

**CITY OF COLUMBIA CITY COUNCIL  
SPECIAL CALLED MEETING MINUTES  
MARCH 26, 2013 – 5:30 P.M.  
EAU CLAIRE PRINT BUILDING  
3907 ENSOR AVENUE**



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The Columbia City Council held a Special Called Meeting on Tuesday, March 26, 2013 at the Eau Claire Print Building, 3907 Ensor Avenue. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 5:46 p.m. and the following members of Council present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Leona K. Plough, The Honorable Brian DeQuincey Newman, The Honorable Cameron A. Runyan and The Honorable Moe Baddourah. 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.

**EXECUTIVE SESSION**

Upon a motion properly made and seconded, Council voted unanimously to enter into Executive Session at 5:47 p.m. for the discussion of **Items 1** through **3** as outlined.

1. Receipt of legal advice which relates to a pending, threatened or potential claim – *This item was discussed in Executive Session. No action was taken.*
2. Discussion of negotiations incident to the proposed purchase of property – *This item was discussed in Executive Session. No action was taken.*
3. Receipt of legal advice which relates to a matter covered by attorney-client privilege – *This item was discussed in Executive Session. No action was taken.*

Upon a motion made by Mr. Davis and seconded by Mr. Runyan, Council voted unanimously to adjourn the Executive Session and reconvene the Special Called Meeting at 6:58 p.m.

**ADOPTION OF THE AGENDA**

Mayor Benjamin suggested that **Item 4** be removed from the agenda. He said we need to make sure we have more community discussion on this issue. He suggested that the matter be scheduled for discussion on April 9, 2013 and in the interim we have more substantial discussions, make sure everybody is at the table and make sure we come up with a resolution.

Councilor Devine clarified that no action will be taken by Council between now and April 9, 2013 until we have an opportunity to discuss this publicly.

Ms. Teresa Wilson, City Manager asked if there is an understanding that we will address the feedings on April 9, 2013.

Mayor Benjamin said yes.

Councilor Baddourah noted that funding for the splash pad hasn't been identified.

Mayor Benjamin said there are time constraints attached to the proposal from W.P. Law and we need to move forward vigorously if we are going to meet the timeframes.

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to adopt the agenda, subject to removing **Item 4** and scheduling the matter for discussion on April 9, 2013.

#### **CITY COUNCIL DISCUSSION / ACTION**

4. Feedings at the Winter Shelter – The Honorable Cameron A. Runyan – *The discussion of this item was deferred to April 9, 2013.*
5. [One Columbia City Serve](#) – The Honorable Mayor Stephen K. Benjamin – *Please refer to Item 23.*
6. Council is asked for authorization to enter into contract negotiations with W.P. Law, Inc. Fountain Division for the [Finlay Park Splash Pad and Busted Plug Art Piece Relocation](#) for a Guaranteed Maximum Price of \$450,000.00. This firm is located in Lexington, SC. *Funding Source: To be determined*

Mr. S. Allison Baker, Senior Assistant City Manager said that they have looked at several funding options, but the CFO is not prepared to recommend a specific source at this time. He requested permission to work through the contract and bring it back to Council on April 9, 2013.

Mayor Benjamin said that several of them discussed the possibility of hospitality tax bonding and we need to make sure we have good projects that draw people to the city. He said prospectively, this could be a project funded by a hospitality tax bond and this is something we need to keep on the table.

Councilor Plaugh said it makes her pause when are proceeding without having identified resources to proceed with. She asked where this is being designed.

Mr. S. Allison Baker, Senior Assistant City Manager explained that the Request for Proposals (RFP) requires the design build team to recommend a specific location at Finlay Park. The team consists of a landscape architect, who has been involved with other master planning for the city and an engineering firm that was involved in the construction of *The Busted Plug*.

Councilor Plaugh asked if this is an opportunity to do more than the Splash Park; to come back with recommendations to bring Finlay Park back to the crown jewel it once was. She said that the Council informally discussed legacy projects and she hopes this would be one of those.

Mr. S. Allison Baker, Senior Assistant City Manager said this is surely an opportunity to improve Finlay Park and to create a legacy project. He recalled that they were asked to make sure it was properly placed as it relates to the entire park and that there was a professional analysis. He noted that the overall master planning process for the City of Columbia does speak to the need to do some things at Finlay Park.

Councilor Plaugh said she would reluctantly support the motion.

Councilor Baddourah asked if Blue Sky and his feedback are still in the picture.

Mr. S. Allison Baker, Senior Assistant City Manager said that Blue Sky is at the center of all of this. He said that the RFP required the architect to work with the artist. He noted that the design teams were asked a question that would ascertain their ability to pull all stakeholders together and get us going in a certain direction.

Councilor Baddourah asked if the maintenance of the splash pad would be included in the estimates. He said that the project cost \$25,000 initially and now it's at \$450,000.

Mr. S. Allison Baker, Senior Assistant City Manager stated that we have a good history with the Drew Park Splash Pad and we will be able to provide a good estimate for the operating costs.

Mayor Benjamin said that we are looking at the possibility of having a wonderful piece of public art added to a crown jewel park that will bring tens of thousands of families to downtown Columbia over the next couple of years.

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted six (6) to one (1) to authorize staff to enter into contractual negotiations with W.P. Law, Inc. Fountain Division for the Finlay Park Splash Pad and Busted Plug Art Piece Relocation for a Guaranteed Maximum Price of \$450,000.00. Voting aye were Mr. Davis, Ms. Devine, Ms. Plaugh, Mr. Newman, Mr. Runyan and Mayor Benjamin. Mr. Baddourah voted nay.

### **ORDINANCES – FIRST READING**

7. [Ordinance No.: 2013-023](#) – Granting an encroachment to St. Timothy's Episcopal Church for installation and maintenance of three (3) white crepe myrtle trees within the right of way area of the 1900 block of Lincoln Street adjacent to 900 Calhoun Street, Richland County TMS #09011-08-01 – *Approved on first reading.*

Upon a motion made by Mayor Benjamin and seconded by Mr. Runyan, Council voted unanimously to give first reading approval to Ordinance No.: 2013-023 – Granting an encroachment to St. Timothy’s Episcopal Church for installation and maintenance of three (3) white crepe myrtle trees within the right of way area of the 1900 block of Lincoln Street adjacent to 900 Calhoun Street, Richland County TMS #09011-08-01.

8. [Ordinance No.: 2013-041](#) – Providing for the issuance and sale of City of Columbia, South Carolina Special Obligation Bonds or Notes, (Hospitality Fee Pledge), Series 2013 (Junior Lien), in order to acquire, renovate, redevelop, up fit and improve certain capital projects; authorizing the Mayor, the City Manager and the Chief Financial Officer, or any two of them acting together to determine certain matters with respect to the bonds or notes; prescribing the form and details of such bonds or notes; and other matters relating thereto – *Approved on first reading by a vote of five (5) to two (2).*

Mr. Michael Seezen, Esq., McNair Law Firm said that at Council’s discretion they could choose to include a not to exceed dollar amount for the bonds to be issued. He noted that the stated maximum term of maturity was left blank.

Mayor Benjamin asked if there had been any discussions with the owners about the sales price being privileged.

Ms. Teresa Wilson, City Manager said no.

Mr. Michael Seezen, Esq., McNair Law Firm reminded the Council that the dollar amount authorized in this bond ordinance is a not to exceed amount and the number that is chosen to be inserted by Council would only act as a ceiling; it does not bind you to spend all of that. He added that they could issue lesser bonds to fund a lower purchase price.

Ms. Teresa Wilson, City Manager clarified that no one should assume that the not to exceed amount is the purchase price.

Mayor Benjamin said that this property has been under contract and previously appraised in excess of \$6 million. He recommended that the city contract with the owners to purchase the property for \$5.65 million, noting that the additional costs incurred by the owner may be added. He told staff not to stop work on the demolition permit that they were properly issued. He said that Council will authorize staff to move forward with financing in a not to exceed amount of \$7 million to include closing costs and the possibility of debt service of the two (2) year privately placed, interest only Bond Anticipation Note (BAN) so that we will not have to rely on any other funding sources within the city.

Mr. Michael Seezen, Esq., McNair Law Firm concurred, noting that it is one of the permitted purposes under the ordinance. He said that the ordinance not only relates to the acquisition of the existing property and the cost outlined, it would also allow for renovations and up fit. Councilor Devine said that it will also cover any other maintenance costs in the interim.

Councilor Baddourah said that the max we can borrow is \$7 million and then we are allowed to pay off the interest on the loan itself within the next two (2) years out of the money we borrow.

Mr. Michael Seezen, Esq. explained that the discussions they've had with lenders have suggested a two (2) year maturity so that in two (2) years the whole principal and interest payment would become due. He said they also talked about having one (1) interest payment that would be due on the one (1) year anniversary date. He expects that while the city could use loan/bond proceeds to pay that first interest payment then the second year you probably wouldn't use loan proceeds to pay off the interest payment, because you will be paying off the loan at the same time.

Councilor Baddourah said that he wants to ensure that every recipient that depends on the hospitality fund is not suffered by any of this. He wants to make sure this message is relayed.

Mayor Benjamin asked Mr. Baddourah if he liked that façade of the note.

Councilor Baddourah said yes.

Councilor Plough said that she supported the City Manager proceeding to negotiate the purchase of the Palmetto Compress Building, but she is not comfortable with what they are doing today. She said that they don't have the appraisal back and our procurement policy requires us to have the property appraised before you acquire it. She said we have an offer from the property owners for us to buy with a date certain for a closing; for us to have first reading to acquire debt before the appraisal is in, is not a shrewd business approach to this transaction.

Mayor Benjamin stated for the public's edification that the appraisal is on the way; we've hired one of the best appraisers in the state to conduct the appraisal. He respects Ms. Plough's position, but insisted that we need to move forward aggressively.

Upon a motion made by Mr. Davis and seconded by Mr. Runyan, Council voted five (5) to two (2) to give first reading approval to Ordinance No.: 2013-041 – Providing for the issuance and sale of City of Columbia, South Carolina Special Obligation Bonds or Notes, (Hospitality Fee Pledge), Series 2013 (Junior Lien), in order to acquire, renovate, redevelop, up fit and improve certain capital projects; authorizing the Mayor, the City Manager and the Chief Financial Officer, or any two of them acting together to determine certain matters with respect to the bonds or notes; prescribing the form and details of such bonds or notes; and other matters relating thereto. Voting aye were Mr. Davis, Ms. Devine, Mr. Newman, Mr. Runyan and Mayor Benjamin. Voting nay were Ms. Plough and Mr. Baddourah.

## **ORDINANCES – SECOND READING**

9. [Ordinance No.: 2013-013](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V, Water and Sewer Rates, Sec. 23-143 Water service rate, and Sec. 23-149 Sewer service rates, (a) Generally - *First reading approval was given on March 19, 2013 by a vote of five (5) to one (1).*

Councilor Devine asked Ms. Gentry to outline the public awareness efforts and workshops that have been scheduled.

Ms. Missy Gentry, P.E., Assistant City Manager said that if we obtain approval tonight, we will send press releases tomorrow to notify citizens that we are having workshops in the evenings and on Saturdays; we will invite people in to let us help them understand their bills; and we will show how the calculations would be different with the new rates.

Councilor Davis asked if they would be flexible enough to do the workshops on a regional basis.

Ms. Missy Gentry, P.E., Assistant City Manager said absolutely, if the demand is there.

Councilor Devine suggested that an alternative would be to address specific concerns.

Councilor Newman said there is still a great deal of confusion. He clarified that it is a decrease and our bills are less than the main areas we compete with such as Greenville, Charlotte, Rock Hill, Florence, Raleigh, Lexington, Augusta and the Charleston Water System. He further clarified that although the changes we're making are significant, we are still paying less than the municipalities in the surrounding area.

Councilor Davis concurred with Mr. Newman, adding that this action does reflect decreases and it positions us to do the necessary repairs to infrastructure; it's a process that all municipalities must go through and we're doing it at a lower rate. He applauded his colleagues for moving in this direction, which is in the best interest of the taxpayers; the return on investment will be very extensive; and it puts the city in a position to maintain the quality that has been expected.

Councilor Runyan thanked staff for their hard work and for working to build consensus among Council.

Councilor Devine reported that in today's Environment and Infrastructure Committee meeting they discussed a sewer issue with a larger rate payer that said they would rather be serviced by the city, because our rates are better than their alternative. She stated that no one likes an increase, but relatively speaking we do know that customers prefer our rates.

Mayor Benjamin stated that we are reducing the base rate for most businesses and churches.

Ms. Missy Gentry, P.E., Assistant City Manager clarified that we are reducing the base rate for all 1” meters and above by 50%.

Mayor Benjamin said even with the increase in consumption, the City of Columbia will still be 20% below the market rate; we will have water and sewer rates below Anderson, Greenville, Charlotte, Rock Hill, Florence, Raleigh, Greenwood, Lexington, Augusta, Beaufort, way below Lexington County and well below the Charleston Water System. He said we will continue the significant investment that allows us to grow economic development in this community and allow us to continue being the great stewards of the environment. We’ve seen a significant decrease in sanitary sewer overflows over the last several years; the Canal and Lake Murray Waterworks treatment facilities produce an average of 65 million gallons of water every day; the wastewater plant is ready to treat up to 60 million gallons of wastewater every day; we have 3,600 miles of water and sewer mains serving over 142,000 households and businesses throughout the Greater Columbia Metropolitan Area and we are still keeping rates \$6 less a month than Greenville; \$17 less a month than Lexington; and \$35 less a month than Charleston. He said that you all are doing a great job and because of that you got a unanimous vote last month.

Councilor Plough echoed the compliments to staff. She clarified that this is a volumetric increase on our residential, smaller line customers, which are the bulk of our customers. She agreed that we have to do this, but any increase is a challenge for someone on a fixed income. She acknowledged that our costs keep going up and we have a lot of work to do. She has concerns about some of the charges being made in the water and sewer budget. She would like to see a pure water and sewer budget with a transfer, i.e. a franchise fee that can be transferred into the General Fund.

Mayor Benjamin asked that staff insert in the next round of water bills a comparison of this increase to other municipalities for customers inside and outside the City of Columbia.

Councilor Baddourah said that we have 135,000 regular household customers whose water bill is going up.

Mayor Benjamin said with all due respect Mr. Baddourah, that was the presentation that staff made to Council last week and we voted unanimously in support of it.

Upon a motion made by Mr. Newman and seconded by Ms. Devine, Council voted six (6) to one (1) to give second reading approval to Ordinance No.: 2013-013 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V, Water and Sewer Rates, Sec. 23-143 Water service rate, and Sec. 23-149 Sewer service rates, (a) Generally. Voting aye were Mr. Davis, Ms. Devine, Ms. Plough, Mr. Newman, Mr. Runyan and Mayor Benjamin. Mr. Baddourah voted nay.

## RESOLUTIONS

10. [Resolution No.: R-2013-043](#) - Amending Resolution R-2013-012 Authorizing consumption of beer and wine only at Frame of Mind's First Thursdays on Main in the 1400, 1500 and 1600 blocks of Main Street and Boyd Plaza - *Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to approve Resolution No.: R-2013-043 - Amending Resolution R-2013-012 Authorizing consumption of beer and wine only at Frame of Mind's First Thursdays on Main in the 1400, 1500 and 1600 blocks of Main Street and Boyd Plaza.

11. [Resolution No.: R-2013-032](#) – Amending Resolution No.: R-2005-028 Establishing a policy for term limits for members of city boards, commissions, committees and development corporations - *Approved*

Mayor Benjamin stated that we have term limits for a reason and we have more than enough talented people in this city to serve on boards and commissions. He thinks that if we start getting beyond our desire to seek those good folks out to serve then we're doing a disservice to the city. He said that the only exception he would be interested in seeing would be if one of our appointees are in a position to assume a leadership role on a board where we are in a regional rotation and there's a real opportunity. He said that we have done fairly well over the last year or so. He said we need to identify opportunities to put new people in place and to stagger terms to avoid clearing out entire boards, because everyone has exceeded their terms. He noted that this is his recommendation.

Councilor Plaugh said that she doesn't want to gut the previous resolution that was passed, although there are some boards and commissions that need continuity. She is concerned that we have not complied with the resolution, on occasion. She said that the purpose of bringing this forward is to make sure it contains those exceptions. She said that we need to schedule terms where we don't lose continuity all at once.

Councilor Devine said that those that are in rotation for a leadership position clearly deserve an exception. She is concerned about changing the language to "as Council deems necessary", because it seems to allow Council to use the rule when they want to and then not use it when they don't. She said that the City Attorney did a good job of taking the discussion and putting it in writing. She supports the exception for the leadership role, but not a blanket exception.

Mayor Benjamin said that other than efforts to stagger appointees' terms that had expired on the Housing Authority Board, we haven't made any other appointments in violation of the policy. He suggested that the amendment state that "Council determines in its sole and exclusive discretion that the person has unique professional experience or credentials and further service beyond two (2) consecutive full terms would be beneficial to the citizens of Columbia, the board, commission, committee, corporate board of directors or like body, or the person is positioned to assume a leadership role after having served two (2) consecutive full terms."

Ms. Teresa Wilson, City Manager said that specific credentials are oftentimes specified in the bylaws of the board or commission.

Mayor Benjamin said that Council also needs that latitude.

Councilor Davis said boards and commissions make decisions that impact quality of life; Council is ultimately held accountable; and from time to time may need to exercise some privileges. He further stated that there are a few boards and commissions that may have specifications for members and we would honor that, but having it in the policy provides flexibility as well. He said that new blood is good and that would give us the opportunity to allow others to show their talents and add to the quality of life in the city.

Upon a motion made by Ms. Plough and seconded by Mr. Davis, Council voted unanimously to approve Resolution No.: R-2013-032 – Amending Resolution No.: R-2005-028 Establishing a policy for term limits for members of city boards, commissions, committees and development corporations with the following amendment to Item 1:

*...or City Council determines, in its sole and exclusive discretion, that the person has unique professional experience or credentials and further service beyond two (2) consecutive full terms would be beneficial to the citizens of Columbia, the board, commission, committee, corporate board of directors or like body, or the person is in or positioned to assume a leadership role after having served two (2) consecutive full terms.*

12. [Resolution No.: R-2013-045](#) – Repealing Resolution R-93-61 Adopting Policy on Water and Sewer Fund Transfers to General Fund and Setting a Policy that the City of Columbia will not Exceed Five (5%) of the Gross Revenue of the Water and Sewer System – *Approved by a vote of six (6) to one (1).*

Mayor Benjamin explained that the city had a policy for twenty (20) years on water and sewer fund transfers that was too broad and he felt the need to set policy governing water and sewer transfers prospectively while recognizing that the City of Columbia's citizens deserve a return on investment. He recognized the fact that in order to achieve \$4.5 million in revenue in the General Fund that would require a tax increase on our citizens and we are not going to do that. He believes that reinvesting in our system is key to the economic development and environmental preservation of the city and the entire Midlands region. As such, he proposed that the city not transfer in any fiscal year an amount greater than 5% of the gross revenues of the water and sewer system for the current fiscal year that we're in, leaving 95% of water and sewer revenues in abeyance.

Councilor Devine noted that the previous resolution was adopted in 1993 and we never exceeded the amount allowed under that resolution. She said this allows us to stay below what was allowed and it affirmatively talks about reinvesting in the system. She asked the City Manager to make the previous resolution available.

Councilor Plaugh said this accomplishes the appropriate way to handle transfers, except for the basis under which 5% was selected; that has to be fully disclosed.

Mayor Benjamin said that the determination was made in discussions with the City Manager and Chief Financial Officer. He recited the clauses of the resolution. He said they wanted to get the number as close to 100% as possible, while recognizing the fact that without the transfers we would be looking at a tax levy of 9 mils or decreasing the budgets of significant departments. He said it was after significant dialog with city staff as to exactly what the tolerance was with something that's conservative enough and they said 5%; that's the basis upon which the decision was made.

Councilor Plaugh asked how they concluded that 5% was the right number.

Mayor Benjamin said they looked at historical trends of the transfer and we previously asked staff to come back with recommendations as to how we could move off of the transfers over a period of time. He said there is a significant philosophical concern that you share along with many of us as well; the citizens of this city own the system; two-thirds of the customers of the system don't live in the city and aren't subject to property taxes; and that the citizens are entitled to a certain amount. He said they thought this would be the right place to land. He noted that transfers in this budget are less than 5% and have been trending downward over the last several years. He said the discernment process was looking at what we've done over the last several years, expecting that same fiscal stewardship to continue, but making sure that our City Manager, Chief Financial Officer and utilities staff had the ability to continue presenting us with good, clean, balanced budgets that allow us to continue finishing in the black.

Councilor Plaugh asked how a franchise fee under our business license ordinance would be calculated.

Ms. Teresa Wilson, City Manager said they had this discussion recently in the Finance Audit and Budget Committee meeting and we haven't had that analysis done in comparison to putting together a number or percentage that we felt comfortable with, which was clearly based off of historical data, where we are right now and what we have not been doing. She said that as budgets and pressures on the General Fund budget continued to grow over the last several years, we did not increase the transfer. She said we had been able to maintain with a flat transfer and then recommended to you for the upcoming budget that we begin to reduce the transfer. She said philosophically, there is a further analysis that we can look at as far as what that number would truly be and I am still committed to have that analysis done. She ventured to say that if we do that analysis and an indirect cost study, it would say that the transfer would be considerably higher.

Councilor Devine said that approving this resolution tonight doesn't prohibit us from doing the analysis that was discussed; we owe it to ourselves and to our customers to be able to say this is how we got the amount. She said the point of this is to set the ceiling and update the previous ordinance. She said if the analysis ends up being different, this Council could always amend the resolution to add that amount.

Ms. Teresa Wilson, City Manager stated that the math in the old ordinance was convoluted and this was an attempt to clean up the old ordinance, making it very clear and providing a ceiling where we are obviously not close to the 5% even with what we've done historically over the last several years.

Mayor Benjamin said that we have anecdotal evidence and an idea as to how much water and sewer authorities transfer back to the municipality's general fund. He said this establishes a very conservative ceiling that allows us to continue to reinvest in the system and at the very same time not burdening our citizens with a tax increase.

Councilor Plough asked about the percentage of the franchise fee that our largest utility pays and how it is calculated?

Ms. Teresa Wilson, City Manager said that the max is 5%.

Mr. Kenneth E. Gaines, Esq., City Attorney said that it started out at 3% and its maximum is 5%.

Councilor Davis said that he supports the resolution; we are voting to place a limit on our ability to increase the dollars from the water and sewer fund. He noted that the percentage is lower than a lot of our sister cities. He said that folks will not have an issue with us putting 5% on the table in comparison to the ordinance being repealed.

Councilor Baddourah sought to understand the numbers. He said we are currently doing a \$4.5 million transfer from the water and sewer fund to the general fund. He asked if the 5% limit will increase the amount of the transfer.

Mr. Jeff Palen, Chief Financial Officer said yes, it is \$5.5 million to \$6 million.

Councilor Devine said that the previous transfer policy allowed up to 1/12.

Mr. Jeff Palen, Chief Financial Officer clarified that it brought down the maximum amount that could be transferred; under the previous policy 1/12 of the revenue worked out to be roughly \$9.6 million.

Councilor Baddourah suggested that they modify it to 3% where it doesn't exceed \$4.5 million and then decrease it every year. He said that they can do a five (5) year or ten (10) year plan, because we are allowing ourselves to transfer more than \$4.5 million.

Mayor Benjamin clarified that it shall not exceed 5%. He asked Mr. Baddourah if he'd rather keep the policy the way it is.

Councilor Baddourah said no; I would like to get it to 3%. He said this is something they need to consider during budget discussions.

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted six (6) to one (1) to approve Resolution No.: R-2013-045 – Repealing Resolution R-93-61 Adopting Policy on Water and Sewer Fund Transfers to General Fund and Setting a Policy that the City of Columbia will not Exceed Five (5%) of the Gross Revenue of the Water and Sewer System. Voting aye were Mr. Davis, Ms. Devine, Ms. Plough, Mr. Newman, Mr. Runyan and Mayor Benjamin. Mr. Baddourah voted nay.

### **CONSENT AGENDA**

Upon a single motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to approve **Consent Agenda Items 13** through **22** as presented.

#### **ANNEXATIONS WITH MAP AMENDMENTS – SECOND READING**

13. **121 Clemson Road**, TMS# 25705-07-20; to annex and zone the property C-3 (General Commercial). The property is zoned GC (General Commercial) in Richland County – *First reading approval was given on March 19, 2013. - Approved on second reading.*

Council District: 4  
Proposal: Annex and zone property C-3. Primary Area  
Applicant: Colvinas, LLC  
PC Recommendation: Approve C-3 zoning, (7-0) 01/07/13  
Staff Recommendation: Approve

**Ordinance No.: 2013-028** – Annexing 121 Clemson Road, Richland County TMS #25705-07-20 – *First reading approval was given on March 19, 2013. - Approved on second reading.*

14. **2121, 2129, 2141, 2114, 2118, 2122, and 2130 Apple Valley Road**, TMS# 07502-01-02, 07502-01-04, 07502-01-07, 07502-07-03, 07502-07-04, 07502-07-05, and 07502-07-07; request to annex and zone the properties RG-1 (General Residential). The property is zoned RM-MD (Multi-Family Residential-Medium Density) in Richland County – *First reading approval was given on March 19, 2013. - Approved on second reading.*

Council District: 1  
Proposal: Annex and zone property RG-1. Secondary Area  
Applicant: Marguerite W. Sanders  
PC Recommendation: Approve RG-1 zoning, (7-0) 01/07/13  
Staff Recommendation: Approve

**Ordinance No.: 2013-029** – Annexing 2121 Apple Valley Road, 2129 Apple Valley Road, 2141 Apple Valley Road, 2114 Apple Valley Road, 2118 Apple Valley Road, 2122 Apple Valley Road, and 2130 Apple Valley Road, Richland County TMS# 07502-01-02, 07502-01-04, 075 02-01 -07, 07502-07-03, 0 7502-07-04, 07502-07-05, and 0 7502-07-07 – *First reading approval was given on March 19, 2013. - Approved on second reading.*

15. [2225 and 2306 Apple Valley Road](#), TMS# 07502-01-15 and 07502-07-12; to annex and zone the properties RG-1 (General Residential). The property is zoned RM-MD (Multi-Family Residential-Medium Density) in Richland County – *First reading approval was given on March 19, 2013. - Approved on second reading.*  
Council District: 1  
Proposal: Annex and zone property RG-1. Contiguous Property  
Applicant: Karl and Alyson Meier  
PC Recommendation: Approve RG-1 zoning, (7-0) 01/07/13  
Staff Recommendation: Approve

[Ordinance No.: 2013-033](#) – Annexing 2225 Apple Valley Road and 2306 Apple Valley Road, Richland County TMS #07502-01-15 and 07502-07-12 – *First reading approval was given on March 19, 2013. - Approved on second reading.*

16. [4454 Rosewood Drive and W/S Gills Creek Parkway](#), TMS# 13809-03-20 and 13809-03-24; request to annex and rezone the properties D-1 (Development District). The property is zoned GC (General Commercial) in Richland County – *First reading approval was given on March 19, 2013. - Approved on second reading.*  
Council District: 3  
Proposal: Annex and zone property D-1. Contiguous Area  
Applicant: City of Columbia  
PC Recommendation: Approve D-1 zoning, (6-0) 02/04/2013  
Staff Recommendation: Approve

[Ordinance No.: 2013-027](#) – Annexing 4454 Rosewood Drive and 4.847 acres W/S Gills Creek Parkway Richland County TMS #13809-03-20 and 13809-03-24 – *First reading approval was given on March 19, 2013. - Approved on second reading.*

#### MAP AMENDMENTS – SECOND READING

17. [4402 and 4404 Fair Street](#), TMS# 09211-05-01 and 09211-05-14; request to rezone from RS-3 (Single Family Residential) to C-1 (Office & Institutional) – *First reading approval was given on March 19, 2013. - Approved on second reading.*  
Council District: 1  
Proposal: Rezone property from RS-3 to C-1  
Applicant: Eau Claire Cooperative Health  
PC Recommendation: Approve, (7-0) 01/07/13  
Staff Recommendation: Approve

18. [1 Rice Court](#), TMS# 11307-09-15 (portion of being 0.34 acres +/-); request to rezone from RS-3 with DP overlay (Single Family Residential) to RG-2 without DP overlay (General Residential) – *First reading approval was given on March 19, 2013. - Approved on second reading.*  
 Council District: 3  
 Proposal: Rezone property from RS-3 with DP overlay to RG-2 without DP overlay  
 Applicant: James M. Daniel, III  
 PC Recommendation: Approve, (7-0) 01/07/13  
 Staff Recommendation: Approve
19. [101 Wayne Street being the block bounded by Whaley Street, Wayne Street, Heyward Street and Church Street](#), TMS# 08913-16-05; request to rezone from M-1(Light Industrial) with -PD (Planned Development) overlay to MX-1 (Mixed Use) without -PD overlay - *First reading approval was given on March 19, 2013. - Approved on second reading.*  
 Council District: 2  
 Proposal: Rezone property from M-1 with –PD overlay to MX-1 without –PD overlay; and site plan review of four-story, 172-unit multi-family development with 6,500 sq. ft. of retail space.  
 Applicant: Heyward Street Associates, LLC  
 PC Recommendation: Approve, (7-0) 01/07/13  
 Staff Recommendation: Approve

ORDINANCES – SECOND READING

20. [Ordinance No.: 2013-022](#) – Granting encroachment to the University of South Carolina for use of the right of way area of the 700 block of Bull Street and 700 block of Pickens Street adjacent to the west and east sides of Sims Hall at 1501 Devine Street, Richland County TMS #11303-07-01 for installation and maintenance of stamped asphalt pavement, concrete curbing, sidewalk, parking spaces and handicap parking spaces and handicap access isle – *First reading approval was given on March 19, 2013. - Approved on second reading.*
21. [Ordinance No.: 2013-031](#) – Granting encroachment to the South Carolina State Library for installation and maintenance of handrails along the steps located in the right of way area adjacent to its building at 1500 Senate Street - *First reading approval was given on March 19, 2013. - Approved on second reading.*
22. [Ordinance No.: 2013-035](#) – Authorizing the City Manager to execute an Amendment of License and Memorandum of Lease Agreement between the City of Columbia and Core Campus Columbia I, LLC and City’s Consent to an Assignment of Amendment of License and Memorandum of Lease Agreement with regard to the property known as the Sumter Street Parking Garage located at 1400 Sumter Street – *First reading approval was given on March 19, 2013. - Approved on second reading.*

## **CITY COUNCIL DISCUSSION**

### 23. [One Columbia City Serve](#) – The Honorable Mayor Stephen K. Benjamin

Mayor Benjamin announced that during the week of April 20-28, 2013, we'll have a chance to participate in One Columbia City Serve. He explained that this is a week of service dedicated to improving our city by focusing on health, repairing housing, tackling hunger, beautifying our city and bettering education. He stated that there are issues that we look at every single week in our community and we are convinced that we can pool our resources together in one week and make a significant physical improvement and impact on the city. He noted that 500 soldiers from Fort Jackson, Home Works and other organizations are pledging to improve homes.

Mr. Sam Johnson, Special Assistant to the Mayor said that Home Works, the City of Columbia Community Development Department and Home Depot will repair 50 homes.

Mayor Benjamin outlined more partners for this week of service. He said that the goal is to provide thousands of service hours in one week. He asked everyone to sign up online for existing projects or to add their own projects for participation. To register visit [www.cityservicecolumbia.com](http://www.cityservicecolumbia.com) or follow the event on Twitter at @cityservicecola #BetterColumbia to share projects.

Ms. Teresa Wilson, City Manager suggested that our parks be listed in an effort to get small projects done.

Councilor Devine announced the Annual Elmwood Park Tour of Homes on Saturday, April 13, 2013 and that Elmwood Park was named as a national neighborhood of the year finalist by Neighborhoods USA.

Ms. Deborah Livingston, Community Development Director said that Elmwood Park has done a lot and they should have been nominated years ago. She said that she will present the application for the 2015 NUSA Conference and she will represent Elmwood Park at the upcoming conference.

## **APPEARANCE OF THE PUBLIC**

Mr. Thomas Sanders appeared before the members of City Council to express concerns about the reopening of Lester Drive. He said they have a park that they built themselves and Council voted to open the road where they have their park. He said that no one was informed about coming to present their side of the case about Lester Drive, which joins Bethel Bishop, the Colonies and Bayberry Mews. He noted that the road has been closed for fifteen (15) years. He invited the Council members to come out and see what they're doing. He insisted that neither the city nor the county cut the grass on that road; from the dead end of Lester Drive to High Circle, Randolph Street and Farrow Road; they have someone picking up paper every day to keep their neighborhood clean. He said that they have a quiet neighborhood of elderly people. He agreed to join the City Serve initiative. He said that a

petition with over 300 signatures was supposed to be given to Mr. Newman. He asked if the Housing Authority started the conversation about opening the road. He said that speed humps are being installed, but somebody should have come into the neighborhood to find out what is needed. He said they need jobs and better education. He stated that there are 400 apartments and houses, but no swing sets or anything for kids to do. He stated that during their cook outs they talk to their kids and have activities. He asked that Council put a stop to taking to the goals down until they can come to a cookout and see what is going on. He said they have quieted things down by closing this road; they are always in the schools; and they are working with Denmark Technical College to help eight (8) young men earn their GEDs and a trade.

Mayor Benjamin acknowledged that the Sanders do good work in that community. He recalled that Mr. Newman met with them; they met with the Housing Authority; and he talked to several residents that also attend his church. He said the main challenge in addressing this issue is that the road was never legally closed. He said they had discussions with the Columbia Police Department and the Columbia Fire Department and significant concerns were raised about access. He said the city is installing speed humps, because that is a long stretch of street and the concern about speeding is real; to add additional lighting; and to install security cameras at the gateway of the community. He said there were concerns about Bailey Street being closed if Lester Drive is opened; the city controls Bailey Street and it will remain open. He acknowledged that Mr. Newman continuously raised the issue of the significant need for a park that the city would help construct. He agreed to get everyone together to have a full conversation.

Mr. Anthony Sanders said that they don't want to open the road back up, because there are a lot of elderly people that need to be protected. He said that it will become the Wild, Wild West on Lester Drive, Randolph Street and High Circle. He said that they have a gated community and they keep it clean without the city's help. He said that the basketball courts have been there for seven (7) years and the police have never been called there. He has cameras, but someone stole the wheels off his vehicle and he could not identify them, because they had a hood on. He asked that the lights be removed, because they will have that added to their light bills.

Mr. Robert Anderson, Director of Public Works reported that the lights have been installed, the speed humps will be finished this week and Public Works is scheduled to go out and remove the playground equipment and berm, but the installation of cameras hasn't been scheduled.

Councilor Newman said that ultimately the question is why this is happening now. He said that he explained the ramifications of the lawsuit and trying to balance those issues.

Councilor Devine clarified that the ownership has changed for some of the apartments; the city received a letter from a lawyer; we did the research, but we could not find where City Council took affirmative action to close that street; and without a formal action, we have no authority to keep it closed. She said that the city can entertain an option to legally close it, at some point. She said that we were challenged legally and we feel that we don't have a leg to stand on.

Mr. Anthony Sanders said that reopening the road was never mentioned until the Housing Authority stepped in. He said that the Police aren't stopping the problems in the Colony. He feels that it is going to be a bad thing when they open that road. He said that the bars on the fencing have been bent and a path is being formed to Randolph Street and High Circle. He said that it's not right.

Ms. Teresa Wilson, City Manager said that they are not ready to install the cameras and asked if Council wanted to allow her to work with staff on the recommendations that have been made.

Councilor Newman said that is a good idea and he asked that she notify the Sanders of the next Council meeting date.

Mayor Benjamin said that the courts will not be removed at this time.

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to adjourn the meeting at 8:44 p.m.

Respectfully submitted by:

Erika D. Moore  
City Clerk