



Richland County Council

Development & Service
October 27, 2020 -5:00 PM
Zoom Meeting

COMMITTEE MEMBERS PRESENT: Allison Terracio, Chair, Jim Manning, Gwendolyn Kennedy and Chakisse Newton

OTHERS PRESENT: Paul Livingston, Bill Malinowski, Dalhi Myers, Michelle Onley, Leonardo Brown, Tamar Black, Angela Weathersby, Kyle Holsclaw, Michael Maloney, Ashiya Myers, Mike Zaprzalka, Clayton Viognier, Ashley Powell, Sandra Haynes, Stephen Staley, Stacey Hamm, Dale Welch, Brad Farrar, Michael Niermeier, John Thompson, Brian Crooks, Geo Price, Michael Byrd, Dwight Hanna, Allison Steele, Bill Davis, and Brittney Hoyle-Terry

1. **CALL TO ORDER** – Ms. Terracio called the meeting to order at approximately 5:01 PM.
2. **APPROVAL OF MINUTES** – Mr. Manning moved to approve, seconded by Ms. Newton to approve the minutes as distributed.

In Favor: Terracio, Manning, Newton

The vote in favor was approved.
3. **ADOPTION OF AGENDA** – Mr. Manning moved to approve, seconded by Ms. Newton to adopt the agenda as published.

In Favor: Terracio, Kennedy, Manning, Newton

The vote in favor was unanimous.
4. **ITEMS FOR ACTION**
 - a. **Town of Irmo – Intergovernmental Agreement – Engineering & Infrastructure Maintenance** – Ms. Newton moved, seconded by Ms. Kennedy, to forward to Council with a recommendation to approve the updated Intergovernmental Agreement (IGA) between Richland County, Lexington County and the Town of Irmo for Engineering Services and Infrastructure Maintenance.

Mr. Malinowski noted at the June A&F Committee he inquired about the fact that the insurance was removed. At that time, the Administrator stated it may have been an oversight and he would review it because he would not remove required insurance information. The documentation in front of us on p 37 states the updated IGA includes removal of the insurance provision found in a specific section. He inquired if we are removing the insurance, and if so, why should we not keep the insurance?

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Mr. Viognier responded the insurance provision was removed from the updated IGA. He is not aware why the insurance provision was excluded, and he will defer to Legal to address Mr. Malinowski's question.

Mr. Farrar stated Legal recommended insurance, indemnification and hold harmless protections be included in the agreement, which is unfiltered attorney client privilege advice that somehow made its way into the agenda packet.

Mr. Malinowski noted that it indicates that the county can request that the town of Irmo maintain appropriate insurance to help pay claims made against the County, but nowhere does it show that it was put in.

Mr. Farrar responded he did not know if it was requested or who negotiated the IGA.

Mr. Brown requested that the Town of Irmo maintain the appropriate insurance, consistent with Legal's recommendation.

Ms. Terracio stated, for clarification, we are amending the original motion to include insurance and indemnification.

Mr. Brown responded in the affirmative.

Mr. Farrar stated this is not a unilateral agreement, and has to be discussed with the Town of Irmo and have them agree to the terms.

Ms. Newton amended her previous motion to accept staff and legal recommendations to forward this to full council with recommendation to approve with the addition of requiring insurance and indemnification. Mr. Manning supported the amended motion.

Ms. Newton inquired if this motion will be sent to full Council before it would be sent to Irmo for approval.

Mr. Brown responded, it would be his recommendation that we take the amended IGA back to the Town of Irmo, and request that Irmo agree to the terms before it is forwarded to Council. If Irmo responds negatively, then we will be in a different negotiation stance.

Mr. Terracio stated she agrees the other party should see every turn of the document, as it comes, so that we can make adjustments as we go.

In Favor: Terracio, Kennedy, Manning, Newton

The vote in favor was unanimous.

- b. "I propose the change of the Animal Care Officer's official title to that of "Animal Services Officer" within our county's ordinances." Animal Care Officer "tends to be a bit confusing for those in the public who do not fully understand what they do, and "Animal Control Officer" tends to have a derogatory connotation. The field of animal welfare/care has dramatically changed within recent years. The title of "Animal Services Officer" offers a broader understanding of what their duties entail." [Malinowski] – Mr. Malinowski requested to withdraw his motion, based on negative

feedback he received from staff regarding the motion.

Ms. Newton moved to table the motion because we may not be able to withdraw it at this point.

Mr. Farrar responded withdrawing or tabling the motion indefinitely would be the most expeditious way to deal with this motion.

Mr. Manning moved to send it to the Renaissance Committee.

That motion died for lack of a second.

Mr. Manning moved, seconded by Ms. Kennedy, to table the motion indefinitely.

In Favor: Terracio, Kennedy, Manning, Newton

The vote in favor was unanimous.

- c. Road Closure Petition - Sloan Street -- Ms. Terracio stated she has had conversations with the City Council Member, the State House Representatives, and neighbors on the street, which are all in support of the closure. It is her understanding, the intention is to install bike and pedestrian infrastructures, so that people can still cut through the area without having to go completely around.

Ms. Newton inquired why this matter is before Council, when this area is located in the City of Columbia.

Ms. Terracio responded, since the County was named in the legal petition, the County has to consent to the petition, in order for it to work its way through the court system.

Mr. Farrar stated, for clarification, since the County was named, the County goes through the process of allowing all the departments to weigh in that might have an interest. Then, Council either consents or contests the road closing petition. The road is within the geographic Richland County, even though not the territorial jurisdiction of the County.

Ms. Terracio noted the petition was received in August and we had a 30 days to respond. She inquired if we were in the timeframe to respond to this petition.

Mr. Farrar responded, when the lawsuit comes in, you have 30 days to answer. When he answers, he states, "We will go through the ordinance and statutory process, and amend our answer, if needed." If it is not objected, there is nothing further to do.

Ms. Terracio moved, seconded by Ms. Newton, to forward to Council with a recommendation to consent to the petition.

In favor: Terracio, Kennedy, Newton.

Opposed: Manning

The vote was in favor.

- d. Transfer of Ownership of Water Lines from the City of Columbia to PRISMA Health – Dr. Thompson stated PRISMA approached Richland County about acquiring waterlines from the City of Columbia. The issue dates back to the 2015 Flood when there was an interruption in the water service at Richland Memorial Hospital. Due to that, conversations were held between PRISMA, f/k/a Palmetto Health Alliance, the City of Columbia and South Carolina Health Department of Environmental Control. The idea was to move forward with building a well at the PRISMA Health campus. As part of that, the agreement, between the City of Columbia and PRISMA Health, is for PRISMA Health to acquire some of the waterlines from the City of Columbia. PRISMA is approaching us because Richland County has the deed to the property on which PRISMA Health is located.

Mr. Tom Freshwater, Director of Engineering – PRISMA Health, indicated they have constructed the well, and is essentially ready to operate. The last piece is executing the agreement necessary for them to obtain ownership of the piping. They have provided a hold harmless agreement, which is included in the agenda packet, which states PRISMA Health is fully responsible for the ownership and operation of the piping.

Mr. Malinowski inquired about the cost for building the well.

Mr. Freshwater responded it was approximately \$800,000.

Mr. Malinowski noted PRISMA Health has already built the well, and negotiated a transfer agreement with the City of Columbia. Therefore, it is a done deal, and, they are requesting permission to approve the agreement, after the fact.

Mr. Freshwater responded they did not realize the County would be affected or involved. Until the City brought it to their attention, several months ago, it was not a consideration.

Mr. Malinowski inquired if any parking was removed to build this well.

Mr. Freshwater responded there was no parking removed.

Mr. Malinowski inquired if there were any easements that were obtained or affected by the building of this well.

Mr. Freshwater responded there were two (2) areas. The City of Columbia is undoing some of the easements on the piping that belonged to them, which will now belong to PRISMA. They also had to obtain an easement from Dominion Power to work in that area.

Mr. Malinowski stated there are areas that address those specific items. Permissions were supposed to be obtained from County, if easements or parking were being affected. Also there should have been some surety bonds provided to the landlord, Richland County. In the future, you need to review the lease to ensure there are not any technical violations. Lastly, while there is a hold harmless agreement, he noted amendments throughout the agreement that addressed other buildings on the grounds. He inquired, if we need to go back and put an amendment into the overall lease structure, and not just a hold harmless agreement.

Mr. Farrar responded that is something we want to look at, before it goes to Council, to make sure the multiple amendments do not swallow up the whole intent.

Ms. Myers inquired, since Richland County owns the facility, how would this work. For clarification, they are essentially building a well to connect to pipes, which will service the County's building. She

inquired as to who ultimately owns it. She is not certain this should have gone forward this way because, as the building owner, if you are building something that substantial, which impacts a facility that is owned by someone else, there should have been consent and discussion prior to the building of it. She is not opposed to it, but she does not know that we have thought out the long term legal impact. She inquired if Mr. Farrar has looked at what is being done, as well as the agreement, our ownership, and what this might do to the value of our asset, if there are issues down the road.

Mr. Farrar responded he did not review this particular agreement. He inquired if this item is time-sensitive.

Mr. Freshwater noted he believes Richland County owns the land only. All of the buildings and infrastructure is owned by PRISMA Health.

Mr. Farrar noted the land lease is approximately 100 pages long, and these type of questions should have been addressed before we got to this stage.

Mr. Freshwater responded it is only time-sensitive in the sense that they would like to have the facility available in case of an emergency.

Ms. Myers inquired as to whose property the well was built on.

Mr. Brown responded this was brought to our attention, when the City of Columbia brought it to Mr. Freshwater's attention. This information was brought to Administration in the format in which the committee is receiving it now, not prior to any work being done.

Ms. Farrar noted, unless something bad is going to happen if this does not go to Council, this item is not ready for consideration.

Mr. Brown responded, from Administration staff's standpoint, there is no time sensitivity to this issue. As Mr. Freshwater said, this is them building a back-up plan for any concerns, they may have related to water connectivity. This is their specific request, and not a request initiated by Richland County, or its staff.

Ms. Myers inquired if the well was built on Richland County property.

Mr. Brown responded, it is his understanding, the well was constructed on the County's property, which is why they brought it to us. He believes this information was sent early on to Mr. Smith.

Dr. Thompson stated this information was received in August. As soon as we received the information, he developed a briefing document, and circulated it to the various departments, including Legal.

Mrs. Myers inquired as to when construction was first permitted, and who permitted construction on County property, without coming through Council.

Mr. Manning stated he is still unclear where the well is located.

Mr. Freshwater indicated the well appears to be located on Richland County property, based on GIS, as notated on p. 85 (Exhibit A) of the agenda packet.

Mr. Malinowski stated, on p. 78 of the agenda packet, Mr. Smith indicated he has no legal concern with the proposed indemnity and release agreement. It does not look like Legal reviewed the lease. While PRISMA is saying this is time-sensitive, it appears they have been planning and working on the well since 2015. In order to make sure everyone is on solid legal ground, he would suggest obtaining the answers before moving forward.

Ms. Myers inquired if the PRISMA Council liaison was aware of this, and if this was brought to the Board for a vote.

Mr. Manning responded, as the Council liaison, this is the first time he has heard of about this. He stated he is still unclear where the well is located.

Mr. Freshwater responded it was built near the intersection of the old abandoned section of Sunset Drive and Broad Street.

Mr. Manning moved, seconded by Ms. Newton, to defer this item until the next committee meeting.

In Favor: Terracio, Kennedy, Manning, Newton

The vote in favor was unanimous.

- e. Comprehensive Transportation Improvement Plan (CTIP) with Capital Improvement Project (CIP) budgets and proposed Projects for FY21 -- Mr. Brown noted this item does not involve the Transportation Penny. These project are specific to Public Works.

Mr. Maloney stated on May 4th they provided a council work session. They have taken it to the next step, which identifies specific projects for FY21: by name, by length and by cost, so we know that we are working within our budget. Public Works' budget is based on the Road Maintenance Fund, which is something they can rely on and the County has control over. Their plan is to gain Council approval on projects, which are contained in the CTIP, at the November meeting. Then, we can take these projects to the County Transportation meeting in December for approval, and gain Council approval in February with a refreshed Road Maintenance Fund budget of approximately \$2.5M. With this budget, they will take on new projects: sidewalk project recommendations, additional road maintenance projects, and potentially, a challenging dirty road project. We have included in your agenda packet, a lot of information regarding the operation of the department, as it relates to roadwork; the function of the department; and the road maintenance, and how they interface with Engineering and Special Services. We did reach out to the Transportation Departments and requested a list of their upcoming FY21 road resurfacing projects, dirt road paving projects, and sidewalk construction. They outlined the different funding resources they have available, their divisional goals and what we are trying to accomplish for the year, as well as, the importance of their annual budget. Their goal is to obtain \$5M in funding per year, which will depend on if they can put CTIP funds into the mix. In this request, they are asking for \$2.3M. Of the \$2.3M, we have pavement preservation, with a budget of \$850,000, which looks at roads they found in the past pavement evaluation that were in condition good enough to preserve. Once roads fail, to a certain level, the only type of maintenance is road resurfacing or, even worse, road reconstruction. For those that can fall within road resurfacing, they are looking at \$1.45M. On the road resurfacing and repairs, they have listed the subdivisions, linear feet and Council districts for those projects, as well as, the pavement preservation projects. Over a 5-yearr period, they want to ensure they equitably hit all of Council districts, per pro rata. They reached out to the Penny to determine what road resurfacings they were doings, so we could start to fill those holes, where specific districts may

need additional attention. They are using the data from the CPI pavement indexes to pick out those roads. They show a planned budget of \$350,000, which could grow with more CTIP funds, if they are available.

Ms. Newton stated, what we talked about today, and what you have presented here, is that these roads preservations and road resurfacings are based on the ordinance, and the pro rata for each district. She inquired as to what we are going to do, from a proactive perspective, as we look at dirt roads, moving forward, with the understanding they are expensive and difficult. Right now, every single Richland County resident is paying into the road maintenance fund, whereas these funds are only divided among paved roads. So, if you happened to live in an area where you have a lot of unpaved roads, you are continuing to pay for the benefit of something you are not necessarily receiving. As we look at how we are going to address our roads proactively, moving forward, we take that into consideration. She inquired about the criteria they will be using to make the sidewalk recommendations.

Mr. Maloney responded the sidewalk policy is based on the lengths to schools and parks, the volume of use, and the demand. Their plan is, if there are projects they cannot afford to do now, to keep them on a list, and as CTC funding become available address them.

Mr. Manning inquired about the source of the Road Maintenance Fund.

Mr. Maloney responded the source of the funds is the \$20 annual vehicle registration fee. Therefore, if you do not register a car, you would not be required to pay the fee. CTC funding comes from the gas tax.

Ms. Myers stated she is troubled by the way we are apportioning the funds. She understands the statutory formula, but what it means is if you are driving your car over more dirt road, to get to a paved road, you are paying to upkeep the paved roads, and you are getting a lesser benefit, even though you are paying the same amount. She requested Dr. Thompson and Mr. Brown to determine if the statute needs to be amended, so we are looking at all the roads, and not just the paved road. This does seem to disadvantage and disproportionately taxes those who live in rural areas.

Mr. Maloney responded there is approximately 215 miles of unpaved roads in the County, and they allocate about \$3 million dollars per year to maintain those roads. He would love to have them all paved, and focus on one operation.

Ms. Myers noted people do not want dirt roads; they want them paved.

Mr. Manning moved, seconded by Ms. Kennedy, to forward to Council with a recommendation to approve the CTIP, the proposed budgets, and the proposed projects for FY21.

In favor: Terracio, Kennedy, Manning, Newton

The vote in favor was unanimous.

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

- a. I move to evaluate affordable housing options to include the option of establishing an Affordable Housing Trust Fund for Richland County as a benefit to the public. Housing is considered to be "affordable" when 30% or less of one's income is spent on housing and utilities. In Richland County,

nearly half of renters pay more than a third of their income on rent and utilities [TERRACIO] – No action was taken.

- b. I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance. [NEWTON and DICKERSON] – No action was taken.
- c. Move to engage a third-party consultant to undertake work on Richland Renaissance, which was approved 11- 0 by this Council in early 2019. Staff has chosen to postpone this Council-approved project, which would alleviate serious facility constraints and result in savings over time, as the County would not spend money on short-term repairs, but on long-term needed facilities planning and construction [MYERS] – Ms. Terracio inquired why this item is in D&S, and what kind of action is this committee considering.

Mr. Brown responded the item was forwarded to committee by the Chair. In order for staff to engage a third-party contractor, it would involve a procurement process.

Mr. Manning inquired if the third-party contractor was conducting the analysis.

Mr. Brown responded, at this time, the third-party contractor has not been procured to conduct the analysis.

Ms. Myers stated, as the maker of the motion, this should be under “Action Item” for the body to vote on whether or not to forward this to Council. Then, it should be sent to Procurement.

No action was taken.

- 6. **ADJOURNMENT** – The meeting adjourned at approximately 5:03 PM.