



CITY OF COLUMBIA
CITY COUNCIL MEETING MIUTES
TUESDAY, MAY 24, 2011
6:00 P.M.
COLUMBIA METROPOLITAN CONVENTION CENTER
1100 LINCOLN STREET
THE MAYOR COBLE ROOM

The Columbia City Council conducted a Regular Meeting and a Redistricting Public Hearing on Tuesday, May 24, 2011 at the Columbia Metropolitan Convention Center located at 1100 Lincoln Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:18 p.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann, The Honorable Belinda F. Gergel, The Honorable Leona K. Plough and The Honorable Brian DeQuincey Newman. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Salley, City Clerk.

PLEDGE OF ALLEGIANCE

Councilor Rickenmann led the audience in the Pledge of Allegiance.

CITY COUNCIL DISCUSSION / ACTION

1. Council is asked to approve an Economic Development Marketing Trip in the amount of \$6,000.00 for Mayor Stephen K. Benjamin to accompany Governor Nikki Haley and Commerce Secretary Hitt to the Paris Air Show (PAS) in June.
Funding Source: Special Project Budget Fund - Approved

Mayor Benjamin explained that this trip is organized by the South Carolina Department of Commerce and that the Central SC Alliance will represent the Midlands, the Upstate Alliance will represent the Greenville region and the Tri-City Alliance will represent Charleston. The Paris Air Show is the largest aeronautical gathering of manufacturers and suppliers in the world. There will be over 2,000 exhibitors, 138,000 trade businesses, 3,000 tourists and 200 official delegations from around the world gathering to determine the future of the worldwide aeronautics industry. It is a proper role for government to invest in economic development and job creation. He added that everything will be booked as cheaply as possible.

Councilor Rickenmann noted that the per diem is indicated as \$400 per day, but the Mayor's intention is to turn in reimbursable expenses as needed; the trip may be cheaper.

Mr. Jim Gambrell, Director of the Office of Economic Development clarified that the \$400 is the total per diem for the trip based on federal guidelines, which is \$70 per day.

Councilor Gergel said that it appeared to the public that it was costing \$1,000 per day. This money is already budgeted for this.

Mr. Jim Gambrell, Director of the Office of Economic Development said that after the conversion of the currency, the hotel is \$450 per day plus taxes and the per diem is a daily rate.

Councilor Devine reiterated that the \$400 is the total per diem for the trip. She added that \$6,000 for a trip isn't an extraordinary amount. We must be aggressive in our economic development activities. The Governor represents the State, but we must position Columbia as a destination.

Upon a motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to approve an Economic Development Marketing Trip in the amount of \$6,000.00 for Mayor Stephen K. Benjamin to accompany Governor Nikki Haley and Commerce Secretary Hitt to the Paris Air Show (PAS) in June.

2. **Council is asked to approve a Fee Proposal to execute all changes identified for the City of Columbia's State Transportation Infrastructure Bank Application. This contract extension is being awarded to the Dennis Corporation in the amount of \$8,750.00. *Funding Source: CP003001 (Devine Street Streetscaping Fund) - Approved*

Mayor Benjamin explained that the City of Columbia will be submitting an application to the State Infrastructure Bank for the complete revitalization of Assembly Street from Elmwood Avenue to Rosewood Drive in an attempt to address significant traffic safety issues and pedestrian safety issues. It's a major artery in the State for moving both people and product and it opens up the possibility for significant economic development.

Upon a motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to approve a Fee Proposal to execute all changes identified for the City of Columbia's State Transportation Infrastructure Bank Application. This contract extension is being awarded to the Dennis Corporation in the amount of \$8,750.00.

CONSENT AGENDA

Councilor Plaugh inquired about **Item 12**. I asked staff to determine if it was possible for these requests to be approved administratively as opposed to going to the Zoning Board of Adjustments.

Ms. Krista Hampton, Director of Planning and Development Services said that they have started to take a look at that. There is a possibility for a small part of this to be administratively approved and we appreciate the time to explore that. We polled a number of different communities and the majority of them do require the Board of Zoning Appeals to review alternative surface requirements, if they are permitted at all. Usually it's through a variance process as opposed to a special exception, which makes it all the more easier. However, we do think that small lots should be approved administratively and we will look into that. We would appreciate going forward with this one so that we can process some that are looking to locate within districts currently that would have to go through a variance instead of a special exception and then we can bring the proposal back on small lots.

Councilor Gergel inquired about **Item 11**. She asked about the impact of the ordinance on dense retail commercial areas like Five Points.

Ms. Krista Hampton, Director of Planning and Development Services said that they found that too many beauty and barber shops go before the Board of Zoning Adjustments for parking adjustments, because of the requirement of two (2) per chair. In some instances, it's excessive. It won't impact Five Points, because they already have a 20% parking reduction. This will not have a negative impact on parking in Five Points.

Upon a single motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to approve the **Consent Agenda Items 3. through 15.**

SIDEWALK VENDING ORDINANCES – SECOND READING

3. NW Corner of Sumter & Greene Streets

Ordinance No.: 2011-035 – Granting a Franchise to Anthony Garvin d/b/a Taniya's Fire Grill for operation of a stationary sidewalk vending cart on the northwest corner of Sumter Street and Greene Street – *First reading approval was given on May 17, 2011. – Approved on second reading.*

4. Mid Block Pad North Side of 1100 Gervais Street

Ordinance No.: 2011-028 – Granting a Franchise to David Roberts d/b/a Der Tacos, LLC for operation of a stationary sidewalk vending cart in the mid block pad of the north side of the 1100 block of Gervais Street – *First reading approval was given on May 17, 2011. – Approved on second reading.*

MAP AMENDMENTS – SECOND READING

5. 1910 Oak Street, 2303-2305 Richland Street, TMS# 11408-04-18, -19, -20; request to rezone from RG-2 (General Residential) to C-1 (Office and Institutional). – *First reading approval was given on May 17, 2011. – Approved on second reading.*

6. 4523 Monticello Road; TMS# 09211-05-03; request to rezone from RS-3 (Single-Family Residential) to C-1 (Office and Institutional). – *First reading approval was given on May 17, 2011. – Approved on second reading.*

ANNEXATION WITH MAP AMENDMENTS – SECOND READING

7. N/S Jacobs Mill Pond Road, TMS 28900-01-21, -22; request to annex and zone the property PUD-R. The property is zoned PDD in Richland County. – *First reading approval was given on May 17, 2011. – Approved on second reading.*

Ordinance No.: 2011-030 – Annexing N/S Jacobs Mill Pond Road, Richland County TMA # 28900-0121 and 28900-0122 – *First reading approval was given on May 17, 2011. – Approved on second reading.*

ANNEXATIONS WITH INTERIM ZONING CLASSIFICATIONS – SECOND READING

8. 14 Coatesdale Circle, TMS# 16307-08-03; Request annexation with interim zoning of RS-2 (Single-Family Residential). The property is zoned RS-MD (Single-Family Residential) in Richland County. – *First reading approval was given on May 17, 2011. – Approved on second reading.*

Ordinance No.: 2011-026 – Annexing 14 Coatsdale Circle, Richland County TMS# 16307-08-03 – *First reading approval was given on May 17, 2011. – Approved on second reading.*

9. 100 Coopers Nursery Road, 108 Coopers Nursery Road, 112 Coopers Nursery Road, 6 Buckthorn Court, 102 Buckthorn Circle, 103 Buckthorn Circle, 106 Buckthorn Circle, 204 Buckthorn Circle, and 208 Buckthorn Circle; TMS# 28906-01-09, 28906-01-11, 28905-02-12, 28906-01-07, 28905-02-07, 28905-01-05, 28905-02-09, 28906-01-02, and 28902-01-30; request annexation with interim zoning of PUD-R (Residential Planned Unit Development). The property is zoned PDD (Planned Development District) in Richland County. – *First reading approval was given on May 17, 2011. – Approved on second reading.*

Ordinance No.: 2011-025 – Annexing 100 Coopers Nursery Road, 108 Coopers Nursery Road, 112 Coopers Nursery Road, 6 Buckthorn Court, 102 Buckthorn Circle, 103 Buckthorn Circle, 106 Buckthorn Circle, 204 Buckthorn Circle, and 208 Buckthorn Circle; TMS# 28906-01-09, 28906-01-11, 28905-02-12, 28906-01-07, 28905-02-07, 28905-01-05, 28905-02-09, 28906-01-02, and 28902-01-30 – *First reading approval was given on May 17, 2011. – Approved on second reading.*

TEXT AMENDMENTS – SECOND READING

10. Amend §17-283 *Wireless Communication Facilities* (WCF) to include language for property owner notification and clarify meaning of WCF.

Ordinance No.: 2011-034 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-283 *Wireless Communication Facilities* – *First reading approval was given on May 17, 2011. – Approved on second reading*, subject to the words cell towers being inserted in addition to wireless communication facilities and to require that property owners within a 1,000' radius be notified by certified mail at least fourteen (14) days prior to the hearing.

11. Amend §17-258 *Table of Permitted Uses SIC 723Beauty Shops and 724 Barber Shops* to modify off-street parking requirement.

Ordinance No.: 2011-033 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258 *Table of permitted uses, Division I, Services, 72 Personal Services, SIC 723 Beauty Shops and SIC 724 Barber Shops* – *First reading approval was given on May 17, 2011. – Approved on second reading.*

12. Amend §17-343 *Required Improvements for Parking Areas* to expand districts in which alternative surfaces may be requested by special exception.

Ordinance No.: 2011-032 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development, and Zoning, Article III, Zoning, Division 10, Off-Street Parking and Loading Facilities, Sec. 17-343 *Required Improvements for parking areas* – *First reading approval was given on May 17, 2011. – Approved on second reading.*

13. Amend DP Ordinance – Chapter 17 - Article V – Historic Preservation and Architectural Review

Ordinance No.: 2011-010 – 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 1, Sec. 17-652 Definitions to add Contributing and Non-contributing; Sec. 17-653 Design and development review commission (b)(9) to add –DP and -NC; Sec. 17-654 Designation of historic protection classifications (b) Procedures for designation; Sec. 17-655 Administration, and Division 2 Preservation Standards for Landmarks and Design Protection Districts, Sec. 17-674 Review process – *First reading approval was given on May 17, 2011. – Approved on second reading.*

ORDINANCES – SECOND READING

14. Ordinance No.: 2010-161 - Authorizing the City Manager to execute an Interim Agreement and a Services Agreement for Rehabilitation, Operation, Repair and Maintenance of the Canal Hydroelectric Facilities between the City of Columbia and Lockhart Power Company – *First reading approval was given on May 17, 2011. – Approved on second reading.*
15. Ordinance No.: 2011-037 – Authorizing the City Manager to execute a Lease between the City of Columbia and Old Boy Properties, LLC for property consisting on 100+ acres in Richland County, South Carolina being a portion of the property formerly owned by Columbia Venture, LLC and Sunday School, LLC – *First reading approval was given on May 17, 2011. – Approved on second reading.*

ANNEXATION WITH MAP AMENDMENTS – SECOND READING

16. 6 Bay Berry Mews, Capital Heights, and 4219 Lester Drive; TMS# 11611-02-15 thru 41, 11611-03-01, 11611-03-03 thru 40, 11611-07-01 thru 26, 11611-08-01 thru 33, 11611-09-01 thru 08, 11612-04-06, 11612-04-10 thru 45, 11612-06-01 thru 05, 11612-07-04 thru 16, and 11612-08-01 thru 20; request recommendation concerning application to annex and zone Bayberry Mews RG-2 (General Residential) and rezone Capital Heights RG-2 (General Residential) from C-3 (General Commercial). The property is zoned RM-HD (General Residential) and GC (General Commercial) in Richland County. – *First reading approval was given on May 17, 2011. – Approved on second reading.*

Ordinance No.: 2011-008 – Annexing Bay Berry Mews, Capital Heights and 4219 Lester Drive, Richland County TMS #11611-08-09, 11611-03-03, 11611-03-04, 11611-03-05, 11611-03-06, 11611-03-07, 11611-03-08, 11611-03-09, 11611-03-10, 11611-03-11, 11611-03-12, 11611-03-13, 11611-03-14, 11611-03-15, 11611-03-16, 11611-03-17, 11611-03-18, 11611-03-19, 11611-03-20, 11611-03-21, 11611-03-22, 11611-03-23, 11611-03-24, 11611-03-25, 11611-03-26, 11611-03-27, 11611-03-28, 11611-03-29, 11611-03-30, 11611-03-31, 11611-03-32, 11611-03-33, 11611-03-34, 11611-03-35, 11611-03-36, 11611-03-37, 11611-03-38, 11611-03-39, 11611-03-40, 11611-07-01, 11611-07-02, 11611-07-03, 11611-07-04, 11611-07-05, 11611-07-06, 11611-07-07, 11611-07-08, 11611-07-09, 11611-07-10, 11611-07-11, 11611-07-12, 11611-07-13, 11611-07-14, 11611-07-15, 11611-07-16, 11611-07-17, 11611-07-18, 11611-07-19, 11611-07-20, 11611-07-21, 11611-07-22, 11611-07-23, 11611-07-24, 11611-07-25, 11611-07-26, 11611-08-01, 11611-08-02, 11611-08-03, 11611-08-04, 11611-08-05, 11611-08-06, 11611-08-07, 11611-08-08, 11611-08-10, 11611-08-11, 11611-08-12, 11611-08-13, 11611-08-14, 11611-08-15, 11611-08-16, 11611-08-17, 11611-08-

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– *Approved on second reading.*

Councilor Gergel inquired about the impact this annexation will have on the Columbia Police Department.

Deputy Chief Leslie G. Wisner, Columbia Police Department reported that there were 452 calls for service and 153 incidents generated from Bay Berry Mews during last year. This is approximately 8.7 calls for service and 2.9 incidents each week. Without additional funds in this year's budget, we will be able to accommodate the annexation and provide adequate protection, but in the 2012/2013 budget we will ask for an additional \$330,746. We have met with the Columbia Housing Authority. We plan to have officers reside in the area to provide immediate service. The Housing Authority will hire off-duty Columbia Police Officers to augment patrols during the first few months.

Mr. Gilbert Walker, Executive Director of the Columbia Housing Authority agreed to patrol the area and work closely with the Columbia Police Department as we do now. If necessary, we will add patrol officers to our budget in order to do everything we can to make it a safe place. We plan to take swift action when cases arise; residents will not be able to stay.

Councilor Gergel questioned how the Police Department could immediately absorb this expense. She asked that the Columbia Housing Authority put their commitment in writing.

Councilor Devine asked if security is currently being provided by management. She said that the calls for service may be skewed as far as what it will require us to provide. Last week we annexed several parcels in Woodcreek Farms. That will be 200 single-family houses and certainly we will provide patrols there and while the calls for service may be different, there will be calls for service out there as well. She urged her peers not to rush to pass judgment on the types of properties being annexed.

Councilor Davis said that he also met with the Police Chief and Mr. Walker and he is confident that there will be substantial changes to the area. We've made adjustments for Woodcreek Farms, Five Points and other areas. It's a large donut hole, we don't have any choices, but the necessary things will be done. I'm convinced that we will see a difference; the Housing Authority knows what their role will be; and we know what our role will be.

Councilor Plough inquired about the amount of the fee in lieu of taxes. I thought that the property was being acquired by the Columbia Housing Authority, but it's not. What happens if the deal doesn't close?

Mr. Gilbert Walker, Executive Director of the Columbia Housing Authority said that we are using the non-profit, because it's the best way for the Housing Authority to be involved. The City will still receive the fee in lieu of taxes.

Ms. Julia Prater, Deputy Director of the Columbia Housing Authority stated that the fee in lieu of taxes is 10% of net rents collected, which is estimated at \$60,000 to the City of Columbia, annually.

Mr. Ken E. Gaines, City Attorney stated that the property would have been annexed; you cannot condition an annexation on a closing. You have to vote it up or down.

Councilor Gergel stated that she is sensitive to the issues of donut holes, but it is imperative that the Columbia Housing Authority partner with us in policing this area, because the City of Columbia is strapped, financially.

Councilor Davis said that we aren't doing anything here that we wouldn't do in any other parts of the City. The expectation of the Housing Authority is no less than the expectation that we would have for any other apartment community in this City.

Councilor Plough said that it is important for her to understand the water and sewer agreement before she votes.

Mr. Ken E. Gaines, City Attorney explained that they are currently being served city sewer and they are being bulk metered for city water. If they change over to the City, they will pay their sewer bill like the in-city customers pay, which is based on their water usage. If and when they connect to the city water system, they will be metered for the water and will be charged based on water usage. They intend to continue using the private wells and we are asking for approval of an agreement where they will be signing a water main extension agreement and they will bear the costs of extending water service to the City if they ever abandon the private system. Any developer with raw land that wanted water and sewer from the City would be required by Engineering to sign a water main extension agreement and a sewer main extension agreement, which require them to bring the water and/or sewer to the property; build-out the infrastructure; procure the easement; and then convey the system to the City. Under this agreement, if the purchaser of the property decides to abandon the private water system, they will enter into a water main extension agreement as if there were no houses and no water system there today.

Councilor Plough asked if the agreement will be signed by the existing owner.

Mr. Robert Fuller, Esq. stated that their negotiation with the Housing Authority has been predicated upon the cost of that arrangement being borne by the Housing Authority. They would not agree at this point to that same agreement. If, however, the deal fell through and they remained on the property, the only way in which they could become a part of the City's water main and sewer system by extension would be to sign the agreement that the City requires. We are not requesting to be put on the system at this point. There is a binding contract of sale, the due diligence period has essentially been completed and the requirement of the transfer of the water system to the name of the purchaser is already in process with DHEC. The parties are proceeding towards closing this transaction and there is no reason to suspect that it would not close in the near future.

Councilor Plough stated that funds are in the Housing Authority's development budget to upgrade the lines and to do what is necessary to bring them into the City. I am concerned that you are not doing that now. Will those dollars be put into an escrow account set aside exclusively for that purpose?

Mr. Gilbert Walker, Executive Director of the Columbia Housing Authority said that when we close the deal we plan to put money into an escrow account for that and other things, too. We have other projects with water, sewer and roads that we maintain and the City is not responsible for that.

Councilor Plough asked if Mr. Jaco has looked at the existing lines. Are they built to our specifications? What kind of cost is involved?

Mr. Joey Jaco, Director of Utilities and Engineering said that the project was reviewed and it was built to our standards as if it was going to come into the City. There will be cost associated with the installation of meters and to get water to the property, which is covered under the extension agreement. There are other costs that the developer would incur. We would not accept the elevated tank or the well and those would have to be disconnected from the system before we would accept it.

Upon a single motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to give second reading approval to the *Map Amendment* of 6 Bay Berry Mews, Capital Heights, and 4219 Lester Drive; TMS# 11611-02-15 thru 41, 11611-03-01, 11611-03-03 thru 40, 11611-07-01 thru 26, 11611-08-01 thru 33, 11611-09-01 thru 08, 11612-04-06, 11612-04-10 thru 45, 11612-06-01 thru 05, 11612-07-04 thru 16, and 11612-08-01 thru 20; request recommendation concerning application to annex and zone Bayberry Mews RG-2 (General Residential) and rezone Capital Heights RG-2 (General Residential) from C-3 (General Commercial). The property is zoned RM-HD (General Residential) and GC (General Commercial) in Richland County **and** Ordinance No.: 2011-008 – Annexing Bay Berry Mews, Capital Heights and 4219 Lester Drive, Richland County TMS #11611-08-09, 11611-03-03, 11611-03-04, 11611-03-05, 11611-03-06, 11611-03-07, 11611-03-08, 11611-03-09, 11611-03-10, 11611-03-11, 11611-03-12, 11611-03-13, 11611-03-14, 11611-03-15, 11611-03-16, 11611-03-17, 11611-03-18, 11611-03-19, 11611-03-20, 11611-03-21, 11611-03-22, 11611-03-23, 11611-03-24, 11611-03-25, 11611-03-26, 11611-03-27, 11611-03-28, 11611-03-29, 11611-03-30, 11611-03-31, 11611-03-32, 11611-03-33, 11611-03-34, 11611-03-35, 11611-03-36, 11611-03-37, 11611-03-38, 11611-03-39, 11611-03-40, 11611-07-01, 11611-07-02, 11611-07-03, 11611-07-04, 11611-07-05, 11611-07-06, 11611-07-07, 11611-07-08, 11611-07-09, 11611-07-10, 11611-07-11, 11611-07-12, 11611-07-13, 11611-07-14, 11611-07-15, 11611-07-16, 11611-07-17, 11611-07-18, 11611-07-19, 11611-07-20, 11611-07-21, 11611-07-22, 11611-07-23, 11611-07-24, 11611-07-25, 11611-07-26, 11611-08-01, 11611-08-02, 11611-08-03, 11611-08-04, 11611-08-05, 11611-08-06,

***Amendment to the Agenda*

11611-08-07, 11611-08-08, 11611-08-10, 11611-08-11, 11611-08-12, 11611-08-13,
11611-08-14, 11611-08-15, 11611-08-16, 11611-08-17, 11611-08-18, 11611-08-19,
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11612-08-18, 11612-08-19, 11612-08-20, 11612-07-04; and 11611-03-01

CITY COUNCIL DISCUSSION / ACTION

17. **Council is asked to authorize the City Manager to Execute an Agreement between the City of Columbia and the Columbia Housing Authority Developments, Inc. for a future Water Main Extension Agreement upon Abandonment of the Private Water System in Bayberry Mews and Capital Heights. - *Approved*

Upon a motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to authorize the City Manager to Execute an Agreement between the City of Columbia and the Columbia Housing Authority Developments, Inc. for a future Water Main Extension Agreement upon Abandonment of the Private Water System in Bayberry Mews and Capital Heights.

PUBLIC HEARING

Mayor Benjamin said that I welcome all of you for being here tonight with the members of City Council. The purpose of this hearing is to hear from the public about redrawing the four City Council single-member districts based on the 2010 Census data. The Census reflects that the total population of the four single-member districts has increased by slightly more than 11% since the last Census in 2000. However, the population has not increased uniformly in each district, resulting in some districts having much higher population than others as shown on the data sheet made available to you tonight. Based on this imbalance, these districts must be redrawn to comply with this requirement through a process referred to as "redistricting." Redrawing is required because, pursuant to the United States Constitution and federal and state law, the districts must have essentially equal population to comply with the principle of "one person, one vote." The Voting Rights Act further requires that any redistricting plan allow minority voters an equal opportunity to elect representatives of their choice and not deny anyone's right to vote based on race, color, or minority language status. Tonight's

***Amendment to the Agenda*

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hearing is part of the process by which the Council will gather information to be considered and used in redrawing the district lines. The Council will prepare a plan that will be proposed and adopted like any other ordinance. After the ordinance is adopted, the Council will submit the new district boundaries to the United States Justice Department for pre-clearance pursuant to the Voting Rights Act. Redistricting is a lengthy and involved process and tonight is an early step in that process. The Council wants to hear your ideas about which areas should be drawn together into a single district, or which areas should or could be drawn into separate districts. The Council also wants to hear about what certain communities have in common, or do not, that suggests they should be placed into one district or that they can—or should—be placed in separate districts. Because tonight's hearing will become part of the record in this matter, this proceeding is being recorded and will be transcribed. To make sure that the record is clear, I ask that each witness come to the microphone, speak slowly and clearly, and state your name and address and identify the district or districts you are interested in. If you are appearing tonight on behalf of a group, such as a political party, a public interest group, or other organization, please let us know that information as well. I or other members of the Council may make comments and ask questions about particular areas which may not reflect the intentions or recommendations of the full Council. We will also be glad to answer general questions about the process if we can. However, because this is the first part of a long process, we may not be able to answer specific questions at this time. While we want to hear everything that anyone has to offer, the Council may limit individual testimony to ten minutes, if necessary, so that everyone can be heard. Please be considerate of others who are here to offer their opinions as well. We are glad you are here, and we look forward to hearing from you tonight.

- **Council opened the Redistricting Public Hearing at 7:03 p.m.**

Ms. Patricia Durkin, 1520 Main Street, City Council District Two stated that following.

I'm thinking that with the changing of the downtown area and how big District Two is and maybe District One as well, if there was some way that we could possibly look at reorganizing District Two. I'm not really prepared to speak tonight, because I didn't realize that this was going to be this type of forum. But, myself along with several other people that have been in District Two for almost six (6) years now have been interested in possibly getting back separated somehow. But, I don't have the answers; I don't have any further comments; it's just something that I think we should probably look at.

No one else appeared at this time.

- **Council closed the Redistricting Public Hearing at 7:04 p.m.**

Mr. Tracey C. Green, Esq., Willoughby & Hoefler, P.A. explained that one of the maps show how the districts are drawn right now and the red dots represent the single member districts. This map shows the population broken down by the percentage of minority residents. It shows that some areas in Districts One and Two have a higher minority population than other areas. Obviously, we have to consider those issues because of the Voting Rights Act, Section 5. Down below are the benchmark statistics for the population of a District under the 2000 plan, but with the 2010 census numbers and that's where we come up with the imbalance that you have. This is the plan as it was adopted in the last round of redistricting. This is what we will start from with the redrawing process that we have to go through. The process from this point, I would anticipate would be that we will work with your legal staff to put together a plan in conjunction with Bobby Bowers and the Office of Research and Statistics and we will

submit that for your consideration. Obviously, Council can have input into that drawing session or drawing process as well and then eventually a plan will be put together that I believe would be adopted by ordinance; debated, adopted, and put into effect like any other ordinance with the readings and what not. Now obviously, through that process there are some public hearings, you have to read those publicly, so there will be other opportunities to present public input for that just like any other ordinance. Now, if you would like, you can do an additional public input session once a plan is drawn, but before it is adopted. I don't think that's required, but it is certainly something that you can consider if you would like. I believe that the plan was to have a plan adopted by August. I remember we talked about it and we submitted a timeframe, but I can't remember exactly.

Mr. Ken E. Gaines, City Attorney stated that he believes it's September; I can check that and get that information out to you. Also, I want to point out to the public that this information, these maps and the statistical data are posted in a public park in each District; they are also posted at City Hall; and they are posted at Washington Square for the public viewing. And I believe they are available through the City website and if someone would like an e-mail copy of those sent to them, we can certainly do that, they just need to contact the City Clerk.

Mr. Tracey C. Green, Esq., Willoughby & Hoefler, P.A. explained that part of the timeframe is the election early next year.

Mr. Ken E. Gaines, City Attorney further explained that our election is in April 2012; we've got to get this to the Justice Department so they can get it pre-cleared before we send a Resolution calling for the 2012 Election. The 2012 Election Resolution will go out around the first of December of 2011, calling for the April elections.

Mr. Tracey C. Green, Esq., Willoughby & Hoefler, P.A. said that would work back to early September; a 60-day timeframe and another 60-day timeframe. The Justice Department has a total of 120-days, so we would work backwards from that so that you could have your election filing early next year.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Mr. Bill Manley, Eau Claire Community Resident said that he has talked about the franchise fee over the last two (2) months. He distributed copies of information that he gathered from the time that SCANA through SCE&G transferred with the City's permission, the bus system. I am not against the bus system. The data is broken out into three parts: what SCANA gave to the City of Columbia from 2001 through 2012 (\$13,270,000); what SCANA also gave to the City so they could move it through the City to CMRTA (\$32,290,000); and the City itself, starting October 1, 2003 to October 13, 2010, transmitted \$10,000,000 to the CMRTA. He added that Richland County at the same period of time, but for three (3) years less, provided the CMRTA \$12,703,729. In other words, from the time that the discussion began with the City until this year, a total amount of \$68,263,729 was moved to CMRTA. The CMRTA and the City needs to open their books all the way. I recommend that the City identify by account how much they have provided to the CMRTA, retroactively. This doesn't include the 3% that you all passed in 2005 and are collecting from our electric and gas bills.

Councilor Rickenmann said that the 3% franchise fee passed much earlier than 2005. Your numbers probably aren't right. The 3% franchise fee goes into the General Fund. It is a revenue stream and by State statute we can't provide that information.

Councilor Devine said that the Finance Director has sat with you to go over the numbers; staff has provided you with documentation; and you continue to give us numbers that aren't factual according to our staff. I don't think anybody is trying to hide anything from you, but you need to state specifically what you need and you need to accept the answer that you are given. She urged Mr. Manley to ask Mr. Ellis for clarification on what he doesn't understand. She requested a copy of Mr. Manley's comments made during the Budget Public Hearing on May 17, 2011 related to revenue from the franchise fee.

Mr. Bill Manley, Eau Claire Community Resident said that the City provided one document to him under the FOIA and that it is the \$10 million; I have not met with staff; I have not been briefed; we have exchanged e-mails, but there has been no personal contact with me. Everything that's listed on here has been provided to me and I will provide the City Manager with the original documents that make up this report. I want the public to understand that we don't need the 2% increase; you all have received more than enough money for the bus system. I have not said that any of this money is from the franchise fee.

Councilor Plaugh said that the numbers appear to be inline, she just wanted to clarify that the 3% goes into our General Fund, but it doesn't take a lot to figure the amount out.

Upon a motion made by Mayor Benjamin and seconded by Mr. Davis, Council voted unanimously to adjourn the meeting at 7:29 p.m.

Respectfully submitted by:

Erika D. Salley
City Clerk