

**CITY OF COLUMBIA
CITY COUNCIL WORK SESSION MINUTES
FEBRUARY 22, 2006
9:00 AM – CITY COUNCIL CHAMBERS
1737 MAIN STREET**



The Columbia City Council met for a Work Session on Wednesday, February 22, 2006 in the City Hall Council Chambers located at 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 9:05 a.m. The following members of City Council were present: The Honorable E.W. Cromartie, II, The Honorable Anne M. Sinclair, The Honorable Sam Davis and The Honorable Tameika Isaac Devine. Mr. Hamilton Osborne, Jr. resigned from the City Council on Friday, February 17, 2006. The Honorable Daniel J. Rickenmann was absent due to a family emergency. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

Mr. Charles P. Austin, Sr., City Manager led us in a moment of silent meditation in reverence of the Rickenmann Family.

Mayor Robert D. Coble acknowledged the resignation of Mr. Hamilton Osborne, Jr. from the Columbia City Council. He thanked Mr. Osborne for his principles and views and wished him well.

CITY COUNCIL DISCUSSION / ACTION

- A. Wastewater Treatment Plant Demonstration Project - Mr. Deas Manning, Partner / Manning Kirk and Associates

Mr. Bob Hughes of Whitehouse Development presented a proposal for a Wastewater Treatment Plant Demonstration Project to determine if the members of City Council were interested in being a partner. He noted that Green Diamond is dead and would not be mentioned in this presentation. He explained that the proposal involves approximately 1,100 to 1,300 acres of the property owned by Columbia Ventures on the Congaree River. He added that 1,300 acres are being sold for farming purposes to Mr. Kirkman Finlay as a fee simple sale. Mr. Hughes said that they are not asking for a subsidy or a tax break, but they are here with a business proposition that is intended to save the City of Columbia a substantial amount of money. He used the City of Orlando's Wetland's Park as a comparison to the City of Columbia's problem with handling discharge at the next level of cleanliness that's required. He said that the park in Orlando has made the St. Johns River cleaner than it had been since 1957; it also brought in 12,000 tourists per year; and saved the City of Orlando millions of dollars. Mr. Hughes stated that 3,100 pounds of phosphorous are discharged into the Congaree Basin each day; therefore the South Carolina Department of Health and Environmental Control has declared Lake Marion as impaired water. The Columbia Metro, Cayce and Gill Creek Wastewater Treatment Plants contribute 56% of that load into the lake. He noted that the City is required to report and monitor their phosphorous and nitrogen discharges into the Congaree River, but there is no limit currently. He explained that natural wetlands are nature's factory for cleansing water. He proposed to construct man-made wetlands that would be planted with cattails or bulrushes, because these plants eat phosphorous and nitrogen. The wetlands would be constructed, the sewer that has already been treated would flow into the wetlands, the plants would consume the chemicals and then cleaner water would flow back into the river. He said that they have not spoken to any other local entity about this proposal. He said that they hired Entrix, an outside Engineering Firm, to create an estimate of cost to remove the chemicals. He suggested that if the City of Columbia is interested in becoming a partner they should create a base agreement to outline how the City wants to proceed and then create an eight (8) acre cell to be tested.

It would cost approximately \$1,500,000.00 to build and operate an eight (8) acre cell. It would be a two (2) year process, one (1) year to construct it and another year to operate it.

Councilman E.W. Cromartie, II asked what would be the ultimate benefit to Whitehouse Developers.

Mr. Bob Hughes said that the City could purchase the land from them, but they would like for it to be a joint venture project and allow the City to operate the wetland and the firm would serve as a capital supplier to the City of Columbia.

Councilman E.W. Cromartie, II asked what the ultimate results would be.

Mr. Bob Hughes said that they would like to save the City a great deal of money by constructing the wetlands on their property, but the City could pay them a very fair return. He said that if the City didn't want to spend any capital funds, they could pay for everything and possibly charge the City 2¢ per gallon to treat the water. He presented several alternatives to funding the project.

Councilwoman Anne M. Sinclair asked how did a developer from Greenville, South Carolina get involved in looking at the City's wastewater treatment plant.

Mr. Bob Hughes said that he was asked by one of the investors in Columbia Ventures, LLC to come down and look at a very big problem and to determine a solution that would give a fair return to the landowners.

Councilwoman Anne M. Sinclair explained that the Council has a Lobbyist Registration Form in front of them from Mr. Bill Boyd who is the lobbyist for Columbia Venture, LLC and lists Mr. Bob Hughes as the contact person. She asked if he was an owner of Columbia Venture.

Mr. Bob Hughes stated that he is not an owner of Columbia Venture, LLC, but the operational decisions of Columbia Venture, LLC have been vested in the Whitehouse Development Company. He said that he was not aware that Mr. Bill Boyd was a lobbyist and that the news of Mr. Osborne's resignation had taken him completely by surprise.

Councilman Sam Davis asked Mr. Hughes to explain how the untreated water from other systems flows into the wetlands.

Mr. Bob Hughes said that a new pipe could be added under the river to pump the Gill Creek Plant. He said that there may be a pipe that currently connects the Cayce Plant to the Columbia Plant and it might be possible to utilize that pump.

Councilwoman Tameika Isaac Devine asked how long Orlando had been doing this. She asked if they had experienced any major problems with their system.

Mr. Bob Hughes replied that since 1984 and they have 18 years of operational experience. He noted that they burn off their bulrushes once they grow and aren't absorbing as much chemicals.

Councilwoman Anne M. Sinclair asked what they planned to do with the remaining acreage of property.

Mr. Bob Hughes explained that there are so many issues with the property and they are still gathering information for others to review. He stated that planning for the property is some time down the road. He told the members of Council that they are ready to proceed and need an answer from them.

Councilman E.W. Cromartie, II said that the newspaper has led them to believe that the ultimate objective of this project is economic development of a larger nature.

Mr. Bob Hughes explained that this is huge economic development for them and that this request stands alone.

Councilwoman Anne M. Sinclair asked Mr. Hughes to address the levee to put some concerns to rest.

Mr. Bob Hughes stated that if a portion of the property is sold and if this project is done, the levees for two-thirds of the property would be left alone. He said that the levees are not needed for any part of the plan. He admitted that they don't know what would be done with the other one-third of the property.

Ms. Angela Viney, President of the South Carolina Wildlife Federation, 2711 Middleburg Drive, Suite 101, stated that her organization is seventy-five (75) years old and was established to protect wildlife habitat. She cautioned the members of Council. She explained that the SC Wildlife Federation and others have appealed the federal decision that vacated the 2001 Federal Emergency Management Agency flood map for Richland County thus putting into effect the 1995 flood map. She said that this was done based upon a technicality and not scientific findings. She noted that Columbia Venture, LLC has been pursuing a Takings Lawsuit with Richland County and pursuing plans for development in the floodway under County jurisdiction. She said that Richland County instituted a development moratorium in the County and ceased negotiations with the developer on this disputed floodway. Ms. Viney said that she would like to know more about the Orlando Wetlands. She admitted that she is excited about the proposal, but she's concerned about the property owned by Burroughs and Chapins and Columbia Venture, LLC. She encouraged the members of Council to question the urgency of the matter and to know the future plans of the entire 4,600 acres.

Mr. Chris Kuery, Riverland Park Community, 2701 River Drive, stated that the 1995 flood map has their community in the flood plain, but the 2001-flood map didn't and now their properties are at risk. There are over 200 families living in Riverland Park. He suggested that the Council proceed with due diligence. He requested a moratorium on levees.

Mayor Robert D. Coble asked staff to find out what DHEC will require, what other sewer plants think of this technology and to review and comment on the proposal.

Councilman E.W. Cromartie, II said that we need to know what you plan to do with the other property. He would like to see how it all fits together so they can move forward with knowledge.

Councilwoman Anne M. Sinclair stated that they need to talk with Richland County about this and we need to know FEMA's next step as well.

Councilman Sam Davis said that he would like to see some cost comparisons on this proposal and to new construction or other modifications to the facilities.

Councilwoman Tameika Isaac Devine said that should contact Orlando to find out what they have experienced and to make the right comparisons.

Mr. Charles P. Austin, Sr., City Manager, stated that staff has a list of agencies that would be relevant to the process. He said that additional information is needed, because the five-year CIP plan would factor into this as well.

Councilwoman Anne M. Sinclair directed staff to look at the entire wastewater system, current challenges we are experiencing and where the priorities are in terms or financial expenses.

Councilman Sam Davis asked how the demonstration project would tie into an existing facility as a modification instead of constructing the entire system as proposed?

Mr. Bob Hughes responded that each cell would serve as a piece of the filter and that one cell would only be a portion of a filter that would allow a specific number of gallons to flow through in one day.

There was a consensus of Council to direct staff to review the proposal and consider the concerns discussed here today. A recommendation will be brought back to City Council for consideration.

- **Council adjourned the meeting to break at 10:07 a.m.**
 - **Council reconvened the meeting at 10:09 a.m.**
- B. Review of Recent Annexations and the City's Annexation Policy – Mr. Chip Land, Planning Director

Mr. Chip Land, Annexation Coordinator presented an overview of the City's current municipal boundaries, the 2005 annexation statistics, doughnut holes, target areas and the City's current annexation policy along with future goals for annexations. In 2005, the City annexed 28 properties totaling 397 acres. Columbia's current municipal area is 84,140.2 acres or 131.47 square miles with Fort Jackson encompassing 61.7% of this area. He described the current annexation process as follows: the property owner submits a "Petition for Annexation; City Staff analyzes and comments on the proposed annexation which is then presented to the Planning Commission for recommendation and after the Planning Commission review, an Annexation Ordinance is prepared by the City's Legal Department and presented to City Council for consideration. He stated that he is not aware of the City's current annexation policy or strategy. He recommended that they spend time drafting a policy so that we can be more consistent with our approach. He said that there might be some covenants that were not properly recorded. He stated that the department's goal is to annex 400 acres per year. He suggested that they carefully review requests that do not have positive economic impacts. He committed to submitting quarterly written updates and annual oral presentations.

Councilwoman Tameika Isaac Devine urged Mr. Land to work with Ms. Shirley Gossett, Legislative Liaison to monitor legislation related to annexations. She noted that North Carolina's annexation laws are more aggressive and that our Legislature should be encouraged to adopt some of their laws.

Councilman Sam Davis sought options for dealing with doughnut holes within Richland County that are not compliant to the City's property maintenance code.

- C. Geographic Information System (GIS) Presentation – Mr. Tony Westmoreland, GIS Director

Ms. Gladys Brown, Assistant City Manager for Administrative Services, commended the GIS Team for the great job they have done. She introduced Mr. Tony Westmoreland, GIS Coordinator and Mr. Phillip Clauss and Mr. David Hatcher as GIS Analysts.

Mr. Phillip Clauss, GIS Analyst, presented an overview of the City's Geographic Information System (GIS), which is used citywide to assist with a number of projects and day-to-day operations. He explained that GIS is a powerful tool that ties a feature to its attribute information with descriptive information about that feature. It allows decision makers to make better-informed decisions. The GIS Division was started in August 2004 and now 130 city users have been trained.

They have completed several projects: generating police regions, mapped fire hydrants, fire districts and stations, provided GIS infrastructure for the Police Department's Compstat process, land use updates, zoning updates and municipal boundary updates, acquired imagery and many other projects as well. They distributed address reference books for City Council.

C1. **Resolution No.: 2006-008 – Awarding Cash Grant of \$335,000.00 to East Central City Consortium, Inc.

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to approve Resolution No.: 2006-008 – Awarding Cash Grant of \$335,000.00 to East Central City Consortium, Inc.

C2. **Municipal Partners, LLC – The Members of City Council

Mr. Charles Williams, Municipal Partners, LLC, stated that they think that the City of Columbia should have an active role in what happens at Fort Jackson and build on the partnership. Fort Jackson has been a tremendous economic engine for the Midlands. He said that the City spent considerable time and money during the last round of BRAC to keep Fort Jackson here.

Mayor Robert D. Coble said that the BRAC process opened his eyes in terms of what we had to do proactively. We can't just leave this to the Pentagon due to competing interests.

Mr. Charles Williams, Municipal Partners, LLC, stated that there's a notion that Fort Jackson will always be here, but that's nonsense, because if they closed Charleston, they'll close Fort Jackson. It is in your best interest to pursue the issues of Fort Jackson. Fort Jackson hasn't asked the City of Columbia to do anything. Our position is that the City of Columbia needs to reach out to them as part of the last effort.

Councilman E.W. Cromartie, II asked how this contract would help us to keep Fort Jackson here.

Mr. Charles Williams, Municipal Partners, LLC, stated that anything that the City could do to build a relationship with Fort Jackson would make us better off. He said that a number of installations stayed off the BRAC list because of the relationship with the local municipality. He suggested that the City start having meetings with Fort Jackson representatives and participating in undertakings to build the relationship. He noted that this is an opportunity to grow revenue for the City.

Councilwoman Anne M. Sinclair stated that Council wants to hang on to and to make sure that Fort Jackson is strong. She asked what would Municipal Partners, LLC do that the City can't do for themselves? She asked what do they bring to the table that's different.

Mr. Charles Williams, Municipal Partners, LLC, said that it's because he knows the intricacies of the 1967 agreement better than any city staff and he knows what the city's capabilities are and he knows what Fort Jackson's capabilities are. I think that in us you get the combination of the knowledge of Fort Jackson and the City of Columbia and how to marry the two. He said that it is time to revisit the agreements with Fort Jackson, because the City is at a disadvantage.

Councilwoman Tameika Isaac Devine asked if Municipal Partners, LLC is in a position to get information on Fort Jackson's infrastructure needs and the cost to maintain the infrastructure.

Mr. Charles Williams, Municipal Partners, LLC, stated that he is ready to do what's necessary to keep Fort Jackson here. He said that Fort Jackson has never asked the City to replace their infrastructure, but they are seeking a contractor to come on post and maintain what they have. He explained that they approached the City initially about being a part of a demonstration project with the Department of Defense to build relationships with municipalities. He noted that Augusta, Georgia and Tempe, Arizona were selected, but through discussions, he believes that the federal legislation could be changed to add Columbia, South Carolina as a demonstration city. He explained that the advantage of being a part of the demonstration project is that you don't have to bid to provide services at Fort Jackson, you build a relationship and you negotiate the cost as you provide to Fort Jackson.

Councilman E.W. Cromartie, II noted that the contract doesn't say anything about a demonstration project. He stated that he supports the concept of trying to work with Fort Jackson, but in the process of doing that, the real question is the unique the group has in trying to change legislation. He asked if it would be economically profitable for the city to assist Fort Jackson with system maintenance.

Mr. Charles Williams, Municipal Partners, LLC, said yes. He said the question is whether or not this can be done with existing staff?

Mr. Carlton Washington, Municipal Partners, LLC, stated that the City would make a decision and negotiate on any project with Fort Jackson.

Councilwoman Anne M. Sinclair stated that if the contract were approved, then Municipal Partners, LLC would be speaking on behalf of the City. She asked for the skills that each team member bring to the table?

Mr. Charles Williams, Municipal Partners, LLC, explained that Mr. Dick Anderson was the Director of Logistics at Fort Jackson for forty years. He will help with staff negotiations and he will help us understand the positions that Fort Jackson may take. Mr. Joe Bolt is a former Fort Jackson Post Commander and a Consultant to the Department of Defense; Mr. Carlton Washington is an excellent resource consultant who is skilled in getting community action and involvement. He said that he has sold Fort Jackson on the notion that the community is the driving force behind this. Ms. Kathryn Bellefield is listed as a partner, because she was crucial in getting citizens involved in going out to Fort Jackson. I have always consulted with her and will continue to. She is my partner and it's just that simple.

Councilman E.W. Cromartie, II, stated that the City would not have considered this if Municipal Partners, LLC had not brought it to us. This was not on our radar. They want to see if they can make it work, so we're not obligating ourselves out of any money.

Mr. Carlton Washington, Municipal Partners, LLC, said that Fort Jackson is the economic engine to the City. The beautiful thing about this proposal is that the City has the opportunity to enter into an agreement or not on each activity.

Councilwoman Tameika Isaac Devine stated that she is supportive of this, but she thought that a previous contract needed to be resolved and then a new contract needed to be drafted.

Mr. Charles P. Austin, Sr., City Manager stated that Council did authorize him to proceed with a previous contract, but Mr. Williams never saw that agreement and decided to withdraw from it before it was signed. Technically there was not a signed agreement between the City and Mr. Williams. He has agreed to write a letter formally acknowledging that withdrawal. We need your authorization to go forward with contract negotiations.

Mr. G.C. Robinett, Chief Financial Officer, stated that Fort Jackson did approach the City seven (7) years ago to bid on their maintenance, but staff decided against bidding, but instead to negotiate and the Fort turned that down. He said that we need to work closely with the Fort, but the staff can do equally as well as a consulting firm. He said that it bothered him that the contract calls for a 7% payment of any accepted contract price, but there's no way to decide what the value of the contract is and conceivably, the fee could be paid twice. The contract should be rewritten to include measurements so that the City will know what it's getting into.

Mayor Robert D. Coble stated that we don't want to do anything that would obligate the City to fix infrastructure that we can't afford. The negotiation strategy is a win-win. We need to do what we can to reduce the infrastructure debt. He said that he would be in favor of a contract that staff is comfortable with in terms of the mechanics and fees and would allow us to proactively negotiate something that is financially sound and gets the infrastructure upgraded.

Councilman Sam Davis asked for clarification on the consultant's fee and if it would be performance based? What has Fort Jackson done to the infrastructure since the initial contact? If they've done some work then we could fall into a maintenance position in those areas.

Mr. G.C. Robinett, Chief Financial Officer, explained that they have done major repairs as needed, but nothing to improve the system overall.

Councilwoman Anne M. Sinclair stated that she would vote against this, because of the way it is written. She said that she has a lot of questions about the teammates' qualifications and she's not sold on this approach. She said that there's no doubt in her mind that something needs to be done about Fort Jackson.

Councilwoman Tameika Isaac Devine directed staff to involve the federal lobbyist in this matter to ensure that she's aware of what's going on.

Upon motion by Mr. Cromartie, seconded by Mr. Davis, Council voted four (4) to one (1) to authorize staff to discuss the proposal and to proceed with contract negotiations with Municipal Partners, LLC. Voting aye were Ms. Devine, Mr. Rickenmann, Mr. Davis, Mr. Cromartie and Mayor Coble. Voting nay was Ms. Sinclair.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Mr. Jim Felder invited the members of Council to Celebrate the Statewide Annual Black History Parade on Saturday, February 25, 2006 at 10:30 a.m.

Mr. John Blackmon expressed concerns about a Planned Unit Development Application for the Drake Street development not being scheduled for consideration by the Planning Commission on March 6, 2006.

APPOINTMENTS

D. Commission on Children and Youth

Council voted unanimously to approve the following: The reappointment of Ms. Bonnie Austin, Ms. Linda Brown, Ms. Theresa Counts-Davis and Ms. Eunika Simons to serve their final term; the reappointment of Ms. Jana Daley, Mr. J. J. Gentry, Ms. Arney Love, Ms. Maria Smoak and Ms. June Todd as Advisory Board members only; and the appointment of Mr. Wesley Franklin, Ms. Sharon Minnieweather and Ms. Mary Kay Owens to serve their first term. All terms will expire on June 30, 2009.

OTHER MATTERS

- E. Council is asked to approve the Destruction of One Hundred Eight (108) Firearms, as requested by the Columbia Police Department.

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to approve the Destruction of One Hundred Eight (108) Firearms, as requested by the Columbia Police Department.

EXECUTIVE SESSION

Upon motion by Mr. Cromartie, seconded by Mr. Davis, Council voted unanimously to go into Executive Session at 11:53 a.m. for the discussion of **Items F.** through **J.** as amended.

- F. **Discussion of negotiations incident to proposed contractual arrangements
- Municipal Partners, LLC – Mr. Charles Williams, Principal
 - Time Warner Cable
- These items were discussed in Executive Session. No action was taken.*
- G. **Receipt of legal advice, which relates to pending, threatened or potential claims
- This item was discussed in Executive Session. No action was taken.*
- H. **Receipt of legal advice, which relates to a matter covered by attorney-client privilege
- 1314 Hagood Avenue
- This item was discussed in Executive Session. No action was taken.*
- I. **Discussion of Compensation of an Employee
- This item was discussed in Executive Session. No action was taken.*
- J. **Discussion of Employment of an Employee
- This item was discussed in Executive Session. No action was taken.*
- **Council adjourned the meeting at 1:15 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk