

**RICHLAND COUNTY**  
**DEVELOPMENT & SERVICES**  
**COMMITTEE AGENDA**



**Thursday, NOVEMBER 21, 2019**

**5:00 PM**

**COUNCIL CHAMBERS**

**The Honorable Gwen Kennedy, Chair**

**County Council District 7**

**The Honorable Allison Terracio**

**County Council District 5**

**The Honorable Jim Manning**

**County Council District 8**

**The The Honorable Chip Jackson The**

**County Council District 9**

**Honorable Chakisse Newton**

**County Council District 11**

# RICHLAND COUNTY COUNCIL 2019



Bill Malinowski  
District 1  
2018-2022



Joyce Dickerson  
District 2  
2016-2020



Yvonne McBride  
District 3  
2016-2020



Paul Livingston  
District 4  
2018-2022



Allison Terracio  
District 5  
2018-2022



Joe Walker, III  
District 6  
2018-2022



Gwendolyn Kennedy  
District 7  
2016-2020



Jim Manning  
District 8  
2016-2020



Calvin "Chip" Jackson  
District 9  
2016-2020



Dalhi Myers  
District 10  
2016-2020



Chakisse Newton  
District 11  
2018-2022





Richland County Development & Services Committee

November 21, 2019 - 5:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

1. **CALL TO ORDER** The Honorable Gwen Kennedy
2. **APPROVAL OF MINUTES** The Honorable Gwen Kennedy
  - a. Regular Session: October 22, 2019 [PAGES 6-7]
3. **ADOPTION OF AGENDA** The Honorable Gwen Kennedy
4. **ITEMS FOR ACTION** The Honorable Gwen Kennedy
  - a. Little Jackson Creek/Spring Valley HOA request to remove sediment [PAGES 8-25]
  - b. Resolution in Support of Dreamers by Congress [PAGES 26-34]
  - c. County Sidewalk Program [PAGES 35-40]
5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED** The Honorable Gwen Kennedy
  - a. I move that Richland County undertake a study regarding the existence/prevalence of PFAS in groundwater and soil throughout the County. If desired, the County should coordinate with all municipalities within its boundaries to derive a comprehensive study on these harmful chemicals, and if necessary or warranted, a plan for corporate remediation[Myers]
6. **ADJOURNMENT** The Honorable Gwen Kennedy



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

October 22, 2019 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Calvin Jackson, Chakisse Newton and Allison Terracio

OTHERS PRESENT: Michelle Onley, Larry Smith, Stacey Hamm, Clayton Voignier, John Thompson, Ashiya Myers, Ashley Powell, Dale Welch, Leonardo Brown, Angela Weathersby, and Jessica Mancine

1. **CALL TO ORDER** – Mr. Jackson called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
  - a. September 24, 2019 – Ms. Terracio moved, seconded by Ms. Newton, to approve the minutes as corrected with the inclusion of the end time of the meeting.

In Favor: Terracio, Jackson and Newton

The vote in favor was unanimous.

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

Ms. Newton stated the minutes from the last meeting noted that the Spring Valley HOA Sediment matter was to come back before the committee. She inquired when this matter will come back before the committee, and if there is any action required on the committee's part to bring it back.

Ms. Myers stated it was to have come back on this agenda. She did not follow-up with the Stormwater Division prior to the agenda being drafted. She will ensure that it is placed on the November agenda.

In Favor: Terracio, Jackson and Newton

The vote in favor was unanimous.

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

- a. I move that Richland County undertake a study regarding the existence/prevalence of PFAS in groundwater and soil throughout the County. If desired, the County should coordinate with all municipalities within its boundaries to derive a comprehensive study on these harmful chemicals, and if necessary or warranted, a plan for corporate remediation [MYERS] – Ms. Terracio inquired as to what initiated the interest in these particular chemicals. She inquired if there were citizens that were sick.

Ms. A. Myers stated Ms. D. Myers had read a number of articles, related to the matter, had forwarded them via email and requested a motion.

Ms. Newton stated, in addition to those articles, there was concern when you look in District 10, around the Westinghouse plant, since they emit on of these chemicals. She inquired, if staff had reason to believe this might be prevalent throughout the County, or if there are particular areas it would make more sense to target first.

Ms. Mancine stated, from her research, most of these chemicals are found in areas that manufacture products such as fire foam, stain and water repellent fabrics. In addition, in areas where they do firefighter training, since they utilize the fire foam, and airports. There was a mention of wastewater areas, but they did not focus on those areas as much as manufacturers. She stated companies that manufactured PFOS and PFOA products have stopped manufacturing those products in the country. Of course, they are manufactured internationally and are then imported into the country. For example, pizza boxes and clothing. In South Carolina, there is no DHEC regulations to check on the chemicals. Currently, since there are no regulations DHEC is not currently testing for these chemicals. She stated there are about 5,000 chemicals involved with PFOS, and the testing is relatively expensive.

Mr. Jackson inquired if it would make sense to randomly test sites around Westinghouse, China Jushi, etc. He knows there were some challenging issues surrounding the ground water around Westinghouse right after he and Ms. Myers came on Council.

Ms. Mancine stated you could easily contaminant the sample with just the gloves or bottles that we use. She stated we have to buy specialized sampling tools, and then the samples would need to be sent off and tested. The cost per sample is approximately \$225.

Ms. Terracio inquired, when we do testing like this, what is the process if we find something that needs to be dealt with, and who is responsible for the clean up.

Ms. Mancine stated she is not certain, but if it is in our water system we would have to handle it.

Mr. Malinowski stated members of Council needs to be careful citing and mentioning names of companies.

Ms. Newton moved, seconded by Ms. Terracio, to hold this in committee for additional information.

In Favor: Terracio, Jackson and Newton

The vote in favor was unanimous.

5. **ADJOURNMENT** – The meeting adjourned at approximately 5:14 PM.



Agenda Briefing

**To:** Committee Chair Gwendolyn Kennedy and Members of the Committee  
**Prepared by:** Synithia Williams, Stormwater General Manager  
**Department:** Public Works  
**Date Prepared:** August 27, 2019 **Meeting Date:** September 24, 2019

<b>Legal Review</b>	Larry Smith via email	<b>Date:</b>	
<b>Budget Review</b>	James Hayes via email	<b>Date:</b>	August 27, 2019
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	August 28, 2019
<b>Approved for Council consideration:</b>	Assistant County Administrator	John Thompson, Ph.D. MBA, CPM	
<b>Committee</b>	Development & Services		
<b>Subject:</b>	Little Jackson Creek/Spring Valley HOA request to remove sediment		

**Recommended Action:**

Staff requests Council review the information provided and respond to the Spring Valley Homeowners Association’s request for the County to remove sediment from the Spring Valley Entrance Lake.

**Motion Requested:**

1. Move to approve the request from the Spring Valley Homeowners Association; or,
2. Move to deny the request from the Spring Valley Homeowners Association.

**Request for Council Reconsideration:** Yes

**Fiscal Impact:**

The previous engineer’s estimate to remove sediment from the Spring Valley Entrance Lake was \$379,500. This estimate has not been updated since 2015 and will likely increase. There are currently no funds budgeted to complete this project. Funding would have to be allocated from the Stormwater Fund Balance.

**Motion of Origin:**

There is no associated Council motion of origin.

<b>Council Member</b>	
<b>Meeting</b>	
<b>Date</b>	

## Discussion:

The Little Jackson Creek Project was a three-phase project that began in 2014. The first phase resulted from the need for wetland mitigation credits in order to extend Taxiway 'A' at the Jim Hamilton Owens Airport. The County's conservation easement in the Spring Valley Neighborhood was selected as the location for a wetlands mitigation project to achieve mitigation credits.

The second phase of the project involved stabilizing the ditch in the Spring Valley neighborhood that receives high amounts of runoff from Two Notch Road and discharges into the planned wetlands mitigation project and Entrance Lake. The third phase was to remove accumulated sediment within the Spring Valley Entrance Lake.

On December 2, 2014, County Council approved several work orders related to the Taxiway 'A' extension including approving \$287,400.00 for professional services to design Phase II (Up Ditch) and Phase III (Entrance Lake). A grant from the Federal Aviation Administration funded Phase I (wetlands mitigation). The Stormwater Management Division funded the design of Phase II (Up Ditch) and III (Entrance Lake).

The original engineer's estimate for construction to stabilize the Up Ditch and remove sediment from the Entrance Lake returned at \$1.2 million. This amount exceeded the Stormwater Management Division's budget. In June 2015, County Council approved FY16 budget that included \$500,000 in the Stormwater Budget to complete a portion of the Up Ditch. There was no funding allocated for sediment removal in the Entrance Lake. The Public Works Department made the decision to revisit the Entrance Lake under the terms of the 2005 Private Pond Maintenance Policy after the completion of the Mitigation project and Up Ditch.

In October 2015, a massive flood damaged property and infrastructure within the County. In February 2016, County Council approved the Blue Ribbon Committee's recommended ten categories for FEMA Hazard Mitigation Grant Funding that included the Up Ditch project.

Construction of the wetlands mitigation (Phase I) began in October 2016. Due to delays in approval of FEMA funding for the Up Ditch, the FY17 Stormwater Capital budget included \$500,000 for a portion of the Up Ditch in case FEMA denied the grant application for the project. After the 2015 flood, due to an Attorney General opinion that public funds should not be used on private property unless there is a proven public benefit, County Administration recommended removal of the Entrance Lake portion of the project. On August 6, 2018, an email was sent to the president of the Spring Valley HOA stating no funding had been budgeted for removal of the sediment from the Entrance Lake and the county will not proceed with soliciting a contractor to remove sediment from the Entrance Lake.

County Council approved the revision of the Private Pond Maintenance Policy to the Private Pond Outfall on November 14, 2018. The policy states that the county will remove sediment from outfalls connected to the County Maintained Public Drainage System. The County Drainage System does not connect to the Spring Valley Entrance Lake, and all the roads and drainage within the subdivision are privately owned and maintained.

In April 2019, FEMA approved \$904,487 in HMGP funding for the Up Ditch (Phase II) portion of the project. The County cannot use HMGP funds to clean the sediment from the Entrance Lake (Phase III).

Since the October 2015 Flood Richland County has responded to three other requests for assistance with sediment removal from privately owned ponds. In May 2016, the Cary Lake Homeowners Association requested assistance with dam repair and sediment removal on the basis that their pond was a Stormwater management facility. The Public Works Department denied the request.

In April 2017, Richland County Council approved \$62,400.00 in funding to the City of Columbia for their project to remove sediment Lake Katherine. Lake Katherine is located entirely within the limits of the City of Columbia and owned by the Lake Katherine HOA.

In, August 2017 the Public Works Department followed the intent of the then draft Private Pond Outfall Maintenance Policy and removed sediment within county maintained outfalls discharging into Upper Rockyford Lake. This was limited only to the County maintained outfalls and completed with in-house staff and equipment.

**Attachments:**

1. Right of Entry Agreement for Phase I, II and III of the Little Jackson Creek project
2. 2005 Private Pond Policy
3. 2018 Private Pond Outfall Maintenance Policy
4. Explanation of Mitigation Credits



3. INDEMNIFICATION BY SVHA. SVHA agrees to save, hold harmless, indemnify and release County, its employees, officers, agents, contractors, subcontractors, assigns or successors from all losses, damages or claims arising from activities described above which result from any negligent or willful acts or omissions of SVHA, its members, officers, assigns, successors, or third party contractors or subcontractors engaged by SVHA in connection with the activities described in this agreement. The parties agree that this Agreement may be pleaded as a full and complete defense to any civil action, suit or other proceeding which may be instituted, prosecuted or attempted for, upon, or in respect of any of the claims released hereby.

4. COUNTY INSURANCE. Throughout the term of this Agreement the County will maintain the coverage required to meet the provisions of the South Carolina Tort Claims Act, which provides the sole and exclusive remedy for torts by South Carolina governmental entities. The County may choose to be self-funded for liability. The County shall furnish SVHA certification of coverage.

5. TERM AND TERMINATION. This Agreement shall remain in force and effect until June 1, 2015 unless terminated earlier by either party providing thirty (30) days' written notice of termination to the other party.

6. AUTHORITY TO EXECUTE. By executing this Agreement, SVHA, Inc. warrants that it has the authority and permission to enter into this Agreement, to grant the rights provided herein and can lawfully undertake each provision included herein.

7. ENTIRE AGREEMENT AND AMENDMENT. The parties agree that this Agreement expresses the entire agreement and all promises, covenants, and warranties between the parties. The Agreement may only be amended by a subsequent written

amendment signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement under seal as of the date first written above.

SPRING VALLEY  
HOMEOWNERS ASSOCIATION:

By: *Paul M. Smith*  
Its: President SVHOA

WITNESSES:

*Cathy B. Carroll*

RICHLAND COUNTY

By: *Tony McDonald*  
Its: County Administrator

WITNESSES:

*Ashleigh Myers*

Richland County Attorney's Office  
*Suzanne J. Miller*  
Approved As To LEGAL Form Only.  
No Opinion Rendered As To Content.



**DEPARTMENT OF PUBLIC WORKS  
BEST MANAGEMENT PRACTICE STANDARD**

		<b>STANDARD #</b>	<b>26.17.1(O)</b>
<b>TITLE:</b>	Private Pond Maintenance Policy	<b>NUMBER OF PAGES:</b> 4	
<b>EFFECTIVE DATE:</b>	May 3, 2005	<b>LEAD AGENCY:</b>	Stormwater Management
<b>PREPARED BY:</b>	Rocky Archer, PE Stormwater Manager	<b>AUTHORIZED BY:</b>	Christopher S. Eversmann, PE Public Works Director
<b>REFERENCES:</b>	None	<b>REVIEW DATE:</b>	May 3, 2010

**I. Purpose**

To establish criteria and considerations that will allow Richland County to perform appropriate maintenance activity at private ponds in order to mitigate or reduce the negative impact of connection of private water-bodies to public drainage systems

**II. Definitions**

- A.** Dry detention basins – Depressions that are excavated for the purpose of detaining excess stormwater runoff from newly developed land. Basins are also created to act as holding areas for the initial runoff of stormwater in order to allow sediment and pollutants to settle out from the stormwater medium. Dry detention basins may serve the same function as a pond, but there are significant differences. As their name suggests, they are most often dry (*i.e.* – lack standing water). Also, they are not considered an amenity to the community. As such, they are considered infrastructure and, in the case of residential subdivisions, are deeded to the County for perpetual maintenance.
- B.** Pond – A water body that, under normal circumstances, retains water. This water may be stormwater runoff or groundwater from an active spring. They may be naturally occurring or constructed. Ponds are considered an amenity (as opposed to infrastructure). However, they may be integrated into a drainage system.
- C.** Private water-bodies – Receiving waters (most often ponds, lakes or basins) that are privately owned by individuals or an association for which Richland County has no ownership or formal maintenance responsibilities. Private water-bodies may be integral to public drainage systems.
- D.** Public drainage system – A stormwater conveyance system whose maintenance is the responsibility of a public entity that provides area drainage to a publicly maintained road network. Private water-bodies may be integral to these systems.
- E.** Waters of the state - Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are

## Private Pond Maintenance Policy

wholly or partially within or bordering the State or within its jurisdiction; *South Carolina Code of Laws Section 48-1-10*.

### **III. Background**

In 1990, the Environmental Protection Agency (EPA) established The National Pollutant Discharge Elimination System (NPDES) to reduce the quantity of pollutants that may be transported through the Storm Sewer Systems to "Waters-of-the-State". The South Carolina Department of Health and Environmental Control (SCDHEC) Bureau of Water issued a NPDES Permit to Richland County in April 2000. In compliance with that Permit, Richland County has inventoried stormwater drainage systems and the locations to which they outfall into waters-of-the-state.

In the process of performing this inventory, Richland County has identified or been made aware of several areas of concern with respect to private water-bodies. These water bodies are in existence for a variety of reasons including recreation, aesthetics, and utility (water supply and power generation). Concurrently, stormwater retention or detention is also accomplished. It is not uncommon for these private water-bodies to be integral to public drainage systems. As such, they may be adversely affected by both controllable and uncontrollable factors that include adjacent development, discharge from public road drainage network, above average rainfall, and topography of the watershed.

### **IV. Problem**

Among the more negative effects on these private water-bodies from their integration with the area public drainage system are deposits of sediment carried by stormwater flowing into them (or siltation). The accumulation of sediment reduces pond volume and alters or obstructs the natural or designed stormwater flow path. Sedimentation can also impair water quality by providing a medium for the transportation of pollutants into the pond.

Some ponds are dedicated to Richland County at the time of development. This occurs predominantly in residential developments in which the roads and drainage system are to be maintained by Richland County. Whereas other ponds remain private, pre-date any formal maintenance policy, or are natural waters-of-the-state. Consequently, consideration for public maintenance of these ponds has not, heretofore, been addressed.

### **V. Policy**

In order to mitigate or reduce the negative impact of connection of private water-bodies to public drainage systems, it is necessary to develop criteria and considerations that will allow Richland County to perform appropriate maintenance activity at private ponds. These criteria and considerations are as follows:

- A. Adjacent development with public road or drainage network discharges stormwater runoff directly into the pond, and;
- B. The pond or lake should not be "isolated" or contained within a single property, and;
- C. Maintenance activity will not disturb any wetland area, and;

## Private Pond Maintenance Policy

- D. Property owners must grant and sign easement agreements to access each of the established discharge points and surrounding area, and;
- E. Hold harmless agreements must be obtained from property owners or Pond Owners Association.

Other considerations that may facilitate County participation for maintenance:

- F. The presence of a perennial stream flowing through the pond,
- G. The pond is currently managed and maintained by an established Pond Owner's Association with a point of contact.

### VI. Procedure

Upon agreement of listed criteria, the County can proceed with the corrective action needed. In order to effectively resolve the problem, the County must first assess the stormwater runoff discharge points and then develop a plan to meet that particular need. County staff will determine the need for structural repair, the extent of sedimentation, or the amount of debris removal.

RESPONSIBLE PARTY SHALL ACQUIRE APPROPRIATE PERMITS AND PULL

All easement and hold harmless agreements shall be recorded prior to any maintenance activity is performed.

All dredging activity performed by the County will be limited to the furthest extent of determined sedimentation that can be practically reached from the ~~bank~~ by County

NORMAL HIGH WATER MARK

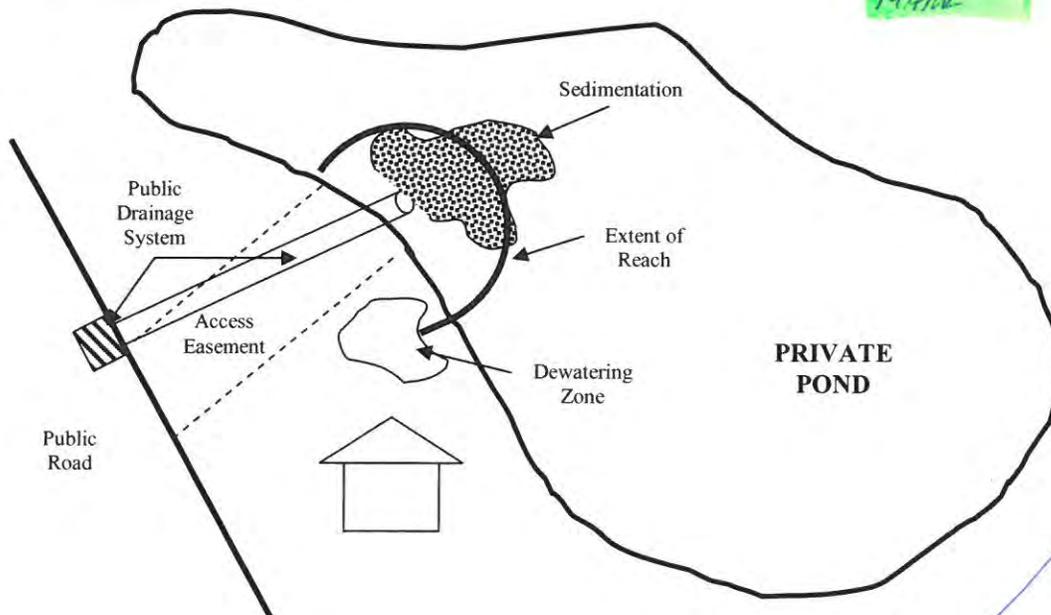


Figure 1. Typical outfall sediment removal activity components.

THE POND WATERS DOWN TO ALLOW FOR APPROPRIATE VISUAL ACCESS OF THE AREA FOR REMEDIATION

## Private Pond Maintenance Policy

The County may also provide assistance in the hauling of removed spoil material by private parties provided that the material is accessible from a public road, appropriately dewatered and free of litter, debris or other hazardous substances.

The Department of Public Works is continuing to locate and identify potential sites for the retrofit of Best Management Practices (BMP's) to improve stormwater quality. Thusly, outfall sites that need frequent maintenance may be considered.

These BMPs can be physical or non-physical. Physical BMPs may include installation of structures or planting of natural vegetation to assist in removing sediment, debris, and pollutants. Non-physical BMPs consist of education and awareness. County staff will meet with the community and provide guidance on how each individual can do their part to promote positive stormwater management.

As these processes are developed and followed, Richland County Department of Public Works can continue to promote and deliver quality stormwater management while building positive relationships with its citizens.

By publication of this policy, Richland County assumes no obligation or liability associated with maintenance activity on private ponds.

This policy was approved Richland County Council in their meeting of May 3, 2005.



**DEPARTMENT OF PUBLIC WORKS  
STANDARD OPERATING PROCEDURE**

**DPW SOP #:** N/A  
**TITLE:** Private Pond Outfall Silt Removal Policy  
**LEAD DIVISION:** Stormwater Management Division  
**EFFECTIVE DATE:** December 1, 2018  
**REVIEW DATE:** November 2020  
**PREPARED BY:** Synithia Williams, Stormwater General Manager  
**APPROVED BY:** Richland County Council  
**REFERENCES:** USACE/Dam and Reservoir Safety Act  
**ATTACHMENTS:** None

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**I. PURPOSE**

To establish criteria and limited considerations that will allow Richland County to provide appropriate assistance to mitigate or reduce the negative impacts from the connection to a County owned or maintained area drainage system with a privately owned pond or lake.

**II. DEFINITIONS**

- A. Dredging – The removal of sediments and debris from the bottom of lakes, rivers, harbors, and other water bodies. The U.S. Army Corps of Engineers issues permits for the disposal of dredged material.

- B. Homeowners Association (HOA) - An organization in a subdivision, planned community, or condominium that makes and enforces rules for the properties within its jurisdiction.
- C. Perpetual maintenance – Long term and continual responsibility for the maintenance of a pond, lake, detention, or retention facility.
- D. Pond – A water body that, under normal circumstances, holds water. This water may be stormwater runoff or groundwater from an active spring. They may be naturally occurring or constructed. Ponds are considered an amenity (as opposed to infrastructure). However, they may be connected to a public drainage system.
- E. Pond Owners Association (POA) – An organization in a subdivision, planned community or condominium that makes and enforces rules for the pond or lake within its jurisdiction.
- F. Private water-bodies – Receiving waters (most often ponds, lakes or basins) that are privately owned by individuals or an association for which Richland County has no ownership or formal maintenance responsibilities. Private water-bodies may be connected to a public drainage system.
- G. Property owner (Owner) – A holder or proprietor of land.
- H. Public drainage system – A stormwater conveyance system whose maintenance is the responsibility of a public entity that provides area drainage to a publicly maintained road network. Private water-bodies may receive runoff from these systems.
- I. Routine maintenance – Efforts toward effective management of a lake or pond such as the harvesting and cut back of dead vegetation, clearing accumulated debris and other preventative maintenance.
- J. Waters of the state - Lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction.

### **III. BACKGROUND**

The County owns and maintains an extensive network of stormwater drainage assets including pipes, ditches, catch basins, etc. Some of these drainage assets are connected to private waterbodies such as ponds or lakes either directly or indirectly through a public drainage

system. Perpetual and routine maintenance of privately owned water bodies is the responsibility of the property owner(s), but by accepting the drainage from the public system, the private water body is providing a small measure of public good and in some cases may qualify for assistance from the County to ensure the water body's proper function.

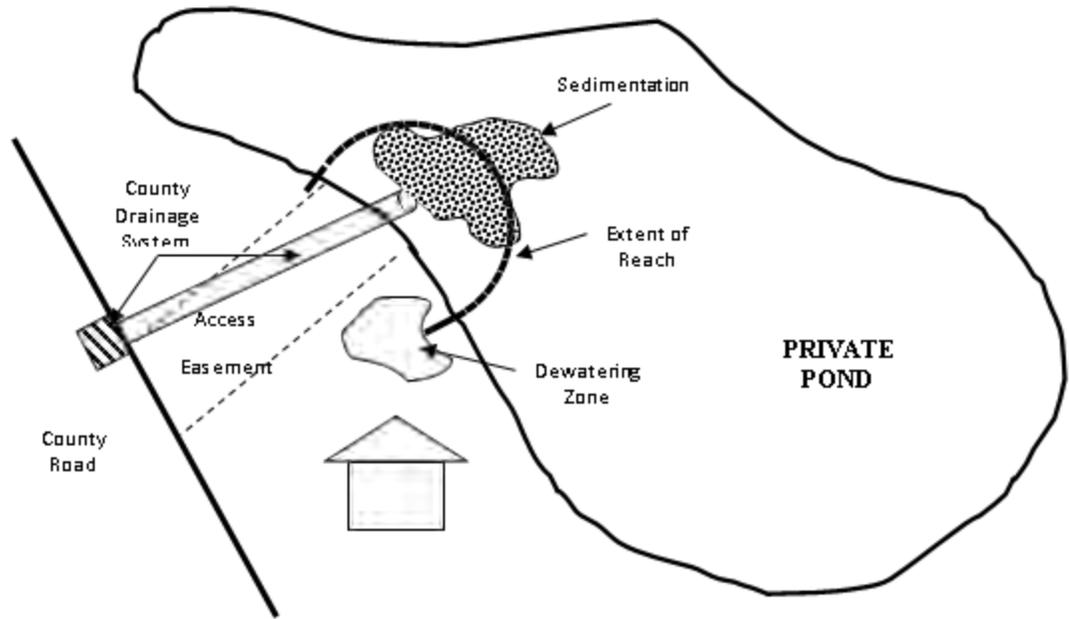
#### **IV. POLICY**

This policy only relates to the removal of sediment build up in and around outfalls from a County maintained public drainage system. The County Engineer or his/her designee will determine if the pond or lake is connected to a County maintained public drainage system and if runoff from the drainage system contributed significantly to the maintenance requirement.

The County will only remove the blockages using force account equipment and staff (See Figure 1). Blockages that require rental of equipment, hiring of an outside engineer, or capital project status do not fall under this policy and will be reviewed as a separate issue by the County Engineer and his/her designee.

In order to mitigate or reduce the negative impact of connection of private water bodies (lakes, ponds, and dry detention basins) to County maintained public drainage systems, the following criteria must be met:

- A.** Direct connection with a County maintained drainage system that discharges stormwater runoff into the water body;
- B.** Maintenance activity will not disturb any known or delineated wetland area;
- C.** The owners dedicate temporary drainage easements and hold harmless agreements at no cost to the County, as determined appropriate by the County Engineer;
- D.** The property owner, POA, or HOA have made no significant changes to the water body or surrounding area which caused damage or the need for County assistance;
- E.** The County will provide this assistance no more than once every five years. The property owner, HOA, or POA must contact the County for assistance related to this policy.



## V. EXCEPTIONS

The policy does not apply in the following circumstances:

- A.** Water bodies with the Waters of the State designation that are under the jurisdiction of the US Army Corps of Engineers;
- B.** Removal of materials, including sediment, from the entire pond outside of the reach of County equipment and in proximity to the County outfalls;
- C.** Litter removal;
- D.** Vegetation management;
- E.** Wildlife control and/or replenishment of fish;
- F.** Privately owned dry detention basins designed as a stormwater management feature;
- G.** Dam modifications and maintenance subject to the SC Dams and Reservoirs Safety Act and under the jurisdiction of the SC Department of Health and Environmental Control.

- H.** Sediment removal around outfalls associated with a SC Department of Transportation drainage network;
- I.** Haul off and disposal of sediment or other materials removed from a pond by the property owner, HOA, or POA.

**VI. PROCEDURE**

- A.** When a property owner, HOA, or POA contacts the county for assistance, the structure will be evaluated by the County Engineer or his/her designee to determine if all criteria are met;
- B.** The County Engineer will assess the water body's connection to the public drainage system and determine the extent of blockage caused by sediment in stormwater runoff from the public drainage system;
- C.** A document package will be prepared to obtain the property owner's consent for the County to access the pipes, ditches, or inlet into the pond to remove the blockage from the waterbody;
- D.** The property owner, HOA, or POA is responsible for providing unobstructed access to the outfall and lowering the water levels if needed to provide maintenance;
- E.** Water bodies that meet qualifications, and the work required can be accomplished by County staff, will be added to the County's maintenance schedule in the order that the project is received;
- F.** All easements and hold harmless agreements shall be recorded prior to any maintenance activity is performed.

This policy will provide a general guidance when providing assistance on privately owned ponds, lakes and basins. All situations may not fit this policy and in those circumstances the request will be evaluated on a case-by-case basis.

The private pond policy was originally approved Richland County Council in their meeting of May 3, 2005, reviewed by the Department of Public Works in May 2010 and revised to the private pond outfall silt removal policy in November 2018.



### **Addendum: Explanation of Mitigation Credits**

#### **What is a mitigation credit?**

A mitigation credit is a unit of measure representing the accrual or attainment of aquatic functions at a compensatory mitigation site. Compensatory mitigation is the third step in a three-step mitigation process prescribed by the US Army Corps of Engineers (USACE) to mitigate the impacts of proposed projects, such as roads or airports, on wetlands, streams and/or aquatic resources.

The owner of a proposed project that impacts wetlands and streams or aquatic resources is required to obtain a USACE 404 Permit pursuant to Section 404 of the Clean Water Act. One of the requirements of the USACE 404 Permit is the mitigation of impacts to aquatic resources. Mitigation is composed of 3 parts generally applied sequentially in the following order:

- 1) Avoidance means mitigating an aquatic resource impact by selecting the least-damaging project type, spatial location and extent compatible with achieving the purpose of the project. Avoidance is achieved through an analysis of appropriate and practicable alternatives and a consideration of impact footprint.
- 2) Minimization means mitigating an aquatic resource impact by managing the severity of a project's impact on resources at the selected site. Minimization is achieved through the incorporation of appropriate and practicable design and risk avoidance measures.
- 3) Compensatory Mitigation, commonly called "mitigation," means mitigating an aquatic resource impact by replacing or providing substitute aquatic resources for impacts that remain after avoidance and minimization measures have been applied. It is achieved through appropriate and practicable restoration, establishment, enhancement, and/or preservation of aquatic resource functions and services.

Mitigation credits are developed using the USACE Standard Operating Procedures (SOP) and Mitigation Guidelines. Basically, an area of impacted wetlands or streams is restored (some examples include removing fill to restore hydrology, planting native species, adding structures and sinuosity to a stream), enhanced (some examples include applying upland buffers and planting natives species) and preserved. Based on these actions and the USACE SOP and Guidelines, units of mitigation credits are generated as approved by the USACE Interagency Review Team (IRT).

#### **How many credits were received for the wetlands mitigation project?**

The Little Jackson Creek Stream and Wetland Permittee Responsible Mitigation (PRM) project performed on the Spring Valley property restored streams and wetlands by removing large amounts of sediment and backfill from wetlands, planting those wetlands, and restoring a highly eroded ditch into a stable stream which reduced sediment loads into the downstream pond and watershed. These actions provided the following mitigation credits to offset unavoidable impacts resulting from the Jim Hamilton – LB Owens Airport (CUB) taxiway expansion:

- 18.09 wetland restoration credits
- 11.48 wetland enhancement credits
- 4,806 stream restoration credits

These credits were produced by restoring the aquatic resources as described above. The winning bid for the work was \$910,462.00. All of these credits were utilized to satisfy the CUB taxiway expansion USACE 404 permit requirements.



## **How are credits calculated?**

Credits are calculated using the USACE SOP and Mitigation Guidelines and approved during the USACE 404 Permitting process. These documents are available at the USACE Charleston District website listed below: <https://www.sac.usace.army.mil/Missions/Regulatory/Compensatory-Mitigation/>. Calculations for the number of mitigation credits required to compensate for proposed project impacts include consideration of the type of proposed impacts, the amount and kind of aquatic resources impacted, as well as other factors. These credit requirements are then satisfied using either a Mitigation Bank or a PRM project, where the amount of credits generated by the mitigation site is calculated with consideration of the type of aquatic restoration performed, the timing of the actions, as well as other factors.

## **Where did the credits go? (Mitigation bank, toward another project, etc.)**

The credits generated from the PRM site were used to satisfy the permitting requirements of the USACE 404 Permit for the CUB taxiway expansion. This mitigation site was a PRM which is a site where credits are utilized for a specific project, such as the CUB taxiway expansion. When the compensatory mitigation site is a Mitigation Bank it can generate credits for multiple impact sites and projects.



Agenda Briefing

**To:** Committee Chair Gwendolyn Kennedy and Members of the Committee  
**Prepared by:** Ashiya A. Myers, Assistant to the County Administrator  
**Department:** Administration  
**Date Prepared:** November 07, 2019      **Meeting Date:** November 21, 2019

<b>Legal Review</b>	Elizabeth McLean via email	<b>Date:</b>	November 13, 2019
<b>Budget Review</b>	James Hayes via email	<b>Date:</b>	November 13, 2019
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	November 14, 2019
<b>Approved for Council consideration:</b>	County Administrator	Leonardo Brown, MBA, CPM	
<b>Committee</b>	Development & Services		
<b>Subject:</b>	Resolution in Support of Dreamers by Congress		

**Recommended Action:**

This is a Council initiated request. Staff recommends consideration of the information provided.

**Motion Requested:**

1. Move to approve the proposed resolution; or,
2. Move to deny the proposed resolution.

**Request for Council Reconsideration:**  Yes

**Fiscal Impact:**

There is no fiscal impact associated with adoption of the resolution.

**Motion of Origin:**

Resolution in Support of Dreamers by Congress (attachment 1)

<b>Council Member</b>	Jim Manning, District 8
<b>Meeting</b>	Regular Session
<b>Date</b>	November 05, 2019

### Discussion:

At the Richland County Council Regular Session meeting held on November 05, 2019, Councilmember Jim Manning of District 8 proposed the attached “Resolution in Support of Dreamers by Congress.”

Councilmember Manning provided the following contextual information:

#### *South Carolina by the Numbers*

- *There are nearly 7,000 DACA recipients in South Carolina*
- *Dreamers are continuing to grow businesses here in our state:*
  - *SC has 18,300 immigrant entrepreneurs*
  - *66,000 employees at immigrant-owned firms*
  - *\$10.8 billion in total sales of immigrant-owned firms.*

### Attachments:

1. Proposed Resolution
2. Fact Sheet: “The Dream Act, DACA, and Other Policies Designed to Protect Dreamers.” American Immigration Council, 3 Sept. 2019, [www.americanimmigrationcouncil.org/research/dream-act-daca-and-other-policies-designed-protect-dreamers](http://www.americanimmigrationcouncil.org/research/dream-act-daca-and-other-policies-designed-protect-dreamers).

Whereas Deferred Action for Childhood Arrivals (DACA) program recipients have helped build our country's economy and contributed to the unique character of our nation;

Whereas Dreamers, both directly and indirectly, continue to grow businesses, innovate, strengthen our economy, and create American jobs in South Carolina;

Whereas Dreamers have provided the United States with unique social and cultural influence, fundamentally enriching the extraordinary character of our nation;

Whereas Dreamers, who have been living in legal limbo due to the uncertainty of the program protecting them, have been tireless leaders in their communities and economies, and amongst their families, friends, and loved ones.

And Whereas, despite these countless contributions, Dreamers' importance to South Carolinian society have been overlooked and their uncertainty and fear only drawn out by the lack of a permanent legislative solution protecting them.

Now, therefore, be it resolved by the [BLANK] assembled, that [DISTRICT/STATE] supports the passage of permanent protections for Dreamers by Congress.

## The Dream Act, DACA, and Other Policies Designed to Protect Dreamers

With the attempted rescission of the Deferred Action for Children Arrivals (DACA) initiative in September of 2017, there has been renewed pressure on Congress to pass federal legislation known as the Dream Act to protect young immigrants who are vulnerable to deportation. This fact sheet provides an overview of the Dream Act<sup>1</sup> and other similar legislative proposals, explains changes made to DACA on March 13, 2019, and provides information about policies at the state level that support Dreamers.

### History of the Dream Act

The first version of the Development, Relief, and Education for Alien Minors (DREAM) Act was introduced in 2001.<sup>2</sup> As a result, young undocumented immigrants have since been called “Dreamers.” Over the last 18 years, at least ten versions of the Dream Act have been introduced in Congress. While the various versions of the Dream Act have contained some key differences,<sup>3</sup> they all would have provided a pathway to legal status for undocumented youth who came to this country as children. Some versions have garnered as many as 48 co-sponsors in the Senate and 152 in the House.<sup>4</sup>

Despite bipartisan support for each bill, none has become law.<sup>5</sup> The bill came closest to full passage in 2010 when it passed the House of Representatives but fell just five votes short of the 60 necessary to proceed in the Senate.<sup>6</sup>

In July 2017, versions of the Dream Act were introduced in the Senate by Senators Lindsay Graham (R-SC) and Richard Durbin (D-IL) and in the House by Rep. Lucille Roybal-Allard (D-CA) and Rep. Ileana Ros-Lehtinen (R-FL).<sup>7</sup> That year, members of the House of Representatives introduced several other legislative proposals to address undocumented youth, most of which were variants of the Dream Act.<sup>8</sup> Although some of these bills drew significant support, none became law.

### Current Federal Legislative Proposals

The most recent version of the Dream Act, H.R. 2820, was introduced in May 2019 in the House by Rep. Roybal-Allard.<sup>9</sup> H.R. 2820 was passed by the House Judiciary Committee on May 22, 2019, and the bill was subsequently combined with H.R. 2821, the American Promise Act of 2019, to form H.R. 6, the American Dream and Promise Act of 2019.<sup>10</sup> H.R. 6 would provide permanent legal status for Dreamers as well as beneficiaries of two humanitarian programs: Temporary Protected Status (TPS) and Deferred Enforced Departure (DED). H.R. 6 passed the House on June 4, 2019, by a vote of 237 to 187.

## What Does the Dream Act do?

The American Dream and Promise Act of 2019 would provide current, former, and future<sup>11</sup> undocumented high-school graduates and GED recipients a three-step pathway to U.S. citizenship through college, work, or the armed services.

### STEP 1: CONDITIONAL PERMANENT RESIDENCE

An individual is eligible to obtain conditional permanent resident (CPR) status for up to 10 years, which includes work authorization, if the person:<sup>12</sup>

- entered the United States under the age of 18;
- entered four years prior to enactment and has since been continuously present;
- has been admitted to an institution of higher education or technical education school, has graduated high school or obtained a GED, or is currently enrolled in secondary school or a program assisting students to obtain a high school diploma or GED;
- has not been convicted of any "crime involving moral turpitude" or controlled substance offense, any crime punishable by more than one year in prison, or three or more offenses under state or federal law. There is an exception for offenses which are essential to a person's immigration status;
- has not been convicted of a crime of domestic violence unless the individual can prove the crime was related to being the victim of domestic violence, sexual assault, stalking, child abuse, neglect in later life, human trafficking, battery, or extreme cruelty.

Under the terms of the bill, the Secretary of Homeland Security can issue waivers for humanitarian purposes, for family unity, or when the waiver is otherwise in the public interest. In addition, anyone who has DACA would be granted a swift path to CPR status.<sup>13</sup>

### STEP 2: LAWFUL PERMANENT RESIDENCE

Anyone who maintains CPR status can obtain lawful permanent residence (LPR status or a "green card") by satisfying one of the following requirements:<sup>14</sup>

- Higher education: Has completed at least two years, in good standing, of higher education or of a program leading to a certificate/credential from an area career and technical education school;
- Military service: Has completed at least two years of military service with an honorable discharge, if discharged; or
- Work: Can demonstrate employment over a total period of three years and at least 75 percent of the time that the individual had employment authorization, with exceptions for those enrolled in higher education or technical school.

Individuals who cannot meet one of these requirements can apply for a “hardship waiver” if the applicant is a person with disabilities, a full-time caregiver of a minor child, or for whom removal would cause extreme hardship to a spouse, parent, or child who is a national or lawful permanent resident of the United States.

### **STEP 3: NATURALIZATION**

After maintaining LPR status for five years, an individual can generally apply to become a U.S. citizen through the normal process.

According to the Migration Policy Institute, as many as 2.31 million individuals would qualify for conditional permanent resident status under the 2019 version of the Dream Act, putting them on a path to citizenship. The bill would also provide a path to citizenship for an estimated 429,000 people who are current or former beneficiaries of TPS or DED.<sup>15</sup>

### **Deferred Action for Childhood Arrivals**

On June 15, 2012, then-Secretary of Homeland Security Janet Napolitano created Deferred Action for Childhood Arrivals (DACA). DACA is an exercise of prosecutorial discretion, providing temporary relief from deportation (deferred action) and work authorization to certain young undocumented immigrants brought to the United States as children.<sup>16</sup> DACA has enabled almost 800,000 eligible young adults to work lawfully, attend school, and plan their lives without the constant threat of deportation, usually to an unfamiliar country.<sup>17</sup> Unlike federal legislation, however, DACA does not provide permanent legal status to individuals and must be renewed every two years.

On September 5, 2017, Acting Secretary of Homeland Security Elaine Duke rescinded the 2012 DACA memorandum and announced a “wind down” of DACA.<sup>18</sup> Effective immediately, no new applications for DACA would be accepted. DACA beneficiaries whose status was due to expire before March 5, 2018, were permitted to renew their status for an additional two years if they applied by October 5, 2017.<sup>19</sup> Any person for whom DACA would have expired as of March 6, 2018, would no longer have deferred action or employment authorization.<sup>20</sup>

On January 9, 2018, a federal judge in California blocked the Trump administration’s termination of DACA and continued to allow renewal requests.<sup>21</sup> Similarly, on February 13, 2018, a federal judge in New York issued a preliminary injunction preventing the administration from abruptly ending the DACA program.<sup>22</sup> As of August 2019, individuals with DACA or those who have had DACA in the past can continue to renew their benefits on a two-year basis. However, first-time applications are no longer being accepted.<sup>23</sup>

### **State Policies that Protect Dreamers**

States cannot legalize the status of undocumented immigrants, but they may address collateral issues that stem from being undocumented. Most notably, numerous states have enacted legislation that helps overcome barriers to higher education faced by many undocumented youth. Pursuant to some state laws and policies, undocumented students may be able to attend state universities and qualify for in-state tuition.

Colleges and universities each have their own policies about admitting undocumented students; some deny them admission, while others allow them to attend. Even when undocumented students are allowed to attend college, however, the tuition is often prohibitively expensive. If students cannot prove legal residency in a state, they must pay the much higher out-of-state or international-student tuition rates. Further, undocumented students do not qualify for federal student loans, work study, or other financial assistance. As a result, it is extremely difficult for undocumented students to afford to attend public universities.<sup>24</sup>

To help undocumented students afford college, at least 19 states have passed laws that provide them with the opportunity to receive in-state tuition. California, Colorado, Connecticut, Florida, Illinois, Kansas, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oklahoma, Oregon, Rhode Island, Texas, Utah, Virginia, and Washington permit undocumented students who have attended and graduated from the state's primary and secondary schools to pay the same college tuition as other state residents.<sup>25</sup> The laws generally require undocumented students to attend a school in the state for a certain number of years and graduate from high school in the state.<sup>26</sup>

## Endnotes

1. Although the first “DREAM” act was known by its acronym in all capital letters, subsequent proposals have adopted the title “Dream.”
2. S. 1291, 107<sup>th</sup> Cong. (2001).
3. For example, prior versions of the Dream Act have varied in their treatment of potential beneficiaries who are abroad, the treatment of close family members of potential beneficiaries, and in the duration of the conditional status to be conferred.
4. S. 1545, 108<sup>th</sup> Cong. (2003); H.R. 1648, 108<sup>th</sup> Cong. (2003).
5. S. 1291, 107<sup>th</sup> Cong. (2001); S. 1545, 108<sup>th</sup> Cong. (2003); H.R. 1648, 108<sup>th</sup> Cong. (2003); S. 2075, 109<sup>th</sup> Cong. (2005); H.R. 5131, 109<sup>th</sup> Cong. (2005); S. 2205, 110<sup>th</sup> Cong. (2007); H.R. 1275, 110<sup>th</sup> Cong. (2007); H.R. 5241, 111<sup>th</sup> Cong. (2010); S. 729, 111<sup>th</sup> Cong. (2010); S. 3992, 111<sup>th</sup> Cong. (2010); H.R. 1842, 112<sup>th</sup> Cong. (2011); S. 952, 112<sup>th</sup> Cong. (2011); H.R. 1468, 115<sup>th</sup> Cong. (2017); H.R. 3591, 115<sup>th</sup> Cong. (2017). The comprehensive immigration reform bill S. 744, which passed the Senate in 2013 with bipartisan support from 68 Senators, included special legalization provisions for Dreamers.
6. H.R. 5241, 111<sup>th</sup> Cong. (2010); 12/18/2010 Cloture on the motion to agree to House amendment to Senate amendment not invoked in Senate by Yea-Nay Vote. 55 – 41.
7. S. 1615, 115<sup>th</sup> Cong. (2017); H.R. 3440, 115<sup>th</sup> Cong. (2017).
8. For example, Rep. Carlos Curbelo (R-FL) proposed the Recognizing America’s Children (RAC) Act, which contained a more restrictive path to legalization than the Dream Act bill currently pending in the Senate and House. H.R. 1468, 115<sup>th</sup> Cong. (2017). Rep. Luis Gutierrez (D-IL) introduced the American Hope Act, which had a more generous path to legalization than any of the Dream Act bills. H.R. 3591, 115<sup>th</sup> Cong. (2017). In addition, Rep. Mike Coffman (R-CO) introduced the Bar Removal of Individuals who Dream and Grow our Economy Act (BRIDGE Act), that would not create a permanent legal status for Dreamers, but instead would provide deferred action from deportation to Dreamers for only three years. H.R. 496, 115<sup>th</sup> Cong. (2017).
9. H.R. 2820, 116<sup>th</sup> Cong. (2019).
10. H.R. 6, 116<sup>th</sup> Cong. (2019).
11. *Ibid.* at Section 102(b)(1)(D).
12. *Ibid.* at Section 102(b)(1).
13. *Ibid.* at Section 102(b)(2).
14. *Ibid.* at Section 105(a).
15. Julia Gelatt, “More than a DREAM (Act), Less than a Promise” (Washington, DC: Migration Policy Institute, March 2019), <https://www.migrationpolicy.org/news/more-dream-act-less-promise>.
16. To be eligible, DACA applicants have had to meet the following requirements:
  - Arrived in the United States before turning 16, and were under the age of 31 on June 15, 2012;
  - Continuously resided in the United States from June 15, 2007, to the present;
  - Were physically present in the United States on June 15, 2012, as well as at the time of requesting deferred action;
  - Entered without inspection before June 15, 2012, or any previous lawful immigration status expired on or before June 15, 2012;
  - Are either in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are honorably discharged veterans of the U.S. Coast Guard or the U.S. Armed Forces; and
  - Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors occurring on different dates and arising out of different acts, omissions, or schemes of misconduct, and do not otherwise pose a threat to national security or public safety.

17. “Number of Form I-821D, Consideration of Deferred Action for Childhood Arrivals, by Fiscal Year, Quarter, Intake, Biometrics and Case Status Fiscal Year 2012-2017,” U.S. Citizenship and Immigration Services, last updated March 31, 2017, [https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca\\_performancedata\\_fy2017\\_qtr2.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/DACA/daca_performancedata_fy2017_qtr2.pdf).
18. Memorandum from Elaine Duke, Acting Sec., Department of Homeland Security, to James McCament, Acting Director, U.S. Citizenship and Immigration Services, Thomas Homan, Acting Director, U.S. Immigration and Customs Enforcement, Kevin McAleenan, Acting Commissioner, U.S. Customs and Border Protection, Joseph Maher, Acting General Counsel, Ambassador James Nealon, Assistant Secretary International Engagement, Subj: Memorandum on Recession of Deferred Action for Childhood Arrivals (DACA) (September 5, 2017) <https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>.
19. Ibid.
20. Ibid.
21. See *Regents of U. of California v. U.S. Dept. of Homeland Sec.*, 279 F. Supp. 3d 1011, 1020 (N.D. Cal. 2018), aff’d sub nom. *Regents of the U. of California v. U.S. Dept. of Homeland Sec.*, 908 F.3d 476 (9th Cir. 2018); Michael D. Shear, “Trump Must Keep DACA Protections for Now,” *New York Times*, January 9, 2018, <https://www.nytimes.com/2018/01/09/us/trump-daca-improper.html>.
22. *Batalla Vidal v. Nielsen*, 279 F. Supp. 3d 401, 407 (E.D.N.Y. 2018).
23. Deferred Action for Childhood Arrivals: Response to January 2018 Preliminary Injunction,” U.S. Citizenship and Immigration Services, last updated February 22, 2018, <https://www.uscis.gov/humanitarian/deferred-action-childhood-arrivals-response-january-2018-preliminary-injunction>.
24. Roberto G. Gonzales, *Wasted Talent and Broken Dreams: The Lost Potential of Undocumented Students* (Washington, DC: Immigration Policy Center, American Immigration Law Foundation, October 2007), p. 2, <https://www.americanimmigrationcouncil.org/research/wasted-talent-and-broken-dreams-lost-potential-undocumented-students>.
25. “Undocumented Student Tuition: Overview,” National Conference of State Legislatures, last updated October 29, 2015, <http://www.ncsl.org/research/education/undocumented-student-tuition-overview.aspx>; “US States that Offer In-State Tuition Rates to Undocumented Students (and What to Do if Your State Isn’t One of Them),” University of the People, <https://www.uopeople.edu/blog/us-states-that-offer-in-state-tuition-rates-to-undocumented-students-and-what-to-do-if-your-state-isnt-one-of-them/>.
26. Ibid.

**RICHLAND COUNTY  
ADMINISTRATION**

2020 Hampton Street, Suite 4069  
Columbia, SC 29204  
803-576-2050



Agenda Briefing

**To:** Committee Chair Gwendolyn Kennedy and Members of the Committee  
**Prepared by:** Christopher S. Eversmann, PE, Interim Director  
**Department:** Public Works  
**Date Prepared:** November 14, 2019      **Meeting Date:** November 21, 2019

<b>Legal Review</b>	Elizabeth McLean via email	<b>Date:</b>	November 15, 2019
<b>Budget Review</b>	James Hayes via email	<b>Date:</b>	November 14, 2019
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	November 14, 2019
<b>Approved for Council consideration:</b>	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM	
<b>Committee</b>	Development & Services		
<b>Subject:</b>	County Sidewalk Program		

**Recommended Action:**

Staff recommends approval of the proposed County Sidewalk Program as presented.

**Motion Requested:**

“I move that Richland County Council direct the County Director of Public Works, in accordance with Section 21-22 (“Sidewalks”), to implement a program, as briefed herein, for the retrofit development, and maintenance and repair of a network of sidewalks as a component of the **County Road Maintenance System**, for the use and benefit of the Citizens of Richland County.”

**Request for Council Reconsideration:** No

**Fiscal Impact:**

The proposed primary funding sources for this construction program would be grants provided by the County Transportation Committee (CTC) and the South Carolina Department of Transportation (SCDOT) (which have been the historical sources for sidewalk construction for many years). Maintenance would continue to be paid for from the Roads & Drainage Maintenance Division operating budget.

**Motion of Origin:**

There is no associated Council motion of origin. This request was based on Administration direction subsequent to the October 22, 2019 Administration & Finance Committee meeting.

<b>Council Member</b>	
<b>Meeting</b>	
<b>Date</b>	

**Discussion:**

Subsequent to the October 22, 2019 A&F Committee meeting in which two sidewalk design services Briefing Documents (BDs) were considered and deferred, Administration directed the development of a formal sidewalk program for consideration by County Council. That proposed program is contained as an attachment.

**Attachments:**

1. Sidewalk Program

## Sidewalk Program

Richland County Department of Public Works

Updated: November 14, 2019

**Sidewalk Program** – Section 21-22 of the County's *Code of Ordinances* states that The Director of Public Works shall be responsible for establishing a systematic program for identifying, prioritizing, and implementing sidewalk construction, maintenance, and / or improvement projects. The principal focus for such a program will be:

- the safety of children walking to school and to school bus stops, or;
- to neighborhood / public recreation facilities.

**New Development versus Retrofit development of existing public roadways** – The construction of sidewalks within newly developed neighborhoods is addressed by Richland County Development Standards. The focus of this program, as indicated above, is the retrofit of existing public (County and SCDOT) roadways with sidewalks (where ones did not previously exist) that enhance safety and quality of life, particularly for children walking to school or to park facilities.

**Recent past sidewalk project activities** – There have been three primary funding / project sources for sidewalk design and construction projects since the advent of the Transportation – Penny Program. They are:

- Transportation – Penny Program
- County Transportation Committee, "C" Program Funds (CTC)
- Transportation Alternative Program (TAP), (SCDOT)

Recent Transportation – Penny Program projects include:

Construction:

Magnolia and School House Road Sidewalk	\$926,868
Koon Road, Malinda, and Farmview Street Sidewalk	\$276,729

Under Design:

Alpine Road Sidewalk	\$4,293,589
Harrison Road Sidewalk	\$3,333,684
Percival Road Sidewalk	\$2,469,449
Clemson Road, Phase I Sidewalk	\$392,056
Polo Road Sidewalk	\$4,373,355
Sunset Drive Sidewalk	\$2,429,000

Recently completed County Transportation Committee (CTC) projects include:

Summit Sidewalk	\$462,659
Median/Miramar Sidewalk	\$239,992

Recently completed Transportation Alternative Program (TAP) projects include:	
Columbia High School	\$263,907
New Handicapped Curb Ramps (ADA compliance)	\$314,274

Identification and prioritization of current and future Transportation – Penny Program sidewalk projects are beyond the purview of this program proposal.

Identification and prioritization of current County Transportation Committee (CTC) sidewalk projects has been an informal application of past project rating practices in use by the CTC in 2010. **The key difference has been that projects have been considered and advanced on an individual basis instead of being grouped, developed, rated, and advanced on an annual basis.**

**Maintenance and Repair** – Maintenance and repair, as differentiated from capital construction, refers to the ongoing obligation of a local government to keep its infrastructure in a safe and efficient condition. Sidewalks, as a component of the **County Road Maintenance System**, are especially vulnerable to maintenance challenges that may subject the County to liability (such as trip hazards due to buckling from tree root intrusion).

Recurring maintenance and repair tends to be limited in scope and, thereby, better suited for execution by a Force Account Labor (*i.e.* – a Public Works Agency), as opposed by a private sector contractor.

During Fiscal Year 2019 (FY-19), the Roads & Drainage Maintenance Division (RDM) performed maintenance and repair work on concrete sidewalks associated with 42 One Stop Customer Service Requests (CSRs). This effort was part of the RDM operating budget as part of the Road Maintenance Fund. Please note that some individual CSRs identify a neighborhood / area which could require multiple repairs.

During Fiscal Year 2018 (FY-18), the Engineering Division (EGR) engaged a contractor to perform maintenance and repair work on concrete sidewalks (primarily associated with the grinding of unsafe ridges in sidewalk panel joints caused by tree root intrusion) in the amount of \$27,262. This effort was part of the RDM capital budget as part of the Road Maintenance Fund.

**Retrofit development program elements (not otherwise covered by the Transportation – Penny Program):**

- The program shall be approved by County Council.
- Applicable only to Public Roads (County and SCDOT) within the unincorporated County, with higher priority assigned to County Roads.
- Not applicable to municipalities unless so directed by County Council on a project-by-project basis.

- The primary funding sources shall be “C” Program Funds issued by the CTC and TAP Grants issued by the SCDOT, unless otherwise provided for by the County’s Budget / Capital Process.
- The program shall be managed by the County Engineer under the direct supervision of the Director of Public Works.
- All requests for projects shall originate through a request in the One Stop system.
- All requests shall be evaluated, rated, and ranked in a uniform and consistent manner according to the criteria on the attached form.
- Preliminary project development, based on the citizen request, as well as ranking and rating shall be performed by County staff under the supervision of the County Engineer.
- The program shall be managed on the basis of the County Fiscal Year with an annual cutoff date for project requests of June 30<sup>th</sup>.
- It is recognized that the appropriation of “C” Funds for projects is under the authority of the County Transportation Committee (CTC); this program provides for the County’s orderly identification, scoping, and rating of projects for their consideration.
- All projects shall be compliant with the Americans with Disabilities Act (ADA).

**Motion** – I move that Richland County Council direct the County Director of Public Works, in accordance with Section 21-22 (“Sidewalks”), to implement a program, as briefed herein, for the retrofit development, and maintenance and repair of a network of sidewalks as a component of the **County Road Maintenance System**, for the use and benefit of the Citizens of Richland County.

**Future steps / other considerations:**

- From preliminary GIS analysis, there are 74 Public Schools and 59 Parks in the unincorporated County. Some percentage of these are potential future retrofit project locations.
- Implementation of the Planning and Community Development Neighborhood Improvement Plan.



Richland County Department of Public Works  
Sidewalk Retrofit Development Project Ranking Form

Road Name: \_\_\_\_\_ Start Point / Address: \_\_\_\_\_  
 Road Number (SCDOT): \_\_\_\_\_ End Point / Address: \_\_\_\_\_  
 Length (in feet): \_\_\_\_\_ Sketch Attached:  Yes  No

**School OR Park Vicinity (Rank 1 to 10 Points)**

- Located within 1½ mi of school or park
- School bus access and stop locations or park
  - Safest route to and from school

**Residential / Commercial Business Volume (Rank 1 to 5 Points)**

- Number of residents / commercial business within 1 mi of sidewalk request
  - Population density

**Traffic Levels & Safety Improvements (Rank 1 to 10 Points)**

- Average Daily Traffic (ADT) on road
  - Speed limit on road

**Cost & Constructability (Rank 1 to 5 Points)**

- Determine construction cost per mile and total project cost
  - Evaluate major factor effecting cost

**Right-of-Way (ROW) & Drainage Considerations (Rank 1 to 5 Points)**

- Adequate ROW
  - Required condemnations
  - Identify drainage concerns

**County Road Maintenance System Road (Add 5 Points)**

**Total**