



Richland County Council  
Transportation Ad Hoc Committee

**MINUTES**

March 28, 2023 – 4:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Overture Walker, Chair; Paul Livingston, Don Weaver, and Jesica Mackey

Not Present: Jason Branham

OTHERS PRESENT: Gretchen Barron, Ashiya Myers, Michelle Onley, Michael Maloney, Angela Weathersby, Anette Kirylo, Patrick Wright, Dale Welch, Abhijit Deshpande, Stacey Hamm, Chelsea Bennett, John Thompson, Lori Thomas, Kyle Hosclaw, Quinton Epps, Jennifer Wladischkin, Zach Cavanaugh, and Nathaniel Miller

1. **CALL TO ORDER** - Chairman Overture Walker called the meeting to order at approximately 4:02 PM.  
Mr. Walker noted that Mr. Branham was traveling for business and unable to attend this afternoon's meeting.
2. **APPROVAL OF MINUTES**
  - a. **February 7, 2023** – Ms. Mackey moved to approve the minutes as distributed, seconded by Mr. Weaver.  
In Favor: Weaver, Walker, and Mackey  
Not Present: Branham  
The vote in favor was unanimous.  
Mr. Weaver moved to reconsider this item, seconded by Ms. Mackey.  
In Favor: Livingston, Weaver, Walker, and Mackey  
Not Present: Branham  
The vote in favor was unanimous.  
Ms. Mackey moved to approve the minutes as distributed, seconded by Mr. Livingston.  
In Favor: Livingston, Weaver, Walker, and Mackey  
Not Present: Branham  
The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Ms. Mackey moved to adopt the agenda as published, seconded by Mr. Weaver.  
In Favor: Weaver, Walker, and Mackey  
Not Present: Branham  
The vote in favor was unanimous.  
Ms. Mackey stated that in looking at the minutes from February 7, 2023, council members are listed that do not match the list of committee members on the agenda packet. She requested to confirm the members of the committee.  
Mr. Walker stated he believes the committee members are Branham, Livingston, Weaver, Mackey, and himself.  
Ms. Kirylo indicated the appropriate corrections would be made.  
Mr. Wright noted Mr. Livingston's vote needs to be on the record before we move forward.  
Ms. Mackey moved to reconsider this item, seconded by Mr. Weaver.

In Favor: Livingston, Weaver, Walker, and Mackey

Not Present: Branham

The vote in favor was unanimous.

Mr. Weaver moved to adopt the agenda as published, seconded by Ms. Mackey.

In Favor: Livingston, Weaver, Walker, and Mackey

Not Present: Branham

The vote in favor was unanimous.

4. **ITEM FOR ACTION**

- a. Mitigation Bank Credit – D.R. Horton, Inc. – Westport Phase 2 Development – Mr. Michael Maloney, Interim Transportation Director, stated this item is a request from D. R. Horton, Inc. to purchase 1.61 wetland credits at a rate of \$20,000 per credit for their Westport Phase 2 Development in York County, SC. The \$37,523.73 generated will be credited to the Transportation Penny Program.

Mr. Livingston moved to forward to Council with a recommendation to approve D. R. Horton's request to purchase 1.61 wetland credits at \$20,000 per credit for their Westport Phase 2 Development in York County, SC. The \$37,523.73 generated will be credited to the Transportation Penny Program, seconded by Ms. Mackey.

In Favor: Livingston, Weaver, Walker, and Mackey

Not Present: Branham

The vote in favor was unanimous.

- b. Mitigation Bank Credit – Fire Tower Road – Mr. Maloney stated this is a request from Firetower Logistics, LLC, to purchase 17.47 wetland credits at \$20,000 per credit for road construction. The \$334,358.38 generated will be credited to the Transportation Penny Program.

Ms. Mackey moved to forward to Council with a recommendation to approve Firetower Logistics, LLC's request to purchase 17.47 wetland credits at \$20,000 per credit for road construction. The \$334,358.38 generated will be credited to the Transportation Penny Program, seconded by Mr. Livingston.

In Favor: Livingston, Weaver, Walker, and Mackey

Not Present: Branham

The vote in favor was unanimous.

- c. Mitigation Bank Credit – River Falls at Tega Cay – Mr. Maloney stated this is a request to purchase 2.162 wetland credits at \$12,500 per credit for the River Falls at Tega Cay. The \$26,304.33 generated will be credited to the Transportation Penny Program.

Ms. Mackey inquired why the rate was different on this item.

Mr. Maloney replied the sale was negotiated earlier than the other sales. He noted it is what the market will bear and what the competitors are putting out from other wetland banks.

Ms. Mackey inquired if we were losing revenue by selling at a lesser value.

Mr. Maloney responded we are not losing. We are still being made whole, but the other amount will help us.

Mr. Walker inquired as to what the funds from the sale of the wetlands credits are used for and if there is a process to determine the use.

Mr. Maloney indicated the funds go to the fund balance and are not designated to a specific project. The dollars help fund Transportation Penny projects.

Mr. Walker inquired if the request to use the funds has to come to the committee or Council before utilizing them.

Mr. Maloney stated the first thing they must cover is the \$16M investment to offset the cost of building the bank. We are reducing the remaining amount and increasing the revenue in the grants and other revenue sources as we go.

Mr. Livingston moved to forward to Council with a recommendation to approve the request to purchase 2.162 wetland credits at \$12,500 per credit for the River Falls at Tega Cay. The \$26,304.33 generated will be credited to the Transportation Penny Program, Mr. Weaver seconded the motion.

In Favor: Livingston, Weaver, Walker, and Mackey

Not Present: Branham

The vote in favor was unanimous.

- d. Use of Project Reserve for Paved Road Resurfacing in FY23/24 – Mr. Maloney stated this is a request for \$5M from the Project Reserve, which Council created in summer 2022. He noted the success of the resurfacing program has brought us near on all the projects. He indicated Project “S” and “T” bid packages are currently out. There will be enough funding to complete Project “U.”

Mr. Livingston inquired if the \$52.5M realized from the Broad River Project is the only reserve funding in the Penny Program.

Mr. Maloney responded the \$52.5M is the only funding designated in the roadways category. He indicated the \$31M in the “Program Reserve” was once the administrative dollar amount. To utilize the \$31M, we would need to have three readings and a public hearing.

Ms. Mackey stated we previously discussed establishing a protocol for the funds. She noted Councilmembers sometimes get confused about which reserve fund we are referring to.

Mr. Maloney stated that we designated the re-designation of the I-20/Broad River Road Exchange as “Project Reserve.” The administrative costs would be defined as “Program Reserve.”

Mr. Weaver inquired as to how much is left in the resurfacing budget.

Mr. Maloney noted the budgets are updated every month. Currently, we have enough left in the budget for one more package.

Mr. Walker noted the I-20/Broad River Road Exchange was originally a Penny Project, but the State has taken it over. The funding for the project then came back to the Penny Project.

Ms. Mackey moved to forward to Council with a recommendation to transfer \$5M from “Project Reserve” to the “Pavement Resurfacing Program” for use in FY23/24. This will increase the approved amount for this Penny line item to \$45M. Mr. Livingston seconded the motion.

In Favor: Livingston, Weaver, Walker, and Mackey

Not Present: Branham

The vote in favor was unanimous.

## 5. PRESENTATION

- a. Mead & Hunt Dirt Road Paving Program Progress – Mr. Maloney stated the representatives from Mead & Hunt would be presenting what they have done to accomplish results in another county. We have discussed issues the County has faced (i.e., incomplete right-of-way projects and projects we have invested in that we would like to keep moving). The current ordinance is the limiting factor, and would have to be adjusted to accommodate what we are discussing.

Mr. Berry Still, Mead & Hunt, gave an overview of Horry County’s sales tax program (Road Improvement Development Effort [RIDE]).

- RIDE II (2006) and RIDE III (2016) Sales Tax Programs
  - 200 miles of Dirt Road Paving
  - 272 Projects
  - Over 2,700 easements
  - \$160 million budget
- Unique Aspects of the Programs
  - Referendum for RIDE II and RIDE III named 272 dirt roads to be paved
  - Horry County uses Eminent Domain/Condemnation to ensure easements are acquired for all projects
  - Horry County will delete a road from their system if all adjacent property owners do not want the road paved and agree, in writing, to take over maintenance
  - Consultant Managed Program
- RIDE III – Ongoing
  - Started 2017
  - 4 groups of 25 miles – 100 total miles
    - ❖ Group 1- 18 projects completed; no condemnations
    - ❖ Group 2 – 19 projects; 2 condemnations; 14 projects let to construction; anticipated completion by end of 2023
    - ❖ Groups 1 & 2: 536 easements acquired to date
  - 77 projects
  - \$60 million budgeted
  - 1,543 anticipated easements to acquire
- Why is Horry County Successful?
  - Ability to Condemn
    - ❖ Debunking the Myths of Condemnation
    - ❖ Cost of Condemnation to the Project
    - ❖ Lessons Learned

- Debunking the Myths of Condemnation
  - Resident should donate the property or not get their road paved
    - ❖ This is antiquated thinking that does not move your program forward
    - ❖ People are not always willing to donate – especially if its fee simple
    - ❖ Some properties do not benefit from having their road paved (access to an existing paved road)
  - Condemnation costs too much
    - ❖ It actually lowers program costs
    - ❖ Delaying a project creates a much higher construction escalation cost
    - ❖ For many cases, you have already paid for some level of design fees
- Everyone will take us to Court
  - RIDE II – 1,066 easements were secured; only 8 were tried in court (0.75%)
  - RIDE III – 536 easements were secured for Groups 1 & 2, with only 2 potential condemnations
- Lessons Learned
  - Establishing one point of contact for the team working on the project
  - Proper documentation, including videotaping every road for existing conditions
  - Sending a letter to property owners requesting feedback
  - Survey flags with project manager contact information to encourage the property owner to reach out
  - Visiting the site with Right-of-Way agent to evaluate potential impacts
  - Avoidance and minimizing potential impacts during the development of the preliminary design
  - Approach the impacted property owners with preliminary design and get their feedback
  - Secure all easements from the willing property owners first
  - Clear understanding of compromises that can be offered to property owners to secure the easement
    - ❖ Move shrubs
    - ❖ Wider driveway
    - ❖ Compensation for trees
    - ❖ Resetting or replacing a fence
  - Keep the line of communication open with the unwilling property owners during the development of the design
  - Condemnation should be the last resort
    - ❖ All reasonable efforts have been exhausted to secure an easement
  - Send a letter to the property owner with a deadline. If the easement is not signed, County will exercise Eminent Domain and file for condemnation.

Mr. Weaver inquired why an owner on a dirt road would not be in favor of having their road paved.

The Mead & Hunt representative responded that individuals who like horses do not like paved roads. Some individuals do not like the County and do not trust them. Additionally, some people do not want to see changes.

Mr. Weaver inquired if the recurring maintenance cost of the additional paved miles is provided to the County.

Mr. Maloney responded there are ongoing costs whether the road is dirt or paved.

Mr. Weaver noted he is curious if paved or dirt roads are more costly to maintain.

Mr. Maloney indicated it is more costly to maintain the dirt roads due to the personnel and equipment required.

Ms. Mackey thanked Mr. Maloney and the staff for bringing this information forward.

Mr. Livingston inquired how Horry County dealt with roads that were not a part of the County's system or did not meet the County's requirements.

The Mead & Hunt representative indicated he does not know if Horry County took in any roads. They have a huge dirt road inventory and have tried to get out of the dirt road business.

6. **ADJOURNMENT** – Ms. Mackey moved to adjourn, seconded by Mr. Weaver.

In Favor: Livingston, Weaver, Walker, and Mackey

Not Present: Branham.

The vote in favor was unanimous.

The meeting adjourned at approximately 4:50 PM.