



Richland County Council
Pinewood Lake Ad Hoc Committee
November 13, 2018 – 3:00 PM
4th Floor Conference Room
2020 Hampton Street, Columbia 29204

COMMITTEE MEMBERS PRESENT: Bill Malinowski, Chair; Greg Pearce, and Calvin Jackson

OTHERS PRESENT: Michelle Onley, Tracy Hegler, Quinton Epps, and Ashley Powell, Gwen Kennedy, and Norman Jackson

1. **Call to Order** – Mr. Pearce called the meeting to order at approximately 3:00 PM
2. **Adoption of the Agenda** – Mr. Malinowski moved, seconded by Mr. C. Jackson, to adopt the agenda as published. The vote in favor was unanimous.
3. **Election of Chair** – Mr. Pearce moved, seconded by Mr. C. Jackson, to nominate Mr. Malinowski for the position of Chair. The vote in favor was unanimous.

4. **Pinewood Lake Park Foundation Inventory Disposition**

- a. **Staff Recommendation** – Mr. Pearce stated he has no idea what the background on this issue is.

Mr. Malinowski stated he knows it was discussed at Council and got kicked back here.

Mr. Pearce requested the background on why we are disposing of property, or what is going on.

Ms. Hegler stated it is a super simple request. Staff has worked with the Foundation the last few months to determine what items are in the house and on the property that they acquired through their years of management. Staff has a list of the inventory, but they did not have the authority to dispense of it. The same as we could not open up the doors to this facility and take it. The request is to simply give us direction on giving the Foundation that inventory back. It is a long list of things they have acquired throughout the course of working at the park.

Mr. Pearce inquired if it was acquired with County money, or private money.

Ms. Hegler stated we went through some inventory. Some probably were, but we were not able to corroborate much of that. There are 2 parts to this. The first is physical inventory; things that are within the house the Foundation would like to take that staff has no object to them taking. Staff could not, necessarily, show any receipts for it that the County had paid for it. The second part, and probably what is a little more complex, is there are a couple of items they have put into the house that they would

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prefer monetary reimbursement for.

Mr. Pearce stated, "Like wiring."

Ms. Hegler stated it is really a 2-part request. The first is, all of the items that staff has on a 3-page list that the Foundation has identified as theirs. The County does not have claims to them. Staff would ask your approval to go ahead and set up a time with them to let them come and retrieve those items. The second issue, is a little more complicated. A few things they could like reimbursement for. She stated she has no real recommendation there, except for one of those items we did see had been purchased by the County, the security cameras. The others are things like a sink in the shelter and the yellow guard fencing they purchased for the park's use. Those things they would like monetary reimbursement for, staff seeks the committee's direction on.

Mr. Pearce inquired as to why the Foundation is vacating. He thought they were still going to work.

Ms. Hegler stated you turned over management of the property to the Conservation Commission.

Mr. Pearce stated, that is correct, but he thought the Commission was going to work with the Foundation.

Ms. Hegler stated the Commission has attempted to do that through a couple of years. The Foundation is out there as a volunteer-basis when they reserve the facility, like anybody else could be, but they are not actively...

Mr. Pearce stated, for clarification, the Foundation needs to vacate the house. He stated the Foundation is in the house.

Ms. Hegler stated you turned over the day-to-day management to the Conservation Commission. The Commission has attempted, over the course of 2 years, to set up some up some sort of an arrangement with the Foundation, which they have never agreed to. We continue to allow them out there on a volunteer basis, when they would like to use the property, just like anybody. You could use it for a social function. The purposes of brooms, chairs, or sorts of things that are inside of the house are day-to-day maintenance and operational things she does not think the Foundation is interested in doing.

Mr. Pearce stated, so when that decision was made, someone inventoried the house, determined what belonged to the County, and what belonged to the Foundation.

Ms. Hegler stated we met the Foundation's Director out there, and that person went through and checked off everything.

Mr. Pearce stated some of the stuff there was no concerns over.

Ms. Hegler stated, "Most of it."

Mr. Pearce stated we are down to a smaller list of things the Foundation wants reimbursement for, some of which, are things that were physically attached to the building. We are supposed to make a decision about that.

Ms. Hegler stated since it includes money, they would need to be directed as to how you wanted to proceed with compensating for that.

Mr. Pearce inquired if there is a list of those items in the agenda.

Ms. Hegler stated the list is on the first page of the briefing document; security cameras, steel cables with yellow barricades, sinks and grill trays.

Mr. N. Jackson stated the concern he has is the Foundation was asked to manage and operate the park from its inception. He stated they went out and collected artifacts, and furnished the building with these artifacts, with the intent that they would be reimbursed with the Pinewood Lake Park Phase II money, which never happened. After it was approved, the new Administrator stepped in, so they have not been reimbursed for anything. The Foundation furnished the park, especially the historic house, with artifacts for the historic part of it. Some of it was purchased with the money they received doing it. After it was turned over to the Conservation Commission, there were several meetings, and there was an attempt for the Foundation to continue to operate or manage the park, even though it is under the Conservation Commission. The Conservation Commission even approved a budget, that was delivered to Council late, and Gerald Seals sent us a copy of the budget, but it came after 5:00. It was never placed on the County budget; therefore, they were left out, but they were asked to continue to operate the park until July 1, 2018. For a year after the Conservation Commission took over the park, the Foundation ran the park. The security camera and wiring for the camera was a part of securing the building. When they were asked to leave, they requested to be paid for the work they did in the building and the equipment they placed in the building. They were told "No". It would be removed and given back to them. He inquired what the Foundation would do with the cameras and wires. He would recommend the Administrator get more involved in this, and see what he has the authority to do, and what the Conservation Commission has the authority to do, and bring back to committee. At the end of the day, there was a letter, by Gerald Seals, in the budget, that no County employee should be at that building. It was in the budget when the budget was approved. He stated there is a County employee there for 3 hours a day. If you want to rent or take a historic tour, there is a sign on the door with a number to call. The park went from being occupied 7 days a week, up to 10 hours a day, to 3 hours a day with a note on the door. That was not the intent for operating the park. He has seen several emails back and forth where the Foundation tried to work the staff, and it never happened. He stated he is appalled. He has never seen anything like this in his entire life. The attitude of treating the customer, or how these people were treated. He thinks the Administrator should look into before the committee makes any decision.

Mr. C. Jackson stated he is inclined to agree, without a lot of background, and without hearing both sides of the story, with most of the comments made by Mr. N. Jackson. His interest in this has always been to have this park be fully completed, renovated, up and running, functioning and operating like so many of our other parks in Richland County are doing. He never in his wildest dreams would have imagined that a park that was operating, with limited staffing, but operating and open on a regular basis, has now been relegated to almost an artifact itself, and not being functioning. When he was a part of the earlier discussions, in reference to the Conservation Commission, his desire was to have the Conservation Commission become a fiscal agent because they were a County agent. Initially we started talking about, just as we thought we wanted to do with the Recreation Commission, being more hands on, and more involved. The purpose of providing additional funding and support was to get the park up and running. To go from that vantage point, a year ago, to now talking about who owns cameras and wires, whether people can or cannot get access to building, and who is managing on a daily basis, is something he thinks, in his opinion, we are way off course. His reasoning and desire to be a part of this

committee is to get the Pinewood Lake Park up and running, and functional, to resolve the issues with regards to renovations and construction of Phase II, and to get answers to some of those critical questions. It is not to remove anybody from the facility. It is not to deny anybody access to the use of the facility. He would concur that before we take any action on the recommendation on whether or not there is money owed, or not owed, and for what, that we ask the new Administrator to...and for all the reasons that are front of us. Ms. Hegler, Mr. N. Jackson and Mr. Pearce will be moving out of the picture. He does not want, with all of those individuals moving out of the picture, for us to make a rash or hasty decision today that can impact us come January. We have a new Interim Administrator, who has just moved into the picture, who has very little, if any knowledge about what is going on. His recommendation is that we not take any action on this specific item today, and that we ask the Interim Administrator to get involved, have independent meetings, and then a joint meeting with the Foundation leadership and Conservation Commission leadership to resolve the matters, and get us back on track to making Pinewood Lake Park what it should be.

Mr. Malinowski stated, for clarification, that Ms. Hegler said there were some items the County did not have receipts for to show ownership. Do we think there are some items that belong to the County that we do not have receipts for? If they have receipts, and show ownership, then give it to them, but if they do not have them either, and you think it is County, he thinks we need to have a definitive list before any decisions are made also.

Ms. Hegler stated you have to realize the Foundation managed it for a number of years. She would not guess that anything was physically purchased by the County for the park. Her guess is that the Foundation purchased everything that is in there. Whether or not they used County funds is what she cannot speak to. It would only be an opinion.

Mr. Malinowski stated that would be something that would need to come out during the meeting Mr. C. Jackson referred to.

Ms. Hegler stated they have looked through all of the invoicing they have gotten from the Foundation, for this purpose, and the only thing they saw on the list...the list of what they are claiming to be theirs is in your packet. It is just sort of everyday household items. They do not see those on any invoices, so there is no way to say the County ever did purchase it.

Mr. Malinowski stated his recollection is, when this was brought up at the Council meeting, Mr. Livingston commented, regarding the cameras, Mr. N. Jackson stated, it is not like they can use them anymore. They bought them for use there, so why not consider a reimbursement of those amounts and keep them there, in place, functioning for the benefit of the park.

Ms. Kennedy stated she agrees wholeheartedly with what both Mr. Jacksons have said. Just out of curiosity, what are you going to do with wiring? It is almost absurd that you would think about repossessing used wiring, and some other things that were named. What are you going to do with a sink?

Ms. Hegler stated they are not asking to do that. For the most part, they are asking to give the stuff back to them. The wiring they are asking to be reimbursed for. We are not asking to take any of this out. We are simply asking for direction on whether or not you want us to reimburse them for those things, or not. The cameras, she agrees with you. She would not suggest ripping them out and give them to them. They would have no need for them.

Ms. Kennedy stated you would almost have to destroy parts of the park.

Ms. Hegler stated the Foundation is asking to be reimbursed for that. They want monetary reimbursement for it.

Ms. Kennedy stated, if they paid for the stuff, over a period of time, and she is sure there is a lot of stuff they probably did pay for over a period of time, she can see the reimbursement for it. She agrees with what has already been said. She thinks we need to investigate a little bit more, all these areas, before we make any final decision. We need further investigation because there is a whole lot of stuff being left out.

Mr. Pearce inquired what the list on Attachment A is.

Ms. Hegler stated that is the list of items, within the house, that the Foundation supplied to us saying we had purchased. If you look at the top, that is County-owned items.

Mr. Pearce inquired if this stuff stays.

Ms. Hegler stated, that is correct. On p. 6 entitled "Pinewood Lake Park Inventory Report", is the list of items they went through and claimed were the Foundation's. She stated they typed this up after having spent hours in the facility with the Foundation. Her understanding is, the Executive Director for the Foundation went through and stuck a sticker on everything that was the Foundation's property. Mr. Epps was with her for hours, and those items are documented here. All of which, we are proposing to allow them to retrieve, if they should want to.

Mr. Pearce inquired where the items that are questionable are.

Ms. Hegler stated the list is in the briefing memo at the beginning of the agenda. The Foundation wanted to take away those items, and in addition, asked for monetary reimbursement for the security cameras, the yellow barricades, sinks and grill trays.

Mr. Pearce inquired, out of curiosity, what is the price.

Ms. Hegler stated they know what the price of the security cameras were because we found an invoice, in the amount of \$660, where the County paid for those.

Mr. Pearce stated we can eliminate that.

Ms. Hegler stated the steel cable and yellow barricades, sinks and grill trays, we have no idea. We could ask them, if you should choose to reimburse them for that.

Mr. Pearce inquired about what kind of sink we are talking about.

Ms. Hegler stated the sinks are in the picnic shelters, as well as the grill trays. To Ms. Kennedy's point, we would not ask them to take that away. That would be like when you rent a house and you go in...

Mr. Pearce inquired if the sink is plumbed.

Mr. Epps responded in the affirmative.

Ms. Hegler stated, the question before you, is obviously not to take that out, but they want reimbursement for it. She does not have the authority to do that.

Mr. N. Jackson stated the people were asked to leave the park, and take their belongings. They cannot use it. Over the years, they put these things in the park. If they were told to take their stuff, they said pay us for it. Staff told them they were not paying them for it, but they would allow the Foundation to take it. He stated they want to be reimbursed for what they paid, and the work they have done.

Mr. Pearce stated, for clarification, these are the only items in question.

Ms. Hegler stated, by staff's opinion, yes.

Mr. Pearce stated, but we do not have a price on that.

Ms. Hegler stated, only because we do not have the authority to do that, or to give them the other items, but staff would recommend we do. That is why it is before you.

Mr. Pearce stated this could not be a lot of money here. We are talking about a sink, some barricades, and a grill tray.

Mr. Epps stated it would probably be \$2,000 - \$3,000, at most.

Ms. Hegler stated it is the principal of you wanting to spend budget on that.

Mr. C. Jackson stated the issue, for him, has nothing...that is why he wants to keep us back on that point. We are talking about someone being asked to vacate the premises. In asking to vacate the premises, we are debating about what they can take, what they should not take, and how much we owe them for things they bought. To him, it is not even the issue. The issue, for him, is how do we get it back on track. Get the Foundation back in there operating; working cooperatively with the Conservation Commission. If they failed 3 times, let's try a 4th time, with a new Director. To him, the issue is getting Pinewood Lake Park up and running. Not about who owns what material because they need to leave and cannot come back in the park. He does not even want to debate about what they owe, and how much it is worth. He wants to force staff to work with the Foundation to get Pinewood Lake Park back on track. That is his recommendation. And, that is why he injected the neutral party of the new Interim Administrator, who does not have any baggage, or any issues on either side of the issue.

Mr. C. Jackson moved, seconded by Mr. Pearce, to direct the new Interim Administrator, to investigate this issue. To meet with the appropriate parties from the Foundation, and the Conservation Commission, to try to resolve the ongoing dilemma. If we do not, then the Pinewood Lake Park, as we know it, will cease to exist, and he does not want that to happen.

Mr. Pearce inquired if the park, as it stands, functioning, or not functioning.

Mr. N. Jackson stated it is halfway functioning.

Ms. Hegler stated it is functioning. It is functioning very well. On July 1, 2017, after an action of Council,

she has a memo, and the actions of Council, that directed the Conservation Commission to manage day-to-day operations of that park. A memo and letter was sent to the Foundation saying their contract ceased June 30, 2017. That is why we are operating under this umbrella of the Conservation Commission is doing this work day-to-day. In your budget, there was something submitted from the Administrator. It did include budget to hire staff, and we have staff that are working at the park. They are there as often as anyone was beforehand, and there is a number to be gotten every time. Our experience over the last year, is that the Foundation was not there every day. We have somebody out there about the same time any other park is managed. She stated it is operating just fine.

Mr. Malinowski stated he would give Mr. N. Jackson a brief moment to clarify, but staff is the one that should have the official answers.

Mr. N. Jackson stated he is out there. It is a vision of his. He has had meetings with the Foundation and staff. He stated the Foundation tried to have a meeting with their attorney about 2 weeks ago, and staff said they were not meeting with them. He thinks that was really embarrassing because they wanted to settle these things. Before, the Foundation had someone out there 7 days a week. Now we have a sign on the door. He stated he went out there Friday. This young fellow came about 12:00....

Mr. Malinowski stated that is not your clarification.

Mr. N. Jackson stated he was clarifying for Mr. Pearce. He asked how the park runs and the operation of the park. They are saying it is operating perfectly, but it is not. There is a sign on the door. It says, if you need to tour or rent the facility, call this number. When the budget was passed, it was clear that no one from Richland County was to work at the park. The budget was not to hire someone to work at the park, the budget was to hire someone to manage and develop a system for the Conservation property we all owned, not to work at the park. Even though it gave the Conservation Commission authority to manage and operate the park, it was not for them to physically operate the park, but to work with the Foundation, that changed. Initially, if you look at the budget from the Conservation Commission, which did not get to Council because staff got it late, they had a budget to pay the Foundation to operate and manage the park. It never got to Council.

Mr. Pearce stated he thinks he is incline to go...he is very unclear as to what...he thought that what we voted for was that the Conservation Commission would take over the supervision of the park, but the Foundation would have a role in operating the park. He stated he may have a bad recollection. He thinks he would agree with Mr. N. Jackson, let's see if we cannot get some clarification.

Mr. C. Jackson stated he has the same recollection because he remembers distinctively the Conservation Commission saying they did not want to run the park. He remembers that in the budget discussion. They said they did not want that responsibility, and that is why he thought, we then said, we would force the hand of them to work with the Foundation, who would run it, but would report to the Conservation Commission. That is why he is thinking today, whatever was decided, we need to have the new Interim Administrator get involved.

Mr. Pearce stated that needs to be clarified, and if that was the case, then a subsequent committee needs to know why that relationship is not working, in more detail. The Council could then decide whether that needs to be modified or updated in some way. He stated we have made a huge investment out there, and it too late to turn back now. We have got to do something with it.

Mr. Malinowski stated the motion on the floor directs the Interim Administrator to meet with the Foundation, individually, meet with the Conservation Commission, individually, and then meet with both groups together to try and resolve the ongoing dilemma of how the park is, or is not functioning.

The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. C. Jackson, that prior to the next meeting of this committee, he would like to see the actual document on how this park was to have been managed, and what it was that was voted on by Council.

Ms. Hegler stated the Conservation Commission has an adopted plan, which she will send to the committee.

Mr. Malinowski stated there is a motion for staff to bring back, to this committee, at the next meeting.

Mr. Pearce stated the actual verbiage of what was voted on by Council on how this park was to be managed, is what he wants to see it in writing to verify what we voted.

The vote in favor was unanimous.

5. **ADJOURNMENT** – The meeting adjourned at approximately 3:31 PM