



Richland County Council

ADMINISTRATION AND FINANCE COMMITTEE

February 27, 2018 – 6:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Paul Livingston, Chair; Bill Malinowski, Dalhi Myers, Yvonne McBride, and Norman Jackson

OTHERS PRESENT: Brandon Madden, Michelle Onley, Tracy Hegler, Ismail Ozbek, Stacey Hamm, Brad Farrar, Jennifer Wladischkin, Dwight Hanna, Larry Smith, Chris Eversmann, John Hopkins, and Kimberly Williams-Roberts

1. **ELECTION OF CHAIR** – Mr. Malinowski moved, seconded by Ms. McBride, to nominate Mr. Livingston for the position of Chair.

The vote in favor was unanimous.

2. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:03 PM.

3. **APPROVAL OF MINUTES**

- a. **January 9, 2018** – Mr. N. Jackson moved, seconded by Mr. Malinowski, to approve the minutes as distributed.

Mr. Malinowski stated on p. 2 of the minutes it states, "Mr. Malinowski states he does not know where service areas 2 and 4 are. He would also like to see what kind of negative feedback there may be for these areas..." He stated he never received the information regarding the feedback and would like to receive the information.

The vote in favor was unanimous.

4. **ADOPTION OF AGENDA** – Mr. Malinowski moved, seconded by Mr. N. Jackson, to adopt the agenda as published.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

5. **ITEMS FOR ACTION**

- a. **Award of Contract for Hunters Run, Phase I Roadway Repairs** – Ms. Myers moved, seconded by Mr. N. Jackson to forward to Council with a recommendation to approve the request to award this contract to Armstrong Construction for construction services described in detail in the project plans and specifications as advertised.

Ms. Myers inquired when we do this kind of acceptance of roads, what is the standard so we know we are not accepting a million roads a year. This are obviously in developments and she wants to understand the process we are using because we cannot accept every road.

Ms. Hegler stated we do not have a limit, but we do go through a process of inspecting the roads. They have to meet the County's standards, which means they have to meet our minimum design requirements which exist in the Land Development and the Public Works ordinances. We have inspectors that check them and make a recommendation to the County Engineer for acceptance. If they are accepted then we go through the bidding process.

Ms. Myers stated this one is nearly \$300,000. She inquired about how many the County gets annually.

Ms. Hegler stated this one is not typical. We are documenting and inventorying roads like this that we consider privately owned and in subdivisions. We are trying to put together an assessment of those roads so we can make recommendations on how to address them and avoid these situations in a reactive manner.

Ms. Myers inquired as to what the fund balance will be once we award this contract.

Mr. Madden stated he would provide that information.

Mr. Malinowski inquired as to when this particular road came to the attention of the County.

Ms. Hegler stated she does not know. She knows it has been discussed for a couple years.

Mr. Malinowski stated he is sure there are roads that were discussed prior to this that are still out there. He would like to know why road gets the nods to the exclusion of the roads. He also stated in the past when it has come to the County's attention there were roads that were not finished Council was provided a list of the roads and had to vote to accept those roads into the system. In this instance, the County Administrator directed acceptance of the roads into the County maintenance system. He inquired as to how that can be when Council has always done it in the past.

Mr. Madden stated there were a number of matters that were brought forth to Council in the past that dealt with the way we maintain our roads. For instance, there were issues that came about on having sufficient bonds in place to cover roads and things of that matter. We have put things in place to try to address that. The Hunter Run item was one of the items that had a difficult history. While it is worded that the County Administrator directed acceptance of the road, it was not done so in a manner where it was unilateral. It was a series of Council memorandums, presenting information to Council to provide resolution to an outstanding issue. In response to Mr. Malinowski's question about how we maintain our roads, how we bring these roads about, or if we have a prioritized list. He stated staff is currently working on that now. We will bring back a recommendation on the process that we have in place to address that.

Mr. Malinowski stated it also says that DPW Engineering staff engaged the services of an Engineering firm, which is another directive of staff and not Council. If this is the way we are starting to go Council can stay home and let staff run things the way you want. Additionally, it states a purchase requisition has been submitted in the amount of \$293,000. It appears someone has authorized to move forward and this is coming to Council after the fact. He believes we need to definitely look at the process and put this road in with all the other roads that need work done that have not been completed.

Mr. Malinowski made a substitute motion, seconded by Ms. McBride, to forward this item to Council with a recommendation to place this road on the list with all of the other roads in the County and the list will be based on when the road came to the County's attention, so it is handled fairly.

Ms. Myers inquired as to why this road is special and what the process is for it.

Mr. Malinowski stated when he refers to "roads like this", it has come to Council and staff's attention in the past that we have other roads that were abandoned by the developer, not completed according to County standards, etc.

Mr. N. Jackson stated with his years of experience sometimes it becomes a safety issue. Just last year, there was a safety issue on another road and the road had to be moved up because there could have been a fatal accident. It is not just the order in which they come on the list. It is based on safety issues.

Ms. McBride inquired as to where the requests are coming from. She stated she has had some requests since she has been on Council and they have not moved.

Mr. Ozbek stated these roads are not typical. There was a housing bust in 2008 and a lot of developers were going out of business or bankrupt. There also was a period in the County's history when keeping up with the bonding process failed; therefore, there was some responsibility on the County's part.

Ms. McBride inquired if staff is looking at complaints coming in.

Mr. Ozbek responded affirmatively. These roads are in disrepair. There are potholes. The roads are unfinished, but it is private property so the County cannot go in and do anything. The County is allowed to do emergency maintenance to fill in the potholes.

Ms. McBride inquired if there is a waiting list.

Mr. Ozbek stated there is a list Council approved in 2012-2013. Staff is currently working on a comprehensive list of several hundred roads.

Ms. McBride inquired if this road was a part of the list.

Mr. Ozbek stated this road was not a part of the list. He believes there was a threat of a lawsuit, which Mr. Seals briefed Council on.

Ms. McBride stated so we are trying to put a process in place.

Mr. Ozbek stated Tracy and her staff have a process in place to keep up with the bonds. These things are cleaning up the past of the economy and staff not doing what they were supposed to be doing. We are not taking on any further problems.

Mr. Malinowski stated it is his recollection that more roads have come to Council's attention that needs handling since 2012-2013. While Mr. Ozbek states there is a process in place, part of the process needs to be a prioritization list. He stated he agreed with Mr. N. Jackson that if there is an emergency or safety issue that will be a part of the prioritization criteria. We do not have anything on this road other than "here is a road that needs fixing, so let's fix it." How it got here and why it got here, he does not know. We need to go back to the process, to a priority list, to include safety as the #1 factor.

Ms. Myers stated we are suggesting that we did something wrong somewhere, which makes this Richland County's responsibility. She would like to understand why it is the taxpayers' responsibility and why this road gets to jump ahead of the County's roads that need repair. She does not understand why a private road has risen to this level of priority with public funds being paid out to the tune of nearly \$300,000.

Mr. Livingston stated that is his concern, as well. His suggestion would be to forward it without a recommendation and get an explanation.

Mr. N. Jackson stated most of these roads are abandoned by the developer or fall out of the system. Most of the roads the County receives are usually private roads that were never completed or done properly and the citizens complain.

Ms. Myers stated she made that point only to say that we have public roads that stand in need of repair. She just wants to understand why we are accepting a new one before we get those done. And if there is some priority this should take.

Mr. Malinowski withdrew his substitute motion.

Mr. Malinowski made a substitute motion, seconded by Ms. Myers, to keep this item in committee and find out if there is a reason why it came before Council. If there is not, then place the road on the list with the other roads.

In Favor: Malinowski, Myers, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- b. Approval of Contractor Change Order for Dawson Pond repair project – Ms. Myers moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to approve the change order request from Corley Construction in the amount of \$34,978.

Ms. Myers inquired if this work has been completed and Council is basically ratifying payment for the work.

Mr. Ozbek stated there were cost overruns. The County Engineer if additional information is needed.

Ms. Myers inquired if the County Engineer approved the company undertaking the extra work. The company stated they could not move forward with the approved work without doing the underlying work.

Mr. Ozbek responded in the affirmative.

Mr. Malinowski stated there were cost overruns, but he does not understand if it exceeds the 10% why it is automatically approved by staff and then comes to Council after the fact for approval. If it is in need of Council approval it should come here before the work is done and approval by anyone. That is the reason we have problems with the Penny Tax right now. We have cost overruns that were paid for and now we are in arrears millions of dollars. This is no exception. Thousands are going to add up to hundreds of thousands and add up to millions. If we have a process that says Council must approve anything above that 10% that was originally approved, it needs to come here. If they did the work without the approval, shame on them and they will have to wait.

In Favor: Myers, N. Jackson, Livingston, and McBride

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Opposed: Malinowski

The vote was in favor.

- c. Addition of Property to Pauper's cemetery (located at 779 Two Notch Rd.) – Ms. Myers moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to accept the 575 square foot land donation (Parcel "A") from FN Manufacturing Inc. to allow the existing graves to be located on Richland County property. If approved Richland County will proceed with the process of having the deed listing the additional 575 square foot of property recorded with the Richland County Register of Deeds.

Mr. Malinowski stated for record that we have hundreds of thousands of dollars that are approved by someone else and never get to this Council, but for a donation of land to the pauper's cemetery that has to come here for approval.

In Favor: Malinowski, Myers, N. Jackson, Livingston, and McBride

The vote in favor was unanimous.

- d. Restructuring Ordinance: Phase II – Mr. Livingston stated he thought this was something that had previously been approved by Council.

Mr. Madden stated it was. It was a two phase process. The first phase was the overall restructuring and allowed for time to go back and work through the details of impacts of that. What is before the committee is the details where we had staff go through and review the operations to see where work was being duplicated and eliminate that a put forth a clean ordinance. The specific changes are outlined on p. 22 of the agenda packet. The subsequent pages is the red-lined ordinance with the specific changes.

Mr. Malinowski moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve the ordinance amendment.

Mr. Malinowski stated since he did not finish reading the ordinance he will vote no to keep it off consent.

Mr. N. Jackson stated he thought initially it would be a year trial to see how it would work and we would receive a report before moving forward with completing Phase II of the ordinance. He stated he made a motion to revisit it because there were some concerns about the restructuring. He is concerned because of the motion he made about moving forward without getting the pros and cons of the changes. There is no discussion about his motion. What about a year trial before we go into a Phase II? That was what was presented to us. Let's restructure. Give it a year to see how it works and then move forward.

Ms. McBride stated the red-lined items are the new items, correct? Is that the new language?

Mr. Madden responded in the affirmative.

Ms. McBride inquired if the following language is the new way to describe criteria for being eligible: "...shall possess the education, training, and experiences that are commensurate with the industry standards for this position."

Mr. Madden stated one of the issues they encountered when we reviewed the ordinance during Phase I was an inconsistency in the manner of which requirements for positions was listed. What this attempts to do is to make it more uniform because we ran into situations where at the ordinance level it listed out specifics for years of requirements. There were people in positions that may not fit the ordinance, but were a great fit for the position. It allows it to be open to a variety candidates for specific positions and not at the ordinance level, but referring back to the job description.

Ms. McBride stated this is a general statement, but there are specialized areas in the job description.

Mr. Madden stated that is correct. Before a position is advertised and filled the specific requirements are listed in the job description.

Ms. Myers stated Mr. N. Jackson's motion was made a year ago this time. She inquired if he wanted to take up and debate his motion separately from the adoption of the modifications.

Mr. N. Jackson stated he made his motion the first of the month.

Ms. Myers stated she remembered Mr. N. Jackson saying sometime back that we wanted to revisit it and she thought that was why we were revisiting it. Not this year, but last year when it came up for Third Reading.

Mr. N. Jackson stated last year was the first time everything was introduced to do a year trial to see if it worked. What he did a year later...

Ms. Myers inquired if Mr. N. Jackson wanted another year trial.

Mr. N. Jackson stated he does not want another year trial. He wants a report to see if we should move forward with this piece. Part of this piece is describing the job description to match the ordinance. His motion is do we continue with the restructuring or go back to the old structure.

Ms. Myers inquired if Mr. N. Jackson's motion would be to scrap everything and go back to the old or keep the way we are.

Mr. N. Jackson stated his motion is not to scrap everything because some of these descriptions need to go with the job description. His motion is that we were told to give the Administrator permission to restructure the County offices and after a year we would get a report on how it is working so we can decide to continue or put it back like it was previously.

Ms. Myers inquired if Mr. N. Jackson is now asking for a report. She is not clear on what he is requesting.

Mr. N. Jackson stated we are going to move forward with this, but if we could address his motion separately. This does not address his motion.

Ms. Myers stated she is trying to figure out what Mr. N. Jackson's motion is.

Mr. N. Jackson stated his motion was the Administrator asked permission to change the structure of the County offices. A year is up now. Do we keep it, tweak it or put it back?

Ms. Myers stated for clarification that rather than voting on the changes to Administration, Mr. N. Jackson would prefer to have a report and then analyze what we are doing.

Mr. N. Jackson responded in the affirmative.

Mr. Livingston inquired if this will require three readings and a public hearing.

Mr. Madden responded in the affirmative.

Mr. Malinowski inquired if the wording Ms. McBride referenced earlier is the wording that most counties have gone to and use rather than being so specific.

Mr. Madden stated not specifically, but generally you see generic language in ordinances.

Mr. N. Jackson made a substitute motion, Mr. Malinowski, to defer this item in committee until we get a report.

Ms. Myers stated for clarification that we would need to instruct staff to bring back to Council as to the effectiveness/problems of the changes to date and how they compared to the old structure.

Mr. N. Jackson responded in the affirmative.

In Favor: Malinowski, Myers, N. Jackson, Livingston, and McBride

The vote in favor was unanimous.

- e. Council Motion: Without prior notice, in June 2017 the City of Columbia raised the storm water management fee for Hamilton Owens Airport by 74% creating a severe financial hardship on airport operations. This increase amounts to 27% of the airport's annual operating budget even though less than one percent of airport storm water is managed by the City. Attempts to negotiate these rates have proven unsuccessful at the staff level. Recent studies have shown that Hamilton Owens Airport has a 14+ million dollar economic impact on the City of Columbia. This motion requests that further payments of this unreasonable storm water management fee be withheld until such time as City officials provide a rate structure that is more tenable and consistent with the actual service being provided [PEARCE] – Mr. Pearce stated the airport had been a very steward of paying its stormwater management fee every year. The City increased it substantially even though the airport uses less than 1% of stormwater. He believes there are certain exemptions the City could give us because we are an airport, but instead they are using all of the pervious surfaces penalize us. The City has increased the fee by 74%. What this means, if we pay it, is the airport is going to run a deficit. The airport does not have the money to pay this. They have tried to negotiate and what the City came up with was this plan to ameliorate this by the County spending a whole bunch of money to hire consultants in order for us to get a payment reduction. It would take years to recover based on the costs of all of the studies. In the absence of anything concrete, he recommends not paying the City the increase. When the airport was reconfigured, the County created a park, which is leased to the City for \$1 a year. An alternative would be to renegotiate the lease for difference in what the airport pays in stormwater. The Commission or Mr. Eversmann does not have that authority, so he is requesting Council to take a stand.

Mr. Malinowski stated staff's recommends action by County Council which will significantly reduce or permanently eliminate the City's Stormwater Utility fee from being charged to the airport. He also noted that on p. 66 of the agenda packet it states the County leases 68 acres to the City for \$1/per year. And under "Fiscal Impact" it states the new fee will create a shortfall of \$28,700.

Mr. Malinowski moved, seconded by Mr. N. Jackson, to forward to Council with a recommendation to lease the 68 acres to the City for \$28,700.

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Ms. Myers offered a friendly amendment to lease the property to the City for \$28,701.

Mr. Eversmann stated the 74% increase is a budget buster for the airport. It totally reduces any flexibility that the Airport Manager has in responding to facility emergencies and effectively managing the airport at level the County has come to expect. He stated they are looking to extend the runway in the future, which will increase the impervious area. It might be worth consideration that this 68 acre lease be a quid pro quo for all stormwater charges both now and in the future. The airport is a viable transportation hub, which based upon the just released economic impact study by the State Aeronautics Commission provides over \$16 million of local economic impact to the Midlands.

Mr. Malinowski amended the motion to include the quid pro quo.

Ms. Myers inquired if the County has done anything to try to talk with the City to get this fee reduced. She read in the backup documentation that they talked about the solutions, but have we told them those solutions are not real solutions. We are not going to do a \$100,000 study to save \$28,000.

Mr. Eversmann stated we do not know the cost of the study; although, we have meet with the City stormwater utility staff. We have also had our airport planning and engineering consultant meet with their staff as a means of trying to come up with a scope or fee. He does not have that number yet, but he does not think it would be on the order of \$100,000.

Ms. Myers stated her point is that we are at an impasse.

Mr. Eversmann stated the discussions at staff level will not result in the elimination of the stormwater utility charge.

Mr. Pearce stated for clarification that even if we do the studies there is no guarantee the fee will be reduced.

Mr. Eversmann stated in all likelihood it will not just be a study, but construction as well.

Ms. Myers stated she is in favor of the quid pro quo and the charge for the 68 acres, but her concern is in the interim are we going to remit a check for the whole amount. She would like the maker of the motion to consider restricting the payments to what is currently being paid.

Ms. Myers stated her friendly amendment would eliminate the need for Mr. Malinowski's motion because we cannot charge them the \$28,701 and deduct that.

Mr. Malinowski withdrew his motion.

Ms. Myers moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to restrict the current fee payment to the rate as of June 30, 2017 and to direct the Administrator to discuss this at the City Manager level to see if we can get some movement.

Mr. N. Jackson inquired if the City was currently updating their stormwater system.

Mr. Eversmann stated the City of Columbia is doing extensive capital improvement plans for their citywide system and he believes that is what is driving this rate increase. In the case of the airport, we are on the boundary of the City and the 1% of stormwater runoff that enters the City system from the airport actually reenters the airport and outfalls into Richland County.

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Mr. N. Jackson stated he is going to make a motion to have a roundtable discussion with the City regarding our differences and how we can partnership and move forward.

In Favor: Malinowski, Myers, N. Jackson, Livingston, and McBride

The vote in favor was unanimous.

- f. Request to waive Section III of Wilson Farms' Declaration of Restrictive Covenants for Lot 1 – Ms. Myers moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to approve the waiver for Lot 1.

Mr. Malinowski stated it seems to him the County should be the last one to have input on this. It states in the agreement all the homeowners must agree to it first. It does not state in the backup documentation that all of the homeowners have.

Ms. Hegler stated she believes they are doing that concurrently.

Mr. Malinowski stated before the County gets in, so no one over there can use what Council votes for as leverage to say "I don't know why you don't want to do it. The Council said it's okay." He believes it should stay in committee and staff come back with signed forms and let's see if the homeowners really want it.

Ms. Myers inquired if Mr. Malinowski would be amenable to us approving it contingent upon staff getting the approvals necessary from the community rather than us having to revisit it. If staff does not get it then it goes away, but if they do get it we do not have to come back again.

Mr. Malinowski stated that still gives them leverage by using Council to gain what they want.

In Favor: Malinowski, Myers, N. Jackson, and McBride

The vote in favor was unanimous.

5. **ITEMS PENDING ANALYSIS**

Mr. N. Jackson stated if a motion is made at the first meeting of the month, unless documenting, the backup materials should be on the agenda for that month. If it is on the second meeting of the month then it falls into the following month. He stated he noted that before. It is giving priority to the motions made on the first meeting of the month. Some of the items on the "Items Pending Analysis" he cannot see why there would not be backup materials. He has also made some additional motions and they do not appear on any of the agendas.

Mr. Livingston stated there needs to be an impact statement or rationale on the status of the pending items.

- a. Council Motion: Richland County funds thirteen mills eight mills more than the five mills required by statute. I move that County Council develop a separate Recreation Commission to manage the eight additional mills if the Recreation Commission does not agree to the MOU or if Council still feels that there is taxation without representation. Note: This is a partial solution to the constant challenge for taxation and representation [N. JACKSON] – Mr. Malinowski stated on p. 91 it states, "...during its October 24, 2017 meeting...the committee voted to hold this item in committee until Council's Recreation Commission liaisons meet with the Recreation Commission." That is over 3 months.

Mr. N. Jackson stated they did meet.

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Mr. Malinowski stated this item needs to be brought back to the committee if they have met.

No action was taken.

- b. Move that the agreement with Platinum Plus to operate to perpetuity be reconsidered and that they never reopen at that location. NOTE: It's next to a graveyard and a church which violates County Ordinance. It was never grandfathered making it noncompliance [N. JACKSON] – No action was taken.
- c. Do not approve any additional projects from the remainder of the \$50 million Recreation Bond until an explanation is given from the Recreation Commission, why \$1,600,000 was paid for 40 acres of land worth \$255,000 NOTE: The intent was to purchase 40 acres and build a road at the cost of \$1,600,000. The documents might state to purchase land only but if an appraisal was done it would have shown that the land was worth \$255,000 [N. JACKSON] – No action was taken.
- d. Funding Request for Little Lake Katherine – Ms. Myers stated she would like to know what the process is for these kinds of funding requests because there are a lot of homeowners' associations that would like to have Council's help with projects. She would like to know what the process is for getting the County involved in entertaining the requests. It makes her nervous that we would favor any one group over another without a process that people can see. She requested that all funding requests be put through a process rather than negotiating with Council and staff because when it gets here we will look heartless if we say no. There needs to be a process so all groups are treated fairly.

Mr. Livingston stated all funding requests, outside of the budget process, there will be a process.

Ms. Myers moved, seconded by Mr. Malinowski, to forward to Council with a recommendation that funding requests, like the one referenced in Item #6(d), be subject to some form of process. The Administrator would be responsible for the process. This will be a prior step to it being placed on an agenda.

In Favor: Malinowski, Myers, N. Jackson, Livingston, and McBride

The vote in favor was unanimous.

- 6. **ADJOURNMENT** – The meeting adjourned at approximately 6:55 PM.