



Richland County Council
Transportation Ad Hoc Committee
July 10, 2018 – 1:30 PM
Council Chambers
2020 Hampton Street, Columbia 29204

COMMITTEE MEMBERS PRESENT: Calvin “Chip” Jackson, Chair; Bill Malinowski, Yvonne McBride and Norman Jackson

OTHER COUNCIL MEMBERS PRESENT: Dalhi Myers

OTHERS PRESENT: Michelle Onley, John Thompson, Eden Logan, Bryant Davis and Sandra Yudice

1. **Call to Order** – Mr. C. Jackson called the meeting to order at approximately 1:30 PM. He stated this will be the last meeting prior to the August recess; therefore, this is a full agenda since many of these items cannot wait until the September meeting.
2. **Approval of the Minutes**
 - a. May 31, 2018 – Ms. McBride moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.
3. **Adoption of the Agenda** – Ms. McBride moved, seconded by Mr. Malinowski, to adopt the agenda as amended, with the deletion of Item 17: “Approval of Utility Relocation Estimates”. The vote in favor was unanimous.
4. **Decker Boulevard/Woodfield Park Neighborhood Improvement Project was denied TAP Grant Funding** – Dr. Thompson stated they were pursuing \$180,000. The total project is \$11.5 million, so the grantor looked at it as a nominal amount of money to award to the County to complete the project; therefore, we were rejected the funds.

Mr. Malinowski inquired if the denial of the funding had any major impact on the Penny Tax Program funding.

Dr. Thompson stated it will not jeopardize the integrity of the program.

Mr. C. Jackson stated this item was received as information, and no action was taken.
5. **Transportation Penny Funds will be utilized to pay for closing Devine Street and Gadsden Street Railroads** – Mr. Beaty stated, back in 2000, the City of Columbia agreed with some permit requirements with Norfolk Southern that if they ever built a bridge over the railroad located at Greene Street they would

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close 2 other railroad crossings. That was a requirement from the railroad company, that said, "If you want to cross here, you have to close these other 3 locations." As the Penny Program has been developing the Greene Street Phase II, the railroad has reminded the City of the permit requirement. The City did their best to minimize the impacts of it. They negotiated for well over a year, and where the railroad backed off to was you are still going to have to close Devine Street, but instead of having to close 2 more, we are only going to make you close 1 more at Gadsden. We are just bringing to your attention, that the Penny Program for Greene Street is going to be closing the railroad crossings over at Devine and Gadsden. One might ask why the Penny is spending money, not exactly on the project limits. It is a permit requirement of the railroad, and it is a relatively small cost to the project to close these 2 railroads. We are bringing that to the County's attention in case anyone would ask why we are working away from Greene Street proper. He stated it will incur a design fee to prepare those 2 sets of plans for the railroad crossings. He requested Council to approve Dr. Thompson to approve the design change order over the next 2 - 3 weeks. The amount would be not to exceed \$35,000 to do the design for these 2 railroad crossings.

Mr. Malinowski inquired if the funds are there from the project or would they come from something else.

Dr. Thompson stated they are in this project.

Mr. Malinowski inquired if the funds are there, and not to the detriment of any other portion of the project.

Dr. Thompson responded there is not detriment to any portion of the project.

Ms. McBride stated what we are doing is pursuant to the initial contract, except they did an amendment to the Greene Street project.

Mr. Beaty stated that is what the design fee would be for add the \$35,000 for additional design services.

Mr. Malinowski inquired if we know what the cost of the work will be, and if the funds are in the project.

Mr. Beaty stated the design fee would be up to \$35,000 to design the 2 railroad crossings. The estimated cost of the 2 railroad crossings construction would be \$140,000, which would have to come out of the total construction budget.

Mr. C. Jackson inquired if we are being requested to recommend the increase for the design fee, as well as the estimated costs, or are we doing them at separate times. He inquired as to when the construction is slated to begin.

The construction should begin in May 2019.

Dr. Thompson stated staff members are under great scrutiny by the SCDOR. He wants to make sure as we proceed that SCDOR does not come back and tell us it is a disallowable cost, but they will figure that out in the months ahead. As Mr. Beaty stated, in order for us to get the permit to proceed, it is necessary.

Ms. McBride inquired as to how this could possibly be not an eligible cost.

Dr. Thompson stated we have been surprised by some of the things, so we want to make sure what we are doing, as we expend funds, Penny funds especially, on these different transportation projects, that these are costs allowable according to the guidelines.

Mr. Malinowski moved, seconded by Ms. McBride, that pending it being determined the costs are allowable

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under the Penny Funding Projects, that we allow the design fee, not to exceed \$35,000, for the railroad closing designs.

Mr. N. Jackson stated for clarification, it is \$135,000.

Mr. Malinowski stated not to exceed \$35,000 for the design fee for 2 railroad closings.

Mr. N. Jackson stated we mentioned \$140,000 was construction.

The vote in favor was unanimous.

6. **Crane Creek Neighborhood Improvement Project** – Dr. Thompson stated, he spoke with Councilwoman Kennedy and briefed her about this particular item, and what we are attempting to do in her district. This project has \$14.358 million in funding. The PDT has been out in the community, and held a public meeting. To move forward the PDT has made the following recommendations: (1) Minor Streetscape Blue Ridge Terrace Road; (2) Minor Streetscape Heyward Brockington Road; (3) Minor Streetscape Crane Church Road; (4) Sidewalk Improvements along Lincolnshire North Drive, Dakota Street, Roberson Street, and Sea Gull Lane; and (5) Major Streetscapes of Monticello Road. He stated the request is for the committee to recommend going forward with the design study for the Crane Creek Neighborhood Improvement Project.

Mr. C. Jackson inquired if this was in the original transportation referendum.

Dr. Thompson stated it is, but you will not see it as Crane Creek. We have \$63 million for neighborhood improvement projects, and those funds are coming out of that line item.

Mr. C. Jackson stated the other projects, similar to this, that are being done under Planning, why is this not listed with those.

Dr. Thompson stated his understanding is that Ms. Hegler's Office shaped these projects, in terms of scope and funding.

Ms. McBride stated she is sure we have already had the community meetings on this.

Dr. Thompson responded in the affirmative.

Mr. Malinowski stated he wanted to go back to the comment that Ms. Hegler has talked about the neighborhood improvement projects in the referendum, and has allocated certain dollar amounts; however, he would like to see all of those dollar amounts. He thinks before we approve a dollar amount we should see a breakdown of exactly what you are showing for each neighborhood improvement project, so they all get their funding in the proper way. That's where we came up with some problems initially on the major projects, and ended up getting shortfalls.

Mr. Beaty stated, the 7 neighborhoods, that were in the referendum, together total \$63 million. What was part of some the supporting data, prepared by Ms. Hegler, had a specific dollar amount for each of the 7. This particular one was \$14.385 million. All 7 of the neighborhoods are being developed to that cap, cost constrained. So, this project only has \$14.385 million. No more monies will be needed. What will happen is, as prices go up, the amount of work that could be done would shrink to stay under that amount.

Mr. Malinowski stated that all 7 neighborhoods did not have public meetings at the same time. You may find out that there is a \$1 million left because these people do not want this particular pathway going

through a neighborhood. That is why he would think we would want to have them all on the drawing board, as close to each other as possible. What happens when you finish all 7 neighborhoods and you have a surplus of funds. It is a little bit late to go back to the first one.

Mr. Beaty stated we have not gone to construction with any yet. We are about to advertise Broad River Neighborhood. We have gone to construction with a portion of Candlewood. We are a few months away from advertising the Southeast Richland Neighborhood. And, our intent is that we will come in just under the total referendum amount. If the Broad River Neighborhood bids come in much lower than the referendum, then we will consider adding a little bit of sidewalk to push it back up to the number.

- Approve the Executive Summary from the Public Meeting
- Approve the Recommended Designs
- Approve the Design Contract for the OETs

Ms. McBride moved, seconded by Mr. N. Jackson, to forward to Council with a recommendation to move forward with the PDT's recommendations. The vote in favor was unanimous.

7. **Discussion: Transportation Penny funds being utilized for the following facilities at Three Rivers Greenway:** -- Dr. Thompson stated, the Three Rivers Greenway Project has restrooms being constructed. One is almost completed, and construction on the other one will be starting soon. We also have the parking lot, the ranger station, as well as, the fire station, which is in the original plan. In light of the SCDOR Guidelines, and the County Attorney's Office review, Legal has advised that these are not costs that SCDOR will support. Because of that, he wanted to bring it to this body for discussion.

Mr. N. Jackson inquired as to who put the bathrooms, ranger station, and fire department...

Dr. Thompson stated that is a good question. He stated the River Alliance paid for the design of the greenway project. The design was completed, and Penny funds were used to update that particular design. It was never omitted or taken out of the original design. So, as the design went forward, this is what we have.

Mr. N. Jackson stated he does not he could support it because it is not transportation.

Mr. Malinowski stated he concurred with Mr. N. Jackson.

Mr. N. Jackson moved, seconded by Mr. Malinowski, to deny the item.

Ms. McBride stated, for clarification, that Dr. Thompson has questions whether this would be something that would be in compliance with the expenditures for the Penny Tax.

Dr. Thompson stated the County Attorney's Office has advised him that these will be considered disallowable costs, based on SCDOR guidelines. Because of that they wanted to bring it to the committee's attention. The total price tag for all 4 items: Bathrooms, Parking Lot, Ranger Station, and Fire Department, is over \$800,000. He understands that our team is out there doing their work, and we do not want to just do a stop order on the work they are doing. It is going to cost us every day if we do a stop order. Because of that, we are bringing it to this body. It is a policy decision, at this point.

Ms. McBride stated they do an excellent job of outlining, and your recommendations, but if there had been a notation as we read through this that we could have seen.

Mr. Beaty stated most of these items are currently being constructed. The parking lot and the first bathroom are almost completely constructed. The Fire Rescue and Ranger Station have not started yet.

Mr. C. Jackson inquired which funds were used to do the construction, so far.

Dr. Thompson stated it has been Penny.

Mr. C. Jackson stated we already have some potentially disallowable costs under our belt. He inquired as to the amount that has been spent or obligated.

Mr. Beaty stated he would estimate the first bathroom has a cost of \$150,000, and the parking lot has just begun construction.

Mr. C. Jackson inquired as to what would happen if Council voted to not expend any additional funds. He does not want it to create an eyesore, with the bathroom at 20% complete.

Mr. Malinowski stated this was a 60/40 City/County project.

Mr. C. Jackson inquired if the City would be responsible for some portion of the money already spent, or is that all our expense.

Mr. Beaty stated this is all Richland Penny Funds. This is not a 60/40 split with the City. All of these funds are coming out of the Penny. Richland County does have a maintenance agreement with the City, and as part of that maintenance agreement, these buildings were to be constructed. The argument is that you need 2 bathrooms for the public that are going to be using the greenway. You have to have a parking lot for them to get there. The City wants a Ranger Station because they are accepting this into their park system, so they need to have a place for their ranger to sit as he/she is patrolling this new City park. They also wanted a building located down by the river, so the City can rescue people that get stuck out in the rapids. So, the rescue building, the Ranger Station, the 2 bathrooms, and the parking lot were all part of the original design, and it is part of the maintenance agreement between the County and the City. He stated his recommendation would be to proceed with the project, as designed, but Council may need to consider paying for these items out of the General Fund, since they may be disallowed by SCDOR.

Dr. Thompson stated if this body here would allow staff to have the conversation with the City, in terms of staff members there, about sharing the costs. Right now, it is 100% Penny Funds, and we do understand for the City to assume responsibility, in terms of maintenance of this project, this is what they are expecting.

Mr. Malinowski stated if it becomes a disallowable item, he does not believe the County should be picking up the entire thing. If it was a 60/40 matter because of use, location....

Mr. Malinowski made a substitute motion, seconded by Mr. N. Jackson, to keep this in committee until Dr. Thompson has discussions with the City to determine, since these are disallowable items under the Penny Tax would they be willing to do the 60/40 split.

Mr. N. Jackson inquired how this was approved.

Dr. Thompson stated the project was in the referendum.

Mr. N. Jackson stated the project, with the restrooms and everything, is in the referendum.

Dr. Thompson stated you have the breakdown and details. That is when it goes to design, and based on the design this is...

Mr. N. Jackson stated anyone can add anything to the project. We are talking roads, greenways, and everything. But in that they add restrooms, fire station, parking lot, and all that. That is not part of what it is supposed to be. He wants to know who put that part together.

Dr. Thompson stated he would do the research, in terms of when this project was approved, and who approved it.

Mr. Beaty stated the final design was done prior to the referendum, so we can go back to those sets of plans and see if it included the parking lots, bathrooms, and the buildings. But, again the referendum only said Three Rivers Greenway, but it referenced the set of plans that had already been done.

Mr. N. Jackson inquired if it said building or road plans.

Mr. Beaty stated it did not say either. It just said Three Rivers Greenway.

Ms. McBride stated the position we are in right now is that we have already started construction with the design on these issues.

The vote in favor of the substitute motion was unanimous.

8. **Status Update: The Dirt Road Program over-committed projects. Years 1 and 2 workload has not been completed. Years 3 and 4 are in the design phase** – Mr. C. Jackson stated just recently the dirt road program was placed under the Transportation Department. As a result, he asked Mr. Beaty to give us an immediate update before we get down the road, and the blame shifts from someone else to us.

Mr. Beaty stated the program was initially broken up into Year 1 and 2, and those Years 1 and 2 projects were about 140 projects. They were assigned to a dirt road program manager. About 40 of those roads drop out due to the right-of-way process. About 20 were developed through design by the program manager. Another 20 – 25 were picked up by one of the On-Call Teams. To date, out of years 1 and 2, 45 dirt roads have been paved. About 40 roads, out of Years 1 and 2, are being worked on by this On Call. About 42 of the Years 1 and 2 projects, that were designed by the original program manager, need to be revisited from a design standpoint. Additional surveying and design will be required. So, the County will effectively pay at least, and maybe up to twice, for the work on these 42 dirt roads.

Mr. Malinowski stated, for clarification, the County or the Penny Program.

Mr. Beaty stated the Penny Program. We are actively working to determine exactly how many of those 42 need redesign. While this was going on, an additional group of 50 dirt roads were assigned, for design only, between the 5 On-Call Teams. So, Years 3 and 4 projects, are being designed as we speak by the 5 On-Calls. We are not going to go to construction on those 50 anytime soon. We are going to look back at the Years 1 and 2 because they were a higher priority. So, no 3 or 4 have been built, or will go to construction in the immediate future. The On-Calls are designing. One of the On-Calls is working on Years 1 and 2 projects to allow us to keep putting work out the door. Over the next couple of months, which will be at the next ad hoc committee meeting, he will request an opportunity to come and give you a much more detailed breakdown of how much money has been spent, how much money has spent in construction, how much is remaining, and how much we think we can finish within the referendum amount.

Mr. Malinowski inquired if the previous company, that had begun the design on the roads for Years 1 and 2, were paid in full for the entire design package, or just for the work they did.

Dr. Thompson stated it was his understanding it was for the work they completed, but this particular item is in the middle of litigation.

Mr. N. Jackson inquired how many dirt roads are there to be designed.

Mr. Beaty stated in the referendum there was \$45 million. We have built 45, to date. He does not have the math to tell you exactly how much we have spent per road yet. He stated it is costing about \$1 million per mile.

Mr. N. Jackson stated he needs to know how many dirt roads were in the referendum because we gave different companies so many dirt roads to be designed, and there are some more dirt roads.

Dr. Thompson stated he would provide that information to the committee.

Mr. N. Jackson stated we are having a discussion about moving forward with the dirt roads, but we do not have a total. We need to know how many are on hold, and the costs. The design of the dirt roads is simpler than regular road. They are low volume.

Ms. McBride inquired if we are discussing the dirt roads that have been paved or a combination thereof.

Mr. Beaty responded it is a combination thereof. He stated 45 dirt roads have been paved. We have a group of 10 that we will be asking the committee to approve later in the agenda. We are designing 40 – 50, as we speak. The total program should do 200 dirt roads, but he needs to give the committee a better answer at the next meeting.

9. **Approval of the University of South Carolina's Funding Request and Proposed Modifications to Three Bike Path Projects** – Dr. Thompson stated the University of South Carolina is requesting funding, already in the referendum, for 3 bikeway paths. They are working on a major streetscaping project with the SCDOT. The first project they are requesting funding for \$31,680 for the Pendleton from Lincoln and Marion. They propose to modify this project, so the project will actually run will be Main from Pendleton to Blossom. The 2nd project they are asking for funding for is from Main from Pendleton to Whaley in amount of \$49,814. He stated they want to shorten the length of this project, so the new termini will be Blossom Street instead of Whaley Street. The 3rd project funding is for \$280,735 for the College from Lincoln to Sumter. They are shortening the length of this project, so the new termini will be at Assembly Street. The rationale for them to modify these projects is based on the City's plan for the Walk-Bike Plan and the Innovista Master Plan.

Mr. N. Jackson inquired if this is street dieting.

Mr. Beaty responded in the affirmative. He stated beginning just under south of the State House you have a wide 5-lane section that runs down to Blossom. The SCDOT and the City are going to reduce those 5 lanes down to 2, and provide much wider sidewalks, and bike accommodations. So, this is a road diet being managed completely by the SCDOT and USC. What they are asking for is a relatively small percentage to help them with the overall project. They can use the Penny Funds as matching funds to obtain additional federal funds.

Mr. N. Jackson inquired about how that will affect the level of service.

Mr. Beaty stated it would depend on the existing number of vehicular traffic that is using this area. It would decrease the level of service, just looking at cars, but the intent of the project is to accommodate pedestrians, bicyclists, as well as, invigorate economic activity. The restaurants will have seating areas outside the restaurants for the public enjoy outdoor dining. It is a complete makeover of South Main Street.

Mr. N. Jackson stated he supports USC and what they are doing, but he does not want it to be only for USC, and forget about the rest of the citizens. The design is really about USC, and that is one of his concerns. If you have a street designed with 5 lanes, and you are going to cut it from 5 to 2, that will affect traffic. When he was at SCDOT we had that discussion, but SCDOT stayed out of it. Plus, you are building more apartments and increasing traffic downtown, but there are less lanes. He was concerned when they built the Colonial Life Arena. In that area you have the Colonial Life Arena, the Convention Center, and the Coliseum. When you have events, you have so many vehicles, but the lanes are reduced. Street dieting works in some areas, but not downtown in the City where there is so much traffic and events.

Mr. Malinowski stated, after the referendum was passed, was there a creation of a pecking order (i.e. major road projects, etc.) and numbered according to a set of criteria that was developed. If so, did that happen here on the bike lanes.

Mr. Beaty stated, on the bikeways, because there were 87 of them, we prioritized them in high, medium, and low categories, but we did not specify # 1, #2, etc.

Mr. Malinowski inquired as to where these 3 projects lie.

Mr. Beaty stated he believes they were all in the high.

Mr. Malinowski stated these lists, prior to the referendum, were put out there for the public to see, and this is one of the concerns a lot people have, "well once you have the referendum passed, you are going to start changing projects around according to who has more pull to get it done, who has a favorite, or a pet project." This is what he sees happening here. All of sudden, we are going to give priority to some projects that maybe should not receive any more priority than one of the other 80 projects that were in the referendum list. What it does say in here is that "The Penny Project listing provides for significant funds to be provided for bike lanes on College Street. The Innovista Master Plan calls for Greene Street to be the main west one." We are taking away from what one was said it for and giving to another. Part of that comes about because it says, "While the Penny contemplated projects from the Innovista Master Plan, its bikeway recommendations were not yet envisioned during the creation of the initial projects list." Again, he thinks we are taking funds from projects that were envisioned here, and giving it to something that SCDOT and USC has decided they want to have. On p. 34 of the agenda, it says, "...in 2017, the City of Columbia amended its Comprehensive Plan to include the South Main, Capital District Area Plan...the Plan contemplates the Project, as described above, includes bike lanes along both sides of South Main Street and a proposed Transportation Hub..." But, that is not what the original referendum had. So, as we move along into the future, as everyone decides to change their master plan, we are now telling the people we do not care what you voted for, we are moving along the way we want it to be. He inquired if he understood Mr. Beaty correctly that we are reducing the number of lanes, so that we can create space for restaurants to have outdoor seating.

Mr. Beaty stated it would be an opportunity for the restaurants.

Mr. Malinowski stated to him that is a private matter.

Ms. McBride stated we have had this discussion a number of times. So, legally do we have to follow the

referendum, and the priority set. Will we be legally okay, if we did approve this.

Mr. Beaty stated, his understanding to date, would be yes. The actions being asked of you today is really 2 questions. Will you allow USC and the SCDOT to manage these funds, which is allowable? Then, technically, you are changing the termini of these 3 individual projects. Now, things have changed since the 2012 referendum. Greene Street Phase I has been constructed up to Assembly, and a bike lane has been constructed on Greene Street, separate from the Penny Program, up to Main Street. When this project moves, by SCDOT and USC, it will provide bike connectivity from Main to Greene, and get you down to the Innovista area. Part of the rationale is the City has adopted new plans, other projects have been developed, and some of these bikeways in the referendum will be nearly impossible to complete. The PDT will be coming back to you and saying, "There are 25 bikeways that we cannot ever do, that were in referendum." And, we are going to ask you what we do we do with those funds. He does not believe by allocating these funds to USC and the City that it will take away from other bikeway projects.

Dr. Thompson stated the Penny Program have made a lot of changes to the Penny Projects, and you heard Mr. Beaty mention changing termini. Because of that, it is going to take amending Ordinance 039-12HR to make the changes. He stated we need to go ahead and make those changes.

Ms. McBride stated she just went through a terrible experience with a road diet on Farrow Road. She had so many calls coming in, and she thanked Dr. Thompson for helping her, but thank God it was not the County. The citizens did not feel that they were involved in the decision making process, and what happened was we went from 4 lanes to 2 lanes. It was in a community that rarely rides bicycles. She is for bikeways. She thinks they are nice and needed, but in this situation it was not appropriate. The City is going to have to go back and rearrange. She inquired if we got the adequate input from the communities so that we will not experience the same thing that the City just went through.

Mr. Huggins stated they have had several meetings with the vendors, constituents, and students along that corridor.

Beginning back 2016, a process was initiated to see whether there was a South Main Capital Area District Plan. The State and the City had multiple meetings with individuals, and it was unanimously agreed these 8 blocks should be transformed, which significantly increase the opportunity for investment property taxes in this corridor. If you stand on the backside of the State House there is very little traffic there. There will be structured parking in this area, with 2 structured parking decks. In August 2017, City Council unanimously approved the South Main Capital District Area Plan. There will bike lanes, which will cost \$1.5 million. It will be amenity for the employees at the State House and the citizens. As long as the change does not significantly alter the original project intent, as identified through the project development process, which it does not alter the project intent. They took the criteria that Parsons Brinkerhoff put together, and the grading system that they had. One of the criteria is that they "have a completed master plan document." We have the completed Innovista Plan. Another criteria is that they "enable a single project to link to a broader or regional network of new or existing infrastructure." The Penny if funding Greene Street down Huger, as we speak, which is providing connectivity to the Congaree Riverwalk. In addition, one of the criteria is that they create "connectivity to a transit facility." There is a proposed transit hub on College Street, so that criteria is meet. Finally, that there are "no (or partial) existing...bikeway exists." That is exactly what this project does. It creates new bikeways and connectivity.

Mr. N. Jackson stated he mentioned his concern with road dieting and the level of service. He stated he supports USC and the area. He is not saying he is against the project. He knows his experience, from working at SCDOT, with road dieting. He did not know that there were meetings held with the vendors and citizens in the area, and they unanimously supported it. That is what he wanted to hear.

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Mr. Malinowski stated he would like to see something like what was provided regarding the Crane Creek Neighborhood Improvement Plan. It tells us the meetings they had, the attendance, the comment cards that were left at the meetings, and how many additional comment cards were mailed out. He would like to receive more detailed information about when these meetings were held. He would like a response, from Legal, if we do or do not have to follow the referendum, and what kind of changes can be made. Lastly, it was asked whether we would let outside entities to manage Penny Tax Funds. He would like to know if we can legally do that, and if we do are we opening a Pandora's Box that everyone else is going to manage funds. He would feel more comfortable holding this in community until those questions are answered.

Dr. Thompson stated the County can award funds to outside entities to do these projects. That is why the outside entities must submit a budget to the County on an annual basis for approval. If you honor, or accept, their request to receive the funds (USC and SCDOT), those entities must follow the guidelines set forth by the SCDOR.

Mr. Malinowski stated we would also have to have some type of MOU. With all of the problems we had with the Penny Tax, that is why he would like to have the Legal Department before we move it forward.

Mr. N. Jackson moved, seconded by Ms. McBride, to move forward pending the receipt of the requested documents.

Mr. C. Jackson stated, in totality of the project they are asking for \$300,000, do you have any idea of the total cost of the project.

Dr. Thompson stated \$8 million is the total cost.

Mr. C. Jackson stated he has been careful about his comments since he is a USC graduate, but understanding where this project is occurring, it is a non-vehicular pathway. He sees it as a wonderful addition to the community. He is really encouraged by the 2 parking decks.

The vote in favor was unanimous.

10. **Approval of the MOU between Richland County and the Central Midlands Regional Transit Authority (CMRTA) for distribution of past unpaid actual Revenues (\$5,060,039.96) and interest (\$230,926.13) to begin in Fiscal Year 2019 paying CMRTA based on actual revenues and interest from the Penny Funds** – Dr. Thompson stated what has happened is, in the past, we paid the COMET on a quarterly basis based on a budgeted amount versus the actual amount. Because we paid on a budgeted amount, coupled with the budget trending a little higher, in terms of Penny Tax dollars coming in, that has led to a net decrease of \$5 million from the time the County has paid them Penny funds. The actual amount is 28.14% of the total Penny funds coming in. If you look at the agreement with CMRTA, it says 29%, so the 29% is 29% of the 97%, once you take out the 3% administrative costs. Because we have paid them on a budgeted amount, we have shorted them by \$5 million since we distributed the funds to them in 2014. Also, the COMET is asking for us to change from giving them the budgeted amount to paying them on the actual amount. That means we will pay them a little slower. We have to wait for the Penny funds to come in from the SCDOR, then we pay them the money. Another thing you have to take into consideration, by paying them an actual versus budgeted, that means they will reach the \$300 million cap a lot sooner. Also, let me add that they are requesting for the interest that SCDOR puts on the money. Some could argue why should they get any interest on the money. We have had a chance to have outside attorney look at this, and there is a provision in the IGA that says, "The CMRTA shall make a written request to the Richland County Council annually for a distribution of 29% of the available proceeds of the Transportation Penny. The CMRTA's position is that the 'available proceeds' consist of the actual revenue, which includes interest paid by the

State Treasurer, minus the 3% administrative fee.” The proposal from them is to pay them the \$5 million we owe them, based on the actual amount, plus interest of \$200,000. As we move forward, they want to be paid, and are presenting the County with an MOU that will begin paying them the actual amount of Penny proceeds received from the SCDOR.

Mr. N. Jackson inquired about how much money the COMET was supposed to receive. For example, if they were supposed to receive \$100 million, the interest does not matter if they were supposed to receive \$100 million. He stated he does not see where they need interest, if they are supposed to receive \$100 million within 22 years. Whatever interest accrued does not have anything to do with the amount you are supposed to receive.

Mr. Malinowski stated he does not believe the terminology is being used like they have it “a net decrease” and “they are being shorted” is accurate. They are receiving funds they were told they would receive when the referendum passed. So, they are not being shorted. They are not getting a decrease. They are receiving everything they have asked for, based on the budget they provided. If the County is ultimately responsible for these funds, what happens when we give it to them, and in 5 years its, “Hey, we’re short because we did A, B, and C, and you gave us all the funds, and there are none left.” He thinks the budget is the way it needs to continue.

Ms. McBride stated, if we give them interest, do not we pay interest on stuff. We are cancelling out each other. That would put us in the hole providing them interest.

Mr. C. Jackson stated, Mr. N. Jackson made a good point, if the referendum calls for them to get \$300 million, then it is \$300 million. You can call it interest, or call it whatever you want to call it. At the end of the day, you are going to get \$300 million over the course of the life of the contract. If you accelerate the payment, he hopes that is in the MOU, if not he would like for it to be indicated in here, it means the length of time will be shortened because you will have received the maximum dollar amount sooner than projected in the initial agreement. He does not have a problem with that. He just wants to be clear that the dollar amount you agreed to is the dollar amount, it does not matter how it comes. He stated they have a good point, in terms of the back payment, but calling it a deficit is really not a correct statement because you are going to get every dollar you are due during the course of the project.

Dr. Thompson stated, according to the referendum, they are supposed to get 28.14% or 29% of 97% a year. Regardless of the adjective, the County has not paid them the 28.14%.

Mr. C. Jackson stated, he wants it to be clarified in the minutes, that it does not get misinterpreted as principle versus interest. There are 2 different types of payment. The bottom line is they are owed “X” amount of dollars, regardless of the category in which they fall under, based upon the approved amount in the referendum.

Ms. McBride inquired if there is a reason why we did not pay them the 29%.

Dr. Thompson stated we were paying them on the budgeted amount. He stated it was agreed upon by the leadership at the CMRTA/COMET and the former CFO for the County. This was not the County saying, “Here you just take this and be happy.” However, we have Mr. John Andoh, the new Executive Director. He comes in and brushes the book, and he has his own assessment.

Ms. McBride inquired if we know why they selected not to do the 29%.

Dr. Thompson stated because it was based upon the budgeted amount, so they received the same consistent

payment quarter after quarter. However, if wait and base it upon the amount of revenue coming in from SCDOR they have to wait, and the revenue may go up or down.

Mr. Andoh stated #3 in the MOU says, "The COMET will be responsible for the strategic planning of these funds, should the COMET receive revenues more quickly than anticipated in the original planning of the Transportation Penny." He stated his Finance Committee and Board has already started strategically planning. They know that they are going to get to \$300 million faster than 22 years. They are starting to store money away through investments, operating reserves, and strategizing service levels, so they make it through. They realize it is not a deficit. It is really just asking for the excess funds that they have not received.

Mr. C. Jackson stated it does not matter what category we call it, principle or interest, as long as the funds due you are given to you.

Mr. Malinowski inquired if Legal had reviewed the MOU.

Dr. Thompson stated the County Attorney, as well as the outside attorney have reviewed the MOU.

Mr. Malinowski stated if we are taking into consideration Mr. N. Jackson's comments regarding interest then some changes need to be made because #5 in the MOU refers to interest.

Mr. N. Jackson moved, seconded by Mr. C. Jackson, to forward to Council with a recommendation for approval, with the deletion of #5 in the MOU.

Mr. Malinowski inquired if the COMET has been making the annual request, noted in the email on p. 58 of the agenda, to the Council.

Dr. Thompson stated they have made the annual request, but through the budget process.

Ms. McBride stated, for clarification, by law we are supposed to give them the 29%. It is a possibility, with them changing it and getting what is supposed to be theirs, they could expend all of the funds before the 22 years.

Dr. Thompson stated, if this body approves this, it is no longer giving them the budgeted amount, but giving them actual amount, so they will hit the finish line much quicker.

Ms. McBride stated, under the current, where they submit a budget, that gives them a longer time.

Dr. Thompson stated they will still submit a budget, but it will change the model from the budgeted amount to the actual amount. We are trending much higher, in terms of Penny funds coming into the County.

Ms. McBride inquired if that has already been taken into consideration, and the COMET is investing, or whatever is necessary to make sure we are able to continue the transportation.

Mr. Andoh stated, as of May 7th, the services levels were reduced to an appropriate number that will get us through 20 years with the use of Penny Tax funds, and also leveraging other dollars, such as federal and State funds.

Mr. C. Jackson inquired about how deleting #5 of the MOU will impact what they are due. He inquired if it will increase the amount they are due from \$5,060,000 to \$5,290,000.

Dr. Thompson stated, if this body is going to approve it without the lump sum of \$231,000, then the County would pay them the \$5,060,000.

Mr. Malinowski stated it will be 28.13% of the total that is coming in. He stated we also need to eliminate #2 in the MOU because it says, "...shall also include...quarterly payments the appropriate percentage of the interest to the County by the State Treasurer."

Mr. Malinowski made a friendly amendment to delete #2 in the MOU, as well as #5.

Mr. C. Jackson inquired if it is 28.13% or 29%.

Dr. Thompson stated, it is 29%, minus the 3% of the 97% for administrative costs, so it would equate to 28.14% of 100%.

Mr. Malinowski stated, for clarification, #4 of the MOU, is the \$5 million the 29% that is coming up with that figure.

Dr. Thompson responded in the affirmative.

Mr. Malinowski stated, #6 of the MOU says, "The payments referenced in numbers 1 and 2 above...", so you will have to take out the words "and 2". Further down in #6 it says, "...to numbers 4 and 5", so we will have to take out "and 5".

Mr. C. Jackson stated the amended motion is that we will approve the back payment, and the new MOU with the corrections noted today.

The vote in favor was unanimous.

11. **Approval for Polo Road Right of Way Easement with the City of Columbia** – Mr. Beaty stated Polo Road, from Alpine to Mallet Hill, we are designing a Shared-Use Path. A lot of our path location is going to be on top of a City 16" water main. The City is going to allow Richland County to build the Shared-Use Path above their waterline, in their easement. What they want is this agreement with the County, that says if they have to go work on their waterline, and they bust up the concrete of the Shared-Use Path, the County has to fix it. The request is for Council to approve the agreement, pending County Legal review.

Mr. Malinowski inquired about the definition of a Shared-Use Path.

Mr. Beaty stated a Shared-Use Path is either a concrete or asphalt travel way intended for pedestrians and bicyclists, typically with a minimum width of 8 ft., but it can go up to 12 – 14 ft.

Mr. Malinowski inquired about the width of and the material used for the proposed Shared-Use Path.

Mr. Beaty stated he believes this one is 10 ft. and they will be utilizing concrete.

Mr. Malinowski inquired why they would be using concrete, if they are going to be responsible for repairs.

Mr. Beaty stated there are more SLBE firms that can do concrete work, than asphalt, and the repair is much simpler for the County or vendor because you have to have a small asphalt paver, and bring out limited quantities of asphalt.

Mr. Malinowski inquired about the initial costs for concrete versus asphalt.

Mr. Beaty stated he does not know off the top of his head the price difference in concrete and asphalt, but he will find that out.

Mr. Malinowski stated we are being asked to act on this tonight, and it is a one reading item.

Mr. Beaty stated the only thing Council is being asked to vote on tonight is the City's requirement the County fixes the Shared-Use Path, whether its concrete or asphalt.

Ms. Myers stated, for clarification, the County would be required to fix it even if the City damages it.

Mr. Beaty responded in the affirmative. That is what the agreement says.

Ms. Myers stated that is outside of the norm. So, if their water main breaks underneath, and they bust it open to fix their water main, we would then be required to come in and repair what they busted up. Typically, when you do a utility repair, you are responsible for putting the thing back in the condition it was in before, rather than someone else bearing that cost.

Mr. Beaty stated, in this case, the City's approach is they have the easement and waterline.

Ms. Myers stated, let's assume they do flawed work and they repair it this year, and we come back and do an A-plus job, and get it back to speed, and something goes wrong, and they have to do it again next year. We have to come back every time, no matter that there is no responsibility on the County for having done anything.

Mr. Beaty stated that is what the agreement says.

Mr. N. Jackson stated, we made the commitment. We want to put a Shared-Use Path. He stated, just forget it then, because if we are putting in a Shared-Use Path for their benefit, and if they have to dig it up to repair it, then we have to repair the Shared-Use Path. He stated the wording bothers him. He cannot support something like that. He thought when we had the referendum, that different areas made requests. It was not we are going to give you this, whether you like it or not.

Mr. Beaty stated, in this case, the referendum had sidewalk and bicycle accommodations money for Polo Road. There are 2 separate pots of money, so the best way to accommodate both bicycle and pedestrian is to build a Shared-Use Path. You cannot build it from the interstate side, so you have no choice but to build it on Sesquicentennial side, which will be crossing the City waterline easement. We could go back to the City and ask them to modify the agreement, such that if they tear up the Shared-Use Path, they would be responsible.

Mr. C. Jackson inquired if we would be willing to entertain them putting us on notice that there is damage, and therefore, we have to disrupt our work because there is work they need to do underneath.

Mr. Malinowski stated it says, "They can tell us they are going to do the work, and we have the option to go and remove it ourselves." We still have to repair and replace it.

Mr. C. Jackson stated that is going to happen if it ruptures. The tops are going to have to be disrupted.

Ms. Myers stated, this is a part of the unincorporated Richland County that she represents, and she does not

want the residents to not get the benefit. What she is saying is, there has to be a cap to what the County is responsible for. She is not suggesting they derail the project. She is suggesting the way they have categorized what has to happen, when there is a repair of something that is in their easement. The water main is revenue generator for the City. They have an obligation to people to whom they provide that service to keep it in good repair. She would like to see some way for them to accept that responsibility, or some reasonable cap that we could agree, and we could budget for maintenance.

Mr. Malinowski moved, seconded by Ms. McBride, to keep it in committee, pending Mr. Beaty coming back with some additional information from the City. The vote in favor was unanimous.

12. **Approval of the Construction Agreement for Installation of Sidewalk for the Three Rivers Greenway (Saluda Riverwalk) adjacent to the CSXT Bridge approximately 30-feet from centerline of track at RRMP C-1.58 near DOT No. 640441N, Florence Division. CN&L Subdivision pending Legal's comments being addressed** – This item was not taken up.

13. **Approval for letters recommending awarding bids**

- Sidewalk Package S-6
- Dirt Road Package G
- Dirt Road Package H
- Resurfacing Package O
- Sidewalk Package S-8

Dr. Thompson stated we have before us 5 award packages, to the lowest bidder.

Mr. Beaty stated we received good bids all 5 packages. They all met their SLBE requirements. They are requesting Council to approve moving forward with awarding these, so there is not a 2-month delay.

Mr. N. Jackson moved, seconded by Ms. McBride, to forward to Council with a recommendation for approval.

Mr. Malinowski inquired if the award was going to the same firm.

Mr. Beaty stated the awards are for Armstrong, McClam and Lane.

Mr. Malinowski inquired if each award was for the low bidder on the project.

Mr. Beaty stated they were all individually bid, and individually competitive.

The vote was in favor.

14. **Approval of the Utility Agreement for SERN** – This item was not taken up.

15. **Approval to grant preliminary authority for Transportation Director to approve and sign design contracts**

- Clemson Road Widening

- Southeast Richland (SERN) Neighborhood Improvements
- Atlas Road Widening
- Garners Ferry Road and Harmon Road Intersection

Dr. Thompson stated we have 4 projects, which we want to go to design.

Mr. N. Jackson moved, seconded by Ms. McBride, to forward to Council with a recommendation for approval.

Mr. Malinowski asked the same questions he asked on Item # 18.

Mr. Beaty stated they are similar, but these are utility agreements with utility companies. The intent is to have them begin their work, prior to our contractor putting out construction, and holding up our contractor.

Dr. Thompson stated that he will defer to his superior, Dr. Yudice, to sign these documents.

Ms. McBride wanted to state for the record that the committee has discussed these items thoroughly, and we are not just pushing them through.

The vote in favor was unanimous.

16. **Approval to pay for the Internship Program utilizing General Funds, opposed to utilizing Penny Funds** – This item was not taken up.

17. **Approval of Utility Relocation Estimates** – This item was deleted from the agenda.

18. **Approval of On-Call Engineering Contracts**

- Polo Road Widening
- Blythewood Road Area Improvements
- Spears Creek Church Road Widening
- Lower Richland Road Widening
- Trenholm Acres/Newcastle NIP
- Broad River Road Corridor NIP
- Smith/Rocky Branch Greenway A, B, C.
- Crane Creek Greenway A, B, C
- Polo/Windsor Lake, Woodbury/Old Leesburg, Dutchman Greenway
- Quality Management Contract Modifications for group 50 Dirt Roads (Mead & Hunt)

Mr. Beaty stated we have 10 design contracts, that Council has previously allowed us to report with, we are in short rows of completing those design negotiations. We will be done prior to Council coming back in September. We are requesting that you give Dr. Thompson the authority to approve these, up to a maximum amount, so we can get the designers moving, prior to Council coming back in September.

Mr. N. Jackson moved, seconded by Ms. McBride, to forward to Council with a recommendation for approval.

**Transportation Ad Hoc Committee
July 10, 2018**

Mr. Malinowski inquired if these are in the order they were before.

Mr. Beaty responded in the affirmative.

Mr. Malinowski inquired if there are any termini changes on them.

Mr. Beaty stated the termini was previously approved.

The vote in favor was unanimous.

19. **Transportation Program Update**

- Preconstruction Update
- Construction Update

This item was not taken up.

20. **Personnel Update** – This item was not taken up.

21. **ADJOURN** – The meeting adjourned at approximately 3:03 PM