



CITY OF COLUMBIA
CITY COUNCIL MEETING / ZONING PUBLIC HEARING MINUTES
TUESDAY, MARCH 15, 2016 - 6:00 P.M.
CITY HALL - 1737 MAIN STREET
COUNCIL CHAMBERS - 3RD FLOOR

The Columbia City Council conducted a Council Meeting / Public Hearing and a Zoning Public Hearing on Tuesday, March 15, 2016 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:05 p.m. and the following members of 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 H. McDowell. Also present were Ms. Teresa Wilson, City Manager and Ms. Erika D. Moore, City Clerk. This meeting was advertised in accordance with the Freedom of Information Act.

PLEDGE OF ALLEGIANCE

Master Brian Seymour led the audience in the Pledge of Allegiance.

INVOCATION

Chaplain Darrell Croft, Columbia Fire Department offered the Invocation.

ADOPTION OF THE AGENDA

Upon a motion made by Mr. Duvall and seconded by Mr. McDowell, Council voted unanimously to adopt the agenda, subject to removing **Items 2** and **7** from the Consent Agenda.

PUBLIC INPUT RELATED TO AGENDA ITEMS

No one appeared at this time.

CONSENT AGENDA

Upon a motion made by Mr. Davis and seconded by Mr. Duvall, Council voted unanimously to approve the **Consent Agenda Items 1, 3** through **6** and **8** through **15**.

CONSIDERATION OF BIDS & AGREEMENTS

1. Council is asked to approve the [Purchase of one \(1\) Rider Sweeper/Scrubber](#), as requested by the Parking Services Department. Award to M.A.N.S. Distributors, Inc., a Woman Owned Business Enterprise using the General Services Administration Contract in the amount of \$58,770.59. This vendor is located in Carrollton, TX. *Funding Source: Parking Facilities-Machinery and Equipment Capital, 5312501-658300 – Note: The original budgeted amount for this purchase is \$70,000.00. - Approved*

- Council is asked to approve [Contract Amendment #2 for Project SS7251; Blossom Street and Huger Street Sewer Improvements](#), as requested by the Utilities and Engineering Department. Award to W.K. Dickson, Inc., in the amount of \$82,240.00. This firm has headquarters in Charlotte, NC and a local office in Columbia, SC. *Funding Source: Capital Outlay Projects Fund, 5529999-SS7251-658650 – Note: This is a Clean Water 2020 Program Project. The original contract amount was \$1,009,500 and the revised contract amount is \$1,483,380.00. – Approved*

Councilor Plough sought clarification to the amendment for the project previously labeled as the Pulaski Street streetscape.

Ms. Dana Higgins, City Engineer said the amendment will give the construction inspector more time to review the sewer project.

Councilor Plough said she will support this amendment because it is using sewer money for a sewer project.

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted unanimously to approve Contract Amendment #2 for Project SS7251; Blossom Street and Huger Street Sewer Improvements, as requested by the Utilities and Engineering Department. Award to W.K. Dickson, Inc., in the amount of \$82,240.00. This firm has headquarters in Charlotte, NC and a local office in Columbia, SC.

- Council is asked to approve [Change Order #1 for Project SS691116](#); Sanitary Annual Root Control Maintenance, as requested by the Utilities and Engineering Department. Award to Duke’s Root Control in the amount of \$200,000.00. This firm is located in Syracuse, NY. *Funding Source: Savings from Project SS7209 FY 15/16 Wastewater Maintenance Operation Budget – Note: This is a Clean Water 2020 Program Project and the original budgeted amount is \$450,000.00. - Approved*
- Council is asked to approve a [Street Recovery Paving Project](#), as requested by the Street Division. Award to Sloan Construction Company, the lowest responsive bidder of each lot in the amount of \$372,624.42. This firm is located in Columbia, SC. *Funding Source: Street Resurfacing Project/Capital Project, Mill & Resurface Roads 4079999-658650-SR911346-658650 – Note: The original budgeted amount is \$372,624.42. - Approved*

Lot	Description	Amount
1	Earth Road	\$199,354.40
2	Heath Hill Lane	\$50,480.02
3	Fountain Lake Way from Atlas Road to end of City owned and maintained roadway	\$100,430.50
4	California Drive	\$20,659.50
	Owners and Contractors Protective Insurance	\$1,700.00
	Total	\$372,624.42

5. Council is asked to approve [Project SS733101; Agreement for Upper Kinley Sewer Improvements](#), as requested by the Utilities and Engineering Department. Award to Thomas & Hutton in the amount of \$556,800.00. This firm has headquarters in Savannah, GA and a local office in Columbia, SC. *Funding Source: Sanitary Sewer Capital Fund, 5529999-SS733101-658650 – **Note:** This is a Mentor Protégé Program Project and a Clean Water 2020 Program Project. Grice Consulting, a Minority Business Enterprise of Atlanta, GA is the Protégé and will provide engineering services at \$111,500 (20%) of the contract value. The original budgeted amount is \$556,880.00. The following sub-consultants will receive \$46,500 (8.36%) of the contract value: - Approved*

Sub-consultants	Locations	Services	Contract %	Amount
GEL Geophysics, LLC	Charleston, SC	Subsurface Utility Engineering	1.8%	\$10,000.00
RedZone Robotics	Columbia, SC	Close Circuit Television	2.7%	\$15,000.00
Terracon Consulting	Columbia, SC	Engineering	3.86%	\$21,500.00

6. Council is asked to approve [Change Order #1 for Project SS696616](#); Annual Sewer Rehabilitation, as requested by the Utilities and Engineering Department. Award to Inland Pipe Rehabilitation Southeast of Stone Mountain, GA in the amount of \$1,500,000.00. *Funding Source: \$1,000,000.00 will come from Savings from Project SS678616 and \$500,000.00 will come from Savings from Project SS722916 – **Note:** This is a Mentor Protégé Program Project and a Clean Water 2020 Program Project. Holzheimer Construction of Gilbert, SC is the Protégé and will receive \$450,000.00 (30%) of the change order amount. The original budgeted amount is \$3,659,971.80. - Approved*
7. Council is asked to approve an [Agreement with the City of Columbia and Richland County to construct the Three Rivers Greenway Saluda Riverwalk Phase I Project](#) in the amount of \$7,902,242, as requested by the Senior Assistant City Manager Office. – ***Note:** Richland County will provide construction funding from the Transportation Penny Program. - Approved*

Councilor Plough asked staff to explain this contract, the area involved and the funding needed for acquisition, equipment and ongoing operating expenses.

Ms. Dana Higgins, City Engineer recalled that a presentation was made on the Greenway to City Council in December 2015. She said the recommendation was to have a three-man park ranger crew assigned to this area; \$78,000 is for initial startup costs for equipment; and personnel and operating costs are \$169,000.

Councilor Devine inquired about the construction time.

Ms. Dana Higgins, City Engineer said it will take six months and the project will go out to bid within the next three months.

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted unanimously to approve an agreement with the City of Columbia and Richland County to construct the Three Rivers Greenway Saluda Riverwalk Phase I Project in the amount of \$7,902,242, as requested by the Senior Assistant City Manager Office.

ORDINANCES – SECOND READING

8. [Ordinance No.: 2016-013](#) – Granting an easement to South Carolina Electric & Gas Company (SCE&G) along a portion of City-owned property identified as Richland County TMS #09209-17-01 (Hyatt Park) for utilities to serve the North Main Streetscape Project, Phase 1-A-2; CF#250-388 – *First reading approval was given on March 1, 2016. – Approved on second reading.*
9. [Ordinance No.: 2016-016](#) – Granting easements and right of way to Richland County along a portion of City-owned properties identified as Richland County TMS# 09209-17-01 (Hyatt Park), TMS# 09210-05-08 (City Office Building and 3900 Monticello Road) and TMS# 09214-14-17 & 05 (Eau Claire Fire Station #13 (4112 North Main Street)) for roadway improvements for the North Main Streetscape Project, Phase 2; CF#250-389 – *First reading approval was given on March 1, 2016. – Approved on second reading.*

EVENT RESOLUTIONS

10. [Resolution No.: R-2016-008](#) – Authorizing consumption of beer and wine beverages only at Jerry Fest at the Five Points Fountain on October 2, 2016 - *Approved*
11. [Resolution No.: R-2016-010](#) – Authorizing consumption of beer and wine beverages only at the Indie Grits Film Festival in the Gervais Street Extension Parking Lot on Thursday, April 14, 2016 and Saturday, April 16, 2016 - *Approved*
12. [Resolution No.: R-2016-023](#) – Authorizing consumption of beer and wine beverages only at the Indie Grits Film Festival Closing Party in the Cannon Parking Garage in the event of inclement weather on Sunday, April 17, 2016 - *Approved*
13. [Resolution No.: R-2016-013](#) – Authorizing consumption of beer and wine beverages only at Soda City Oktoberfest on Saturday, October 15, 2016 - *Approved*
14. [Resolution No.: R-2016-017](#) – Authorizing consumption of beer and wine beverages only at The Rosewood Crawfish Festival on Saturday, May 7, 2016 - *Approved*
15. [Resolution No.: R-2016-020](#) – Authorizing consumption of beer and wine beverages only at the River Rocks Festival at Canalside on April 9, 2016 - *Approved*

PRESENTATIONS

16. [Introduction of the March 2016 Employee of the Month](#) – Ms. Gloria Saeed, Executive Director of the Columbia Housing and Two Notch Development Corporations

Ms. Gloria Saeed, Executive Director of the Columbia Housing and Two Notch Development Corporations introduced Ms. Marsheika G. Martin, Program Coordinator for the Columbia Housing Development Corporation and Two Notch Development Corporation as a ten year employee with an impeccable attendance record. She said Ms. Martin shows respect and consideration for the department and her co-workers and she displays a positive attitude and leadership.

Mayor Benjamin presented Ms. Marsheika Martin with a plaque and Ms. Teresa Wilson, City Manager presented Ms. Martin with a token of appreciated for being selected as the March 2016 Employee of the Month.

17. [AIDS Healthcare Foundation's Spoken Word Contest](#) – Ms. Elizabeth McLendon, M.A., Advocacy Mobilizer for the AIDS Healthcare Foundation and Mr. Jeffrey Guillaume, South Carolina and National Spoken Word 2K15 Grand Slam Winner

Ms. Elizabeth McLendon, M.A., Advocacy Mobilizer for the AIDS Healthcare Foundation said there is a wealth of creativity in our City through the spoken word community. She explained that the AIDS Healthcare Foundation sponsored the Spoken Word 2K15 competition to use young people's creativity to address the HIV epidemic that seriously affects South Carolina. She said this is the first year that South Carolina has not been in the top ten for HIV. She provided additional information about the AIDS Healthcare Foundation and its partners.

Mr. Shomari Carey, President of Very Special Individuals, which is an education and entertainment company that offers poetry, motivational speaking and writing classes. He said that writing is a way to cope, create and express. For more information visit www.wearevsi.com.

Mr. Jeffrey Guillaume, Vice President of Very Special Individuals and the South Carolina and National Spoken Word 2K15 Grand Slam Winner performed his prize-winning spoken word poem.

Mayor Benjamin and the members of City Council presented Mr. Jeffrey Guillaume with a City of Columbia Youth Achievement Award.

18. Public Funds for Public Purpose Doctrine – Mr. Danny Crowe, Esq., Crowe Lafave, LLC

Mr. Danny Crowe, Esq., Crowe Lafave, LLC said that many non-profit organizations frequently request funds through accommodations tax grants, hospitality tax grants, other city grant requests and programs and through individual Council members. He said at the City's request he reviewed State law concerning municipal grants to non-profits. He reported that the public purpose should be consistent with a governmental purpose or function of the City; the benefit to the public should predominate over any benefit to the organization or its members; and the

benefit to the public should be primary and direct. There are State constitutional provisions that prohibit the use of public funds for the direct benefit of individuals, businesses, corporations, associations, religious institutions or private educational institutions. There must be a reasonable relationship between the purpose and the means by which that purpose is achieved. He outlined the four-part test that should be utilized. He added that unrestricted grants should be avoided; performance-based contracts should be considered; and adequate controls should be developed. He recommended that Council consider the adoption of similarly written policies and procedures for grants or donation requests to include a review process. He offered to work with the City to draft such policies that would enhance compliance with State law.

Councilor Plough asked Mr. Crowe to elaborate on the phrase “reasonable relationship”.

Mr. Danny Crowe, Esq., Crowe Lafave, LLC said there should not be too many things between the money and the public purpose.

Councilor Duvall asked what is considered to be public funds.

Mr. Danny Crowe, Esq., Crowe Lafave, LLC clarified that any city funds are public funds, regardless of the source.

Councilor Devine said we are routinely asked to purchase ticket events or sponsor youth groups from our individual expense accounts. She asked if this discussion is to alert us that some of these things may not meet the test and are ineligible for funding.

Mr. Danny Crowe, Esq., Crowe Lafave, LLC said yes. He said State law imposed requirements on you and you have to establish a quid pro quo between the City and the organization seeking those funds. The city is required to look at the organization, its nature, its length of existence, successes and other funding sources. Look at the specifics of the proposal and then it is incumbent upon the city to continue to evaluate and follow up to ensure that the contract has been performed. He said those requesting funds may walk away dissatisfied, but this Council is required to fulfill its obligations to following the law.

Councilor Devine requested that information be added to the notice of funds available and other documents so that applicants are clear on the criteria to ensure that public purpose is met.

Mayor Benjamin said this counsel was given to City Council and it was important for him to do this in the public domain so that all citizens understand how we will handle this going forward.

19. [Proposed Rental Housing Regulations](#) – Mr. William “Skip” Holbrook, Columbia Police Chief

Councilor Davis reported that the Economic and Community Development Committee has been working with the Legal staff, police department code enforcement staff and citizens throughout the City and private property owners regarding concerns with rental properties. He said we will allow staff to present the final document to you tonight.

Councilor Devine stated that this ordinance is being proposed to address valid concerns that City staff has had for many years; it is not directed to any group of people or a particular part of town. There is an issue and some landlords believe this is punitive to them, but it is not intended to be punitive. We want clean and safe neighborhoods and housing that meets a standard that we can all be proud of. She thanked Skip and Mike for incorporating the concerns we've heard. We need to move forward with trying to put something in place.

Councilor Baddourah said he is comfortable with this because tenants and landlords came together to discuss this issue. It is close to perfect and it will address concerns from landlords, tenants and neighborhood leaders.

Police Chief William "Skip" Holbrook said this end product includes best practices and industry standards and it is a collaborative document. It is something we can all wrap our arms around.

Mr. Mike Hemlepp, Esq., Assistant City Attorney / Special Advisory to the Police Department added that the Business License Division was integral in drafting this ordinance. The permitting process was recommended by staff to track the properties because we don't know how many rental properties we have. We are creating an administrative remedy for any issues that could arise. Our intent is not to be punitive. Our code enforcement office has a great success rate for abating violations with owner occupied homes, but it is more difficult with rental properties. There is an appeals process that has been changed since the last time Council has seen it. We've met with many stakeholder groups in an effort to balance the ordinance and to make it less of a burden.

Mayor Benjamin asked if the information from this permit process will be placed in a public domain.

Mr. Mike Hemlepp, Esq., Assistant City Attorney / Special Advisory to the Police Department said it is subject to FOIA, but we are not capturing a lot of information. We are capturing the property location and the contact information. The points assessed would be subject to FOIA but we will provide adequate notice to the landlord and the tenant.

Councilor Plough asked how owners of rental property will be notified about this ordinance.

Mr. David Hatcher, Housing Official for the Code Enforcement Division of the Columbia Police Department said they will contact owners based on information received from Richland County.

Council opened the meeting for public input.

Ms. Katie Bolden asked if the City is charging a license fee for rental properties. She asked if this will apply to Section 8 properties. She said we are trying to make things work for people in the neighborhood. We are paying property taxes and now you are charging another fee. She asked what the fees would be used for.

Councilor Devine said it will go into our General Fund. The point is not to charge a fee, but to have a registration process.

Ms. Teresa Wilson, City Manager said the intent is to address blighted properties with absentee landlords. Those funds will be directed back into those properties as well.

Mr. John Clements said he owns property near Five Points. He said you didn't think of this, they did. He said to address the issue contact County records. We pay 150% more property taxes. He said he owns a home and rental property and he don't mind ticketing people who do illegal things. He said an officer refused to ticket a car that was parked over the crosswalk, but the police wouldn't ticket the car.

Ms. Jennifer Gardner said you are trying to collect more fees. It is a lack of data. I cannot understand this document. The word property means tax map number. She sought clarification on the terms property and unit. She asked to review the document with the lawyer.

Mr. Mike Hemlepp, Esq., Assistant City Attorney / Special Advisory to the Police Department said a permit is required for every unit, but if you have a business license you won't be charged a fee.

Mayor Benjamin said it will be important to go through an extensive public education campaign.

Mr. Mike Hemlepp, Esq., Assistant City Attorney / Special Advisory to the Police Department said the effective date is July 1, 2016 to allow time for staff to prepare a public information campaign.

Ms. Jennifer Gardner asked why the City can't track how the money will be spent.

Councilor Davis recommended that Council adopt this document and schedule a public hearing and first reading on April 5, 2016.

Councilor Plough asked staff to provide an estimate of the revenues that will be generated from the fee and the operating costs.

Mayor Benjamin requested information on how the funds would be sequestered and used to improve neighborhoods.

Councilor Devine said it may be difficult for staff to provide the information requested by Ms. Plough, because there are so many variables.

Mayor Benjamin inquired about a public education campaign. He thanked all of the stakeholders that worked to build consensus around this issue.

Upon a motion made by Mr. Davis and seconded by Mr. Baddourah, Council voted unanimously to schedule a public hearing and first reading on April 5, 2016 for the proposed rental housing regulations.

RESOLUTION

20. [Resolution No.: R-2016-024](#) – Approving the honorary naming of the intersection of 2000 block of Greene Street between Laurens Street to Harden Street "Andy Shlon Street" – *Approved by a vote of six (6) to one (1).*

Councilor Devine said she loves Andy and Andy's Deli. She said she won't be able to vote for this, because she has heard from several people in Five Points with concerns about how we rename certain streets. She said we recognized Andy several years ago. The concern is that City Council doesn't have a process for the honorary renaming of streets. She asked staff to draft a formal process for honorary street naming.

Upon a motion made by Mr. Duvall and seconded by Ms. Plough, Council voted six (6) to one (1) to approve Resolution No.: R-2016-024 – Approving the honorary naming of the intersection of 2000 block of Greene Street between Laurens Street to Harden Street "Andy Shlon Street". Voting aye were Mr. McDowell, Mr. Duvall, Mr. Baddourah, Ms. Plough, Mr. Davis and Mayor Benjamin. Ms. Devine voted nay.

Councilor McDowell agreed with Ms. Devine's request for a formal process. He suggested that a resolution be presented to Council at the next meeting.

Ms. Teresa Wilson, City Manager agreed to discuss this with staff to make sure we don't conflict with state policies.

Councilor Duvall said the State of South Carolina has adopted a naming policy and many cities in South Carolina have adopted naming policies by ordinance.

ORDINANCES – FIRST READING

21. [Ordinance No.: 2016-012](#) – Granting an encroachment to the University of South Carolina for the use of the right of way areas of the 600 and 700 blocks of Lincoln Street for installation and maintenance of high density polyethylene (HDPE) conduit for the West Campus Dorms adjacent to Richland County TMS #08915-09-01 and 08915-10-01 – *Approved on first reading.*

Upon a motion made by Mr. Davis and seconded by Mr. Duvall, Council voted unanimously to give first reading approval to Ordinance No.: 2016-012 – Granting an encroachment to the University of South Carolina for the use of the right of way areas of the 600 and 700 blocks of Lincoln Street for installation and maintenance of high density polyethylene (HDPE) conduit for the West Campus Dorms adjacent to Richland County TMS #08915-09-01 and 08915-10-01.

22. [Ordinance No.: 2016-017](#) – Consenting to the Inclusion of Property in a Multi-County Industrial/Business Park (Haven Campus Communities, LLC, Richland County TMS #11501-01-01(p), Calhoun Street, Barnwell Street, Gregg Street) – *Approved on first reading by a five (5) to two (2) vote.*

Councilor Duvall said this is creating lots of comments to him in opposition to the tax break on the Bull Street property. He said he will vote for these tax breaks because a previous Council established the rules for tax breaks. In order to be consistent with our application of this law he agreed to vote for it. He asked that second reading be deferred until the County calls for third reading implementing the tax break.

Councilor Baddourah said he voted against the ordinance that included the Bull Street development as a tax incentive, because it is double-dipping. Giving them a multi-use venue is enough public funds to support any development at Bull Street; a tax incentive is not necessary.

Councilor Plough said this is a ten year commitment of a 50% subsidy that equates to \$6.8 million. We are struggling to meet our financial obligations on Bull Street already and there is pending litigation that the City will be involved in. I'm not giving another \$6.8 million subsidy to the Bull Street Development.

Mr. Ned Pendarvis said he has been in the real estate development business for 36 years and he understands tax incentives. He asked Council to vote against this ordinance or at least postpone this until the law suit is adjudicated. He reiterated that there is pending litigation. He expressed concerns about student debt to include housing.

Councilor Davis said the legislation sunsets and this is the final project that we will entertain. He wished that we could give the small businesses an incentive. We need to honor the sunset clause going forward and it is important to understand the impact of this. Every major City provides incentives.

Councilor Plough commented that the language is unclear regarding the infrastructure credit. She said that is not an accurate statement. She said County Council hasn't acted to show desire of having this in a multi-county park. She said either the County needs to act or we need to modify this before it is finalized.

Mayor Benjamin said this Council feels strongly that the use of multi-county industrial parks for the purpose of incentivizing commercial development is a legal and permissible tool. Over the next twenty years, Richland School District One will receive \$100 million in additional tax revenue without additional students coming in. He noted that this property is currently producing zero tax revenue; it will produce \$650,000 for ten years; and then \$1.3 million every year after that. He recalled that we reduce our taxes by \$2 million last year and as we add more revenue producing properties to our tax rolls we should continue to provide more tax relief to all of our citizens.

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted five (5) to two (2) to give first reading approval to Ordinance No.: 2016-017 – Consenting to the Inclusion of Property in a Multi-County Industrial/Business Park (Haven Campus Communities, LLC, Richland County TMS #11501-01-01(p), Calhoun Street, Barnwell Street, Gregg Street). Voting aye were Mr. McDowell, Mr. Duvall, Ms. Devine, Mr. Davis and Mayor Benjamin. Voting nay were Mr. Baddourah and Ms. Plough.

Upon a motion made by Mr. Duvall and seconded by Mr. Baddourah, Council voted unanimously to defer second reading consideration until Richland County has passed third reading of their ordinance.

23. [Ordinance No.: 2016-019](#) – Authorizing the issuance and sale by the City of Columbia, South Carolina, of its not exceeding \$11,000,000 General Obligation Bonds, in one or more series, or one or more bond anticipation notes issued in anticipation thereof, for the purpose of funding various capital projects; fixing the form and details of the bonds or notes; authorizing the Mayor, the City Manager and the Assistant City Manager for Finance and Economic Services, or any two of them acting together, to determine certain matters relating to the bonds or notes; providing for the payment of the bonds or notes and the disposition of the proceeds thereof; and other matters relating thereto – *Approved by a six (6) to one (1) vote.*

Councilor Plough said the ordinance reads as though these dollars are to be allocated towards our liabilities at Bull Street. She said we have the General Obligation (GO) capacity to issue 11 million.

Mr. Jeff Palen, Assistant City Manager for Finance and Economic Services / Chief Financial Officer said we do have the GO capacity to issue this debt. If we issued the full not to exceed amount of \$11 million we are still within the limit. We reference Bull Street in the schedule and our expected amount is \$9,663,000 and we included \$1 million towards the demolition of Gonzales Gardens. He reported that Ms. Deborah Livingston, Community Development Director has come up with another option for the demolition and that is being considered.

Councilor Plough said we assisted with infrastructure in the past for other redevelopment projects and that would be easier, because it would be a water and sewer expenditure.

Mayor Benjamin stated that he supports the request for demolition funding for Gonzales Gardens and that is not a replacement for our previous practice of also helping with infrastructure funding.

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted six (6) to one (1) to give first reading approval to Ordinance No.: 2016-019 – Authorizing the issuance and sale by the City of Columbia, South Carolina, of its not exceeding \$11,000,000 General Obligation Bonds, in one or more series, or one or more bond anticipation notes issued in anticipation thereof, for the purpose of funding various capital projects; fixing the form and details of the bonds or notes; authorizing the Mayor, the City Manager and the Assistant City Manager for Finance and Economic Services, or any two of them acting together, to determine certain matters relating to the bonds or notes; providing for the payment of the bonds or notes and the disposition of the proceeds thereof; and other matters relating thereto. Voting aye were Mr. McDowell, Mr. Duvall, Ms. Plough, Ms. Devine, Mr. Davis and Mayor Benjamin. Mr. Baddourah voted nay.

PUBLIC HEARING

ORDINANCE – FIRST READING

24. [Ordinance No.: 2016-018](#) – Granting a Franchise to Lucky Hot Dog Cart with Hot Fire Kitchen for operation of a stationary sidewalk vending cart in the mid-block pad near 1423 Main Street – *Approved on first reading.*

Council opened the Sidewalk Vending Public Hearing at 7:47 p.m.

No one appeared in support of or in opposition to this matter.

Council adjourned the Sidewalk Vending Public Hearing at 7:47 p.m.

Upon a motion made by Mr. Baddourah and seconded by Ms. Plaugh, Council voted unanimously to give first reading approval to Ordinance No.: 2016-018 – Granting a Franchise to Lucky Hot Dog Cart with Hot Fire Kitchen for operation of a stationary sidewalk vending cart in the mid-block pad near 1423 Main Street.

Councilor Davis left the meeting at 7:47 p.m.

ZONING MAP AMENDMENT – FIRST READING

25. [201 Club Ridge Road, 201 Club Ridge Road Parcels A, \(0.41 acres\) SW/S Club Ridge Road and B, \(0.28 acres\) SW/S Club Ridge Road](#), TMS# 28900-01-15 (p); request to confirm zoning of PUD-R (Planned Unit Development-Residential). Property was annexed on February 2, 2016. – *Approved on first reading. Mayor Benjamin abstained from voting due to a conflict of interest.*

Proposal: Confirm PUD-R zoning for recently annexed property

Applicant: HVP3 DEVELOPMENT, LLC, and NEWSTYLE CLUBBRIDGE, LLC.

PC Recommendation: Approve (7-0), 01/04/16

Staff Recommendation: Approve confirmation of PUD-R zoning for recently annexed property

[Ordinance No.: 2016-010](#) – Amending the City of Columbia Comprehensive Plan 2018 Future Land Use Map to include 201 Club Ridge Road, Parcel A (0.41 acres) 5W/5 Club Ridge Road and Parcel B (0.28 acres) 5W/5 Club Ridge Road, Richland County TMS# 28900-01-15 (p) by Ordinance No.: 2016-004 enacted February 2, 2016 – *Approved on first reading. Mayor Benjamin abstained from voting due to a conflict of interest.*

Mr. Ron Seftick, resident of Woodcreek Farms appeared before the City Council in opposition to this matter. He asked how Council can consider this Planned Unit Development (PUD) for this item and the next item when it is already under construction and people are already living there.

Ms. Krista Hampton, Planning and Development Services Director explained that this is a process to confirm the PUD zoning that was zoned PDD in the County.

Mr. Ron Seftick, resident of Woodcreek Farms said the neighborhood wasn't given notice and the development is in violation of the existing covenant and restrictions.

Ms. Krista Hampton, Planning and Development Services Director said the plans were reviewed and approved by Richland County according to the PDD and we are annexing it as such.

Mr. Ron Seftick, resident of Woodcreek Farms said the developer agreed to provide advanced notice and has torn down every single tree that was on the property.

Councilor Plough asked what notice Richland County would have sent.

Ms. Krista Hampton, Planning and Development Services Director said it was an of-right development that required administrative approval.

Upon a motion made by Ms. Plough and seconded by Mr. Baddourah, Council voted unanimously to give first reading approval to the *Zoning Map Amendment* for 201 Club Ridge Road, 201 Club Ridge Road Parcels A, (0.41 acres) SW/S Club Ridge Road and B, (0.28 acres) SW/S Club Ridge Road, TMS# 28900-01-15 (p); request to confirm zoning of PUD-R (Planned Unit Development-Residential). Property was annexed on February 2, 2016 **and** Ordinance No.: 2016-010 – Amending the City of Columbia Comprehensive Plan 2018 Future Land Use Map to include 201 Club Ridge Road, Parcel A (0.41 acres) 5W/5 Club Ridge Road and Parcel B (0.28 acres) 5W/5 Club Ridge Road, Richland County TMS# 28900-01-15 (p) by Ordinance No.: 2016-004 enacted February 2, 2016. Mayor Benjamin abstained from voting due to a conflict of interest.

26. [The Crossing at Woodcreek, Phases One and Two: 201, 202, 215, 216, 223, 224, 231, 234, 241, 242, 249, 250, 255, 269, 277, 291, 297, 309, 320, 328, 335, 338, 345, 346, 353, 354, 361, 362, 369, 370, 379, 380, 387, 388, 395, 396, 403, 404, 411, 412, 421, 422, 427, 434, 435, 443, 444, 451, 463, 479, 480, 486, 492, 497, 498, 506, 507, 514, 517, 524, 525, 532, 537, 540, 547 Palm Sedge Loop, Rabbit Foot Bend, and Palm Sedge Loop;](#) TMS# 28910-04-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, -14, -15, -16, -17; 28910-05-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, -14, -15, -16, -17, -18, -19, -20, -21, -22, -23, -24, -25, -26, -27, -28; 28911-04-02; 28911-05-01, -02, -03, -04, -05, -06; 28911-06-01, -02, -03, -04, -05, -06, -07, -08, -09, -10; 28911-07-01, -02, -03, -04, -05, -06, and -07; request to confirm zoning of PUD-R (Planned Unit Development-Residential). Property was annexed on February 2, 2016. – *Approved on first reading. Mayor Benjamin abstained from voting due to a conflict of interest.*

Proposal: Confirm PUD-R zoning for recently annexed property
Applicant: PRIME DEVELOPMENT, LLC, ET AL
PC Recommendation: Approve (7-0), 01/04/16

Staff Recommendation: Approve confirmation of PUD-R zoning for recently annexed property

Ordinance No.: 2016-011 – Amending the City of Columbia Comprehensive Plan 2018 Future Land Use Map to include 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, 28910-04-10, 28910-04-11, 28910-04-12, 28910-04-13, 28910-04-14, 28910-04-15, 28910-04-16, 28910-04-17, 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 by Ordinance No.: 2016-005 enacted February 2, 2016 – *Approved on first reading. Mayor Benjamin abstained from voting due to a conflict of interest.*

Mr. Ron Seftick, resident of Woodcreek Farms said they asked for a second entrance due to the density and traffic. He asked Council to approve that as part of the PUD.

Ms. Krista Hampton, Planning and Development Services Director said Council can't require that at this point. We can ask the developer if he is willing to do that.

Upon a motion made by Mr. Baddourah and seconded by Mr. McDowell, Council voted unanimously to give first reading approval to *Zoning Map Amendment* for The Crossing at Woodcreek, Phases One and Two: 201, 202, 215, 216, 223, 224, 231, 234, 241, 242, 249, 250, 255, 269, 277, 291, 297, 309, 320, 328, 335, 338, 345, 346, 353, 354, 361, 362, 369, 370, 379, 380, 387, 388, 395, 396, 403, 404, 411, 412, 421, 422, 427, 434, 435, 443, 444, 451, 463, 479, 480, 486, 492, 497, 498, 506, 507, 514, 517, 524, 525, 532, 537, 540, 547 Palm Sedge Loop, Rabbit Foot Bend, and Palm Sedge Loop; TMS# 28910-04-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, -14, -15, -16, -17; 28910-05-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, -14, -15, -16, -17, -18, -19, -20, -21, -22, -23, -24, -25, -26, -27, -28; 28911-04-02; 28911-05-01, -02, -03, -04, -05, -06; 28911-06-01, -02, -03, -04, -05, -06, -07, -08, -09, -10; 28911-07-01, -02, -03, -04, -05, -06, and -07; request to confirm zoning of PUD-R (Planned Unit Development-Residential). Property was annexed on February 2, 2016 **and** Ordinance No.: 2016-011 – Amending the City of Columbia Comprehensive Plan 2018 Future Land Use Map to include 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, 28910-04-10, 28910-04-11, 28910-04-12, 28910-04-13, 28910-04-14, 28910-04-15, 28910-04-16, 28910-04-17, 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 by Ordinance No.: 2016-005 enacted February 2, 2016.

ZONING PUBLIC HEARING

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

Council opened the Zoning Public Hearing at 7:56 p.m.

27. **3603 Broad River Road**, TMS#06110-04-05; request to annex, assign land use classification AC-2 (Community Activity Corridor), and zone the property C-3 (General Commercial District). The property is currently classified as Mixed Use Corridor/Mixed Residential (High Density) and zoned GC (General Commercial) in Richland County.

Council District:	1
Proposal:	Annex, assign land use classification AC-2 and zone property C-3
Applicant:	Twister 5318, LLC 8343 Douglas Avenue, Suite 200 Dallas, TX 75225
PC Recommendation:	Approve (6-0); 02/01/16
Staff Recommendation:	Annex, assign AC-2 Land Use Classification and C-3 Zoning

Ordinance No.: 2016-015 –Annexing and Incorporating 3603 Broad River Road, Richland County TMS #06110-04-05 into the Plan Columbia Land Use Plan Putting the Pieces Together adopted by Ordinance No.: 2015-014 on February 17, 2015 – *Approved on first reading.*

No one appeared in support of or in opposition to this matter.

Upon a motion made by Mr. Baddourah and seconded by Mr. Duvall, Council voted unanimously to give first reading approval to the Comprehensive Plan Map Amendment & Zoning Map Amendment for **3603 Broad River Road**, TMS#06110-04-05; request to annex, assign land use classification AC-2 (Community Activity Corridor), and zone the property C-3 (General Commercial District). The property is currently classified as Mixed Use Corridor/Mixed Residential (High Density) **and** zoned GC (General Commercial) in Richland County **and** Ordinance No.: 2016-015 –Annexing and Incorporating 3603 Broad River Road, Richland County TMS #06110-04-05 into the Plan Columbia Land Use Plan Putting the Pieces Together adopted by Ordinance No.: 2015-014 on February 17, 2015.

28. [3805 Barwick Street](#), TMS#13805-03-34; request to annex, assign land use classification UCR-1 (Urban Core Residential Small Lot), and zone the property RS-3 (Single-Family Residential District). The property is currently classified as Mixed Use Corridor/Mixed Residential (High Density) and zoned RS-HD (Residential-High Density) in Richland County.

Council District: 3
Proposal: Annex, assign land use classification UCR-1 and zone property RS-3
Applicant: Myrna Fehl, PO Box 2516, Columbia, SC 29202
PC Recommendation: Approve (6-0); 02/01/16
Staff Recommendation: Annex, assign UCR-1 Land Use Classification and RS-3 Zoning

[Ordinance No.: 2016-014](#) – Annexing and Incorporating 3805 Barwick Street, Richland County TMS #13805-03-34 into the Plan Columbia Land Use Plan Putting the Pieces Together adopted by Ordinance No. : 2015-014 on February 17, 2015 – *Approved on first reading.*

No one appeared in support of or in opposition to this matter.

Upon a motion made by Mr. Baddourah and seconded by Mr. Duvall, Council voted unanimously to give first reading approval to the Comprehensive Plan Map Amendment & Zoning Map Amendment for **3805 Barwick Street**, TMS#13805-03-34; request to annex, assign land use classification UCR-1 (Urban Core Residential Small Lot), and zone the property RS-3 (Single-Family Residential District). The property is currently classified as Mixed Use Corridor/Mixed Residential (High Density) and zoned RS-HD (Residential-High Density) in Richland County **and** Ordinance No.: 2016-014 – Annexing and Incorporating 3805 Barwick Street, Richland County TMS #13805-03-34 into the Plan Columbia Land Use Plan Putting the Pieces Together adopted by Ordinance No. : 2015-014 on February 17, 2015.

ZONING MAP AMENDMENT – FIRST READING

29. [7609 Garners Ferry Road](#), TMS#16315-03-03; request to rezone from C-2 (Neighborhood Commercial) to C-3 (General Commercial). - *Approved*
Council District: 2
Proposal: Rezone parcel from C-2 to C-3
Applicant: Jian Han, H&BJ Holdings, LLC
PC Recommendation: Approve (7-0), 01/04/16
Staff Recommendation: Approve

No one appeared in support of or in opposition to this matter.

Upon a motion made by Mr. Baddourah and seconded by Ms. Plough, Council voted unanimously to give first reading approval to the Zoning Map Amendment for 7609 Garners Ferry Road, TMS#16315-03-03; request to rezone from C-2 (Neighborhood Commercial) to C-3 (General Commercial).

Council adjourned the Zoning Public Hearing at 7:58 p.m.

APPEARANCE OF THE PUBLIC

Mr. Lee Carroll, Save Our Kids said Ms. McCoy was involved in an hit and run accident and needs assistance from law enforcement.

Ms. Brianna McCoy said on April 27, 2014, she was hit by a car at the intersection of Gervais Street and Harden Street and the driver kept going. As a result, she has lost the use of her right arm and has undergone seven surgeries. She thought law enforcement was investigating the matter, but the police report was wrong. She wants to prove negligence against the City. She expressed feelings of neglect, anger and hurt, because nothing is being done.

Mayor Benjamin thanked her for coming forth. He said we will start the process of answering Ms. McCoy's questions tonight.

Ms. Mara Clemons asked if the City has a victim's advocate. She inquired about the protocol for receiving assistance.

OCTOBER 2015 HISTORIC FLOOD RECOVERY UPDATE

- Update on the U.S. Department of Housing and Urban Development Community Development Block Grant – Disaster Recovery Funds – Ms. Deborah Livingston, Director of Community Development

Ms. Teresa Wilson, City Manager said we will continue to provide updates as we progress through recovery. She said HUD representatives met with entities last week and we wanted to provide an update on disaster recovery funds and property acquisitions. Our State lobbyist is also here to discuss advocacy.

Ms. Deborah Livingston, Community Development Director said we will receive \$19.9 million and we have two years to expend funding. She explained that CDBG-DR funding supports disaster relief, long-term recovery, restoration of infrastructure and housing and economic revitalization. We have ninety days to write our action plan and HUD must approve our plan prior to issuing the grant agreement. The plan will require public input and it must meet the goals set by HUD in addressing unmet needs resulting from the flood and one of the three national objectives. She reviewed the next steps to include meetings with city departments, public input sessions, data compilation, drafting the plan, presenting the plan and remitting the plan to HUD.

- Property Acquisition Next Steps – Ms. Melissa Gentry, P.E., Assistant City Manager for Operations and Ms. Melisa Caughman, Budget and Program Management Director

Ms. Melissa Gentry, P.E., Assistant City Manager for Operations said the Hazard Mitigation Grant Program is not the only funding option for property acquisitions. She noted that the City will not receive reimbursement for any properties purchased ahead of the approval process; we must have pre-approval of general areas from FEMA. The State has identified criteria for Hazard Mitigation Grant Program funding. It is expected to be \$36 million in the pot and 25% will be available for property acquisition. The City of Columbia initially estimated that \$10 million is needed for property acquisition and we will work with Richland County and the State Emergency Management Division to develop criteria. The properties must remain as green space in perpetuity. She reported that nineteen (19) property owners verbally volunteered to sell their property; twenty-five (25) properties located within the City limits experienced repetitive losses; seventy seven (77) properties had more than 50% damage; and we estimate that up to \$16 million is needed. All properties have been mapped and letters will be sent to property owners. We don't want to skip around the City; we want to do it in a way that makes sense for us and the communities.

Ms. Melisa Caughman, Budget and Program Management Director said our approach is modeled on what other communities are doing and was put together with Landmark Consulting. By next week, we intend to send a form to see if owners are interested in acquisition or elevations. There will be a competitive grant processes. Council will be asked to endorse the prioritized list. The City's Hazard Mitigation Grant Program request is being submitted during the pre-application process.

Councilor Devine asked that this information be shared with schools.

Mr. Joseph Richard, Program Controls Manager / Landmark Consulting, LLC said the repetitive losses are a priority. We must consider what we hope to gain. We have minimum criteria, but we are developing more criteria to maximize the benefits and the strategic plan will come later.

Councilor Plough said owners will have a repetitive loss unless the dam is rebuilt at Fort Jackson and some owners were drying their houses out, but it rained again and the mold reoccurred.

Ms. Jeanne Yacoub, Program Manager / Landmark Consulting, LLC said CDBG allows you to address individual needs; it gives you more leeway. She said the most success was seen through joint ventures to repair dams. As it relates to acquisitions, she reported that successes were based on the strategies they are trying to implement. She said voluntary acquisitions turned out to be whole neighborhoods and people didn't always consider how much was being lost in the tax base and employment. She said the action plan will address specific issues while meeting constituent needs and keeping Columbia healthy. She agreed to research options for assisting Fort Jackson.

Ms. Melisa Caughman, Budget and Program Management Director said forms will be sent to the impacted properties and used to strategically prioritize the properties.

Mayor Benjamin said we should broadly disseminate this, because there are yet people to participate in any of these processes. He reported having preliminary discussions with the Federal Home Loan bank in hopes of using their funding to complement other sources to help low to moderate income families. He asked staff to go after every penny that we can leverage.

Councilor Plough asked about stream restoration.

Ms. Melisa Caughman, Budget and Program Management Director said we are working with the Department of Natural Resources for Natural Resources Conservation Service funding.

Mayor Benjamin asked staff to take advantage of opportunities for early visible wins such as the check cashing businesses along Garners Ferry Road. He said it is an opportunity to show that we are healing in a physical manifestation.

Ms. Melisa Caughman, Budget and Program Management Director announced that Riverfront Park is open; the bypass pumps at Crane Creek are in operating; and two Requests for Qualifications for engineering services for the Canal Head Gates and the Embankment are out. The 404 Hazard Mitigation Grant Program pre-application is due April 5, 2016 and the final application is due October 5, 2016.

Ms. Teresa Wilson, City Council asked if Council would be interested in approving a resolution regarding any consideration the State would give us and a resolution related to dam safety laws and the inspection of dams. She said we want to be appropriately aggressive.

Mr. Kyle Michel, Esq., Kyle Michel Law Firm said the House Ways and Means budget has \$72 million for local government FEMA cost share funds. He explained that the Emergency Management Division said it needed four times as much. The State intends to give local governments a 25% match for any public assistance funds received from FEMA. We are also trying to get a 25% match for the Hazard Mitigation Grant Program, but that isn't guaranteed. A few dam safety bills have been introduced and we will see budgeted items to address dams and flood recovery. He reported that proposed legislation (House Bills 4994 and 4995) will allow local governments to create special tax districts or tax increment financing districts to finance improvements and to rebuild dams.

Mayor Benjamin stated for the record that he has not spoken with Representative Bernstein about this.

Mr. Kyle Michel, Esq., Kyle Michel Law Firm said he drafted a resolution for Council to support urging the legislature to provide full funding for FEMA match costs.

Ms. Teresa Wilson, City Manager agreed to send the draft resolutions to Council. She sought clarification on who should receive the property acquisition letters.

Mayor Benjamin suggested that there be a broad public education campaign.

Councilor Baddourah said it is important to reach out to all property owners, because someone without damages may not want to live next to three (3) vacant lots.

Ms. Melissa Gentry, P.E., Assistant City Manager for Operations reiterated that there is 25% match requirement for the HMGP and other entities are requiring the property owner to provide that match requirement.

Mr. Baddourah left the meeting at 9:17 p.m.

OTHER MATTERS

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

Upon a motion made by Ms. Devine and seconded by Ms. Plough, Council voted unanimously to approve the following Neighborhood Street Lighting requests:

Neighborhoods Listed by Priority	Existing Lights	Request ed Lights	Current Lease Cost / Annually	Project Request Total	Total Year to Date
Hallbrook Drive	0	5	\$0.00	\$594.60	\$1,427.04
Richard Street	3	5	\$356.76	\$594.60	\$2,021.64

31. Funding for the Black Expo Event – The Honorable Tameika Isaac Devine – *Consideration of this item was deferred.*

APPOINTMENTS

32. [Columbia Tree and Appearance Commission](#)

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted unanimously to approve the appointment of Mr. Ben Brantley as a Developer/Realtor and the re-appointment of Ms. Elizabeth Marks and Mr. Charles Moore for a second and final term to the Columbia Tree and Appearance Commission.

33. [Climate Protection Action Committee](#) – *Consideration of this item was deferred.*

CITY COUNCIL COMMITTEE REPORTS/REFERRALS

Councilor Plough moved to refer Roberts Rules of Order training to the Administrative Policy Committee.

There was a consensus of Council that the matter did not need to be referred to the Administrative Policy Committee and that the training can be scheduled for any interested member of Council to attend.

APPEARANCE OF THE PUBLIC

No one appeared at this time.

Upon a motion made by Mr. McDowell and seconded by Mr. Duvall, Council voted unanimously to adjourn the meeting at 9:21 p.m.

Respectfully submitted by:

Erika D. Moore
City Clerk