



The Columbia City Council met in Executive Session on Tuesday, February 2, 2016 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 5:03 p.m. and the following members of City Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Moe Baddourah and The Honorable Howard E. Duvall. The Honorable Leona K. Plough and The Honorable Edward McDowell, Jr. were present, but not in Council Chambers during the roll call. Also present were Ms. Teresa Wilson, City Manager and Ms. Erika D. Moore, City Clerk. This meeting was advertised in accordance with the South Carolina Freedom of Information Act.

### **EXECUTIVE SESSION**

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to enter into Executive Session at 5:03 p.m. for the discussion of **Items 1** through **4a**, pursuant to S.C. Code §30-4-70(a).

1. Receipt of legal advice on matters covered by attorney-client privilege - S.C. Code §30-4-70(a)(2)
  - *Use of Public Funds, Mr. Danny Crowe, Esq.*
  - *Lester Drive*
  - *Christ Central Ministries v. City of Columbia*
  - *Water and Sewer Line Repair Warranty Program*
2. Discussion of employment of an employee - S.C. Code §30-4-70(a) (1)
  - *City Prosecutor*
3. Discussion of negotiations incident to proposed sale or purchase of property - S.C. Code §30-4-70(a)(2)
  - *Potential Land Swap*
4. Discussion of matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the public body - S.C. Code §30-4-70(a)(5)
  - *Haven Campus Communities*
- 4a. Discussion of negotiations incident to proposed contractual arrangements S.C. Code §30-4-70(a)(2)
  - *Lower Richland Sewer Agreement*
  - *Hardball Capital, LLC*

**Council adjourned the Executive Session at 6:05 p.m.**

The Columbia City Council conducted a Council Meeting on Tuesday, February 2, 2016 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:16 p.m. and the following members of City Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Leona K. Plough, The Honorable Moe Baddourah, The Honorable Howard E. Duvall and The Honorable Edward McDowell, Jr. Also present were Ms. Teresa Wilson, City Manager and Ms. Erika D. Moore, City Clerk. This meeting was advertised in accordance with the South Carolina Freedom of Information Act.

## **PLEDGE OF ALLEGIANCE**

## **INVOCATION**

Chaplain Darrell Croft, Columbia Fire Department offered the Invocation.

## **ADOPTION OF THE AGENDA**

Upon a motion made by Mr. Davis and seconded by Mr. McDowell, Council voted unanimously to approve the adoption of the agenda, subject to removing **Items 9** and **10** from the Consent Agenda.

## **PUBLIC INPUT RELATED TO AGENDA ITEMS**

*No one appeared at this time.*

## **APPROVAL OF MINUTES**

5. [December 15, 2015 Council Meeting](#) and [January 5, 2016 Work Session](#) and [January 5, 2016 Council Meeting](#) – *Approved, subject to amending the January 5, 2016 Council Meeting Minutes to reflect all motions and roll call votes for the election of the Mayor Pro-Tempore.*

Councilor Devine questioned the updated minutes for January 5, 2016. She said the updated version changed the way it listed the Mayor Pro-Tempore election. She asked who authorized the change to the minutes.

Councilor Plough said she had a conversation with the Clerk about that section of the minutes. She said she asked the Clerk to listen to the tape and the Clerk came back with some revisions. She agreed that the motions should be included with the roll call votes taken, not nominations.

Councilor Devine asked that amendments to the minutes be raised in this forum so that everybody can be a part of the conversation.

Ms. Teresa Wilson, City Manager said out of respect for the Clerk's time, it would be more efficient to do it this way, because she is receiving multiple interpretations.

Mayor Benjamin suggested that the minutes include the statement from the original version and the roll call votes from the last version. He agreed that if there are issues with the minutes then Council should defer consideration or discuss it during the meeting.

Councilor Devine suggested that both motions and the roll call votes be outlined.

A motion made by Ms. Plough and seconded by Mr. Baddourah to defer consideration of the minutes was withdrawn.

Councilor McDowell sought clarification on the amendment.

Upon a motion made by Mr. McDowell and seconded by Ms. Devine, Council voted unanimously to approve the December 15, 2015 Council Meeting Minutes, January 5, 2016 Work Session Minutes and the January 5, 2016 Council Meeting Minutes, subject to the January 5, 2016 Council Meeting minutes being amended to reflect all motions and roll call votes for the election of the Mayor Pro-Tempore as follows:

*24. Election of Mayor Pro-Tempore*

*A motion was made by Mayor Benjamin and seconded by Mr. Davis to appoint The Honorable Tameika Isaac Devine as Mayor Pro-Tempore.*

*A motion was made by Mr. McDowell and seconded by Mr. Duvall to appoint The Honorable Leona K. Plough as Mayor Pro-Tempore.*

*The Honorable Leona K. Plough was elected as Mayor Pro-Tempore by the following roll call votes:*

*Councilor McDowell voted for Ms. Plough  
Councilor Duvall voted for Ms. Plough  
Councilor Baddourah voted for Ms. Plough  
Councilor Plough voted for Ms. Plough  
Councilor Devine voted for Ms. Devine  
Councilor Davis voted for Ms. Devine  
Mayor Benjamin voted for Ms. Devine*

Councilor Plough stated that her suggested revisions are very minor and noted in red. She suggested that she be allowed to continue this pattern for minor revisions to the minutes and substantial changes to the minutes would come before the Council.

Councilor Devine said it is more appropriate for amendments to be made when the minutes are being voted on.

**CONSENT AGENDA**

Upon a single motion made by Mr. Davis and seconded by Mr. Baddourah, Council voted unanimously to approve the **Consent Agenda Items 6, 8 and 11** through **18**.

**CONSIDERATION OF BIDS and AGREEMENTS**

- 6. Council is asked to approve [Reimbursement of Costs for Conducting the 2015 General and Runoff Municipal Elections](#), as requested by the Office of the City Clerk. Award to Richland County in the amount of \$147,481.00. This vendor is located in Columbia, SC. *Funding Source: 1011119-637100 and anticipated budget savings in other areas. – **Note:** The original budgeted amount was \$120,000.00. - Approved*
  
- 7. Council is asked to approve Contract Amendment #2 for an Update to the Water and Sewer Rate Study, as requested by the Utilities and Engineering Department. Award to Black & Veatch Corporation in the amount of \$115,000.00. This firm has headquarters in Kansas City, MO and a local office in Columbia, SC. *Funding Source: 5511706-WM7358/SS7349-638305 – **Note:** The original budgeted amount is \$200,000.00. – This item was withdrawn from the agenda.*
  
- 8. Council is asked to approve [Project SS7271; Annual Sanitary Sewer Easement Maintenance](#), as requested by the Utilities and Engineering Department. Award to McClam & Associates, Inc., in the amount of \$304,622.50. This firm is located in Little Mountain, SC. *Funding Source: Special Contracts, 5516205-638305 – **Note:** This is a Clean Water 2020 Program Project and the original budgeted amount is \$545,705.00. The following sub-consultants will receive \$119,000.00 or 39% of the contract value: - Approved*

Sub-consultants	Locations	Services	Contract %	Amount
ROW, Inc.	Little Mountain, SC	Shinn & Mowing	31%	\$95,000.00
Advantage Services	Little Mountain, SC	Herbicide	8%	\$24,000.00

- 9. Council is asked to approve [Project SD8399; Agreement for Storm Water Main Replacement on Wallace Street between Elmwood Avenue and Franklin Street](#), as requested by the Utilities and Engineering Department. Award to Foth Infrastructure and Environment in the amount of \$354,446.00. This firm has headquarters in Green Bay, WI and a local office in Columbia, SC. *Funding Source: Storm Drain Operating and Maintenance, 5549999-SD8399-658650 – **Note:** This is a Mentor Protégé Program Project. The original budgeted amount for this project is \$802,500.00. The following sub-consultants will receive \$106,000.00 or 29.91% of the contract value: - Approved*

Sub-consultants	Locations	Services	Contract %	Amount
Civil Engineering, Inc. (Protégé)	Columbia, SC	Survey, storm water modeling and plan review	22.01%	\$78,000.00
F&ME	Columbia, SC	Geophysical locating of voids, pipe locations and geotechnical bores	7.90%	\$28,000.00

Councilor Plough asked if this project is in the five-year Capital Improvement Plan (CIP).

Mr. Joey Jaco, Director of the Utilities and Engineering Department said yes; the design was in year one. He agreed to provide a copy of the five year CIP.

Councilor Davis inquired about the protégé.

Mr. Joey Jaco, Director of the Utilities and Engineering Department said the protégé is Civil Engineering and they are located in Columbia.

Ms. Teresa Wilson, City Manager noted that F&ME is a local sub, also.

Councilor Duvall asked how the amount awarded to the protégé is determined.

Mr. Joey Jaco, Director of the Utilities and Engineering Department said the goal for engineering projects is 20%, but it's a negotiated rate, not a predetermined rate.

Councilor Duvall asked how the protégés are selected.

Mr. Joey Jaco, Director of the Utilities and Engineering Department explained that there is an implementation plan for every project that is developed by the mentor and protégé to determine what the mentor will do and what the protégé will do on the project. This plan is submitted to the compliance office for review.

Councilor Duvall inquired about the qualifications for the protégé.

Ms. Teresa Wilson, City Manager said significant monitoring and site visits occur through the Utilities and Engineering Department and the Compliance Division of the Office of Business Opportunities. She offered to schedule a briefing for Mr. Duvall and Mr. McDowell.

Ms. Tina Herbert, Executive Director of the Office of Business Opportunities explained that a dollar threshold distinguishes a protégé from a mentor. The protégés have less than \$3 million in water and sewer projects and mentors have \$5 million or more annually. There is an application process and they must be approved.

Mayor Benjamin said the protégés are experienced in these areas, but they have less experience than the mentor.

Ms. Tina Herbert, Executive Director of the Office of Business Opportunities noted that they provide quarterly updates to City Council.

Mayor Benjamin noted that the original budget for this project was \$802,500.00 and the award is \$354,446.00 resulting in significant savings.

Upon a motion made by Ms. Plough and seconded by Mr. Baddourah, Council voted unanimously to approve Project SD8399; Agreement for Storm Water Main Replacement on Wallace Street between Elmwood Avenue and Franklin Street, as requested by the Utilities and Engineering Department. Award to Foth Infrastructure and Environment in the amount of \$354,446.00.

10. Council is asked to approve [Project SS735001; Agreement for Crane Creek Upper Branch Extension and Lower North Branch Capacity Upgrades Phase I](#), as requested by the Utilities and Engineering Department. Award to AECOM in the amount of \$1,239,595.00. This firm has headquarters in Los Angeles, CA and a local office in Columbia, SC. *Funding Source: Sanitary Sewer Capital Budget, 5529999-SS735001-658650 – **Note:** This is a Mentor Protégé Program Project and a Clean Water 2020 Program Project. The original budgeted amount is \$1,240,000.00. The following sub-consultants will receive \$341,930.00 or 27.59% of the contract value: - Approved*

Sub-consultants	Locations	Services	Contract %	Amount
DESA, Inc. (Protégé, MBE/WBE/SBE)	Columbia, SC	Geotechnical, storm-water permitting, inspection and compliance, construction administration and observation	27.14%	\$336,400.00
Civil Engineering Consulting Services, Inc.	Columbia, SC	Utility Mapping	0.45%	\$5,530.00

Councilor Davis inquired about the protégé for this project.

Mr. Joey Jaco, Director of the Utilities and Engineering Department said this is a design project and DESA, Inc. is the protégé.

Councilor Plough said this project wasn't originally budgeted and we are funding it out of savings in the sewer fund. She asked if this project is in the CIP.

Mr. Joey Jaco, Director of the Utilities and Engineering Department said this project isn't in the CIP; it is a capacity enhancement project as a result of the modeling investigation work we are doing. We now know that there is a deficiency in capacity and this project is needed for future development.

Councilor Plough inquired about the construction costs.

Mr. Joey Jaco, Director of the Utilities and Engineering Department gave a ballpark figure of \$10 million to \$20 million. He explained that this area isn't causing us problems today, but it may cause problems in the future depending on development. This is the engineering portion of the project that will result in a recommendation for construction. This is a significant project that could hold up significant development.

Councilor Plough said we've already approved \$20 million for Crane Creek.

Mr. Joey Jaco, Director of the Utilities and Engineering Department said that was for the bypass project and the total project was \$14 million. This project is further upstream closer towards I-77. He explained that the CIP included funds for capacity enhancement projects. When we started our Clean Water 2020 Program with CDM we forecasted future capacity enhancement projects.

Upon a motion made by Ms. Plough and seconded by Mr. Baddourah, Council voted unanimously to approve Project SS735001; Agreement for Crane Creek Upper Branch Extension and Lower North Branch Capacity Upgrades Phase I, as requested by the Utilities and Engineering Department. Award to AECOM in the amount of \$1,239,595.00. This firm has headquarters in Los Angeles, CA and a local office in Columbia, SC.

#### ORDINANCES – SECOND READING

11. [Ordinance No.: 2016-003](#) – Granting encroachment to Lisa Hosti for installation and maintenance of an ornamental iron fence within the right of way area of the 2300 block of Blossom Street adjacent to her property located at 2303 Lowndes Street, Richland County TMS #1312-11-06 – *First reading approval was given on January 19, 2016. – Approved on second reading.*
12. [Ordinance No.: 2016-004](#) – Annexing 201 Club Ridge Road, Parcel A (0.41 acres) 5W/5 Club Ridge Road and Parcel 8 (0.28 acres) 5W/5 Club Ridge Road, Richland County TMS # 28900-01-15 (p) – *First reading approval was given on January 19, 2016. – Approved on second reading.*
13. [Ordinance No.: 2016-005](#) – Annexing The Crossing at Woodcreek, Phases One and Two, Richland County TMS# 28910-04-01, 28910-04-02, 28910-04-03, 28910-04-04, 28910-04-05, 28910-04-06, 28910-04-07, 28910-04-08, 28910-04-09, 28910-0410, 28910-04-11, 28910-04-12, 28910-04-13, 28910-04-14, 28910-04-15, 28910-0416, 28910-0417, 28910-05-01, 28910-05-02, 28910-05-03, 28910-05-04, 28910-05-05, 28910-05-06, 28910-05-07, 28910-05-08, 28910-05-09, 28910-05-10, 28910-05-11, 28910-05-12, 28910-05-13, 28910-05-14, 28910-05-15, 28910-05-16, 28910-05-17, 28910-05-18, 28910-05-19, 28910-05-20, 28910-05-21, 28910-05-22, 28910-05-23, 28910-05-24, 28910-05-25, 28910-05-26, 28910-05-27, 28910-05-28, 28911-04-02, 28911-05-01, 28911-05-02, 28911-05-03, 28911-05-04, 28911-05-05, 28911-05-06, 28911-06-01, 28911-06-02, 28911-06-03, 28911-06-04, 28911-06-05, 28911-06-06, 28911-06-07, 28911-06-08, 28911-06-09, 28911-06-10, 28911-07-01, 28911-07-02, 28911-07-03, 28911-07-04, 28911-07-05, 28911-07-06, and 28911-07-07 – *First reading approval was given on January 19, 2016. – Approved on second reading.*
14. [Ordinance No.: 2016-006](#) – Consenting to the Inclusion of Property in a Multi-County Industrial/Business Park (Dominion Carolina Gas Transmission, 121 Moore Hopkins Lane, Richland County TMS# 07309-02-06) – *First reading approval was given on January 19, 2016. – Approved on second reading.*

ANNEXATION, COMPREHENSIVE PLAN MAP AMENDMENT & ZONING MAP AMENDMENT – SECOND READING

15. **1850 Pineview Road**, TMS#19000-01-03; request to annex, assign land use classification IND (Industrial), and zone the property M-1 (Light Industrial). The property is currently classified as Economic Development Center/Corridor and zoned GC (Commercial) in Richland County. – *First reading approval was given on January 19, 2016.* – *Approved on second reading.*

Council District: 3  
Proposal: Annex, assign land use classification IND and zone the property M-1  
Applicant: Jeremy Wilson, Pineview Associates  
PC Recommendation: Approve (6-0); 12/07/15  
Staff Recommendation: Annex, assign IND Land Use Classification and M-1 Zoning

**Ordinance No.: 2015-111** – Annexing and Incorporating 1850 Pineview Road, Richland County TMS #19000-01-03 into the Plan Columbia Land Use Plan Putting the Pieces Together adopted by Ordinance No.: 2015-014 on February 17, 2015 – *First reading approval was given on January 19, 2016.* – *Approved on second reading.*

ZONING MAP AND TEXT AMENDMENT – SECOND READING

16. **1325 Park Street**, TMS# 09013-12-09; request to rezone from C-4 (Central Area Commercial) to C-4, -DP (Central Area Commercial, Design Preservation). Amend Sec. 17-691 (c) to establish 1325 Park Street as a Group II individual historic landmark in the City of Columbia. – *First reading approval was given on January 19, 2016.* – *Approved on second reading.*

Council District: 2  
Proposal: Rezone parcel from C-4 to C-4, DP and Amend Chapter 17 – Article V, Division 3 - §17-691 (c) to designate structure as a Group II Landmark  
Applicant: Krista Hampton, Director of Planning and Development Services  
D/DRC Recommendation: Approve (9-0); 11/12/15 Landmark Status  
PC Recommendation: Approve (6-0); 12/07/15  
Staff Recommendation: Approve

[Ordinance No.: 2016-002](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article V, Historic Preservation and Architectural Review, Division 4, Landmarks, Sec. 17-691 Buildings and sites list, (c), to add 1325 Park Street, TMS# 09013-12-09 – *First reading approval was given on January 19, 2016. – Approved on second reading.*

#### EVENT RESOLUTIONS

17. [Resolution No.: R-2016-002](#) – Authorizing consumption of beer and wine beverages only within Finlay Park for the Bark to the Park Walk and Festival on April 9, 2016 – *Approved*
18. [Resolution No.: R-2016-007](#) – Authorizing consumption of beer and wine only at Five Points Association's 5 After 5 Concert Series on April 28, May 26, June 23, July 28, August 25, September 22 and October 27, 2016 – *Approved*

Councilor Devine announced that February is National Go Red Month. She invited everyone to participate in the 2016 Go Red Press Conference on Friday, February 5, 2016 at 12:00 p.m. in Council Chambers. Both men and women are asked to wear red attire to the press conference. City Hall will Go Red during the evening of February 5, 2016 and for the duration of the month in recognition of Heart Health Awareness Month. She also announced that the Annual Together We Can Read Event will be held on Thursday, February 18, 2016 and she asked individuals to volunteer to read to third graders on this day.

#### PRESENTATIONS

19. [2015 National Night Out Award Presentation to the Columbia Police Department](#) – Ms. Emma McGraw Myers, MSW, President of the Columbia Council of Neighborhoods

Lieutenant Ron Felder, Columbia Police Department announced that the City of Columbia is ranked 18<sup>th</sup> in the nation for National Night Out in cities with populations between 100,000 and 300,000. He explained that the 2015 National Night Out Award is based on how well the police departments and the neighborhoods work together.

Ms. Emma McGraw Myers, MSW, President of the Columbia Council of Neighborhoods appeared on behalf of the 116 neighborhood associations and the Columbia Council of Neighborhoods Executive Committee to thank City Council for supporting the 2015 National Night Out. She noted that the City of Columbia was ranked 24<sup>th</sup> and now we are ranked 18<sup>th</sup>. She reported that over 2,000 people participated in the kick-off celebration held at the Convention Center. She said the neighborhoods worked together to host events and 700 people participated in National Night Out at the Charles R. Drew Wellness Center. She announced that National Night Out will be held on August 2, 2016 and the Neighborhood Awards Event will be hosted at Seawell's on August 28, 2016. She said awards are won by having sponsors, which means that funding and your presence is needed.

20. [Introduction of The FriendShip Organization](#) – Ms. Jane Blair, President and Ms. Barbara Mullen, Secretary for The FriendShip Organization

Ms. Barbara Mullen, Secretary and Co-Founder introduced The Friendship as a new non-profit organization in Columbia that is part of the national movement called Village to Village. The Friendship is a volunteer based support system that assists seniors with staying in their homes and communities for as long as possible. She reported that 11,000 people turn sixty five every day and 90% of seniors would like to stay in their own homes. Villagers need transportation the most and they value socialization and friendship the most.

Ms. Jane Blair, President and Co-Founder of the Friendship Organization reported that South Carolina has one of the largest growing senior populations in the nation and nearly 60,000 of residents in the Columbia area are over the age of sixty. She said we want to be vital members of the community. The mission of The FriendShip is to support older adults who choose to live in their own homes. She asked to present their program to the neighborhood associations. She said the City of Columbia can help by getting the word out. She added that volunteers and grant funding are also needed.

Ms. Teresa Wilson, City Manager requested a moment of personal privilege to recognize the Utilities and Engineering Department.

Ms. Melissa Gentry, P.E., Assistant City Manager for Operations announced that the City of Columbia just received the Award for Excellence in Engineering for the Clean Water 2020 Program.

## **STAFF REPORT**

21. [Columbia Commons Baseball Stadium Environmental Sound and Illumination Studies](#) – Mr. Gregory Tucker, Special Projects Administrator – [Click here to view the full presentation.](#)

Ms. Melissa Gentry, P.E., Assistant City Manager for Operations reported that two meetings were held on yesterday and a public drop-in session was held today with a total of twenty-one attendees. She provided an overview of the concerns that were highlighted during these meetings. She noted that some of the concerns were not in the consultant's scope for the study. One of the biggest frustrations was the timing for releasing these studies. The current study only covers the impact of baseball activities; it doesn't cover the use of fireworks and concerts. There was a lot of discussion about there being 300 events, but only 70 of which are ballgames. She stated that the majority of the events are indoor activities or events that will use the sound system. It is estimated that there will be up to four concerts held at the venue during the first year. She estimated that 35 home games will include fireworks. She said they didn't hear any concerns about the lighting. She continued to report that other issues involved the traffic study that hasn't been completed. She reported that the parking plan for the venue is being developed. The residents do not want attendees parking in their neighborhoods. She said one option is to create a residential permit parking district, but there isn't a consensus to move in that direction.

Councilor Devine asked who is responsible for submitting the traffic study to the Department of Transportation (DOT).

Ms. Melissa Gentry, P.E., Assistant City Manager for Operations said the developer hired a consultant that will submit the study to DOT.

Councilor Devine said there may be concerns with the study being finalized and submitted to DOT, because roads are being cut now. She asked if DOT's response will be received before roads are opened.

Ms. Melissa Gentry, P.E., Assistant City Manager for Operations said the traffic study pertains to the entire 165 acres on Bull Street. She said DOT knows that we are the owner of the venue and they are engaged with the City as part of the discussions. The City's Traffic Engineer will also be a part of that process. She noted that a road is being cut at the intersection of Calhoun Street and Barnwell Street. She recalled that either the Development Agreement or the Planned Unit Development (PUD) states that additional roads will not be cut unless it's at an existing intersection. She agreed to share the traffic study and the parking plan as soon as the reports become available.

Ms. Emily Piersol, Senior Designer in Acoustics at Wrightson Johnson Haddon Williams said they conducted the environmental noise study. She said they were asked to predict the sound levels surrounding the community and to provide a comparison to the City of Columbia noise ordinance. She provided an overview of the firm's history and common acoustics terminology. She explained that they used a distributed speaker system consisting of ten (10) speakers in the outfield on poles 50' high and additional speakers mounted under the canopy and pointed over the seating area. The distributed system is often used for stadiums in urban environments where noise is a concern. You have fewer speakers that are aimed at the audience and this allows you to operate with a higher quality at a lower sound level. She said the sound is not splashed onto the outfield or outside of the stadium. In the sound model, noise levels were modeled at 83 to 85 A-weighted decibels (dBA). She noted that sounds are intermittent lasting in intervals of no more than 30 seconds at a time during a game. She stated that crowd noise is typically quieter than the sound system and it doesn't travel as far. She reported that noise levels south of Calhoun Street are expected to be at 55 dBA or less and on Bull Street and to the west, noise levels are expected to be 50 dBA or less. She explained that the City's noise ordinance uses octave bands, which is not an easily measurable or enforced system. She said those measures were converted into dBAs. The noise level for residential is 55 dBA and commercial is 65 dBA. She said that sound in the residential areas was less than 55 dBA; it is slightly greater within the commercial property located south of Calhoun Street. She reported that noise levels from the sound system met the City's noise ordinance. She said the sound system can still be audible, but we do not expect it to exceed a typical background noise level of 55 dBA.

Councilor Baddourah asked if the sound from the stadium at full capacity would travel outside the stadium.

Ms. Emily Piersol, Senior Designer in Acoustics at Wrightson Johnson Haddon Williams said they did not model crowd noise, because it does not have as large of an impact outside of the stadium. The model is with an empty stadium and the loud speaker noise.

Councilor Davis asked how far human sound will travel.

Ms. Emily Piersol, Senior Designer in Acoustics at Wrightson Johnson Haddon Williams said human sound wasn't modeled and it would depend on the crowd and the product on the field.

Mayor Benjamin asked if they could contract with the firm to test the sound system after it is fully installed, the crowd noise once baseball begins and the use of fireworks.

Ms. Emily Piersol, Senior Designer in Acoustics at Wrightson Johnson Haddon Williams said a consultant could take noise level measurements inside the stadium and inside the community and compare that to ambient sound levels in the community without the baseball sound system operating.

Councilor Plough requested a copy of the presentation and the City's noise ordinance. She expressed an interest in the City's noise ordinance in comparison to the model that was used.

Ms. Emily Piersol, Senior Designer in Acoustics at Wrightson Johnson Haddon Williams said the City's noise ordinance uses octave band sound levels, we added up the frequency bands and compared that to the dBA scale.

Councilor Plough said the conclusion is that you are in compliance and without doing any further analysis of concerts or other uses of the venue you wouldn't know how it relates to our current ordinance.

Councilor McDowell asked about the measurements for other communities surrounding the stadium.

Ms. Emily Piersol, Senior Designer in Acoustics at Wrightson Johnson Haddon Williams reported that measurements are 50 dBA or less for communities to the west and 55 dBA for communities to the south.

Councilor McDowell asked if the impact was compared specifically for the Edgewood, Robert Mills and Booker Washington communities.

Ms. Emily Piersol, Senior Designer in Acoustics at Wrightson Johnson Haddon Williams said no.

Mayor Benjamin said if you model out to a further distance, the assumption is that it would be inaudible or much lower.

Ms. Emily Piersol, Senior Designer in Acoustics at Wrightson Johnson Haddon Williams said yes, the contours would continue to fall off. She said an equivalent distance would decrease by 5 dBA.

Councilor Duvall asked if Ms. Piersol could conduct a live study once the sound system is installed and if she could simulate noise from a crowd and fireworks.

Ms. Emily Piersol, Senior Designer in Acoustics at Wrightson Johnson Haddon Williams said they cannot simulate crowd noise and fireworks. She said they can do another study after the sound system is commissioned and once all of the kinks are worked out to ensure that it is to the specifications of the design.

Mayor Benjamin said this situation can't be treated much differently from everything else we do around this City. It may require us to take a look at the City ordinance. We need to display a commitment to continuously evaluating the situation and then try to use policy to adjust our approach accordingly.

Councilor Plough asked how the scope of this study was determined. She said it wasn't broad enough to include all of the uses of the venue.

Ms. Melissa Gentry, P.E., Assistant City Manager for Operations asked Ms. Piersol if it is typical to only study the use of the venue.

Ms. Emily Piersol, Senior Designer in Acoustics at Wrightson Johnson Haddon Williams said the study was conducted on the installed system in the stadium. She clarified that concerts and fireworks are special use permits.

Councilor Devine noted that at the time of the study the fireworks show had not been designed and the sound levels from concerts will vary.

Ms. Melissa Gentry, P.E., Assistant City Manager for Operations said the City asked Hardball Capital to pay for the cost of the study; this study was commissioned by them, but we are part of the ongoing design and review of the process. She said the fireworks show hasn't been designed, but Hardball is talking with vendors. She said national concerts that are attracted to this venue will bring their own sound system and the setups will vary.

Ms. Emily Piersol, Senior Designer in Acoustics at Wrightson Johnson Haddon Williams said we will expect smaller community events to use the stadium's sound system.

Mayor Benjamin asked the City Manager to develop a process to monitor these specific concerns and bring back specific results and recommendations to City Council.

Councilor Davis agreed with the Mayor's suggestion to allow some settling and then periodically conduct evaluations, collect data on decibel levels and compare that information. He said the pyrotechnics can be adjusted. He said we will start out with one element of the entire venue without other buildings and mature trees. He said we can discuss and work on abating some of that until other things start to happen around the stadium.

Councilor Plough said this venue was highly rated and it is one that the majority of this Council approved going forward with. We want to make it the very best it can be and we want to live up to the expectations that we gave to the surrounding communities. We are trying to build trust and relationships back with communities that have been splintered over this venue. She asked that Council move to waive privilege and allow our legal counsel to say what we can do as it relates to noise, sound and traffic based on the documents that have already been executed.

Ms. Teresa Wilson, City Manager said the owner and developer will be dealing with the venue in terms of having concerts and the riders that would go into effect before the development is built out. She said it would be outside of the scope and authority of this staff to deal with a performer.

Mayor Benjamin noted that every document that outlines the relationship with the developer and Hardball Capital are public documents. He suggested that those documents be published. He said Ms. Plough is referring to the contractual obligations with the managers of the venue. In the interest of full transparency let's figure out how to get all of the information fully in the public domain to include posting this presentation and a full explanation that might be manifested in a memo from Ms. Gentry. He expressed support for the most judicious approach. He wants to make sure that if we end up in an adverse situation with a contracting party that we don't compromise the City's legal position to act on behalf of those very same citizens we are trying to defend.

Councilor Plough said she hopes we would all use due judgment in waiving that privilege. We are at a point where we need to go down this path together with the community. They need to know the abilities that we have and the abilities that we don't have.

A motion was made by Ms. Plough to waive attorney-client privilege. It was seconded by Mr. Baddourah.

Mayor Benjamin said we can easily layout the contractual obligations; let's make sure the contract with Hardball is easily available on the public domain. I support being transparent, but I'm not convinced that this is in the best interest of our position as a Council defending the positions of our citizens. He asked the City Manager to also continue the assessment of the surrounding neighborhoods.

Councilor Devine clarified that Council should be careful in seeking legal advice on our strategy, because that may compromise our position in the future.

Councilor Duvall clarified that the Mayor wants the City Attorney to thoughtfully draft a public document rather than presenting it to us tonight.

Mayor Benjamin agreed that the document would be for public consumption and it would manage expectations within the contractual confines that we have.

Councilor Duvall suggested that Ms. Plough modify her motion to request that the City Attorney prepare a document for public release that would outline our responsibilities under the contract.

Councilor Plough said citizens are concerned about how we are going to enforce the studies. Having a thoughtful and detailed response would be good, but I don't want people to walk away tonight without information. The public has a desire to know what is within the realm of our responsibility and what isn't. We have given some control to other entities and it may be that the best we can do is work with those entities. I am hoping for a preliminary response from our attorneys.

Councilor Devine said there isn't a need to waive privilege; Assistant City Attorney Jeanne Lisowski laid out the terms during a meeting before and she can do that again. She said a written document will lend itself to individual interpretations, but having someone explain it would make it clearer. She agreed with Ms. Plough in that people have suggestions that we know are not possible and it's best to clear that up now.

Mayor Benjamin inquired about the long-term effects of waiving privilege.

Ms. Teresa Knox, Esq., City Attorney advised that once the privilege is waived, it's waived and you can't pull it back. She agreed to answer the questions sufficiently without waiving privilege.

Councilor Plough said we had a privileged discussion in executive session.

Ms. Teresa Knox, Esq., City Attorney advised Ms. Plough that if she wants her to say the same thing, then Council would have to waive privilege. She reminded Council that Assistant City Attorney Lisowski briefed them in executive session and she is not present.

Mayor Benjamin noted that Council isn't talking about substance; we're talking about the best process for getting as much information into the public domain as possible.

Councilor Devine asked that the City Attorney be able to start the conversation before we waive attorney-client privilege. I don't think we need to waive privilege for her to answer the questions; she's not giving us legal advice.

Councilor Plough said we can debate this; it comes down to the core of the issue of whether or not we want to be open and transparent. I am trying to get the answers to the citizens.

Mayor Benjamin said everyone is trying to be transparent and open. The issue is that we can share any legal advice that the City Attorney wants to share with us. He insisted that the only issue is if we end up adverse to Hardball Capital, Hughes Development or someone else, that our opportunity to represent the interest of our citizens is not compromised. It's about making sure that we will not waive a privilege now that we will need later to protect our citizens interest.

Councilor Davis said it's a matter of getting the answers to the questions. He wants to reserve the right to continue the conversation he had with staff earlier on the use of pyrotechnics as it relates to the City ordinance. He wants to make sure the manager of the venue understands why we have an ordinance. If there is an issue, I want to have a discussion on how we can address the concerns of the neighborhoods that are contiguous to the venue.

A motion made by Ms. Plough and seconded by Mr. Baddourah to waive attorney-client privilege and allow our legal counsel to say what we can do as it relates to noise, sound and traffic based on the documents that have already been executed, failed by a vote of two (2) to five (5). Voting aye were Mr. Baddourah and Ms. Plough. Voting nay were Mr. McDowell, Mr. Duvall, Ms. Devine, Mr. Davis and Mayor Benjamin.

Mayor Benjamin asked City Attorney Teresa Knox to answer the various questions that are before Council. He said all of the documents and contracts regarding the Hardball Capital agreement, Venue Development Agreement, Venue License Agreement, and the Bull Street Development Agreement are in the public domain already. He recalled that a number of issues were discussed during the negotiation of the contracts and are contemplated within the documents themselves as it relates to concerts, games and pyrotechnics and the like.

Ms. Teresa Knox, Esq., City Attorney explained that in preparation for today they were asked to look at whether we could limit the concerts to certain nights, limit the games to certain nights; restrict the use of fireworks and require a different show such as a laser light show and the answer is no, because we are contractually obligated and we don't manage the venue. She noted that anything beyond that would be getting into attorney-client privilege. She reiterated that we cannot change those things, because we are contractually obligated.

Councilor Duvall said you told us that we are in a weak position as far as our contractual relationships with Hardball and managing the venue.

Ms. Teresa Knox, Esq., City Attorney said that isn't a weak position; that's the position that we entered into, which is normal. I wouldn't categorize that as weak.

Councilor Duvall said we are in a position where we could be of more help to our neighborhoods by getting cooperation from the people managing that venue under the authority of the contract rather than taking legal action or imposing new ordinances that would not stand.

Ms. Teresa Knox, Esq., City Attorney said the facility has to abide by State law and the City code, but we cannot contractually decide what they can or cannot do.

Councilor Duvall said most of the concerns raised by the neighborhood are in areas that we will need cooperation from the people running the venue and it is my position that we can do more by getting their cooperation through friendship than we can by trying to force positions that we can't enforce.

Mayor Benjamin said we've had a great relationship and we will need to see if the proof is in the pudding. Let's move forward, get as much data as we can and then determine if adjustments need to be made.

Councilor Plough said we have a noise study that they conducted and we we shared it with the community. If we look at it from a concert perspective and we see that there are problems with the noise levels, then the only option available to us is to try to work with the venue under our agreement to ask them to limit the amps. We have no other alternative.

Mayor Benjamin disagreed. He said City ordinances and State law still prevail. If they are in fact in violation of the current noise ordinance, we have the ability through the Police Department to enforce that.

Councilor Plough said we also have the ability to modify the noise ordinance to ensure that it is current. As it stands, we would be pursuing an amendment to the contract that we can't implement.

Mayor Benjamin reiterated that we have a noise ordinance and if they violate it they will be held accountable just as anyone else in the City.

Councilor Plough said she doesn't know if the noise ordinance will give us any protection. I don't want anyone to feel like we can add an element to the noise study that we may or may not be able to implement. She said we have to implement everything across the board and if we modify our noise ordinance it could affect everything.

Mayor Benjamin clarified that Ms. Plough is stating that we do not have the ability to pass a specific ordinance that applies to the baseball stadium, but does not also apply to the Williams Brice Stadium, Fort Jackson, Famously Hot New Year Event, USC Baseball or other events. Our ability to impact this will be seen as bad faith and in violation of our contract.

Councilor Plough said this is an amazing position to be in since we own this venue and the people of Columbia are paying for it.

Mayor Benjamin noted that the people of South Carolina own all of the venues we just talked about.

Councilor Davis said the fundamental point is that the venue has not opened yet. There is a consensus that as this continues to move forward, we would move to evaluate and assess the impact of the noise. We are still looking at the traffic study. We all share the commonality of the impact of the neighborhoods contiguous to the venue. We reserve the right to discuss the impact if we think it's beyond it should be.

Mayor Benjamin said there is nothing that limits the City's ability to enforce or change our noise ordinance. He recalled that a letter was previously shared from the West Central Neighborhood in Fort Wayne, Indiana where the same operators have been operating successfully for the last several years. The operators who have been working in good faith with our staff want the neighborhoods to be supporters, fans, partners and friends in this process. This may require trial and error and some modifications, but we can get there.

Councilor Devine said our noise ordinance states that it shall be unlawful for any person to play any radio, phonograph or musical instrument in such a manner or with such volume, particularly between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence. She asked who determines whether or not it is annoying. She asked if the decibel levels would apply to this. She said the ambiguity of this portion of our ordinance comes up a lot.

Ms. Teresa Knox, Esq., City Attorney agreed that the language is ambiguous and we realized this before now.

Mayor Benjamin acknowledged that the City has not been reticent to enforce the noise ordinance in the past; our Columbia Police Department has been very aggressive in responding to citizen complaints and that won't change.

Councilor Plough asked if the traffic study had been completed and shared with SCDOT. She asked if the City will have a role in the finalization of the traffic study.

Ms. Melissa Gentry, P.E., Assistant City Manager for Operations explained that the roads are owned by DOT, the traffic study is being finalized by Kimley Horn for submittal to DOT, and it is important for DOT to have the opportunity to review it. She said there will likely be meetings to discuss the traffic study. She clarified that the traffic study is for the entire development. She noted that there are existing traffic problems in this area and the study cannot solve pre-existing problems. She said the City will facilitate public input sessions, but she is unsure of the impact these sessions will have.

Mayor Benjamin asked that this presentation and other attendant documents be made available to the public.

Ms. Susan Creed applauded the Council for having a more positive and collegiate atmosphere. She applauded Ms. Plough for her desire to receive input from the neighborhoods. She said that Cottontown is a stone's throw away from the stadium. She has been distressed about Bull Street, because there doesn't seem to be a way to truly participate. She asked Council for a forum where residents can ask questions and receive answers. She suggested that the City provide a long-term view on how this is to be done and the processes that the City has to go through. She doesn't want there to be a barrier.

Mayor Benjamin encouraged Ms. Creed to continue to share other thoughts about how to best communicate information and keep everyone engaged.

Mr. Barry Jones, Sales Representative for MUSCO Lighting said they designed, installed and studied the lighting for Spirit Communications Park. He noted that he is also a resident of Columbia. He displayed an older and modern version of lighting, noting that through the evolution of lighting control, 75% of the lighting is on the field thereby greatly reducing the light that will be seen in neighborhoods. He explained that the light levels on the field itself are the required 100 foot-candles infield and 70 foot-candles outfield. He further explained that a foot-candle is the measurement of light. He said they studied light levels at 100', 300', 600' and 1,000' from the field. He reported that there is no spill light at 1,000'. He noted that the closest neighborhood is the Robert Mills Historical Neighborhood, which is 1,470' away from the stadium and beyond the spill area. He showed pictures of lighting in many stadiums to include a field in Bluffton, SC and River Bluff High School.

Councilor McDowell inquired about the distance from ground zero to the Edgewood Community.

Mr. Barry Jones, Sales Representative for MUSCO Lighting said other neighborhoods were further away and were not measured. He noted that they also did the lighting for Benedict's stadium. He added that the study does not take credit for any trees or buildings; it is assuming that there is a straight view.

Mayor Benjamin asked that City staff measure the distance from the closet homes in the Edgewood Community to the Ensor Building.

Councilor Plaugh asked when the lights will be installed and tested.

Mr. Gregory Tucker, Special Projects Administrator said the infield poles have been wired and the outfield poles will be wired in the next several weeks.

Mr. Barry Jones, Sales Representative for MUSCO Lighting noted that this is the best technology available. He said he will go to the site once the lights are turned on to see what they look like.

## **RESOLUTIONS**

22. Resolution No.: R-2016-005– Repealing Resolution R-207 3-045 Setting a Policy that the City of Columbia will not Exceed Five (5%) of the Gross Revenue of the Water and Sewer System – *This item was withdrawn from the agenda.*
23. [Resolution No.: R-2016-006](#) – Authorizing the City Manager to execute a 911 Communications Center Consolidation Agreement Extension between the City of Columbia and Richland County - *Approved*

Upon a motion made by Mr. Baddourah and seconded by Mr. McDowell, Council voted unanimously to approve Resolution No.: R-2016-006 – Authorizing the City Manager to execute a 911 Communications Center Consolidation Agreement Extension between the City of Columbia and Richland County.

24. [Resolution No.: R-2016-009](#) – Adopting City of Columbia Response to Resistance Policy  
- *Approved*

Councilor Plaugh asked for a summary on the importance of this.

Mr. Mike Hemlepp, Esq., Senior Assistant City Attorney / Police Advisor explained that the Fourth Circuit Court of Appeals decided a case out of North Carolina on January 11, 2016 involving a mentally-ill patient who was tased by the police department. The patient died and the family sued the police department. The Federal Court in North Carolina made a ruling that was appealed to the Fourth Circuit. The Fourth Circuit Court of Appeals determined that excessive force was used. The court believed that it would be making a change in how they would look at the use of Tasers by law enforcement, but how they were going to apply it was ambiguous. Law enforcement agencies throughout the country tried to figure out how to approach this. We made changes to our Taser policy be more in line with the Fourth Circuit Court’s opinion. The case may be appealed to the Supreme Court and we may have to revisit this again if they change the ruling. The most important changes to note are that officers can only deploy Tasers if there is an issue of safety for the officer or someone else. We also changed our policy to Taser someone trying to escape only if they are a safety risk to other people.

Mayor Benjamin reiterated his State of the City Address where he noted that he is very proud of the work and advances that the Police Department has made to keep our community and our officers safe while ensuring that people are treated humanely and that there is justice for all. This is another step in the right direction. He also recalled that President Obama only mentioned one police department in the entire country in his State of the Union Address. President Obama specifically cited the Columbia Police Department for implementing the pillars of his 21<sup>st</sup> Century Policing Taskforce. We are very proud of the work you are doing and we want to support you as we move forward.

Upon a motion made by Mr. Davis and seconded by Mr. Duvall, Council voted unanimously to approve Resolution No.: R-2016-009 – Adopting City of Columbia Response to Resistance Policy.

**OTHER MATTERS**

25. [Neighborhood Street Lighting Requests](#) - *Approved*

Upon a motion made by Mr. Baddourah and seconded by Ms. Plaugh, Council voted unanimously to approve the following Neighborhood Street Lighting Requests:

Neighborhoods Listed by Priority	Existing Lights	Requested Lights	Current Lease Cost / Annually	Project Request Total	Total Year to Date
1408 Sunbury Lane	2	1	\$237.84	\$118.92	\$713.52
546 Romford Road	6	1	\$713.52	\$118.92	\$832.44

26. Council is asked to approve a [Certificate of Convenience and Necessity](#), as requested by the Business License Division. Award to Mr. Kenneth Johnson doing business as Kenneth's Taxi located 736 Meeting House Road, Hopkins, SC 29061. – *Note: The applicant is planning to place one (1) taxi into service and will add additional taxis at a later date. - Approved*

Upon a motion made by Mr. Baddourah and seconded by Mr. Duvall, Council voted unanimously to approve a Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Mr. Kenneth Johnson doing business as Kenneth's Taxi located 736 Meeting House Road, Hopkins, SC 29061.

27. Council is asked to approve Funding for [Council Expense Accounts for Newly Elected Officials](#) in the total amount of \$16,000.00. *Recommended Funding Source: Council Contingency Fund – Approved by a vote of six (6) to one (1).*

Mr. Davis made a motion to approve funding for Council Expense Accounts for the newly elected officials.

Councilor Plaugh said she would like to allocate the \$16,000 for Councilman McDowell and Councilman Duvall for their City Council expenses; that would be \$8,000 each from the City Council Contingency budget. She said I'd also like to address the shortage of \$18,685 in the Council's special projects funding by reducing the leadership travel by \$18,685. The final piece of the motion is to modify City Council's policy to provide for City Council expenses being rolled over from year to year as done in the past and to no longer fund City Council projects in the fiscal year 2016/2017 budget.

Councilor Devine clarified that Council Special Projects includes the Domestic Violence Walk, National Youth Violence Prevention and the Red Dress Campaign, which we are doing this week. She asked Ms. Plaugh if she is requesting that these events be canceled.

Councilor Plaugh said this isn't affecting anything this year; they would be effective next year; and we'd have to budget for them under community promotions or someplace, but not under the council contingency.

Councilor Devine said we are being asked to establish expense accounts for the newly elected Council members. She said it would require a budget amendment if we did it this year and if you are not asking us to do it this year the appropriate place to raise that would be during the budget discussions later in the year.

Councilor Plaugh said the purpose of the motion is for staff to know how to plan going forward. This only takes a majority of the leadership travel funding away to cover our shortage.

Mayor Benjamin asked Ms. Plough for a copy of her motion. He agreed with taking these issues up during the budgeting process. He said he heard that Mr. Baddourah shared with some folks his intention to do this and it would've been wonderful if we had dialogued about those intentions, but since we haven't, I will be voting against the motion. He asked Ms. Plough if she no longer wanted to fund the events outlined by Ms. Devine to include leadership travel prospectively.

Councilor Plough said that's correct; there would not be a City Council special projects fund; those items will be taken up as part of the overall City budget; and City Council expense accounts would roll over from year to year as done previously.

Mayor Benjamin said we are also taking up a current year budget amendment, which has not been previously noticed.

Ms. Teresa Wilson, City Manager sought clarification on Ms. Plough's reference to a shortage. She clarified that it's not a shortage, but City Council needs to decide how to spend the money they have. She stated that the amount of money available at the time Council took action was based upon us not being at year-end. Council can be held at the \$61,400.00 or allocate the available funding.

Councilor Devine asked if a budget amendment is required.

Ms. Melisa Caughman, Budget and Program Management Director recalled that the City Council special projects funding was established by a motion in June and part of that was using Council expense accounts as they were at that time. The total amount was \$61,400. By the time we finished the year the \$20,000 was no longer available, leaving a total of \$42,000. We were addressing the question of keeping the budget at \$61,000. Staff has suggested taking the balance from City Council's contingency or make a budget amendment to allocate from fund balance to cover the shortfall of \$18,865 to keep the original Council action whole.

Ms. Teresa Wilson, City Manager said the motion was made and approved to no longer carry forward your expense accounts. She explained that at that time an assumption was made. You had two other council members who are no longer on Council, but they did continue to spend down their expense accounts. She said Ms. Caughman has given you options on how to get back to the original amount that was funded.

Councilor Devine said the establishment of Council expense accounts for newly elected officials is on our agenda and that is what we should be talking about. She said we could have discussed this before. She stated that Mr. Baddourah said in front of staff today that he can't wait to see what Steve and Tameika do when we vote to take away their travel money. She said we are the only ones on this Council who pursue leadership positions in national organizations. She said that isn't transparent and it's not collegial. She said everyone has an opportunity to represent this City; that brings money back to this City. If you want to take away the Red Dress Campaign, Domestic Violence Walk and leadership activities, then say that. But to bring it forward like this is ill-timed, not transparent and not genuine.

Councilor Plough said it is very transparent, because the backup materials discuss that we have an \$18,685 shortage that we need to fund or cut. If we chose to pull this out of the General Fund balance, then that would require a budget amendment. Choosing to trim it doesn't take up all of the funding for leadership travel. I think it is appropriate as part of my motion, because it is part of the backup material. I am suggesting that we trim our special projects account to make up for it. I suggest that we no longer pull away Council's expense funds that are not used and go back to our old policy of allowing unspent dollars to rollover. This will result in Councilmen Duvall and McDowell having the opportunity to spend their \$8,000 in the following year; it reverts to a previous policy.

Mayor Benjamin said there is no shortage. He said again that it would be helpful to have Ms. Plough's motions. He said rolling over the expense accounts year after year is a bad practice. He said what is being represented for the newer members of Council is a 6-month amount for the second half of the fiscal year. He said the funds do not have to be used for special projects. He said we are going to take up a \$15,748 amendment from the contingency fund to change the orientation of Council Chambers after recently spending a considerable amount of money to modernize it. In that same support of openness and transparency, it would've been wonderful for your colleagues to have had the opportunity to review your motion; some parts of the motion may be meritorious; and it would be nice to see what they are, the impact that they have and how they are consistent or inconsistent with what staff has recommended. Let's see how we can take those prospective items up during the budgeting process. He acknowledged that this is the second or third time that we've moved Mr. Baddourah's resolution, because I've raised concerns with the incredible impact I believe it will have on public safety. It is more appropriate to talk about those during the budgeting process. I think we have a consensus that we will discuss them as a committee of the whole moving forward. He admitted to having issues with several parts of the motion; the greatest concern is with the way in which it was attempted to be presented in an ambush format.

Ms. Teresa Wilson, City Manager clarified that she and staff follow the motions of this Council and try to be very clear and consistent about doing so. She stated that the action item they were asked to bring back was for the two new councilmembers expense accounts. She said as Ms. Caughman described in the memo, Ms. Plough subsequently asked questions about the special projects budget. She took responsibility for not assisting Ms. Caughman with wording the memo. She said the motion was not to carry forward funds. As the City Manager, my opinion is that there is nothing that you need to make whole; if that is your intent to do so, we will certainly help you with that.

Councilor Davis recommended that Council take up the intended issue tonight to provide the budget arrangement for the two new councilpersons. He is willing to discuss the carryover process during a work session or during budget time.

Ms. Teresa Wilson, City Manager recalled that the Administrative Policy Committee reviewed this within the policies and decided to bring it before the full Council.

Councilor Plaugh modified her motion to remove the part about no longer funding Council's special projects in the fiscal year 2016/2017 budget; we will take that up when the budget is in front of us.

Councilor Devine asked Ms. Plaugh to break up her recommendations into different motions.

Mr. McDowell made a motion to approve funding for the two Council expense accounts and to table Ms. Plaugh's motion until a later time. Mayor Benjamin seconded the motion.

Councilor Duvall asked for an explanation on the deficit in the memo.

Ms. Melisa Caughman, Budget and Program Management Director said staff previously indicated to Council that the full \$61,400 that was allocated during the budget discussions was not available, because that motion took into account \$20,000 coming from the available balance in Council expense accounts. When we closed the year there wasn't \$20,000 available. We moved forward with the \$40,000 and we asked in the past how to allocate that amount to the different categories.

Mayor Benjamin asked to receive the various recommendations posed by Ms. Plaugh in writing and to publicly notice the recommendations. He asked staff to clarify the memo. He restated Mr. McDowell's motion to consider council expense accounts for newly elected officials in the amount of \$16,000 or \$8,000 each for Mr. McDowell and Mr. Duvall and to table the other items for discussion during the budgeting process.

Councilor Plaugh said it isn't fair to give our colleagues \$8,000 and tell them they have less than six (6) months to spend it.

Councilor Devine said they will get another \$8,000 in July. She asked how that isn't fair.

Councilor Plaugh clarified that this is before us and this is not something that she brought up that is not linked in with an item on our agenda. All of this was presented before us in a memo from staff.

Upon a motion made by Mr. McDowell and seconded by Mayor Benjamin, Council voted six (6) to one (1) to allocate \$8,000.00 for Mr. Duvall and Mr. McDowell's Expense Accounts for a total amount of \$16,000.00 from the Council Contingency Fund and to table any other items until we take them up during the budget process. Voting aye were Mr. McDowell, Mr. Duvall, Mr. Baddourah, Ms. Devine, Mr. Davis and Mayor Benjamin. Ms. Plaugh voted nay.

28. Council is asked to approve Funding for [Renovations to the City Council Chambers Desk and Improvements to the Sound System](#) in the amount of \$15,748.00. *Recommended Funding Source: Council Contingency Fund - Approved*

Ms. Teresa Wilson, City Manager asked Mr. Knoche to outline the benefit of constructing a new desk.

Mr. David Knoche, General Services Director said the cost difference is \$1,658 to construct a new desk. He said you would still have this desk to work at while the new one is being constructed. He said the current desk was in the picture dated 1951. He said the design will be exactly the same. He acknowledged that the historic preservation staff said we would be okay.

Councilor Devine supported purchasing a new desk.

Mayor Benjamin asked that the current desk be repurposed and that the sound be addressed as well.

Mr. David Knoche, General Services Director said the proposed layout for work sessions would include lowering the podium. He said the new dais would include the current technology and speakers will be added in front of the desk so that Council can better hear each other.

Councilor Duvall said The State Newspaper incorrectly reported that Council is renovating the second floor conference room. He said the renovations are being done so that work sessions can be moved up here. He asked about the screen or a mobile smart board.

Mr. David Knoche, General Services Director said a monitor will be put on a mobile stand.

Mayor Benjamin asked that information also go to the overhead screen.

Mr. David Knoche, General Services Director explained that testing was done today to ensure that sound and video is streamed between the second floor conference room, the City Manager's conference room and Council Chambers.

Mr. Duvall moved to accept the staff recommendations for the reconfiguration and construction of work tables. Mayor Benjamin seconded the motion.

Mr. David Knoche, General Services Director clarified that we will build new desk with a new configuration, two tables and a lower podium

Councilor Plough sought clarification on the funding source.

Ms. Teresa Wilson, City Manager said the recommendation is the City Council Contingency Fund.

Mr. David Knoche, General Services Director said Council is being asked to approve the construction of a new dais, the sound system in the dais, two new tables and a sound system for the tables. He said it could take longer than 30-days to construct a new desk. Council will continue to meet using the existing dais.

Councilor Davis asked about the changes to the podium.

Mr. David Knoche, General Services Director said the podium will be shortened and a table top podium will be used.

Ms. Teresa Wilson, City Manager asked if work sessions are being moved upstairs.

Councilor Duvall said yes, that was the intent.

Mayor Benjamin said sure; it would be a mistake to make the expenditure and not make the move.

Councilor Devine said we never made the decision to move work sessions, but she is fine with moving forward if that is the consensus. She suggested that they try it, but she is not sure that this is the appropriate venue for work sessions. She asked if amendments are being made downstairs that would prohibit Council from transitioning back downstairs if Chambers is not conducive for work sessions.

Mr. David Knoche, General Services Director said the consultants were told that we still want to be able to use that room in the same way we use it now; it will be used as a meeting location.

Upon a motion made by Mr. Duvall and seconded by Mayor Benjamin, Council voted unanimously to approve the staff recommendation to construct a new desk with sound, new tables with sound and to modify the existing podium in the total amount of \$29,053.00 from the Council Contingency Fund.

## **APPOINTMENTS**

### 29. [Central Midlands Council of Governments](#)

Upon a motion made by Mayor Benjamin and seconded by Ms. Plough, Council voted unanimously to approve the appointment of The Honorable Tameika Isaac Devine to the Central Midlands Council of Governments.

### 30. [Central Midlands Regional Transit Authority](#)

Mayor Benjamin suggested that we cast a wide net to see which citizens are interested in serving. This is a prime example of a board where it may not be best for a councilperson to serve. We provide governance by appointing individuals. Although the system is diversifying, the most recent study showed that the majority of riders are African American females age 50 and that demographic is not represented on the CMRTA board. He said a former or current user of the system would have a very valuable perspective. He suggested that the vacancy be posted for ten (10) days.

Councilor Duvall agreed with casting a wide net for the vacancy. He made a motion to appoint Mr. Baddourah on an interim basis to represent the City of Columbia at meetings and then we can appoint a permanent position. Ms. Plough seconded the motion.

Councilor Devine said the CMRTA Board has elections coming up and we should encourage interested individuals to apply. We need to keep our appointment up to date and the needs of our citizens in perspective.

Mayor Benjamin reiterated that it is important for this board to have diverse representation and he has asked the Chairman of County Council to take the same diversity considerations as he makes his appointment to the board. The profile of a typical rider is an African American female age 50; that demographic needs to be represented in the governance structure of this board. We need to allow our appointees to provide governance and get politics and elected officials out of the COMET management prospectively.

Councilor Plough asked to cast a wide net of riders of the system and DART.

Mayor Benjamin asked that the vacancy be posted at the transit station, on the buses and on DART.

Upon a motion made by Mayor Benjamin and seconded by Ms. Plough, Council voted unanimously to approve the temporary appointment of The Honorable Moe Baddourah to the Central Midlands Regional Transit Authority and to authorize the advertisement of one (1) vacancy encouraging current riders of the COMET and DART to apply.

### **CITY COUNCIL COMMITTEE REPORTS/REFERALS**

31. Council is asked to refer the review of policies and procedures for Smart Cities to the Environment and Infrastructure Committee, as requested by The Honorable Mayor Stephen K. Benjamin.

Upon a motion made by Mayor Benjamin and seconded by Mr. Duvall, Council voted unanimously to refer the review of policies and procedures for Smart Cities to the Environment and Infrastructure Committee.

32. [Arts and Historic Preservation Committee Report for January 25, 2016](#)

Councilor Baddourah reported that the Arts and Historic Preservation Committee met on Monday, January 25, 2016. One Columbia provided an update on twenty events they've been doing around the City of Columbia, including the Poet Laureate, the Gallery at City Hall, the Piano Project and the Drum Project. He reported that the committee discussed the hospitality tax funding study and the public was allowed to provide feedback. He said it was an informative meeting and no recommendations were made.

### **APPEARANCE OF THE PUBLIC**

*No one appeared at this time.*

Councilor McDowell recognized his grandson, Master Timothy McDowell who is shadowing him today. Timothy wants to be an entrepreneur and a politician.

Upon a motion made by Mr. Duvall and seconded by Ms. Plough, Council voted unanimously to enter into Executive Session at 9:26 p.m. for the discussion of **Items 1** through **4a** as previously noticed.

Upon a motion made by Ms. Devine and seconded by Ms. Plough, Council voted unanimously to adjourn the meeting at 10:26 p.m.

Respectfully submitted by:

Erika D. Moore  
City Clerk