



Richland County Transportation Ad Hoc Committee

May 25, 2021 - 4:00 PM

Virtual Meeting

2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER** The Honorable Overture Walker

2. **APPROVAL OF MINUTES** The Honorable Overture Walker
 - a. Regular Session: April 27th, 2021 [PAGES 2-6]

3. **ADOPTION OF AGENDA** The Honorable Overture Walker

4. **ITEMS FOR ACTION** [PAGES 7-12] The Honorable Overture Walker
 - a. Three Rivers Greenway Boozer Property Conveyance

5. **ADJOURNMENT**



Richland County
Transportation Ad Hoc Committee
April 27, 2021 – 4:00 PM
Zoom Meeting
2020 Hampton Street, Columbia, SC 29201

COMMITTEE MEMBERS PRESENT: Overture Walker, Chair, Bill Malinowski, Yvonne McBride, Paul Livingston, and Jesica Mackey

OTHERS PRESENT: Allison Terracio, Cheryl English, Andrea Mathis, Michelle Onley, Kyle Holsclaw, Tamar Black, Ashiya Myers, John Thompson, Lori Thomas, Michael Niermeier, Allison Steele, Elizabeth McLean, Clayton Voignier, Leonardo Brown, Michael Maloney, Jennifer Wladischkin, Randy Pruitt, and Dwight Hanna

1. **CALL TO ORDER** – Mr. O. Walker called the meeting to order at approximately 3:00 PM.

2. **APPROVAL OF MINUTES**

a. **Regular Session: March 23, 2021** – Ms. McBride moved, seconded by Mr. Livingston, to approve the minutes as distributed.

In Favor: Malinowski, McBride, Livingston, O. Walker and Mackey

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Ms. McBride moved, seconded by Mr. Livingston, to adopt the agenda as published.

In Favor: Malinowski, McBride, Livingston, O. Walker and Mackey

The vote in favor was unanimous.

4. **ITEMS FOR INFORMATION**

a. **Signage Update** – Mr. Niermeier stated the updated proposed signage is included in the agenda packet on p. 8. He noted that Public Works and Utilities do not typically put up signage on their projects.

In addition to the signage, Ms. Mackey noted she and Mr. Niermeier had a discussion about an updated URL to more easily access the Penny Project website.

Mr. Niermeier stated he has had initial conversations with the IT Department regarding the URL.

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Ms. McBride stated the County is doing a lot of good things, but the citizens do not know what the County is doing. In terms of branding, she believes we need to highlight the County, and then the various departments doing the work.

Mr. O. Walker stated the reason the signage for the Penny Projects is such a big deal is because many citizens do not feel like projects are happening or they do not see any benefit to their community, when in fact ongoing projects (i.e. road widenings) were Penny Projects. During his campaign, residents were surprised to find out the largest Penny Project was taking place on Hardscrabble Road.

- b. **Gills Creek Greenway Update** – Mr. Niermeier noted, upon further reflection and discussion, having a meeting based on a reaction of a few residents was a bit premature. The Transportation Department intends to hold off on the meeting until such a time as we have the remaining funding for Gills Creek assessed, and an updated engineer’s estimate created.

Ms. Terracio inquired about how the discussions with the City of Columbia have gone, regarding this project.

Mr. Niermeier responded brief discussions have taken place regarding coordinating the public meeting, and enrolling in some of the plans the City of Columbia has. The City has been receptive, and have granted an administrative adjustment to the greenway standards. The County is planning to go back to the City for a 2nd administrative adjustment to go from a 12-ft. to 10-ft or 8-ft.

5. **ITEMS FOR ACTION**

- a. **City of Columbia Bikeway IGA** – Mr. Niermeier stated there were some version control issues going back and forth between the City and the County’s attorneys. He noted the changes from the previous version are:
- On p. 12, the following language was added: *“The City shall construct/install the Project.”* and removal of the following language: *“...are with the scope of the project. The City may propose revisions or additions to the Project Plans that are outside of the scope of work for the Project, which the County may accept or reject in it...”*
 - The following language was added in Section 3(a) [Page 14]: *“...provided, however, that the operation and maintenance obligation shall in no event be less than ten (10) years from the date of Project completion, except upon removal of the particular portion of the Project.”*
 - In Section 3(b) [Page 15] the following language was added: *“The City shall provide quarterly detailed expenditure records for all monies spent on the Project during such period. A detailed final audit report shall be due at Project completion.”*

Mr. Malinowski noted, in Section 1, it states, “The project will comply with all applicable City codes and state and federal regulations.” He inquired if language should be added that the project should also comply with Penny Tax spending regulations.

Mr. Niermeier responded he believes that is covered in “Miscellaneous Provisions”.

Mr. Malinowski noted the language of the opening paragraphs of “Miscellaneous Provisions” need to be clarified, as the sentences contradict each other. He requested an explanation of the language in

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Section 3(e): *“This agreement will not create any duty or responsibility to anyone other than the Parties to the Agreement, nor does it create any rights enforceable by anyone other than a party (third party beneficiary) to the agreement.”* Additionally, he noted Sections 4 and 10 are very similar, and could potentially be combined. As it pertains to Section 3(i): *“Written notice to the City shall be made by placing such notice in the United States Mail, Certified, Return Receipt Requested, postage prepaid and Addressed to: City of Columbia, P.O. Box 147, Columbia, SC 29217”*, should the County not also be notified in writing. Lastly, a timeframe for “useful life” should be defined in Section 8 – Termination.

Ms. McLean responded she will address Mr. Malinowski’s questions after this meeting.

Mr. Livingston moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve the City of Columbia Bikeway IGA.

In Favor: McBride, Livingston, O. Walker and Mackey

Opposed: Malinowski

The vote in favor passed.

- b. **Modification to Innovista Phase 3 De-scope and Funding Approval** – Mr. Niermeier stated this item is tied to the City of Columbia’s FY22 funding request. The City is requesting for the County to provide \$150,000 in Innovista Transportation related project funding to allow them to begin the National Environmental Policy Act (NEPA) Review Process for Phase III [Williams Street Connector]. The deadline for submission is May 2021.

Ms. McBride inquired how this differs from the County’s original de-scoping plan.

Mr. Niermeier responded, when the de-scope plan was moved forward in May 2020, one of the items was the removal of Phase III Innovista Project because there was approximately \$5M remaining after completion of Phase I and II, which would not have made a significant impact the remaining phase. Subsequently, the estimate came down slightly. With the City trying to move forward with the grant package, they are requesting \$4M to assist with securing \$20M.

Ms. McBride stated, for clarification, the County would be putting Phase III back in.

Mr. Niermeier responded in the affirmative. He noted this is similar to what the County just did with the Garners Ferry intersection.

Ms. McBride inquired how this will impact the other funding we planned for.

Mr. Niermeier responded this will not really impact the funding. He noted some of the projects will be re-scoped.

Mr. Livingston inquired if we would still be within the referendum amount for the Innovista Project.

Mr. Niermeier responded in the affirmative. The referendum allocated \$50M for the Innovista Projects. Phase I was \$17.9M, and Phase II is estimated to be \$23.2M.

Mr. Livingston stated one of the main objectives for Phase III was centered on Economic Development. The idea was to open up that part of Huger Street between Blossom and Gervais. One

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of the main drivers to get the Penny passed was to make a significant effort to leverage additional funding. He stated we are talking about using funds that were a part of the bond referendum to try to generate \$20M. To miss out on that opportunity would be unfortunate for the County.

Ms. McBride stated she wanted to ensure as the County goes the descoping/re-scoping process that it is taken into consideration there is unincorporated and incorporated areas.

Mr. Malinowski inquired as to why the County would approve the \$4M without knowing if the City of Columbia received the grant and the project is moving forward.

Mr. Livingston responded the request is for a letter of commitment for the \$4M.

Mr. Niermeier stated staff's recommendation is to provide a letter of support to assist the City with securing the grant funding for the Innovista Phase III Project.

Mr. O. Walker inquired if the \$150,000 is a prerequisite to the letter of commitment.

Mr. Niermeier responded he believes one could happen without the other. The letter of commitment will be put into the grant submission package to demonstrate financial stability.

Ms. Dana Higgins, City of Columbia, stated the NEPA Review Process gets the City that much closer to being shovel ready, and is looked upon more favorably by Washington. She noted the City should receive a response by early Fall. The City is only asking for funding they believe they could spend, but wanted to have the letter of commitment to submit with their application.

Mr. Livingston stated, in his opinion, the Innovista Project is important to the County. Once the project is completed, the County is going to generate quite a bit of tax revenue.

Mr. Niermeier noted the North Main Widening Project is an example of how utilizing Transportation Penny funds to leverage Federal funding was put to use.

Mr. Malinowski inquired about the dollar amount of the grant the City is applying for, and if there is a specific match requirement when requesting the funding.

Ms. Higgins responded the City is applying for \$15,898,000. The total budget for the project is \$19,987,000. Typically, there is a 20% match requirement.

Mr. Malinowski inquired if the City does not receive the grant will the funds go back into the Transportation Penny.

Mr. Niermeier responded, if the funds are not used, the funds will remain in the Transportation Penny funds.

Mr. Livingston moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve the City of Columbia's request of \$150,000 of Innovista Transportation Related Project funding (Phases I, II, and III) for the City's FY22 budget. Additionally, to approve a letter of commitment to the City of Columbia for up to \$4,088,663 of future Innovista Project funds to support efforts to secure outside Federal Funding (BUILD Grant or other) for the Innovista Phase III Project (aka Williams Street Connector).

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In Favor: Malinowski, McBride, Livingston, O. Walker and Mackey

The vote in favor was unanimous.

- c. **Transportation Improvement Contract 2 – Old Garners Ferry Rd.** – Mr. Niermeier stated the item before the committee is a transportation improve contract to repair Old Garners Ferry Road, which connects Garners Ferry Road behind Pineview Park. The recommendation is to award the contract to Palmetto Corp. of Conway in the amount of \$471,916.45 with a 15% contingency in the amount of \$70,787.46 for a total amount of \$542,703.91.

Mr. Malinowski inquired if this was a referendum item.

Mr. Niermeier responded in the affirmative. The project falls under the Roadways Program, which includes dirt roads and resurfacing projects.

Mr. Malinowski requested clarification of the following language: “This falls in line with the way Public Works handles their projects, and staff is working to bring the Department into uniformity with the rest of the County.”

Ms. Steele responded a 15% contingency is standard for Public Works, and the Transportation Department would like to also use a 15% contingency for uniformity.

Ms. Mackey noted there is over a \$150,000 difference between Palmetto Corp. of Conway and the other two firms. She inquired if Palmetto Corp. of Conway’s bid was investigated to ensure they can do the job, and not underbidding.

Mr. Niermeier responded, based on past experience, as well as what Palmetto Corp. looked like when they bid, staff is confident in them.

Ms. Steele noted the firms all bid on the same quantities, and the firms are held to that dollar amount.

Ms. Wladischkin stated, since the pandemic, the County has experienced bids that are all over the board and are indicative of the fluctuation in material costs. Palmetto Corp. of Conway has done a lot work for the County, so staff is confident they have provided us a good bid.

Mr. Livingston moved, seconded Ms. McBride, to forward to Council with a recommendation to approve the award of the Transportation Improvement Contract 2 (TIP 2) – Old Garners Ferry Rd. contract to Palmetto Corp. of Conway in the amount of \$471,916.45 with a 15% contingency in the amount of \$70,787.46 for a total amount of \$542,703.91.

In Favor: Malinowski, McBride, Livingston, O. Walker, and Mackey

The vote in favor was unanimous.

6. **ADJOURNMENT** – The meeting adjourned at approximately 5:00 PM.

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Agenda Briefing

Prepared by:	Michael Niermeier	Title:	Director
Department:	Transportation	Division:	
Date Prepared:	April 16, 2021	Meeting Date:	May 25, 2021
Legal Review	Elizabeth McLean via email	Date:	May 06, 2021
Budget Review	James Hayes via email	Date:	May 18, 2021
Finance Review	Stacey Hamm via email	Date:	May 18, 2021
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM	
Committee	Transportation Ad Hoc		
Subject:	Three Rivers Greenway Boozer Property Conveyance		

STAFF’S RECOMMENDED ACTION:

Staff requests Council approve an Ordinance shown in Attachment 1 of this briefing document to convey the “Boozer properties” (TMS#07208-03-01) of 0.430 acre (18,749 SF) and (TMS#07208-03-02) of 0.509 acre (22,163 SF) located by Candi Lane (S40-2889) of the Three Rivers Greenway project to the City of Columbia for ownership and maintenance.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?		Yes		No
If no, is a budget amendment necessary?		Yes		No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

None.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

None.

REGULATORY COMPLIANCE:

Non-applicable.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

Council Member	
Meeting	
Date	

STRATEGIC & GENERATIVE DISCUSSION:

The subject property was used to construct the Three Rivers Greenway as designed and a portion was needed for the parking lot that will be maintained by the City of Columbia. The remainder of the property is “undevelopable”. Richland County paid \$40,000 for the 0.939 acre on June 28, 2016 as part of the project Right-of-Way Acquisition.

A public hearing for the Request for Annexation by the City of Columbia of the subject property was held at the Richland County Special Called Meeting on November 10, 2020 (Item 12.c) with no comments. Council then approved the petition for annexation for Third Reading (Item 14.c) at the same meeting. The vote was approved 8-0 and failed reconsideration (Att-2).

ADDITIONAL COMMENTS FOR CONSIDERATION:

None.

ATTACHMENTS:

1. Deed Ordinance – Three Rivers Boozer Property
2. November 10, 2021 Special Called Meeting Minutes – Approved Annexation by the City of Columbia

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-21HR

AN ORDINANCE AUTHORIZING DEED TO THE CITY OF COLUMBIA FOR CERTAIN PARCELS ON THE THREE RIVERS GREENWAY/SALUDA RIVERWALK; RICHLAND COUNTY TMS #07208-03-01 AND TMS #07208-03-02.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed to The City of Columbia for parcels on the Three Rivers Greenway/Saluda Riverwalk; TMS #07208-03-01 AND TMS #07208-03-02; as specifically described in the attached Title To Real Estate.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of _____, 2021.

Andrea Mathis
Clerk of Council

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



Richland County Council

SPECIAL CALLED MEETING
November 10, 2020 – 6:00 PM
Zoom Meeting
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Paul Livingston, Chair; Dalhi Myers, Joyce Dickerson, Bill Malinowski, Jim Manning, Yvonne McBride, Chakisse Newton, Allison Terracio, and Joe Walker

OTHERS PRESENT: Michelle Onley, Dale Welch, John Thompson, Ashiya Myers, Larry Smith, Ashley Powell, Sandra Haynes, Leonardo Brown, Judy Carter, Brad Farrar, Tamar Black, Jennifer Wladischkin, Tariq Hussain, Michael Niermeier, Randy Pruitt, Clayton Voignier, James Hayes, Stacey Hamm, Michael Maloney, Stephen Staley, Ronaldo Myers, Michael Byrd, Kerry Smyser, Brittney Hoyle-Terry, Quinton Epps, Jeff Ruble Dwight Hanna and Geo Price

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Joyce Dickerson.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Joyce Dickerson
4. **APPROVAL OF MINUTES**
 - a. **Special Called Meeting: October 6, 2020** – Ms. Dickerson moved, seconded by Mr. Walker, to approve the minutes as distributed.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers and Newton

Not Present: Kennedy

The vote in favor was unanimous.
 - b. **Regular Session: October 20, 2020** – Ms. McBride moved, seconded by Ms. Terracio, to approve the minutes as distributed.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers and Newton

Not Present: Kennedy

The vote in favor was unanimous.
 - c. **Zoning Public Hearing: October 27, 2020** – Ms. McBride moved, seconded by Ms. Dickerson, to approve the minutes as distributed.

Mr. Livingston made a substitute motion, seconded by Mr. Walker, to reconsider the portion of the minutes related to Case # 20-022MA.

- c. Rooftop Cocktails Reception with Project Sunshine Executives, November 12, 4:45 – 5:45 PM, Nelson Mullins Law Firm – Ms. Onley provided information regarding this upcoming event.
11. **REPORT OF THE CHAIR** – No report was given.

12. OPEN/CLOSE PUBLIC HEARINGS

- a. An Ordinance Amending the Fiscal Year 2021 General Fund Annual Budget by \$921,103 to amend the School Resource Officer Budget – No comments were received.
- b. An Ordinance Amending the Fiscal Year 2021 School Resource Officer Fund Annual Budget by \$647,103 to account for RCSD needs – No comments were received.
- c. An Ordinance authorizing consent for annexation to the City of Columbia for .509± Acre on S/S Candi Lane, which is a portion of TMS # 07208-03-02; a part of the Three Rivers Greenway – No comments were received.
- d. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Project Sunshine to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; authorizing the administration of a grant; approving the transfer of certain real property; and other related matters – No comments were received.
- e. For the benefit of Project Sunshine, approving the acquisition and transfer of certain real property located in Richland County, the granting of certain easements and other matters related thereto – No comments were received.

13. APPROVAL OF CONSENT ITEMS

- a. 20-021MA, Erica Serbin, RM-MD to MH (2.34 Acres), 8534 Old Percival Road, TMS # R22602-02-07 [SECOND READING]
- b. 20-029MA, Dave R. Brock, M-1/RM-MD to LI (2 Acres), 1804 Shop Road, TMS # 13604-01-01 [SECOND READING]
- c. Road Closure Petition – Sloan Street

Mr. Manning moved, seconded by Ms. Newton, to approve the consent items.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Manning, Myers and Newton
Not Present: Kennedy

The vote in favor was unanimous.

14. THIRD READING

- a. An Ordinance Amending the Fiscal Year 2021 General Fund Annual Budget by \$921,103 to amend the School Resource Officer Budget – Mr. Malinowski noted he did not see this item listed, with this specificity, in the October 6th or October 20th agenda. He requested clarification on the figures provided in tonight's agenda.

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In Favor: Malinowski, Dickerson, McBride, Livingston, Walker, Manning and Newton

Opposed: Terracio and Myers

Not Present: Kennedy

The vote was in favor.

Mr. Manning moved, seconded by Mr. Walker, to reconsider Items 14(a) and 14(b).

Opposed: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Manning, Myers and Newton

The motion for reconsideration failed.

- c. **An Ordinance authorizing consent for annexation to the City of Columbia for .509± Acre on S/S Candi Lane, which is a portion of TMS # 07208-03-02; a part of the Three Rivers Greenway – Ms. Newton moved, seconded by Ms. Dickerson, to approve this item.**

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers and Newton

Mr. Walker moved, seconded by Ms. Dickerson, to reconsider this item.

Opposed: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers and Newton

The motion for reconsideration failed.

- d. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Project Sunshine to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; authorizing the administration of a grant; approving the transfer of certain real property; and other related matters. – Ms. Newton moved, seconded by Ms. Dickerson, to approve this item.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers and Newton

Mr. Walker moved, seconded by Ms. Dickerson, to reconsider this item.

Opposed: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers and Newton

The motion for reconsideration failed.

- e. For the benefit of Project Sunshine, approving the acquisition and transfer of certain real property located in Richland County, the granting of certain easements and other matters related thereto – Ms. Newton moved, seconded by Ms. Dickerson, to approve this item.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers and Newton

Mr. Walker moved, seconded by Ms. Dickerson, to reconsider this item.

Opposed: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers and Newton

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