



Richland County Council
Transportation Ad Hoc Committee
September 22, 2020 – 2:00 PM
Zoom Video Conference

COMMITTEE MEMBERS PRESENT: Jim Manning, Chair; Bill Malinowski, Yvonne McBride and Dalhi Myers

OTHERS PRESENT: Allison Terracio, Michelle Onley, Allison Steele, John Thompson, Rasheed Muwwakkil, Mohammed Al-Tofan, Ali Eliadorani, Ashiya Myers, Angela Weathersby, Michael Niermeier, Kyle Holsclaw, Elizabeth McLean, Alicia Pearson, Alexander Burton, Nathaniel Miller, Quinton Epps and Tamar Black

1. **Call to Order** – Mr. Malinowski called the meeting to order at approximately 2:00 PM.
2. **Approval of Minutes: July 28, 2020** – Mr. Manning moved, seconded by Ms. McBride, to approve the minutes as distributed.

In Favor: Malinowski, McBride, Manning and Myers

Not Present: Livingston

The vote in favor was unanimous.

3. **Adoption of the Agenda** – Ms. McBride moved, seconded by Mr. Manning, to adopt the agenda as published.

In Favor: Malinowski, McBride, Manning and Myers

Not Present: Livingston

The vote in favor was unanimous.

4. **Election of Chair** – Ms. McBride moved, seconded Mr. Malinowski, to nominate Mr. Manning for the position of Chair.

Ms. Myers moved to nominate Ms. McBride.

Ms. McBride did not accept the nomination.

In Favor: Malinowski and McBride

Opposed: Myers

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Abstain: Manning

Not Present: Livingston

The vote was in favor.

5. **Items for Information:**

a. **Projects in the Process of Advertisement for Construction:**

1. Resurfacing Package R – Mr. Niermeier stated this package consists of 52 roads. The preponderance of the roads are in District 11.
2. Dirt Road Paving Package K – Mr. Niermeier stated this package will be let next week. The project consists of Robert James Rd. (District 10) – 0.21 miles; Rocky Rd. (District 11) – 0.18 miles; Barkley Rd. (District 11) – 0.24 miles; South Dr. (District 10) – 0.32 miles, which equates to approximately 0.95 miles.
3. Faraway Dr. Sidewalk (Decker/Woodfield NIP) – Mr. Niermeier this a 1.5 miles ADA compliant sidewalk, which should be advertised by week's end.

Ms. McBride stated, for clarification, that Decker/Woodfield NIP is a part of the sidewalk project.

Mr. Niermeier responded that Decker/Woodfield NIP consisted of several projects.

Ms. McBride stated, for clarification, we are not doing the complete project, but individual portions of the project.

Mr. Niermeier responded they are broken down into phases. Faraway is in Phase II or III of the Decker/Woodfield NIP.

b. **Newly Approved Service Orders**

1. Blythewood Rd. Area Improvements – Creech Rd. and McNulty St. – Mr. Niermeier stated these two (2) projects are high priority for the Town of Blythewood and will be a part of the overall money the referendum has allocated for the Blythewood Improvements. Parrish & Partners were awarded the contract for these projects.
2. Crane Creek NIP – Mr. Niermeier stated this is an approximately 2.3 mile sidewalk project, which is in Phase III of Crane Creek NIP predominantly in District 7. Cox & Dinkins was awarded the contract to complete.

6. **Items for Action:**

- a. **Polo Rd. Widening Service Order** – Mr. Manning stated staff recommends approval of Service Order 11 to Cox & Dinkins for the design of the Polo Rd. Widening Project.

Mr. Malinowski stated, in the 2nd paragraph, on p. 93 of the agenda, it states there are three (3) intersections, but there are actually four (4) intersections.

Ms. Steele responded there are three (3) full intersections and a portion of Mallet Hill.

Mr. Manning recommended updating the paragraph to include that language, for clarification.

Mr. Malinowski noted on p. 125 of the agenda there is a typo under “Final Right-of-Way Plans” that needs to be corrected prior it going to Council for consideration.

Ms. McBride inquired if the Service Order went through the procurement process.

Ms. Steele responded these are assigned to the On-Call Engineering Teams, and divided out between those firms.

Ms. McBride inquired how we decide which firm we are going to use.

Ms. Steele responded most of these were already assigned when the PDT was still managing the projects. They rotated through the firms to ensure the projects and dollar amounts were evenly distributed among the firms.

Ms. McBride inquired if there are any minority firms within the five (5) firms.

Ms. Steele responded that she was not sure, but that she does know they utilize SLBE firms.

Mr. Niermeier stated, if you review the service orders, and how they are negotiated, you will find DBEs and SLBEs among the subcontractors.

Mr. Malinowski moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve staff's recommendation to approve Service Order 11 to Cox & Dinkins.

In Favor: Malinowski, McBride, Manning and Myers

Not Present: Livingston

The vote in favor was unanimous.

- b. I-26 Widening Mitigation Credit Sales** – Mr. Manning stated staff recommends the Committee concur with these credit sales and forward to full Council for approval. This is time sensitive as the buyer has requested notice of approval prior to October 7, 2020 at 5:00 pm ET due to the Army Corps of Engineers permitting constraints.

Mr. Malinowski inquired if we received a letter requesting these credits.

Mr. Niermeier responded we were notified by Millcreek Mitigation on September 11th, but no letter was provided. The sales notice and the accompanying documents, in the agenda packet, were received by staff on September 14th.

Ms. Myers stated she remains amazed that this mitigation bank continues to make sales of credits, and there is no provision in the documents establishing the mitigation bank, or in Council Rules that requires some provision be made to give some portion of this money for improvements to the roads in the community where the mitigation bank sits. She thinks that is a major problem and oversight.

Ms. McBride inquired as to what happens if we do not approve the mitigation credit sale.

Mr. Niermeier responded, because of the agreement between Millcreek Mitigation Holdings and Richland County, we essentially have first right of refusal in this case. If we say we are not going to sell any of our credits, then Millcreek Mitigation Holdings will sell the credits to them, which results in a lower return to us.

Ms. McBride stated, for clarification, Ms. Myers' concern is the procedure we used in the beginning.

Ms. Myers responded in the affirmative. In fact, voting on these mitigation credits was the first vote she took when she came onto Council, and she made the same point then. It seems odd the mitigation bank sits in a space where the roads are terrible, and we have no provision to improve any of that area, yet we take money from the mitigation bank for credit where other roads will be improved. She does not know that we would establish a mitigation bank in Forest Acres, and reap significant dollars, with no thought of any improvement being done where the money is being raised. She does not think those citizens' concerns would be ignored, as these citizens' concerns are. She believes it is almost criminal that all of the money goes out of the community where you are raising the money.

Ms. McBride inquired if there is anything we can do to correct this matter.

Ms. Myers responded we could always change the procedures we use, but she does not know if there is the will. She would be willing to look at a way to improve the area where this mitigation bank sits.

Mr. Malinowski stated the land was bought from an individual that wanted to sell it. He thinks regardless of where the bank is located it is not set up to put money into the community where the land is. He noted we would have to go back and change the way the County does business for everything.

Ms. Myers stated she agrees the money should be used for the whole of the County, but it should not be used to serve the whole of the County, except where the money is found. It seems to her, if we are reaping a substantial benefit from a particular part of the County, there ought to be some substantial, or even minimal, benefits that tells the community we recognize that you are giving a great service to the County, and in exchange we are going to make sure the roads you drive on are passable.

Mr. Malinowski moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve staff's recommendation.

In Favor: Malinowski, McBride and Manning

Opposed: Myers

Not Present: Livingston

The vote was in favor.

- c. **Petition for Annexation of Richland County property Three Rivers Greenway/Saluda Riverwalk** – Mr. Manning stated staff recommends the Committee concur with the Petition from the City of Columbia for annexation of the subject property from Richland County to the City of Columbia as part of the Three Rivers Greenway/ Saluda Riverwalk Project.

Mr. Malinowski stated staff's recommendation is to request the City of Columbia to annex the property, but in the subject line of the briefing document it states, "An Ordinance Authorizing Deed to the City of Columbia for 0.509 Acres, Known as S/S Candi Lane (TMS#07208-03-01/02; Three Rivers Greenway Project)". To him, that is two different things.

Ms. McLean responded the City is going to maintain the portion that is complete. The City needs the County to give them permission to annex it, in the interim. The overall plan is to deed the property to the City. The ordinance is needed to deed the property to the City.

Mr. Niermeier stated the final drawings and surveys will be provided to the City this week, which has been their requirement to assume Phase I(a) of the project. Annexation of these properties, since they sit in the middle of the greenway, will be required by the City, in order to conduct maintenance and operations of the greenway facility.

Mr. Malinowski noted, at this point, we do not know if we are going to deed this over the City. He would hope that we would get our initial investment back. Then, the question is, if the City annexes the property, if the County will have to begin pay property taxes on the property.

Mr. Niermeier responded the County is tax-exempt, so we would not have to pay taxes.

Ms. McLean stated part of this project has been completed, and the City has already started maintaining the property. Legally, the City would be on our property, so they want to get this annexed into the City. She stated, she believes, the issue of compensation was taken care of in the original agreement with the City.

Mr. Malinowski inquired if these funds are coming out of the Transportation Penny funds.

Mr. Niermeier responded in the affirmative.

Mr. Malinowski requested the legal review on this item to be provided prior to this being taken up by Council.

Mr. Manning stated, for clarification, if we are going to do a deed, it will require Three Readings and a public hearing.

Ms. McLean responded in the affirmative.

Mr. Manning stated, for clarification, at the point of annexation, the City will be more able to properly do the maintenance work they are doing on it now. Therefore, the item before Council will be the matter of annexation and not the authorizing the deed.

Ms. McBride moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve staff's recommendation.

In Favor: Malinowski, McBride, Manning and Myers

Not Present: Livingston

The vote in favor was unanimous.

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d. **Transportation Department Organization** – Mr. Manning stated staff respectfully requests approval of the proposed organization chart (Attachment 1) which adds a Finance Manager-Transportation position to the department. The money for the position was approved in the FY21 budget, and is simply a matter of Council approving the organizational chart.

Mr. Malinowski inquired if this position will only be for the duration of the Penny Tax.

Mr. Niermeier responded this position, and every position in the department, will exist during the duration of the Penny Tax.

Mr. Malinowski inquired if the individuals are being made aware of this (i.e. signing of a document).

Mr. Niermeier stated he does not believe any of the hiring documents/offer letters have that language.

Ms. McLean noted you are not guaranteed a position for any length of time, unless you are a contract employee and have conditions for employment. The only positions that are told their position(s) are going away are those funded through a grant.

Mr. Malinowski noted, to him, an Assistant Director is the #2 person, so in the absence of the Director, the Assistant Director should have the ability to be over all other employees. The way the chart is drafted, the Assistant Director oversees the Project Managers, the Contracts and Budget Manager oversees the Inspector/CE&Is, and the Finance Director reports directly to the Director. Therefore, if there is a problem with finance management, the Assistant Director has no authority.

Ms. McBride stated, for clarification, we are being asked to vote on the organizational chart.

Mr. Manning responded, what is before us, is to add a Finance Manager, which was approved in the FY21 budget.

Mr. Malinowski moved to hold this item in committee.

Mr. Niermeier noted he would like to attempt to hire for the Finance Manager position as soon as possible, in order to get the expertise and leadership within the department.

Mr. Malinowski moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve the hiring of the Finance Manager and the overall organizational chart be brought back to next month's committee meeting.

In Favor: Malinowski, McBride, Manning and Myers

Not Present: Livingston

The vote in favor was unanimous.

Ms. McBride noted the contractor installing the sidewalks on Harrison Road is doing an excellent job, but no one knows it is being funded by the Penny Tax.

6. **ADJOURN** – The meeting adjourned at approximately 3:09 PM.

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