

# **RICHLAND COUNTY**

## **TRANSPORTATION AD HOC COMMITTEE**

### **AGENDA**



**TUESDAY DECEMBER 06, 2022**

**2:00 PM**

**COUNCIL CHAMBERS**



# Richland County Council 2021-2022



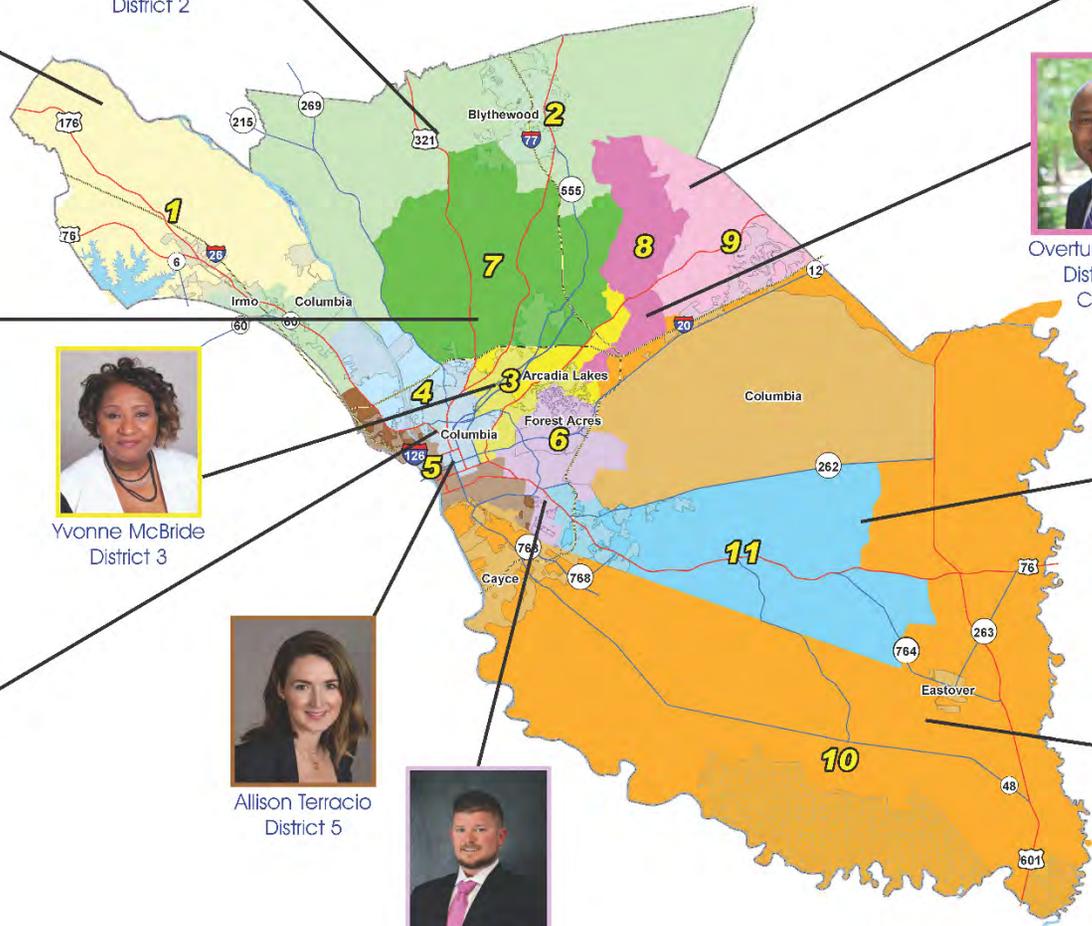
Bill Malinowski  
District 1



Derrek Pugh  
District 2



Jessica Mackey  
District 9  
Vice Chair



Overture Walker  
District 8  
Chair



Gretchen Barron  
District 7



Chakisse Newton  
District 11



Yvonne McBride  
District 3



Paul Livingston  
District 4



Alison Terracio  
District 5



Cheryl English  
District 10



Joe Walker, III  
District 6



**Richland County  
Transportation Ad Hoc Committee**

**AGENDA**

December 06, 2022 - 2:00 PM  
2020 Hampton Street, Columbia, SC 29204

The Honorable Overture Walker	The Honorable Bill Malinowski	The Honorable Derrek Pugh	The Honorable Paul Livingston	The Honorable Jesica Mackey, Chair
County Council District 8	County Council District 1	County Council District 2	County Council District 4	County Council District 9

1. **CALL TO ORDER** The Honorable Jesica Mackey
  
2. **APPROVAL OF MINUTES** The Honorable Jesica Mackey
  - a. November 17, 2022 [PAGES 5-7]
  
3. **ADOPTION OF AGENDA** The Honorable Jesica Mackey
  
4. **ITEMS FOR ACTION** The Honorable Jesica Mackey
  - a. SCDOT I-26 Widening Mitigation Bank Credit Transaction [PAGES 8-11]
  
5. **ADJOURNMENT** The Honorable Jesica Mackey



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Richland County Council  
Transportation Ad Hoc Committee  
**MINUTES**  
November 17, 2022 – 3:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Jessica Mackey, Chair, Bill Malinowski, Derrek Pugh, and, Paul Livingston.

Absent: Overture Walker

OTHERS PRESENT: Angela Weathersby, John Thompson, Tamar Black, Abhijit Deshpande, Aric Jensen, Leonardo Brown, Patrick Wright, Michelle Onley, Anette Kirylo, Jennifer Wladischkin, Jeff McNesby, Michael Maloney, Stacey Hamm, Nathaniel Miller, Ashiya Myers, Kellie Odom, Lori Thomas, Quinton Epps, Chelsea Bennett, Susan O’Cain and Ali Eliadorani

1. **CALL TO ORDER** – Chairwoman Jessica Mackey called the meeting to order at approximately 3:00 PM.

2. **APPROVAL OF MINUTES**

a. **Minutes: September 27, 2022** – Mr. Livingston moved to approve the minutes as distributed, seconded by Mr. Pugh.

In Favor: Malinowski, Pugh, Livingston, and Mackey.

Not Present: O. Walker.

The vote in favor was unanimous.

3. **ADOPTION OF THE AGENDA** – Mr. Livingston moved to approve the agenda as published, seconded by Mr. Malinowski.

In Favor: Malinowski, Pugh, Livingston, and Mackey.

Not Present: O. Walker.

The vote in favor was unanimous.

4. **ITEMS FOR ACTION** –

a. **Lake Tide Summit Credit Sales** – Mr. Michael Maloney, Public Works Director, stated staff recommended approval of a request to sell 3.132 wetland credits at \$20,000 per credit. The

mitigation sales will generate \$59,064.30 which will be credited to the Transportation Penny Program.

Mr. Malinowski moved to forward to Council with a recommendation to approve Lake Tide Summit Development's request to purchase 3.132 wetland credits at a rate of \$20,000 per credit for a development project in Lexington County, SC, seconded by Mr. Livingston.

Mr. Livingston inquired if we are sure we will not need these credits for additional projects or economic development.

Mr. Maloney responded they are retaining 100 wetland credits and 3,400 streambank credits. After this sale, we will have 597 wetland credits and 18,787 streambank credits.

Ms. Mackey requested Mr. Maloney to explain what is done with the money collected from the sale of the credits.

Mr. Maloney responded the funds will go into the Transportation Penny revenue fund and remains there as an offset to the initial investment.

In Favor: Malinowski, Pugh, Livingston, and Mackey.

Not Present: O. Walker.

The vote in favor was unanimous.

- b. Resurfacing Package T – Mr. Maloney stated staff recommended awarding the construction contract to the lowest responsive and responsible bidder Palmetto Corp of Conway, in the amount of \$2,804,188.59, with a 15% contingency for a total of \$3,224,817.00. The package includes 25 resurfacing projects and Mauney Road (i.e. Tyson facility improvement), which requires a full-depth reclamation.

Mr. Malinowski inquired why we did not rebid or negotiate when the bid came in 24% over the engineer's estimate.

Mr. Maloney responded we would have had to rebid. He noted the bidders were within 10% of each other and rebidding and would not have generated a better outcome. As far as the engineer's estimate, Mauney Drive may not have been properly considered because of the full reclamation. It is not a typical resurfacing and is one of the more expensive projects.

Mr. Malinowski inquired if Mauney Drive was included in the engineer's estimate.

Mr. Maloney responded in the affirmative. He could provide a breakdown.

Mr. Malinowski inquired if there is a reason why the contingency is so high.

Mr. Maloney responded they looked at a lower contingency of 7% with other projects and that is something we could look at for this project.

Mr. Malinowski stated he does not want to set a negative precedent with the high bids and contingencies.

Mr. Malinowski moved to forward to Council with a recommendation to award the construction contract to the lowest responsive and responsible bidder, Palmetto Corp of Conway, in the amount of \$2,804,188.59 and include a 7.5% contingency, seconded by Mr. Livingston.

In Favor: Malinowski, Pugh, Livingston, and Mackey.

Not Present: O. Walker.

The vote in favor was unanimous.

5. **ADJOURNMENT** – Mr. Pugh moved to adjourn, seconded by Mr. Livingston.

In Favor: Malinowski, Pugh, Livingston, and Mackey.

Not Present: O. Walker.

The vote in favor was unanimous.

The meeting adjourned at approximately 3:10 PM.



**Agenda Briefing**

<b>Prepared by:</b>	Quinton Epps	<b>Title:</b>	Division Manager
<b>Department:</b>	Community Planning & Development	<b>Division:</b>	Conservation
<b>Date Prepared:</b>	November 9, 2022	<b>Meeting Date:</b>	December 6, 2022
<b>Legal Review</b>	Patrick Wright via email	<b>Date:</b>	November 14, 2022
<b>Budget Review</b>	Abhijit Deshpande via email	<b>Date:</b>	November 30, 2022
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	November 28, 2022
<b>Approved for consideration:</b>	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
<b>Meeting/Committee</b>	Transportation Ad Hoc		
<b>Subject</b>	Mitigation Bank Credit Transaction		

**RECOMMENDED/REQUESTED ACTION:**

Staff recommends approving a request to purchase mitigation credits as listed below:

SCDOT I-26 Widening Project (mm125-137) for the widening of I-26 in Calhoun and Lexington Counties, SC for 25.750 wetland and 26,862.00 stream credits at a rate of \$12,500 and \$175 per credit, respectively.

Request for Council Reconsideration:  Yes

**FIDUCIARY:**

Are funds allocated in the department’s current fiscal year budget?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

**ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:**

These mitigation credit sales will generate \$3,175,167.88 which will be credited to the Transportation Penny Program.

*Applicable department/grant key and object codes:*

**OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:**

None applicable.

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

There are no legal concerns regarding this matter.

**REGULATORY COMPLIANCE:**

None applicable.

**MOTION OF ORIGIN:**

There is no associated Council motion of origin.

Council Member	
Meeting	
Date	

**STRATEGIC & GENERATIVE DISCUSSION:**

In accordance with Strategic Planning Goal 3 – Commit to fiscal responsibility, Object 3.2 – Establish process to prioritize initiatives to align with available resources, this mitigation bank project was developed to provide a resource to the Transportation Penny that has been needed on its projects, while at the same time provide an everlasting resource of protected land for the public. Sales of the excess credits work to return the Penny’s initial investment cost. Staff requests approval for the sale of mitigation bank credits from the Mill Creek Mitigation Bank to the recommended entity and amounts to fulfill their permitting requirements.

The total combined transaction value is \$5,022,725.00 of which \$3,175,167.88 will be returned to the Penny Program, and \$1,847,557.12 will go to the Mill Creek Mitigation Bank owners/investors. The County's current credit ledger balance is as follows:

Credit Type	Released County Credits	County Credits Used or Sold	Available County Credits
Wetland	800.000	207.885	592.115
Stream	30,000.000	11,212.12	18,787.88

Interim Transportation Director Maloney estimates as currently constituted, the remaining projects in the Transportation Penny program will require 100 wetland credits and 3,400 stream credits. Those numbers would increase if the Penny tax is extended and more projects are added. Based on these estimates, the request for 25.75 wetland credits and 26,862 stream credits will impact the County's ability to implement the Penny Program. As such, staff recommends approval for the 25.75 wetland credits and 15,387.88 stream credits from the County Credits and 11,474.12 stream credits from Mill Creek Mitigation Bank owners/investors credits. This will bring the County's current credit ledger balance to the following which will meet the projected need for the Penny Program:

Credit Type	Released County Credits	County Credits Used or Sold	Available County Credits
Wetland	800.000	233.635	566.365
Stream	30,000.000	26,600.00	3,400.00

If the County Council does not approve the requested sales of its surplus mitigation credits, the County portion of the mitigation credit sales will drop from \$3,175,167.88 to \$1,004,545.00 for a difference of \$2,170,622.88 to the Transportation Program.

**ATTACHMENTS:**

1. Mitigation Surplus Credit Sales Agreement Summary

MITIGATION SURPLUS CREDIT SALES AGREEMENT SUMMARY

<u>Project:</u>	SCDOT I-26 Widening Project (mm125-137)
<u>Location:</u>	Calhoun and Lexington Counties, SC
<u>8-Digit HUC Watershed Code</u>	03050110 (Congaree)
<u>Buyer:</u>	SCDOT
<u>Permittee:</u>	SCDOT
<u>Permittee's USACE File Number/404 Permit #</u>	SAC-2022-00990
<u>Price Per Wetland Credit:</u>	\$12,500
<u>Price Per Stream Credit:</u>	\$175
<u>Wetland Credits Needed:</u>	25.750 wetland credits (12.875 restoration/enhancement & 12.875 preservation)
<u>Stream Credits Needed:</u>	26,862.000 stream credits (25,862.000 restoration/enhancement & 1,000.000 stream preservation)
<u>Total Credit Proceeds:</u>	\$5,002,725.00
<u>Richland County Stream Credits:</u>	15,387.880 stream credits (14,456.715 restoration/enhancement & 931.165 stream preservation)
<u>Richland County Wetland Credits:</u>	25.750 wetland credits (12.875 wetland restoration/enhancement & 12.875 wetland preservation)
<u>Total Credit Proceeds from Richland County Credits:</u>	\$3,014,754.00
<u>Richland County Credit Share:</u>	\$2,773,573.68 (92% of \$3,014,754.00)
<u>MCMH Credit Share:</u>	\$241,180.32 (8% of \$3,014,754.00)

<u>MCMH Stream Credits:</u>	11,474.120 stream credits (11,405.285 restoration/enhancement & 68.835 stream preservation)
<u>MCMH Wetland Credits:</u>	0.000 wetland credits
<u>Total Credit Proceeds from MCMH Credits:</u>	\$2,007,971.00
<u>Richland County Credit Share:</u>	\$401,594.20 (20% of \$2,007,971.00)
<u>MCMH Credit Share:</u>	\$1,606,376.80 (80% of \$2,007,971.00)
<u>Fee for Out of Primary Service Area Sale:</u>	\$0.00
<u>Richland County Fee Share:</u>	\$0.00
<u>MCMH Fee Share:</u>	\$0.00
<u>Gross Proceeds (Inclusive of Fee for Out of Primary Service Area Sale:</u>	\$5,022,725.00
<u>Richland County Proceeds Share:</u>	\$3,175,167.88
<u>MCMH Proceeds Share:</u>	\$1,847,557.12