



Richland County Council  
Transportation Ad Hoc Committee  
October 22, 2019 – 1:00 PM  
Council Chambers  
2020 Hampton Street, Columbia 29204

COMMITTEE MEMBERS PRESENT: Calvin “Chip” Jackson, Chair; Paul Livingston, Jim Manning, Dalhi Myers, and Chakisse Newton

OTHERS PRESENT: Michelle Onley, Eden Logan, Kimberly Toney, Michael Niermeier, Allison Steele, Quinton Epps, Christine Keefer, Rasheed Muwwakkil, Cheryl Cook, Jennifer Wladischkin, Leonardo Brown, Casey White, John Thompson, Mohammed Al-Tofan, Clayton Voignier, Nathaniel Miller, Erica Wade and Beverly Harris

1. **Call to Order** – Mr. Jackson called the meeting to order at approximately 1:00 PM.
2. **Approval of Minutes: September 24, 2019** – Mr. Manning moved, seconded by Mr. Livingston, to approve the minutes as distributed.

In Favor: Jackson and Livingston

The vote in favor was unanimous.

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

In Favor: Jackson, Newton and Livingston

The vote in favor was unanimous.

4. **ITEMS FOR INFORMATION:**

- a. **Transportation Transition Update** – Ms. Wladischkin stated the solicitation indicated that we would short list 8 firms. Should Council decide to invoke the Significant Purchase Ordinance, we would move forward with Council voting individual on the firms, which is where we would narrow it down to a maximum of five (5) firms.

Ms. Newton stated she understands that Procurement submitted a RFQ and all of these firms are qualified. There are different procurement mechanisms that creates a pool of resources you can call upon at will, without going back to procurement. She inquired if this list does that.

Transportation Ad Hoc Committee  
October 22, 2019

Ms. Wladischkin responded in the affirmative. Engineering Services are direct negotiations, so they would pull from this list to do negotiations for individual projects.

Ms. Newton stated, for clarification, as these firms are being submitted, they not only meet the required qualifications, but whatever the determined cost parameters are for the County, or is cost something that would be negotiated after this.

Ms. Wladischkin stated cost would be something that is negotiated as the projects are let. When Transportation identifies a particular project that needs a design, etc., they would enter into negotiations with someone from this list.

Ms. Newton stated, to make this official, this would have to go before Council to authorize the work.

Ms. Wladischkin stated the current OET contracts expire in March; however, there was some reticence with assigning new work under those contracts since the work would not be completed by March. The desire was to go ahead and get these contracts in place.

Mr. Livingston inquired if the current process is pretty much the same as with the current OETs.

Ms. Wladischkin stated the intent is to use the same process.

Mr. Jackson stated the concern he has, with the process, is that once we approve this global group of firms he wants to ensure there is some opportunity for a diverse mix of individuals. If the selection is being made, without having to have the consent and approval of Council, then he wants to make sure that someone is overseeing that. With a robust list like these, some are very large firms, and some are small firms. When he says diverse he does not mean just in terms of racial makeup, but also size and scope of their ability to do services. If we leave it up to someone else to select from list we run the risk of using the same people we always use and the ones that have not been used in the past do not get used in the future. He does not know how that gets fixed, but without some sort of oversight it concerns him.

Mr. Brown stated the idea is not to remove Council from the process. In terms of the qualifications, his expectation would be, as we move forward, Council would be having advance notice of what the intentions are, where we are, and how many projects we are using OETs on.

Mr. Jackson stated one of the issues he recalls, when he first got on Council, was the struggle the Office of Small Business Opportunity had with meeting its quota was tremendously aided by those small businesses using the transportation mode of providing services to boost that number up significantly. Without the role of some of those vendors, the overall numbers for Countywide minority participation was in a tough spot.

Ms. Newton stated one of the things we have an opportunity to determine, as a body moving forward, is what is the appropriate mechanism for updates, in terms of when we are letting the contracts, and how that is going to work. As far as she is aware, we have not determined what the communication protocol and process would be. She will be very interested in a robust way of having visibility, as we let these contracts, and move forward. She is always reticence to add unnecessary useless reporting, but there is some level of visibility, which needs to be established.

5. **ITEMS FOR ACTION**

- a. **Mitigation Credit Sales: Alpine and Percival Road** – Mr. Epps stated this is a request to sell mitigation credits to SCDOT for the Alpine and Old Percival Road Intersection Improvement Project. The sale is for 1.4 wetlands credits and 868 stream credits. The credit gross proceeds is \$159,900, and Richland County's share is \$147,108

Mr. Livingston inquired if the proceeds would go back to the Penny Program.

Mr. Epps responded in the affirmative.

Ms. Myers inquired about how many credits have been sold, to date, and the value of those credits.

Mr. Epps stated we have sold 14.47 wetlands credits and 2,350.04 stream credits. The value of the wetland credits is \$289,500, and the value of the stream credits is \$470,008.

Ms. Myers inquired about the cost of acquiring the mitigation bank.

Mr. Beaty stated it was just over \$13M and came from the Transportation Penny Program.

Ms. Myers stated, for clarification, in addition to establishing the mitigation bank, we bought wetlands credits.

Mr. Epps stated we did not buy credits. We created credits.

Ms. Myers stated she knows we created credits with the bank, but did we buy credits before that.

Mr. Epps stated he is not aware of any credits being purchased for the Penny Program.

Mr. Manning stated the property we bought had more bank credits on it than we are going to need.

Mr. Livingston moved, seconded by Mr. Jackson, to forward to Council with a recommendation to approve the request.

In Favor: Jackson, Myers and Livingston

Present but Not Voting: Newton and Manning

The vote in favor was unanimous.

- b. **Edmonds Farm Rd./Railroad Crossing Closures** – Ms. Steele stated Edmonds Farm Road is a dirt road in Years 3 – 4, and is ranked high enough to be in the funded section. Public Works was approached a year ago, by the railroad. At that time, the railroad offered to contribute funding to paving of the road, if we would look at closing some railroad crossings. When she moved to the Transportation Department, she got back in touch with the railroad and renewed discussions. The railroad provided, in writing, their offer to provide \$25,000, per railroad crossing, in order to pave Edmonds Farm Road.

Ms. Myers stated she is familiar with both of these roads, and with this request. She stated this paving

project is much further down the list of projects, the cost to pave the road is approximately \$500,000, and the railroad is only offering \$25,000, per crossing, for a total of \$50,000. Her concern is this a road that would leapfrog the Years 1 – 2 roads. She is concerned with the process by which we have reached this decision. She stated there has not been any conversations on these roads, and the railroad crossing is the major method of ingress and egress for all the people who live along this road. The senior citizens in this area would be greatly inconvenienced. In addition, she inquired about how we explain these 2 roads leapfrogging over the others who are higher up on the list in Years 1 – 2.

Ms. Steele stated they would still continue in the same order. They would not necessarily put this to the top of the list. This is just a way to get the process of the railroad closure started, which could take a year.

Ms. Myers stated the railroad crossings are used more than the road because, when it rains, it is easier to get out of the road across the crossing than to go up the road. She knows there are only a few houses, but they will be severely impacted.

Ms. Steele would not anticipate them closing the railroad crossings until the project is under construction. It would be up to the railroad, but she believes they would allow them to pave the road and then close the railroad crossings.

Ms. Myers stated they have a vested interest in closing the crossing because it is unsafe. She has been begging them for years to put safety features (i.e. lights and arms), which are more expensive than \$25,000. Their interest is in not having the liability that runs with keeping those crossings open. She is concerned with the process we would use to make sure our citizens are not negatively impacted by this being closed to suit the railroad's needs, but not having the road paved, which suits the citizens' needs. She is for paving the roads, and she thinks the crossings, unless they are made safer, do need to be closed. She is concerned about sequencing and process by which they get in the system. She would request, before this is moved along, we have a guarantee that these crossings will remain open and will be made safer until these roads are being paved.

Ms. Newton inquired if there is a deadline associated with this offer.

Ms. Steele stated she does not believe there is. It has been on the table for approximately a year now. As long as they could get a closure out it, she does not think they would rescind the offer.

Ms. Newton inquired as to when this project would likely be ready to go to begin.

Ms. Steele stated the road is going to be designed and paved whether we get this \$50,000 or not, but she is not sure of a timeframe for it.

Mr. Beaty stated, at best, it would be 2 – 3 years.

Mr. Jackson stated, even with the passing of this, this simply initiates the process. From that, we still have to go back to the railroad and get their authorization to allow the crossings to remain open until construction begins. He doubts they are going to make it safer though. The road will stay in its appropriate ranking on the list of dirt roads.

Ms. Steele responded in the affirmative.

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

In Favor: Jackson, Newton, Myers and Livingston

The vote in favor was unanimous.

- c. **Cash Flow Model Presentation – First Tryon** – Mr. Niermeier stated what is before the committee is three (3) models for cash flow, which are developed from the C-Tip that staff worked with the PDT on developing. One is a full debt financing of \$175M. The 2<sup>nd</sup> one is a pay-as-you go model. The final one is a hybrid of a cash/debt model.

Mr. Cheatwood stated he was before the committee a month ago talking about the different options you have as you look to take out the \$175M Bond Anticipation Note that comes due at the end of February 2020. The first scenario was the full take out of the \$175M BAN, with a long-term bond issue. The second option was a partial take out, with a long-term bond issue and utilizing \$25M of fund on hand in the Penny Tax Fund. At the last committee meeting, a third scenario was proposed to pay down everything and not take out anything with bonds.

Scenario 1: 100% Debt; Scenario 2: 100% Cash; and Scenario 3: \$25M Cash/\$150M Debt

Scenario 1 – Project Cash Flow Schedule: Assumes the last “Project Cash Flow Schedule” that PDT generated remains in place, and you continue along the plan of project spenddown. With this schedule, you would need to take out the \$175M BAN, with the long-term bond issue, in order to stay cash flow positive on a monthly basis. We are looking at a term of 8 years. In the “Sources and Uses” table you generate bond premium of a little over \$20M, which the County uses to pay the interest. Net Interest, which is Total Interest less the Premium, is approximately \$15.4M.

When we look at the different scenarios, what does it mean, in terms of the “Project Cash Flow Schedule”. If we are using all cash to pay the BAN off, we have to push the projects back. If are using all bonds, you can maintain a certain pace, and then there is an in between level. This does not include interest earnings or interest expenses on the BAN; it this purely project spenddown.

Scenario 2 – At the beginning of this fiscal year, you had a little over \$200M of funds on hand consisting of BAN proceeds, which had remained unspent from last year, and the quarterly sales tax collections, as they come in. Up until February, you use the funds on hand to pay off the \$175M, which is where it drops, and then you stay positive. They worked with the Transportation Department to determine what would have to be done on a “Project Cash Flow Schedule” to push the projects out and remain positive, on a quarterly basis. Instead of \$90 - \$100M, it would be \$45 - \$70M, so it would be more back loaded. The model reflects that you do not have to pay any interest on anything, but you will have to push the projects back.

Scenario 3 – We are using \$25M and issuing bonds to pay off \$150M of the BAN. The model takes into account the transition from the PDT to the County Transportation Department, and what may be some slow down in the project spenddown. The project spenddown is generated from the Transportation Department, with a goal to stay positive, based on the various assumptions, on a monthly basis. With this, the debt service goes down, in the later years. Your total net interest costs goes down to \$13.2, so there is less interest on this one.

Mr. Cheatwood stated, if we want to issue a bond, we have to close by mid-February to have the funds to pay off the BAN. To get process started, they, along with bond counsel, will have to prepare an offering document, and get those rated. Council has given the authorization to issue bonds; however, they would like a resolution about the amount that you would like to take out, on a long-term basis.

Mr. Livingston inquired if all 3 scenarios are based on a 3% growth.

Mr. Cheatwood responded in the affirmative.

Mr. Livingston inquired if we know what the average growth was over the last 5 years.

Mr. Cheatwood stated it has been an average of 4 ½ - 5%.

Mr. Livingston inquired why we would base this on a much lower rate.

Mr. Cheatwood stated to be conservative. If they assume a higher growth rate, it would leave you to get more aggressive on the potential pay down schedule. Worst case scenario, is that you have a debt service payment due, or contractual payments to make, and you do not have those funds on hand. If you continue to get the collections in at a quicker pace, you can accelerate some of the projects on a pay-as-you-go basis.

Ms. Newton inquired if these numbers assume that we will not have to pay the \$50M for the Carolina Crossroads.

Mr. Niermeier stated in the affirmative.

Ms. Newton inquired what would it take, from a Council perspective, where we definitively say we are going to assume the \$50M will come to us or it will not. For her, unless she has it in writing, she is not comfortable on counting on \$50M. As a body, what is the action that we would have to definitely take to confirm that is part of our assumptions.

Mr. Niermeier stated, based on Mr. Smith's recommendation, it would require 3 readings and a public hearing to remove the Broad River Road Intersection Improvement from the referendum ordinance.

Ms. Newton stated, to confirm the timeframes, we do this in February, but we need to decide on the model to move forward with by December, so that we have time to put this out to the market.

Mr. Cheatwood responded in the affirmative. Assuming the starting point is that we will need to take some portion of this, with a long-term bond issue, then that is enough for them to start the process, in terms of the documentation side, primarily the offering document. They will need to know that number because whether we are issuing \$20M or \$175M, it is the same offering document. Where we will want to know that amount is ahead of when they go to the rating agencies to get the bonds rated. They anticipate having those discussions in early January, so they can get the ratings back by the end of January or beginning of February.

Ms. Newton inquired if there was a particular reason the \$25M felt like the right number.

Mr. Cheatwood stated they started with \$20M or \$25M, but then there are 2 main components to

this. One there is a debt service side, and a monthly cash schedule. The other side is the project spenddown side. The Transportation Department looked at that, and said what is realistic for some of those projects spenddowns, and they think this is a reasonable "Project Cash Flow Schedule." With that in mind, the \$25M is the most you can pay down and still stay positive.

Ms. Newton inquired if the backup documentation for this item should have been in her packet.

Mr. Niermeier stated they did not receive the documentation before the deadline.

Ms. Newton stated these models are based on assumptions, so you are looking at a model based on how quickly you think we are going to be able to execute the project. She inquired if there are any particular milestones, or points in time, where you have identified that you will be able to look at where we are with the projects, to identify how well we are adhering to the model, or if we have to significantly change it. She knows that we are running up against the clock for the bond deadline, but when she is doing projects, and looking at the project schedule, she can say, if we do not hit these specific milestones, at this point, then I know things are going slow, faster, etc. Based on where we are with the transition, is there a particular time you have identified where you will be able to look at the progress we have made and say the assumptions for the next few years are probably right, or need to be significantly changed.

Mr. Niermeier stated the answer is driven by the decisions made by Council. What they are looking at is, if a cash flow model is developed, based on a modified schedule, which will need to be modified again, based on things being pushed out, because of decisions made, he would say, after the first of the year, we will have a good measure of where we are in relation to cash flow.

Ms. Myers inquired if we have modeled different scenarios. Are we waiting to model the scenarios for the answers, or have we modeled the different scenarios and we will say go on A, B, or C.

Mr. Niermeier stated the model, in this regard, is the cash flow model, which is based off of a schedule. We started with an original schedule, which was developed by PDT, and looked at by staff. The full bonding of \$175M is based on this schedule. They took some of the delays they see, and moved some of those projects to the right. Then, as Mr. Cheatwood said, we started with \$50M and asked if we could pay back \$50M? The answer was no, we cannot stay positive. We would have to adjust the schedule. Keeping an aggressive schedule, as originally developed, we were able to move down to take that model, change the schedule and pay back some, which is what is before you now.

Ms. Myers stated, Ms. Newton just said, "What are the milestones we are looking at, and do those milestones back into Mr. Cheatwood's model?" We have these 10 - 20 projects, and we know that if we hit these milestones, at these times, this will be what it costs, because that is what Mr. Cheatwood has given us. What Mr. Niermeier said was some of the milestones depend on what we are deciding right now. What she asked was, do we have alternating scenarios, so we know this cash flow model will work under scenarios A, B, and C, so that in January, we are not going, now that you have changed the schedule, we have not asked for enough money. She stated that surely we have milestones. She has not seen them, but she is sure we have them.

Mr. Niermeier stated we do, and we are looking at it quarterly. However, in discussions with Mr. Brown, as well as Dr. Thompson, they are requesting a level of detail from the Transportation, which they are currently working on.

Mr. Cheatwood stated once you sale the bonds that debt service is locked in, which takes one variable off the table. Then you know the minimum amount you need to have at certain points and times to pay your debt service. If you are working on a cash flow schedule that is dropped into the model and you show negative, then you have to adjust the project cash flow schedule. Again, we are dealing with 2 variables. One on the debt service side and one on the spenddown side.

Mr. Livingston moved, seconded by Mr. Jackson, to forward to Council with a recommendation to approve Scenario 3.

Mr. Manning stated Council can only make decisions as well as we receive information. He appreciated what Ms. Newton asked, in terms of us getting quite a deal of information here. He think the answer was that it was not in the packet because the information was not received before the deadline. He inquired if it was received at the deadline or after the deadline.

Mr. Niermeier stated they received the briefing packet on Monday. He stated the only addition to the information was the pay-as-you-go model.

Mr. Manning stated he appreciates that we had some of the information, although it was not a part of this packet, and not lined up with the new scenario. He stated, at some point, Council had what we referred to as "Our Team" that included bond counsel and a financial advisor. He stated he is concerned about only seeing the First Tryon group here, which is 1/3 of the team. He inquired if there is still a team to help Council understand this part.

Mr. Jackson stated he believes Mr. Jones, from Parker Poe, is on the team as new bond counsel. Council made a decision to relieve the previous bond counsel, as well as the financial advisor(s) out of Greenville and Summerville.

Ms. Newton made a substitute motion, seconded by Mr. Manning, to present the complete packet of information to Council, while noting staff's recommendation for Scenario 3.

Mr. Livingston withdrew his motion.

Mr. Jackson stated we have been "kicking this can down the road" and along the way, what is happening is that costs are continuing to increase. We are continuing to look at projects, in terms of pushing them out later, and further, which will also mean costs will continue to escalate. We have debated the \$52M Carolina Crossroads issue for more than a year. We have gotten everything from the SCDOT that they typically give. When we say we want it in writing, they have said they are not going to request it. At this point, he would also like, as a part of that motion, to have a motion that removes the Broad River project from our list. We will present it to Council with 3 Readings and a public hearing, so that it will be clear the \$52M will be de-obligated, from our perspective. If there is any push back, at that point, we will certainly hear about it from the SCDOT. Until we are willing to go for the bonding dollars, and lock them in, as soon as possible...He stated many will remember last year when we had the tremendous delay, and we were about to miss the date for the BAN because we were hesitant about pulling the trigger. He hopes that we, as a committee, will encourage our colleagues to be ready to make that vote, because after January, we are going to experience a tremendous slow down. It is going to be even slower than projected, in terms of that schedule. He wants us to be sure that we have done our due diligence in moving it along as much as possible. He went back and pulled the memo that was sent on March 6, 2018, where it talks specifically about



looking at the \$140M shortfall, and recommendations made by the PDT to us, in terms of how we could move the projects forward and cover the costs. We had debate about whether we actually took a vote on that. He wants us to be real clear about what we are asking, so when we get to the next Council meeting he is not here having a major argument, with his colleagues, who, in his opinion, appear to be obstructionists, and not willing to move forward with any amount of money, for any project.

Ms. Newton stated she would never presume to promise there will not be an argument among colleagues at any meeting; however, when it comes to the motion she made today, it does not change our timeframe at all. What would have happened, if we accepted staff's recommendation, is that would have gone to full Council, at the next meeting. Her motion simply refers this to that same meeting. It just provides a greater context for decision making. She understands many things have been kicked down the road, when it comes to the Penny, and the detriment of the County, but this motion is not one of them.

Mr. Manning suggested to make these 2 different motions (i.e. cash flow model and the \$52M for Carolina Crossings), and Legal may be able to tell us if this committee can...he does not know how it gets before Council for First Reading, to do that. He inquired as to why this could not be on the next Council agenda, as First Reading. He stated, if we separate these 2 things, then staff could bring that to the Horizon meeting for the next Council meeting.

Ms. Myers stated she wanted to make it clear that her objections have not been in an effort to obstruct moving forward, on the committee, but an effort to ensure the money being spent she can explain to the constituents. She stated questioning the process, in some cases, is necessary.

Mr. Jackson stated the problem he has with our questioning is, if we look at our first study by Parsons Brinkerhoff, and the estimates given in that study, and we now look at the current estimates for these projects, they were so grossly underestimated, but yet we have not had any discussion about that. There are projects they suggested would cost \$17M, which now costing \$42M. There are projects they suggested would cost \$21M, which are now costing \$39M. If you add all of those up, they are up to \$100M+, and we have never had any discussion, or conversation, about what to do about that problem, but we have spent a lot of time, in other areas of significantly less dollars, in terms of a discussion about where we fall. He does not disagree that we want to make sure we spend the appropriate referendum dollars, as they have been allocated. While at the same time, he thinks we need to be willing to talk about where there have been errors, and gross underestimations, rather than badgering the fact that they are no longer accurate figures. If you recall, Ms. Myers, he said early on, in a public Council meeting, that he did not believe the figures in the study were accurate. He thought they were unreliable, and he has said that on multiple occasions. He was refuted in those meetings, only to find out now that those figures were in fact unreliable. Now the study that we spent money on, is not an accurate reflection of what those projects cost. We need to figure out a way to move this forward knowing we have \$140M over the referendum, get the \$52M issue resolved, and then deal with the remaining issue that will help us move these projects along, according to the available funding.

In Favor: Jackson, Newton, Myers, Manning and Livingston

The vote in favor was unanimous.

Mr. Manning moved, seconded by Mr. Livingston, to direct staff to bring a First Reading for the

**Transportation Ad Hoc Committee  
October 22, 2019**

referendum to take out the \$52M expense on the Broad River Intersection, based on the Carolina Crossings, and all of the communications we have had from SCDOT.

In Favor: Jackson, Newton, Myers, Manning and Livingston

The vote in favor was unanimous.

- d. **Blythewood Road Widening Condemnation** – Mr. Niermeier stated before you is staff's request to move into condemnation for seven (7) parcels that are pertinent to the Blythewood Road Widening Project. They have gone through the process, following the County's policy.

Mr. Jackson requested additional information on this matter.

Mr. Niermeier stated, in March 2015, the Right-of-Way Policy was approved by Council. What that does is, through the Right-of-Way Manager, for the Penny Program, they follow the policy to try to acquire the parcels required for the different projects. Whether it is getting permission or going forward saying we need to buy "X" amount of square footage off the front of your house for this right-of-way or easement. At some point, it escalates up to where you have made numerous offers, you have escalated the amount of money you can give them to a point where it does not make sense anymore, or they will not come to an agreement. You go to imminent domain, and then condemnation. What has been followed here is the said escalation.

Ms. Newton stated these condemnations are in regards to the Blythewood Road Widening, which is currently in the set of projects on hold because it is over the referendum.

Mr. Niermeier responded in the affirmative.

Ms. Newton stated, with that being the case, and not yet being set for how we are going to handle the Blythewood Road Widening. Her question is how do these condemnations fit in, and does it make sense to vote to move forward part of something where the whole has not been determined yet.

Mr. Niermeier stated they thought a lot about that. What you are going to see before you is staff's recommendations. There are certain things you cannot change to achieve the desired result. Blythewood Road Widening is one of those. In order to increase the level of service that is needed, the road widening has to occur as designed, and currently scoped out. Moving forward, and knowing how long condemnations can take, if we can initiate that now, we can attempt to stay within a schedule moving forward with Blythewood Road Widening. There is a certain assumption, where we are going to make a decision, within the next couple months, on how we are going to proceed with all these projects that are over referendum. Let us take \$52.5M off the table. Let us look at some of these recommendations staff is bringing before you to reduce the scope. Let us look at other things that we are moving or realigning to fit the money that we have coming available. There are no other options, which we have been able to determine, moving forward with Blythewood Widening. We need these seven (7) parcels to achieve this end state.

Ms. Newton stated, for her as an individual, it is hard for her to approve part of something, when the whole or the timeframe has not been determined.

Ms. Myers stated, if we go forward with the condemnations, then that presupposes that we have decided that we are going to spend an additional \$5.2M to do the Blythewood Road Widening.

Notwithstanding there is no analysis of where we would get that money. She knows Mr. Niermeier is going to go to the next item, and she appreciates that, but that has not been approved. We are where we are now, without that approval, and that approval can only come from full Council. It still awaits three (3) readings and a public hearing. We are saying we are out of time and we need to go forward and condemn people's property. She would suggest, in that vein, we are not out of time because we do not have a decision, so why would we go forward with a condemnation that may never be relevant. Condemnation is actually a taking, and it is a taking of personal property. She is concerned we moved to that place, without the answer that Ms. Newton is asking about, because that means we do have time. We do have time to keep negotiating with these landowners. It may well be, if we let it sit for a minute, things may change. She would not want to pay the court cost of condemnation, and then come back and say we are not spending \$5M additional dollars. The road may be widened, but not with 8-ft. sidewalks and Shared-Use Path, and that may negate the need for this property.

Mr. Niermeier requested the committee to allow staff the authority to move forward, understanding that it may not be 3 months from now, which may shake some things loose and allow some settlements to occur, in the meantime.

Mr. Manning stated, for clarification, Council voted to put this on hold. He is absolutely going to vote no on this, and he will stick to that forever, because he will not be a Council member who voted to steal somebody's property, through the government, that nothing may happen there because Council said put everything on hold until we wait and see.

Mr. Brown stated part of what he is working with Mr. Niermeier on is specific details, and some of the frustration he has shared regarding the request, is there are some larger questions that have to be answered in order for him to provide some details before Administration can present it to Council and the public. He thinks the clarity he is requiring of Mr. Niermeier is putting him in a position where there are some answers, which have to come from the policymaking body.

Ms. Myers requested Mr. Brown to identify what he is asking for that Council is not providing.

Mr. Brown stated, when you look at a road schedule, where you want to identify the citizens, what work will be done, when it will be done, and the level of work that will be done. (i.e. asphalt, concrete, bikeways, etc.). To the extent that the work is impacted by the level of dollars, you have. We are saying, in this pot over here, we know there is some level of money that we do not have to spend that will impact the work that we are doing, or not doing, over here. He is asking Mr. Niermeier to give me dates, times, materials, scheduling, so we can present to Council, so they can provide information to their constituents. To that end, there are some things; he is unable to do effectively. He is talking about the larger picture of what a road plan looks like considering greenways, bike paths, and sidewalks, in a structure where a citizen can go to the County's website and look in their respective district, and see what work is to be done in the next 4 months, 6 months, 2 years, etc. He cannot do that effectively right now, because there are some other monetary issues that we have to decide.

Ms. Myers suggested that part of the disconnect, and the reason she has trouble voting on some of these things, is because she is sitting here look at pages and pages of information, with the knowledge we cannot pay for these projects, with the money that we have. For her, until somebody presents her with a schedule of how we would get the money from somewhere else to supplement, without cutting programs because we decided this one is not as necessary as this one. Maybe there are more people here will scream louder. What she has consistently said is that we need to have a come to Jesus, where we sit down and look at the projects, and we say to the public here is what we

think we can do, here is what we know we cannot do. Part of her frustration, with this whole process has been that we keep moving it along, and pushing things. It seems, the goal is to push these very expensive, over budget projects, as far as we can get them, without making the hard decisions, because then the decision is already made. Once you have already taken the property from the people along Atlas Road, which we know is \$23M over budget, are we going to give them the money and their property back. In her mind, some of what we have done is steam belled down this road knowing we cannot afford some of this stuff, without cutting things, but we have somehow compiled a list of things that we can cut without a whole lot of public involvement. The heartburn for her, is that we need a come a Jesus moment, where sit and discuss it openly and fairly, but that also means, when we sit to discuss it, there are some fundamental pieces that she has consistently asked for and has never seen. What is the cost, per mile, to pave a road? Why is it that some of these roads are paved under budget, and others are grossly over budget? So, moving this along, without a fundamental basis of understanding, and those answers, for her, is going to always be difficult. You are going to hear the same questions over and over again, because we do not get the answers to them. She thinks what we need is a work session where we sit and have someone facilitate this thing, tell us where we are, and what the numbers look like, who does not have anything to gain out of it. Not the staff. Not the PDT. Just looking at this, and helping us get through where we are, and where we need to go, so that we can make the hard decisions, which are causing the heartburn for Council and staff.

Mr. Livingston moved, seconded by Mr. Jackson, to forward this item to Council without a recommendation.

Mr. Manning made a substitute motion, seconded by Ms. Myers, to deny staff's recommendation, at this time.

In Favor: Jackson, Newton, Myers, Manning and Livingston

The vote in favor of the substitute motion was unanimous.

- e. **Staff Project Evaluation Findings and Recommendations** – Mr. Niermeier stated, at the last ad hoc meeting, we did preliminary recommendations. What is before you is what we have concluded. The recommendations are not set in stone, but there are options, which were independently assessed, and brought forward.

Ms. Steele stated the information is basically what was provided to you at the last ad hoc meeting. They did take a closer look, and tried to add the data they felt was being requested. They added the right-of-ways that were obtained, and how much we have paid for those properties, to date. We tried to make the traffic analysis consistent, knowing that not the traffic analysis was performed for every project. They went through all of the public comments that were received. Many of these projects we had 2 – 3 options we could do. They pulled what they felt would be the best option, with the funding that we have, and that we should try to address safety, if not capacity. Most of the projects, they could pull them under referendum, but again, you are not going to be able to cover capacity and safety.

Mr. Jackson inquired if this list reflects all of the projects.

Ms. Steele stated these are all of the ones that are over budget, with the exception of the sidewalks that Council previously approved.

Mr. Jackson stated he and Ms. Myers noted that Pineview was not on the list.

Mr. Niermeier stated Council decided in March to change Pineview from a widening to a repaving, with a sidewalk.

Mr. Manning inquired about the estimated cost for Pineview.

Mr. Beaty stated the estimate to do all of Pineview, per the referendum, is \$40M. To revise it to a Shared Use Path on side, and resurfacing is \$8M.

Ms. Newton inquired if this list, as presented, represents any type of prioritization or is it simply a list of all the items that are over the referendum.

Ms. Steele stated they did not prioritize the projects.

Ms. Newton stated, right now, we have possible savings, which to her is misleading because it is a savings over the overage, which is not exactly a savings. For example, if she sent her a child to the store with \$100, and he wants to spend \$300, but he only spends \$250 and he presents it as a \$50 savings, she is going to say that is not how the math works.

Ms. Steele stated it is not a possible savings between the referendum and the new amount. It is a possible savings from the current cost estimate to the recommended changes.

Ms. Newton stated she is saying that is not actually a savings. It is just an overage deduction. She stated the way she is reading this chart is that would make the total \$166.7M, with the new estimate, which is over what is allocated via the referendum.

Ms. Steele stated there are a few of these projects they could not get under referendum.

Ms. Newton stated, if we approve this list today, that still represents more money than is allocated with the referendum. Therefore, her question is how are we going to pay for that, and what is the mechanism that would appropriate the funds to pay for that.

Mr. Jackson stated there has been a list of recommendations of how to pay for it, which did include de-scoping some projects. He stated you can like or not. You can think it is fair or not, but to dismiss it is unfair. We either vote up or vote it down. He stated this list was submitted to Council prior to Ms. Newton's arrival, and we kicked it down the road. We had a vote, and then we said we did not have a vote. He stated we have never resolved that issue, but there is a document, which shows how you can save, meet the budget, and be at the referendum, but it does involve de-scoping some projects. He thinks we need to bring it back up and vote up or down, and make that decision.

Ms. Newton stated, not being here last year, or having read that document, the way she reads these recommendations is there are some recommendations that are based on the level of service, safety and future demands for roads. Her question would be, if we bring that back up, can we acknowledge how that is affected. She fully understands and acknowledges there are pending decisions, from this body, that impact staff's ability to work. She would request Mr. Brown to present those questions to us, where he has identified the dependency and the consequences of that. That way no one can say they do not understand what the consequences and dependencies are. This is a case where there are too many dependent variables. Without Council seeing how they fit together, they may not know

where one question that seems simple to them to put on hold may be stopping 50 decisions. Whatever those big pending policy questions are, at least, we can have them all out there so they are all equally aware. It may make the conversations we are having with Mr. Niermeier and his staff a little easier.

Mr. Manning stated he appreciated it being asked where we get the rest of the money. He stated we just added \$8M - \$40 M on this list, and earlier it sounded like we had a plan to go back and find \$52M, after three (3) readings a public hearing. He is not seeing it reflected in here the Mega-Millions we have saved by creating a mirror of the SCDOT. The other concern, he is having, is there are three roads on here, if he is looking at this right, where we were looking at widening that was going to keep the 2-lane, with the suicide lane in the middle. He sees where that gives us good money reduction, but if we are looking at capacity for those roads, which was his understanding when we originally put together the referendum, and why we had those widenings, in terms of road capacity. He inquired if we have overlooked some of why we were doing the projects because we are trying to cut money out, and we have lost sight. He does not blame staff if it was overlooked, or has been put on the side, because we have driven them about the money. If we are reducing the money to the point that the project is not looking like the original project, then when do we ask the question, "Well if the original project is changing significantly," maybe we need three (3) readings and a public hearing on changing the integrity or understanding." He stated, if he is driving down a road, which has a lane in each direction and is backed up at the light forever, and you told me you were going to put in 2-lanes each way to help with the amount of traffic we have on the road, and now you are only going to make left in and out easier, with the suicide lane, it may give him a whole different perspective about whether it is that much of an issue to turn in or out. It does not appear the original intent will be accomplished with the change of the scope with these three (3) projects.

Mr. Jackson stated he thinks it might be appropriate to take the 12 recommendations and have a work session, with clarification, explanation and recommendation on each one. He believes that some will be easier than others.

Ms. Myers moved, seconded by Mr. Jackson, to refer to the 12 recommendations to a work session.

Ms. Newton requested to broaden the work session discussion to include how we move forward if the projects are still over the referendum.

In Favor: Jackson, Newton, Myers and Livingston

Opposed: Manning

The vote was in favor.

- f. **OET RFQ Approval** – Mr. Manning moved, seconded by Ms. Myers, to accept this as information.

In Favor: Jackson, Newton, Myers, Manning and Livingston

The vote in favor was unanimous.

- g. **CE&I RFQ Approval** – Mr. Manning moved, seconded by Ms. Myers, to accept this as information.

In Favor: Jackson, Newton, Myers, Manning and Livingston

The vote in favor was unanimous.

6. **ADJOURN** – The meeting adjourned at approximately 2:56 PM.