



Richland County Council

DEVELOPMENT AND SERVICES COMMITTEE

September 25, 2018 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Greg Pearce, Chair; Calvin “Chip” Jackson, Gwen Kennedy

OTHER COUNCIL MEMBERS PRESENT: Norman Jackson, Dalhi Myers, Yvonne McBride and Bill Malinowski

OTHERS PRESENT: Brandon Madden, Michelle Onley, Kim Williams-Roberts, Trenia Bowers, Sandra Yudice, Stacey Hamm, Larry Smith, Stephen Staley, Shahid Khan, and Melissa Watts

1. **CALL TO ORDER** – Mr. Pearce called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
 - a. July 24, 2018 – Mr. C. Jackson moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

In Favor: C. Jackson, Pearce, and Kennedy

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Mr. N. Jackson stated Item 4(b) states that Council moves immediately forward with the revised Lower Richland Sewer Plan. There was never a motion to revise the sewer plan. Council approved a sewer plan. We had discussions from the community, and then it went to Court. We won the case. There was never a motion to revise the plan. He is hearing now a motion to move forward with the revised plan. He stated this is not properly before us because it was never revised. Council did not give authority to revise it, so why has it been revised and who gave authority to revise it?

Mr. Pearce stated we are at the point of adopting the agenda, and Mr. N. Jackson was questioning the item being inappropriate to be on the agenda because of the word revision. He is questioning this revision.

Ms. Myers stated when she came on Council was in the middle of the sewer process. This sewer project is entirely within her district. There was a lawsuit. One of the schools was not included in the plan. There were private property owners who were not going to allow their property to be used for the plant. She spoke with the Chair, in fact she asked all of Council, to give her leave to discuss this in the community and get buy-in for the project, and figure out what is objectionable to the people who are going to be the recipients, so that we can move forward. The revisions that you see are the result of that. The Chair, Mr. Malinowski, Mr. Pearce...she came to everybody and asked that question because it is a project that is critical, but just because it is critical you cannot do it with that much public backlash. Given that the Gadsden Elementary School was not in the project, and she has the 2013 commitment letter, which is the only commitment letter.

Mr. Pearce stated he is going to rule that this item is properly on the agenda, and then we will discuss it.

Mr. C. Jackson moved, seconded by Ms. Kennedy, to adopt the agenda as published.

In Favor: C. Jackson, Pearce, and Kennedy

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

- a. County Utility System – Mr. Pearce stated this is a follow-up to our work session on utilities. The item is before us to with the recommendation of the staff to proceed with the combined utility system, allow the working group to present an emergency financing plan to address the consent order, accept the Capital Improvement Plan schedule and priorities as it relates to the County utility infrastructure as information, and allow the working group to continue efforts to update the preliminary Utility Rate Study Report vis-à-vis the Willdan Rate Study as information. He stated this is a huge item with significant ramifications. He recommended the committee consider forwarding this on for full Council discussion, without a recommendation.

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

In Favor: C. Jackson and Pearce

The vote in favor was unanimous.

- 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]

Mr. Pearce stated the motions are basically dealing with the same subject, so he suggested grouping and taking them up together.

Ms. Myers stated she appreciates all of Mr. N. Jackson's hard work, and the work of all of you that came before she was on Council. In fact, (a) takes in all that as (b) and adds to it. It adds to it because the Gadsden Elementary School was never technically included in the plan because it failed in 2015, and the original plan was adopted in 2013. If we were to use the original plan, we would be leaving out one of the schools that was included in the video last week. That school would be left with no

solution while we move forward with the original plan that is not the plan the people in the impacted district want.

Mr. N. Jackson stated any changes made to the plan you have to have a public hearing/input. Any changes that Council makes has to be done through a motion by the Council member before we can make any revised changes. There was never a motion made to revise the plan. He was asked, by Ms. Myers, if he would accept some additional changes. He told her he could accept it as a Phase II or III, but not to adjust the original plan that was already approved because we went to Court. We had several public meetings. People came here. Some were screaming for and some against. It went to court and we won the case. He said he could support moving forward with the original plan, and any changes as a Phase II or III. You make a motion, if Council decides to do it, then you can do it that way. Gadsden Elementary School was added to the system. Former Councilman Kelvin Washington made sure that Gadsden Elementary School was added to the system in 2014. He stated he made this same motion in September 2017, and he was asked to withdraw it to clean up some things. A constituent came in February because the original plan was supposed to start in February. The constituent was told that it was delayed to September. Staff has continued to work on a revised. The Administrator or staff cannot work on a revised plan unless it has been through a motion by Council, and Council approves it to move forward. That was never done.

Mr. Pearce stated his interpretation is that is what Ms. Myers motion is all about.

Mr. N. Jackson stated to move with the revised plan. The plan has been revised before the motion. You have to make a motion to do, then do it. You do not do it, then come to Council and say, "move forward with revised plan." There was never a motion.

Mr. Khan stated we are talking about two different plans. One is an original plan, which went to the Court, and has been approved for construction by DHEC and all of the public hearings are completed. As of today, the approved plan does not have Gadsden Elementary School in it.

Mr. N. Jackson stated, for clarification, the school district said it was included, and they have the money for the Gadsden Elementary School. He stated, if you check the minutes, it was included. Maybe it did not get somewhere in the minutes, but there is documentation it was include, and they have the money for it.

Mr. Khan stated he cannot comment on the school district, but the County produced the plans. The County submitted the plans to DHEC, and followed the approval from DHEC. The plans approved by DHEC do not include Gadsden Elementary School.

Mr. N. Jackson stated he understands. He is only saying what the school district is saying. He is not sure where the breakdown is. His concern is that it was never a motion to move forward.

Ms. Myers stated the school district might not have the information because it is a Richland County plan, not a Richland County School District plan. The fact that the school district itself thinks that the plan is in one state, when it is in another. We are in control of the facts, and Dr. Yudice, Mr. Khan, and the whole team has sat with her painstakingly to go through every detail of this plan, and it does not include Gadsden Elementary. And in fact, as of 2014, Gadsden Elementary had not been cited by DHEC. Any revisions in 2014 would, by definition, not have taken in Gadsden Elementary because it failed in 2015. She stated she has spent the last 8 months in conversations with Rural Ag, and they also have no plans that include Gadsden Elementary. To the extent, that this plan is critically necessary, she would respectfully ask, since she represents the district where the schools sit, and the constituents in that district, that the committee rely on the information that she is providing given it is in her Council district, the schools, and all of the accoutrements, save for one connecting line, will

Development and Services

September 25, 2018

lie in her district. She concedes that she was not on Council when the initial plan was drafted, but she has spent approximately 10 hours every month since she has been on Council with nothing but this plan. She thinks she is pretty well versed in what is there. She does think there is a lot of misinformation. She thinks a lot of people misunderstand what the documents say, but the documents are very clear that if we go forward, as approved by the Court, exactly as Mr. Khan, who is the engineer in charge of the plan, has said we will leave out a school with a lagoon, and solid waste on the ground.

Mr. Pearce inquired if Mr. Khan could assist us in how best to move this sewer project forward.

Mr. N. Jackson stated his clarification is not necessarily whether Gadsden Elementary is on the original plan or not. His concern is that a motion was never made and approved by this Council to have a revision to the plan. The revision includes rerouting it up to Air Base Road and taking a way part from Cabin Creek Road when we went to the citizens and wanted the numbers and they signed on for the system. We are taking half of them off the system. We are sending it down a road that has no houses and the people are starting to complain. His thing is with the policy and how we proceed. He stated everything he has done since he has been here, he has made a motion. The motion was sent to a committee and staff had the authority to investigate and make any changes, and bring back a recommendation. A motion was never made, and he has been saying that since September of last year when he was asked to remove this same motion until that motion was made, and it was never made. It is irrelevant whatever changes can be made or done. A motion was never made.

Mr. Khan stated we have a project in place called Lower Richland Sewer Project. It had been on the books since 2005. If you read the briefing document he submitted, it highlights the milestones. It started in 2005. There was a motion in 2010. There was a preliminary report engineering report developed, which was submitted with the layout. The layout was presented to Council, and that approved and formed the original project. Then the project went to the next layer of milestones going through DHEC review, approval, and public hearing. However, when he came aboard he had been to a couple of meetings for that project, and from the business perspective, he sees no benefit of having a program or infrastructure if the end user or beneficiary for that infrastructure is not in favor of that. They tried to work around, and answer the questions the constituents had. They did not go too far, except winning the case in Court. The previous Administrator, Mr. Seals, when he came in, called Mr. Khan on the table and asked if there was a way to solve this problem. Mr. Khan stated the only way to solve the problem is to get the customers satisfied, and there are ways to do that. He suggested looking at multiple options to work for us. They went back to the drawing board. They went back to the preliminary engineering stage that was completed in 2011 – 2012 timeframe, which was presented and approved by Council. The preliminary engineering report presented multiple options, which are included in the briefing document provided in the agenda packet. There are several options, which were reviewed internally from the engineering perspective, as well as, Administration and the Council members, Ms. Myers and Mr. N. Jackson. They looked at those plans and came to the conclusion was that Alternate 5 was the best plan for the project, and the needs of the community. From the engineering perspective, water flows to the pipeline. All it needs is force. It can go either direction. You can put it along Lower Richland Blvd., Air Base Rd., etc. The next step was for him to look at the Master's Plans objectives. He asked what would it serve 50 years down the road, if we build it this route or that route. Those were rationalizations that supported the objective of going the route that we are going right now. If you choose to go a different route, he can do it. It is doable, but his recommendation is that we adopt Alternate 5. To go forward and implement it serving the best interests of this community and Richland County. He stated the differences between the alternates is different routes.

Mr. N. Jackson inquired about which alternates was the original plan.

Mr. Khan stated it is not in the alternates. The layout of the permitted design is the original plan.

Mr. Pearce stated, for clarification, that would be a revision of the original plan.

Mr. Khan stated, his understanding was the motion was to do the same exercise and bring the layout here for Council to bless. Once it is blessed, he will proceed forward with the design, approval, and construction stages.

Mr. N. Jackson stated, for clarification, that is revised and we would have to have a public hearing. The citizens would have to have input on any changes that done to the plan.

Mr. Khan stated they would have to first design it and submit it to DHEC. DHEC has to conduct the process, which includes hearings.

Mr. N. Jackson stated, for clarification, to go back through the whole system with public input.

Mr. Khan stated that is typically required by DHEC.

Mr. N. Jackson stated what you have here before you is something that was redesigned/revised, but there was never a motion to do it.

Ms. Myers stated the point of her putting in the motion was that she felt like it was in the public interest, the interest of the Council, and the interest of the County to have the motion to begin again and have 3 readings and a public hearing. In harmony with what Mr. N. Jackson is saying, while we are in this stage if there are people who have been left out that is not the point, but there is one way to get to Gadsden Elementary School, which is down Air Base Road. If in fact, we need to pick up a piece that was left off she is not opposed to that, but we have to get to that school. That is why Air Base Road has to be in design; otherwise, you cannot reach the school.

Mr. Pearce moved, seconded by Mr. C. Jackson, to forward to Council with a recommendation to proceed with an alternative, that in effect, would revise the approved plan and reopen that for discussion, at which time the issues of which road(s) would be debated and to have a public hearing to hear from the citizens.

Mr. Malinowski inquired as to where the additional funds are coming from because we are going from a permitted, original approved phase at \$14 million and jumping it up to 2 ½ times that at \$34 million and doubling the linear footage.

Mr. Khan stated we are not looking a project, but building infrastructure in the territory. The way it will get built is in 3 phases. Phase 1 is \$16.4 million, which will be immediate. Phase 2 will be done in later years (anticipated 2025) and Phase 3 he will probably be dead by that time.

Mr. Malinowski inquired, for clarification, if Phase 1 accomplish the immediate needs that are down there.

Mr. Khan responded in the affirmative.

In Favor: C. Jackson and Pearce

The vote in favor was unanimous.

- 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] – Mr. Madden stated they have identified approximately \$70,000 in the current budget to be used for this effort. They would request direction on whether Council would want to proceed with the motion.

Mr. Pearce inquired if anyone had confronted Westinghouse about paying for this.

Ms. Myers stated this has been a really interesting month. We have formed a community group and are working with that group. They have been meeting with Westinghouse. Dr. Yudice, and other members of staff, have provided invaluable information and guidance, and they are midway through. She met today with Senator Jackson and representatives of Westinghouse to look at what is going on, what has happened, and ways forward. We are actively undertaking that, but when we get to the point where there is obviously discussion she will put in a motion to get authority from Council to ask specifics of Westinghouse. Right now, we are just trying to get information and an understanding. We have told them that we do not think Richland County should bear these costs.

Mr. C. Jackson stated he wanted to be sure he understood what Ms. Myers said. Even from the onset, having Westinghouse on notice, is there a reluctance on their part to pay for the 3rd party testing.

Ms. Myers stated they have not evinced a reluctance, but she never takes kindness as an answer until she has it in writing. They have said they will partner with Richland County to resolve the problem. The reason we have been kind of reluctant to ask them for a dollar amount is because they are still investigating the extent of the damage. So, she is nervous about asking for money or any of those other things until we know what the damage is. The 2011 spill is the critical one, and they have not even begun to bore until the building to know the depth and scope of it yet. We are waiting to get a damage assessment, and then to move forward. The reason we asked for emergency funds was because residents are worried about their well water. She does not want to ask Westinghouse for \$70,000, and then later realize they have wrought on the community is more like \$70 million. That is an exaggeration, but we need more information before we know what to specifically ask for.

Mr. C. Jackson moved, seconded by Mr. Pearce, to forward to Council with a recommendation to identify funds that would be used in a temporary mode, and once it is determined Westinghouse's liability, that these same funds that are being used now would then be attached to whatever liability they have, so it would be clear this is not a donation by the County, and should be paid back, at a later date.

Mr. N. Jackson stated he also had a meeting in Lower Richland. He did not have the privilege to have staff at the meeting. Staff was not allowed to attend his meeting. He hired someone to take the notes. DHEC said they were doing the well testing. If DHEC is doing the well testing, and they are the authority, then why do we need to do it separate from DHEC, find another company to do it, and spend our money when DHEC is already doing it. Then, why try to get the money back from Westinghouse, when DHEC, the authority, is ready and willing to test these wells. When he saw this before him, and DHEC is already doing the job, he does not see why we should give money to do it to a separate company, when the authority is already doing it.

Ms. Myers stated the issue with DHEC testing was that because DHEC, in some residents' view, was complicit in allowing the company to not report, and under report. They were not comfortable with DHEC doing the testing, and were specific about asking for 3rd party, independent testing of their

water source to be sure it was safe. She agrees that DHEC could, and should, do testing. She has no problem conceding that point to Mr. N. Jackson. The issue, however, for the residents in the impacted area was they do not trust the DHEC testing, and that is why we asked, on an emergent basis, to please find a source to do testing.

Mr. Malinowski stated if we started making decisions based on people not being comfortable with a particular agency or business, he thinks we are going down the wrong road. He stated if you get a recall on your vehicle, and it tells you to take it back to that dealership, because you do not like that dealership they are not going to allow you to go to your private mechanic and have it done. He thinks we need to follow the rules, as Mr. N. Jackson said. If they are already doing the testing, then we need to follow along with the protocol. They are the agency that is responsible for it, and they are doing it. Whether someone does or does not like them is not for us to make a decision on, and spend taxpayers' money, otherwise.

In Favor: C. Jackson and Pearce

The vote in favor was unanimous.

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] –
Mr. Pearce inquired if this matter is a part of the utility plan presented by Mr. Khan.

Mr. Khan stated it is. Council approved for him to proceed with a feasibility study, preliminary engineering study, for water supply. That is in progress, and is scheduled to be presented to Council at a later date in October. That will be able to lay out where we are going, and how we should be going.

Mr. Pearce inquired if Mr. N. Jackson understood this a part of the plan that we voted on earlier in the meeting.

Mr. N. Jackson stated, because of the contamination problems in the area, to move it forward. If Westinghouse, International Paper, etc. has contributed to contamination of the soil, that affects the water, to have them contribute to the seed money to build a system because they are one of the causes of the problem we are having. He does not know how we can do that, but if there is a lawsuit against well contamination, they have to pay a price. They have to try to resolve it and help also. If it possible to get them to commit to some seed money to move this as soon as possible. If we do it, we have to find a bond to build the project. It may take a lot of years before it is done. If they can contribute because of what they have done to the community, then he sees it makes sense.

Mr. Khan stated, from his perspective, it would help a lot. At the end of the day, all assets require dollars, and dollars have to come from somewhere. If you have a source that would allow him to expand the system in an expeditious manner, for the interest of the community, that could be an option that he would like to have.

Mr. Pearce moved, seconded by Mr. C. Jackson, to forward to Council with a recommendation to direct the Utilities Director to explore the potential of receiving seed money to expedite the project.

Mr. C. Jackson stated the only concern he heard in Mr. Khan's comments is that, while it is noble and laudable to investigate possible partnerships, if none of those things materialize, at the end of the day, the project still needs to get done and there still needs to be an identified funding source.

Development and Services

September 25, 2018

Mr. Pearce stated, it is his understanding, that is part of the first motion we made for the utility package.

Mr. Khan stated, as he said earlier, a few months back you directed him to proceed and look at the possibility of supplying water. A consultant is working on that, so that feasibility will come on the table and we will be able to make a recommendation that we can supply water. This is how we can supply, and these are the dollars attached to that, if you want to go in that direction.

Mr. C. Jackson stated he is very happy to hear that. All he wanted to be clear on tonight is that whatever investigating that goes on does not hamper/hinder/delay this coming back to us for it to move forward.

Mr. Khan stated he would need some political, as well as, legal leverage to get too far.

Mr. Pearce stated Council directed you to explore, assuming it goes to Council and full Council approves that.

In Favor: C. Jackson and Pearce

The vote in favor was unanimous.

- 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 – Ms. Kennedy moved, seconded by Mr. C. Jackson, to forward to Council with a recommendation for approval.

In Favor: C. Jackson, Pearce, and Kennedy

The vote in favor was unanimous.

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** – The meeting adjourned at approximately 5:44 p.m.