and others to provide seed funds as they all have contributed to water quality in the area”

In 2011, Westinghouse experienced a uranium leak. The June 2018 U.S. Nuclear Regulatory Commission facility report indicated that contamination could spread into creeks, ponds and groundwater.

### **Issues**

- The cost associated with expanding the County’s water system.
- The willingness of Westinghouse, International Paper and SCE&G to provide seed funding for this initiative.

### **Fiscal Impact**

Based on the preliminary engineering estimate, the project’s initial estimated cost would be \$13.7 million for design and construction of a water distribution network as an extension of existing Hopkins water System. The additional funding will be required for later phases of the project which will depend on the demand and necessary enhancement to the infrastructure (i.e. piping, pumps and Treatment Plant).

### **Past Legislative Actions**

There are no past legislative actions associated with this request.

### **Alternatives**

1. Consider the motion and proceed accordingly.
2. Consider the motion and do not proceed.

### **Staff Recommendation**

If Council proceeds with this motion, staff would initiate discussions with external stakeholders as it relates to obtaining seed funding for this initiative and then present a financial and implementation approach to Council for its review and approval.



## **Development and Services Committee Meeting Briefing Document**

### **Agenda Item**

An Ordinance authorizing deed to the City of Columbia water lines for Richland Library Northeast, 7490 Parklane Road; Richland County TMS#17707-08-01 (PORTION); CF #340-15

### **Background**

Richland Library built, and has operated a library at this location since 1986. The water lines serving the building were deeded to the City of Columbia by action of County Council at that time. Richland Library has renovated the library on the property and added a fire sprinkler system with its attendant water lines and meter. Water meters have been purchased from the City of Columbia, who is supplying water service, for the project. The City requires that a deed be executed conveying the new water lines including valves, valve boxes, fire hydrants, meter boxes, service lines to meter boxes and easement boundaries leading to fire hydrant lines and all components to complete the system.

This transfer is typical of all projects serviced by the City of Columbia Water Department and is a requirement for the Library to receive a Certificate of Occupancy and open to the public.

### **Issues**

The transfer of water lines to the City of Columbia will allow for the Library to complete the fire sprinkler system.

### **Fiscal Impact**

None.

### **Past Legislative Actions**

None.

### **Alternatives**

1. Consider the request of the Library and recommend Council approval of the ordinance.
2. Consider the request of the Library and do not recommend Council approval of the ordinance.

### **Staff Recommendation**

This is a request initiated by the Library. Staff recommends approval. Staff will proceed as directed by Council.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_-17HR

AN ORDINANCE AUTHORIZING DEED TO THE CITY OF COLUMBIA  
FOR CERTAIN WATER LINES TO SERVE THE RICHLAND COUNTY  
PUBLIC LIBRARY NORTHEAST BRANCH RENOVATION; RICHLAND  
COUNTY TMS #17707-08-01 (PORTION).

Pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed to certain water lines to The City of Columbia, as specifically described in the attached DEED TO WATER LINES TO SERVE THE RICHLAND COUNTY PUBLIC LIBRARY NORTHEAST BRANCH RENOVATION; RICHLAND COUNTY TMS #17707-08-01 (PORTION); CF#340-15, which is attached hereto and incorporated herein.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Joyce Dickerson, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2018.

\_\_\_\_\_  
Kimberly Williams-Roberts  
Clerk of Council

First Reading:  
Second Reading:  
Public Hearing:  
Third Reading:

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

DEED TO WATER LINES FOR  
RICHLAND COUNTY PUBLIC  
LIBRARY NORTHEAST BRANCH  
RENOVATION; 7490 PARKLANE  
ROAD; RICHLAND COUNTY TMS  
#17707-08-01 (PORTION); CF #340-15

**RICHLAND COUNTY**

to

**CITY OF COLUMBIA**

FOR VALUE RECEIVED, Richland County (also hereinafter referred to as "Grantor") of Columbia, South Carolina does hereby bargain, sell, transfer and convey unto the City of Columbia (also hereinafter referred to as "Grantee"), its successors and assigns, all of Grantor's rights, title and interests in and to the below described water lines:

All those certain water lines, the same being 6" in diameter including valves, valve boxes, fire hydrants, meter boxes, service lines to meter boxes and easement boundaries, lead lines to fire hydrants (including 6" DIP), and all components to complete the system.

All metes, courses, bounds and measured distances described herein are approximate. The precise metes, courses, bounds and measured distances are more particularly described and as shown on City File #340-15, which is incorporated herein by specific reference thereto.

A 6" water line beginning at a tapping sleeve and valve and tie to an existing 8" City of Columbia water line (Linen 819C), located in the northeastern right-of-way of Springbank Drive (S-40-1320; 50' R/W), at a point ninety-two and eight tenths (92.8) feet southeast of the northern property corner of the subject property; thence extending therefrom in a southwesterly direction crossing Springbank Drive, for a distance forty and four tenths (40.4) feet to a meter pit, located in the southwestern right-of-way of Springbank Drive, eighty-nine and one tenth (89.1) feet southeast of the northern property corner of the subject property; thence terminating.

Be all measurements a little more or less.

The Grantor hereby agrees to be responsible for repairs of all damage to water lines, sanitary sewer lines, curb cocks, meter boxes, all fittings and fire hydrants hereby conveyed which arise out of the operation of any equipment or vehicles under control of the Grantor, Grantor's contractor, agent, or any other party acting on behalf of Grantor in connection with the initial installation of streets, paving, curbs and gutters, storm drainage lines, sanitary sewer lines, utility lines, final grading or improvements in development of property served by said water lines, and the Grantor shall either effect necessary repairs or reimburse the City for the cost of repairs at the option of the City.

This conveyance also includes an exclusive easement on the water meter located on the subject property and appurtenances heretofore described and as shown on the herein-referenced record drawings for the purpose of access ingress, egress, construction, operation, reconstruction and maintenance of said water lines. The Grantor hereby agrees that no future construction (including, but not limited to, buildings, paving, pipe lines or other utilities) will be allowed within the limits of this easement without prior approval of the City Engineer. Also, granted herein is an

APPROVED AS TO FORM  
  
6-11-2018  
Legal Department City of Columbia, SC

easement for access, ingress and egress along the entrance drives, private alleyways, driveways and common areas for the construction, operation, maintenance, repair, reconstruction and extension of services on the water lines and appurtenances for this development.

The herein conveyed water line and fire hydrant was permitted to be constructed within Springbank Drive (S-40-1320) by encroachment permit #197652, dated November 21, 2016, issued by the South Carolina Department of Transportation.

This conveyance also includes all water line easements shown on a set of record drawings for Richland Library Northeast Branch Renovation at 7490 Parklane Road, Columbia 29223, in Richland County and near the City of Columbia, South Carolina, dated May 9, 2018, last revised May 31, 2018, prepared for Richland County, prepared by RB Todd Consulting Engineers, Robert Bruce Todd, S.C.P.E. #15310, and being on file in the Office of the Department of Engineering, City of Columbia, South Carolina under City file reference #340-15.

These water lines are more clearly delineated on a set of record drawings for Richland Library Northeast Branch Renovation at 7490 Parklane Road, Columbia 29223, in Richland County and near the City of Columbia, South Carolina, dated May 9, 2018, last revised May 31, 2018, prepared for Richland County, prepared by RB Todd Consulting Engineers, Robert Bruce Todd, S.C.P.E. #15310, and being on file in the Office of the Department of Engineering, City of Columbia, South Carolina under City file reference #340-15.

HMG

**(REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)**

TO HAVE AND TO HOLD the aforesaid rights to the Grantee, its successors and assigns, as aforesaid, forever.

And the Grantor does hereby bind the Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the said premises unto the Grantee, its successors and assigns against the Grantor and Grantor's successors and assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

And Grantor warrants that Grantor is the lawful owner of said property and has the right to convey same; and that the property is free and clear of any and all mortgages, except those set-forth hereinabove.

WITNESS the hand and seal of the Grantor by the undersigned this \_\_\_\_\_ day \_\_\_\_\_, 2018.

**WITNESSES:**

**RICHLAND COUNTY**

\_\_\_\_\_  
(1<sup>st</sup> Witness Signature)

By: \_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(2<sup>nd</sup> Witness Signature)

Title: \_\_\_\_\_  
(Print Title)

STATE OF \_\_\_\_\_ )

**ACKNOWLEDGMENT**

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_  
(Name & Title of Officer)

of \_\_\_\_\_ on behalf of the within named Grantor.  
(City & State)

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
(State)

My Commission Expires: \_\_\_\_\_  
(Date)

**ATTORNEY CERTIFICATION**

I, \_\_\_\_\_, an attorney licensed to practice in the state of \_\_\_\_\_, do hereby certify that i supervised the execution of the attached Deed to Water Lines for Richland County Public Library Northeast Branch Renovation; 7490 Parklane Road with Richland County as Grantor and the City of Columbia, as Grantee, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
State Bar or License Number \_\_\_\_\_

**17707-08-01**

Property Address: **Richland County Public Library Northeast Branch; 7490 Parklane Road, Columbia, SC 29223; CF #340-15 (ALL PHASES & FUTURE DEVELOPMENT)**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

**DECLARATION OF COVENANT**

THIS DECLARATION OF COVENANT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2018  
by **RICHLAND COUNTY**

(CHECK APPLICABLE TERM)

- a corporation, limited liability corporation, or company, incorporated under the laws of the State of **SOUTH CAROLINA** (Insert name of State of incorporation)
- general/limited partnership (Strike inapplicable term)  
an individual doing business as \_\_\_\_\_  
(Insert name doing business as)
- individual(s),
- church, non-profit organization, educational institution, recreation commission, governmental body politic & other

hereinafter referred to as Declarant.

WHEREAS, Declarant is the owner of real property which is described on Exhibit A, which are attached hereto and incorporated herein by specific reference thereto, the same being hereinafter referred to as real property; and,

WHEREAS, the real property is not contiguous to the City limits of the City of Columbia, South Carolina; and,

WHEREAS, Declarant has requested that the City of Columbia provide sewer and/or water service to the real property; and,

WHEREAS, Declarant has entered into a Water Service Contract or Sewer Service Contract or Water Main Extension Agreement or Sanitary Sewer Agreement with the City of Columbia in order to secure water or sewer service to the real property from the City of Columbia; and,

WHEREAS, the City of Columbia, for and in consideration of providing water or sewer service to the real property, which is not contiguous to the City of Columbia City limits, has required the Declarant to agree to cause the real property to be annexed to the City of Columbia in the event the real property, or any portion thereof, becomes contiguous to the City limits of the City of Columbia; and,

WHEREAS, Declarant desires to insure future compliance with such contractual agreement made with the City of Columbia;

NOW THEREFORE, the Declarant hereby declares as follows:

**IMPOSITION OF COVENANT**

From this day forward, the real property shall be held, transferred, sold or conveyed subject to the covenant contained herein which is for the purpose of providing future water or sewer service to the real property by the City of Columbia. The covenant shall touch and concern and run with title to the real property. This Declaration of Covenant and all provisions hereof shall be binding on all persons or entities having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, and shall inure to the benefit of each owner thereof. The enumerated covenant shall be deemed a covenant and not a condition.

APPROVED AS TO FORM  
  
6-11-2018  
Legal Department City of Columbia, SC

## COVENANT

At any future time should any part of the real property become contiguous to the City limits of the City of Columbia, all then current owner(s) of the entire parcel of real property will petition to have the real property annexed into the City of Columbia by submitting a proper and sufficient annexation petition at such time as the City of Columbia makes a written request to the then current owner(s) to submit the petition for annexation required by this Covenant.

## ENFORCEMENT OF COVENANT

Failure of the owner(s) to submit the petition for annexation required by the Covenant upon written request by the City of Columbia to cause such real property to be annexed into the City of Columbia upon any portion thereof becoming contiguous to the City limits of the City of Columbia will result in a termination of water or sewer service to all of the real property until such time the owner(s) of the real property cause the real property to be annexed into the City of Columbia. Additionally, this Covenant may be enforced by an action for specific performance. In addition to the remedies specifically set forth herein, all public and private remedies allowed by law or in equity against anyone in violation of this Covenant shall be available. All of the remedies set forth herein are cumulative and not exclusive. Any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, or the City of Columbia shall be entitled to bring an action for enforcement of the Covenant at such time as the City of Columbia has made the written request upon the then current owner(s) to submit a proper and sufficient annexation petition as required by the Covenant and the then current owner(s) have failed to submit the aforesaid petition within thirty (30) days of the written request.

The failure of any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, or the City of Columbia to bring an action to enforce this Covenant shall not operate as a waiver of the right to do so for any subsequent violations or of the right to enforce any other part of this Covenant at any future time. The failure of any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, or the City of Columbia to exercise or to delay in exercising any right or remedy available hereunder or at law or in equity shall not operate as a waiver. Notice of default or violation shall not be deemed as a condition precedent to the exercise of any right or remedy available hereunder or at law or in equity. Should any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, or the City of Columbia fail to bring action for enforcement of this Covenant or seek any other remedy allowed at law or in equity such shall not create any liability for the recovery of damages for the failure to so act.

## DURATION OF COVENANT

This covenant shall run with the land and shall be binding upon any person or entity having any right, title or interest in the real property, or any portion thereof, including Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, forever.

## INTERPRETATION

In interpreting words in this Declaration of Covenant, unless the context shall otherwise provide or require, singular shall include the plural, the plural shall include the singular, and the use of any gender shall include all genders.

The headings are included for purposes of convenient reference and such shall not affect the meaning or interpretation of this Declaration of Covenant.

IN WITNESS WHEREOF, Declarant has executed this Declaration of Covenant on the day and year first above written.

**WITNESSES:**

**DECLARANT:**

**RICHLAND COUNTY**

\_\_\_\_\_  
(Signature of Witness #1)

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature of Witness #2)

NAME: \_\_\_\_\_  
(Print or Type Name)

TITLE: \_\_\_\_\_  
(Print or Type Title)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF \_\_\_\_\_ )

**ACKNOWLEDGEMENT**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by \_\_\_\_\_ of \_\_\_\_\_  
(Name of Officer and Title)

\_\_\_\_\_ on behalf of the within-named Declarant.  
(City and State)

\_\_\_\_\_  
(Notary's Signature)

**NOTARY PUBLIC FOR STATE OF** \_\_\_\_\_  
(STATE)

**MY COMMISSION EXPIRES** \_\_\_\_\_  
(DATE)

**ATTORNEY CERTIFICATION**

I, \_\_\_\_\_, an attorney licensed to practice in the State of \_\_\_\_\_, do hereby certify that I supervised the execution of the attached Declaration of Covenants for Richland County Public Library Northeast Branch Renovation; 7490 Parklane Road with Richland County as Grantor and the City of Columbia, as Grantee, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
State Bar or License Number \_\_\_\_\_



## **Development & Services Committee Meeting Briefing Document**

### **Agenda Item**

State and/or Federal law prohibitions against a county plastic bag ordinance

### **Background**

During its July 10, 2018 Council meeting, Vice-Chairperson Malinowski and Councilperson N. Jackson brought forth the following motion:

“Determine if there is any state/federal law that prohibits a county from creating any use of plastic bags by an ordinance that would for use in putting product exceptions if deemed already come prepackaged in under these restrictions.”

Staff research of this matter did not reveal any state and/or federal laws that prohibits a county from enacting an ordinance as described in the aforementioned Council motion.

### **Issues**

Plastic bag ordinance.

### **Fiscal Impact**

None.

### **Past Legislative Actions**

Motion brought forth by Vice-Chairperson Malinowski and Councilperson N. Jackson during the July 10, 2018 Council meeting.

### **Alternatives**

1. Consider the Council motion and proceed accordingly.
2. Consider the Council motion and do not proceed.

### **Staff Recommendation**

Staff research of this matter did not reveal any state and/or federal laws that prohibits a county from enacting an ordinance as described in the aforementioned Council motion. The County Legal Department concurs with this conclusion. Staff will proceed as directed by Council.