



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
TUESDAY, MAY 15, 2012
6:00 P.M.
CITY HALL – COUNCIL CHAMBERS
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting and a Zoning Public Hearing on Tuesday, May 8, 2012 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:05 p.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann, The Honorable Belinda F. Gergel, The Honorable Leona K. Plaugh and The Honorable Brian DeQuincey Newman. This meeting was advertised in accordance with the Freedom of Information Act.

PLEDGE OF ALLEGIANCE

INVOCATION

Mr. Aubrey Jenkins, Chief of the Columbia Fire Department offered the Invocation.

ADOPTION OF THE AGENDA

Upon a motion made by Mr. Davis and seconded by Mr. Newman, Council voted unanimously to adopt the agenda with the following amendment.

- Add a Public Hearing on Resolution No.: 2012-054. (*Please refer to Item 16a.*)

PUBLIC INPUT RELATED TO AGENDA ITEMS

No one appeared at this time.

APPROVAL OF MINUTES

1. Minutes of April 18 and April 24, 2012 (*Revised*) – *Approved as presented.*

Upon a single motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to approve the Minutes of April 18, 2012 and April 24, 2012, as revised.

PRESENTATIONS

2. Ribs and Renaissance – Ms. Becky Bailey, Eau Claire Community Council

Ms. Becky Bailey, Eau Claire Community Council invited everyone to join the Eau Claire Community in the Town Center on Saturday, June 2, 2012 from 10 a.m. to 8 p.m. at the Ribs and Renaissance Festival. The Festival will include Zumba, healthy food options and live entertainment by Dwele and local artists.

- **Mr. Davis left the meeting at 6:11 p.m.**

3. Famously Hot and Healthy Recipe Announcement – The Honorable Judge DeAndrea Benjamin

The Honorable Judge DeAndrea Benjamin recalled that last year the City of Columbia officially became a Let's Move! City. Since then the City has hosted special events that focus on providing healthy options and increasing physical activities for children. In December, the City hosted the Famously Hot and Healthy Recipe Challenge. The Council was provided with samples of the winning recipes.

Ms. Catherine Shavo announced that the Baked Striper Italiano was prepared by Kathy Mercer; the Apple Nut Bread was prepared by June Metz; and the Apple Salad was prepared by Rebecca Wrenn. The contest was based on the 2010 dietary guidelines from the Food and Drug Administration and on a point based diet. The Apple Salad is the winning recipe and it will be featured on Pawley's Food Truck.

4. National Drinking Water Week – Mr. Joey Jaco, Director of Utilities and Engineering

Mr. Joey Jaco, Director of Utilities and Engineering announced that last week was proclaimed as National Drinking Water Week in the City of Columbia. We have great employees that make it possible for us to have great drinking water.

Ms. Shannon Lizewski, Contracts Administrator for the Utilities and Engineering Department and Section Chair of the South Carolina American Water Works Association announced that the City of Columbia won 2nd place in a statewide water taste test on March 11, 2012. She presented a plaque to Mr. Bud Summers, Waterworks Superintendent.

5. National Public Works Week – Mr. Robert Anderson, Director of Public Works

Mr. Robert Anderson, Director of Public Works said that last year they held a Touch-A-Truck Event, which engaged employees from all divisions within the Public Works Department. This event allowed their children to see what their parents do at Public Works. He invited the members of Council and their families to participate in this year's Touch-A-Truck Event on Saturday, May 19, 2012 from 9 a.m. to 12 noon.

Mayor Benjamin and the members of Council proclaimed May 20-26, 2012 as Public Works Week in the City of Columbia.

6. The Rocky Branch Watershed Alliance – Ms. Ryan Nevius, Executive Director / Sustainable Midlands

Dr. Venkat Lakshmi, Chair of the Rocky Branch Watershed Alliance explained that the Rocky Branch Watershed Alliance (RBWA) is a collaboration between the University of South Carolina, the City of Columbia, Richland County, business owners and non-profits to examine the challenges we face with flooding. Flooding in Rocky Branch has occurred for many decades; it's not a new problem. According to the 2010 Census, over 24,000 people live in the Rocky Branch. With 4,600 people per acre, Rocky Branch is probably the most densely populated watershed in the City of Columbia. Our mission is to develop

Rocky Branch into a community asset with clean water, managed flooding, attract mixed-use development and connect Five Points to the river. Our first goal is to control flooding, which causes many problems to include damaging private property and infrastructure and dirtying the water. The second goal is to have clean water. It is much more than a mandate, it is a community responsibility. The sediment and pollution have washed into the Congaree River. The third goal is to transform Rocky Branch into a community asset by educating the public, mobilizing stakeholders and finding ways to connect the three (3) parks up to the river front. We ask that you please endorse these goals and make Rocky Branch a first priority in the City's flood control as well as implement water quality testing as soon possible, because water quality data and information is not available. We have letters of endorsement from the Five Points Association and surrounding neighborhoods.

Councilor Gergel sought clarification on the request from the RBWA.

Councilor Devine asked if the funding or commitment from Richland County is contingent upon similar support from City Council.

Ms. Ryan Nevius, Executive Director / Sustainable Midlands said that Richland County was not asking for matching funds; they are asking for the City's endorsement of the goals. They want assurance that you all are on board and that we are all working together before they make the award.

Councilor Rickenmann recalled that the City committed to the restoration of Rocky Branch and that it would be in stages, after we received the study. We are committed to the restoration of water quality. Is the University of South Carolina going to financially back the overall plan? He inquired about the approval of the Susaki Plan.

Ms. Ryan Nevius, Executive Director / Sustainable Midlands said that the Susaki Plan was approved months ago. The University has already engaged in studies for this. They have ongoing engineering studies and have committed doctoral students to work on this.

Councilor Rickenmann said that a lot of the growth in the floodplain has been the University. Is the Five Points Association committing financially? This needs to be a true coalition.

Ms. Ryan Nevius, Executive Director / Sustainable Midlands said that there is no restoration plan.

Councilor Rickenmann said that you are asking for planning money and all parties should be involved in this. We all want to be behind this, but we also want to know that all of the folks are committed and not just the government sector.

Dr. Venkat Lakshmi, Chair of the Rocky Branch Watershed Alliance said that they wrote a proposal in partnership with the Richland County Conservation Commission and they promised us support, but not through the conservation program. Faculty of the University

of South Carolina has been working with the RBWA and the University has put in real dollars by funding a doctoral student. All of this is for planning.

Councilor Rickenmann asked for a dollar amount.

Ms. Ryan Nevius, Executive Director / Sustainable Midlands said that they wrote a specific grant to identify the best location to intercede with green infrastructure. We are currently undertaking a strategic watershed plan that will go out to bid to an engineering firm for assistance. She noted that the Gills Creek Watershed has been working on theirs for five (5) years. City staff has projected the dollars needed for Rocky Branch.

Ms. Dana Higgins, City Engineer said that \$500,000 is included in the Capital Improvement Project (CIP) for the upcoming fiscal year to contribute towards the watershed.

Councilor Rickenmann said that he is not as worried about a greenway as he is about water quality and flooding. This should be the priority.

Ms. Ryan Nevius, Executive Director / Sustainable Midlands said that plans for the greenway can only come after the plans for restoration. We are committed to the concept that Five Points should be connected to the river, but we will certainly not begin any planning on the greenway at this time.

Councilor Rickenmann said that we are knee deep in Gills Creek and this would have to be next.

Ms. Dana Higgins, City Engineer said that she explained to Ms. Nevius that as far as the MS4 permit is concerned, we will continue on the current schedule. We will go to the Saluda River next. The Congaree will be looked at in January 2013 and Rocky Branch is a part of that. If we can get to it earlier, we certainly will.

Dr. Venkat Lakshmi, Chair of the Rocky Branch Watershed Alliance said that we are trying to lay the groundwork to write an encyclopedia for the watershed. The City and County are spending up to \$300,000 on the Gills Creek Watershed. Work is already being done in Shandon to install porous permeable pavement. We are identifying crucial areas where increasing infiltration will reduce downstream runoff and flooding. We are building on a simple study so that we don't have to do a complete engineering overhaul. He said that green infrastructure saves money, because it costs one-third of big engineering solutions.

Ms. Dana Higgins, City Engineer said that the Rocky Branch study will be presented on June 5th.

Councilor Rickenmann asked that his sentiments about funding be expressed to the Five Points Association. They should be financially vested in helping the RBWA move forward.

Mayor Benjamin asked if there is anything else to the three (3) goals that have been laid out.

Ms. Ryan Nevius, Executive Director / Sustainable Midlands said that these are high level strategic goals. We are working for the long-term, for the health of the water quality. We are working with a great deal of effort and volunteer time to develop a strategic watershed management plan that will help you save tens of thousands of dollars.

Dr. Gergel made a motion to endorse the three (3) goals and to give priority to Rocky Branch in the areas of flood control and water quality.

Ms. Ryan Nevius, Executive Director / Sustainable Midlands clarified that Rocky Branch should be made a priority within the MS4 permit plan.

Mayor Benjamin asked if that was included in Ms. Nevius' e-mail.

Ms. Ryan Nevius, Executive Director / Sustainable Midlands replied no.

Mr. Steven A. Gantt, City Manager said that there was a request for DHEC to change our priorities on our studies. Presently, Gills Creek is our number one priority, and then the Saluda River and this would be number three.

Ms. Ryan Nevius, Executive Director / Sustainable Midlands said that they are fine with that, but within the MS4 we believe we should be the number one priority in flooding. There are three (3) watersheds in the MS4. We have talked with DHEC and City staff and we agree that the MS4 plan is not going to be changed and we are fine with that.

Ms. Dana Higgins, City Engineer explained that when they look at the Congaree River Basin they have agreed to address Rocky Branch as a first priority after we do our inventory and then go to the monitoring sections. We will look at Rocky Branch first in the Congaree Basin. That will start in January 2013. The current sequence is Gills Creek, Saluda River and the Congaree River. Initially Ms. Nevius wanted us to move the Congaree River up in front of the Saluda River, but we told her we would lose a lot of time, because we have already started in the Saluda River.

Mayor Benjamin asked if we are endorsing the position sent to DHEC.

Ms. Dana Higgins, City Engineer said no, they are comfortable with us keeping with our current schedule with the Gills Creek, Saluda River, Congaree River and Broad River. We are going to keep it in that order. She asked that we look at Rocky Branch first when we get to the Congaree River.

Dr. Gergel asked if the Rocky Branch will be given priority for issues of water quality and flooding.

Ms. Ryan Nevius, Executive Director / Sustainable Midlands said that flooding is not in the MS4. We want top priority for flooding for next year as well. In the MS4 permitting, we want water quality to be a top priority.

Councilor Plough asked what else is in the Congaree Basin.

Ms. Dana Higgins, City Engineer said Smiths Branch.

Councilor Plaugh added that it includes the Bull Street property.

Mayor Benjamin said that Smiths Branch goes through Earlewood Park. He asked Dr. Gergel to restate the motion.

Dr. Gergel asked that Council endorse the three (3) goals of the Rocky Branch Watershed Alliance and make flooding and water quality issues an important priority within the Congaree Basin.

Councilor Devine said that staff is already proceeding in the direction of making Rocky Branch a priority, but I would not want it to appear like we are moving Rocky Branch ahead of something else. Why don't we endorse the goals and allow staff to continue along the path they are on. That addresses what Rocky Branch wants.

Dr. Gergel said that there is more interest in making the flooding and water quality priorities over some of the other elements.

Ms. Dana Higgins, City Engineer reiterated that MS4 permitting addresses water quality. The flooding would be more of a CIP.

Councilor Devine said that she wouldn't want someone to interpret Council's endorsement as moving Rocky Branch to the top of the list. Endorse the goals and then endorse the plan as recommended by staff. That makes it clear that we are not advocating one area of the City over another.

Mayor Benjamin suggested that they only endorse the goals.

Councilor Rickenmann said that he will support endorsing the goals and working with staff to address flooding. I don't think that going around the City to DHEC and asking for the priority to be changed was the best approach. We want to work with you.

Ms. Dana Higgins, City Engineer explained that they are looking at the different watersheds and ranking them in terms of need. We have not set a priority on the different areas. Rocky Branch is one of the areas we are looking at, but we will make life safety issues a priority first.

Upon a motion made by Dr. Gergel and seconded by Mr. Rickenmann, Council voted unanimously to endorse the three (3) goals of the Rocky Branch Watershed Alliance. Staff was asked to bring back recommendations on how to proceed, next week.

CONSENT AGENDA

Upon a single motion made by Ms. Plaugh and seconded by Mr. Newman, Council voted unanimously to approve the **Consent Agenda Items 7. through 16.**

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

7. Council is asked to approve Capital Improvement Projects SS7212 and SD8374; An Agreement for General Consulting Services for Request for Qualifications for

- Support Services, as requested by Utilities and Engineering. Award to Environmental Permitting Consultants in the amount of \$50,000.00. This vendor is located in Lexington, SC. *Funding Source: Sewer Improvements Fund, 5516212-SS7212-636600 and Storm Drain Improvements Fund, 5534210-SD8374-636600 – **Note:** The general service agreement is used for an on-call miscellaneous engineering services for water and sewer utility. The original budgeted amount is \$50,000.00. - Approved*
8. Council is asked to approve Capital Improvement Project WM4260; An Agreement for Engineering Services related to the City's Water Distribution System, as requested by Utilities and Engineering. Award to URS Corporation in the amount of \$75,000.00. This vendor is located in Columbia, SC. *Funding Source: Water Improvements Fund, 5516210-WM4260-636600. – **Note:** The general service agreement is used for miscellaneous services at the water plants. The original budgeted amount is \$75,000.00. - Approved*
 9. Council is asked to approve Capital Improvement Project SS7235; An Agreement for General Engineering Services, as requested by Utilities and Engineering. Award to URS Corporation in the amount of \$75,000.00. This vendor is located in Columbia, SC. *Funding Source: Sewer Improvements Fund, 5516210-SS7235-636600 – **Note:** The general service agreement is used for miscellaneous services at the wastewater treatment plant. The original budgeted amount is \$75,000.00. - Approved*
 10. Council is asked to approve the Purchase of Compost Grinding, as requested by the Solid Waste Division. Award to Carolina Landscape Supplies, Inc., the lowest bidder meeting specifications in the amount of \$116,869.95. This vendor is located in Pageland, SC. *Funding Source: Solid Waste Compost-Special Projects 1014406-638500 - Approved*
 11. Council is asked to approve Capital Improvement Project SS7191; Contract Amendment #1 to the Engineering Services Agreement for Manhole Assessment within Gills Creek Interceptor and Interceptor Above the Broad River Pump Station, as requested by Utilities and Engineering. Award to URS Corporation in the amount of \$139,300.00. This vendor is located in Columbia, SC. *Funding Source: Sewer Improvements Fund, 5516212-SS7191-636600 – **Note:** The original budgeted amount was \$380,000.00. - Approved*
 12. Council is asked to approve the Purchase of City Hall Renovations Project, as requested by the Support Services Division. Award to Dillon Construction Services, Inc., the lowest bidder in the amount of \$215,125.00. This vendor is located in Irmo, SC. *Funding Source: General Capital Projects-Special Contract/Capital Projects, 4039999-658650 and City Hall Renovations/Capital Projects, CP106602-658650 - Approved*
 13. Council is asked to approve the Purchase of Two (2) Godwin Heidra Critically Silenced Hydraulic Submersible Pump Sets, as requested by the Metro Wastewater Treatment Plant Division. Award to Xylem Dewatering Solutions, as

a Sole Source in the amount of \$221,314.22. This vendor is located in Bridgeport NJ. *Funding Source: Utilities Metro Wastewater Plant/ Machinery & Equipment-Capital GL 5516208-658300 - Approved*

14. Council is asked to approve Capital Improvement Project SS7218; An Agreement for Engineering Services Required to Prepare Plans and Specifications for West Columbia Basin Sanitary Sewer System Evaluation Study for Sub-Basin WC-02, as requested by Utilities and Engineering. Award to Weston & Sampson in the amount of \$687,650.00. This vendor is located in Columbia, SC. *Funding Source: Sewer Improvements Fund, 5516212-SS7218-636600 – **Note:** Construction Support Service (Columbia, SC) will provide Mapping Grade GPS Services at 5.1% of the total contract value. Frazier Engineering (Stanley, NC) will perform Field Inspections and Flow Monitoring Services at 4% of the total contract value. Joseph O. Eelman, LLC (Charleston, SC) will perform Mapping Grade and GPS Services at 4% of the total contract value. The original budgeted amount is \$700,000.00. - Approved*

15. Council is asked to approve Capital Improvement Projects WM4141 and WM4039; An Agreement for Engineering Services Required for Design and Construction of New Water Pump Station and Transmission Lines on Harden Street, as requested by Utilities and Engineering. Award to Brown & Caldwell in the amount of \$1,608,700.00. This vendor is located in Columbia, SC. *Funding Source: Water Improvements Fund, 5516210-WM414101-636600 and 4416210-SM603901-63660 – **Note:** Chao & Associates, Inc (Columbia, SC) will provide Survey, Structural and Civil Engineering, Architectural, Geotechnical and Permitting Services at 20.45% of the total contract value. GEL Geophysics (Charleston, SC) will perform Subsurface Utility Engineering Services at 5.91% of the total contract value. P.J. Noble & Associates (Columbia, SC) will perform Stakeholder Involvement and Public Outreach Services at 6.22% of the total contract value. The original budgeted amount is \$1,608,700.00. – Approved*

ORDINANCES – SECOND READING

16. **941 Spears Creek Court**, TMS# 25714-01-07; annex and assign M-1 interim zoning to the property. The property is zoned M-1 in Richland County. – *First reading approval was given on May 8, 2012. – Approved on second reading.*
Council District: 4
Reason for Annexation: Contiguous with available water service (primary area)
Staff Recommendation: Annexation with M-1 interim zoning
PC Recommendation: Approve M-1 zoning (6-0) 4/02/2012

Ordinance No.: 2012-029 – Annexing 941 Spears Creek Court, Richland County
TMS #25714-01-07 – *First reading approval was given on May 8, 2012. –
Approved on second reading.*

- **Council recessed at 6:58 p.m.**
- **Council reconvened at 7:00 p.m.**

Mayor Benjamin reflected back on the Rocky Branch discussion emphasizing that he doesn't want there to be any false expectations that this Council will not be prepared to move on the study. If all of the questions are answered, I don't want anyone to expect that, because there is a public meeting on June 25th that we won't be prepared to act on the 26th.

PUBLIC HEARING

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

RESOLUTION

- 16a. ****Resolution No.: R-2012-54 – A Resolution of the City Council of the City of Columbia, South Carolina Approving the Use of Certain Bond Proceeds to (i) Acquire, Construct, Renovate and Equip Certain New Facilities on the Columbia, South Carolina Campus of Benedict College, (ii) to refinance certain prior indebtedness incurred to finance facilities on the Columbia campus of Benedict College, and (iii) to Refund the Richland County, South Carolina Educational Facilities Revenue Bonds, Series 1998 (Benedict College Project), Richland County, South Carolina Educational Facilities Revenue Bonds, Series 1999 (Benedict College Project), and the Educational Facilities Authority for Private Nonprofit Institutions of Higher Learning (South Carolina) Educational Facilities Capital Improvement and Refunding Revenue Bonds, Series 2002 (Benedict College Project) the Proceeds of Which Were Used to Finance and Refinance Certain Improvements to the Columbia, South Carolina Campus of Benedict College – *Consideration of this item was deferred.***

*No one appeared in support of or in opposition to **Item 16a.***

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

ZONING PUBLIC HEARING

- **Council opened the Zoning Public Hearing at 7:05 p.m.**

ANNEXATION WITH MAP AMENDMENT – FIRST READING

17. **149 Old Camp Road, TMS# 28906-09-01; request to annex and zone the property PUD-R (Residential Planned Unit Development). The property is zoned PDD (Planned Development) in Richland County. – *Approved on first reading.***

Council District: 4
Proposal: Annex and zone property PUD-R
Applicant: Andrei E. and Erin J. Bolshakov
PC Recommendation: Approve, (5-0) 04/02/12
Staff Recommendation: Approve

Ordinance No.: 2012-030 – Annexing 149 Old Camp Road, Richland County
TMS 28906-09-01 – *Approved on first reading.*

*No one appeared in support of or in opposition to **Item 17.***

Upon a single motion made by Ms. Plough and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment* for 149 Old Camp Road, TMS# 28906-09-01; request to annex and zone the property PUD-R (Residential Planned Unit Development). The property is zoned PDD (Planned Development) in Richland County **and** Ordinance No.: 2012-030 – Annexing 149 Old Camp Road, Richland County TMS 28906-09-01.

18. **6 lots, N/S Flora Street**, TMS# 11301-04-05 through -10; request to annex and zone the property M-1 (Light Industrial). The property is zoned M-1 (Light Industrial) in Richland County. – *Approved on first reading.*

Council District: 2
Proposal: Annex and zone property M-1
Applicant: South Carolina Electric & Gas Company
PC Recommendation: Approve, (5-0) 04/02/12
Staff Recommendation: Approve

Ordinance No. 2012-032 – Annexing 21 Broadway Street, 19 Broadway Street, 17 Broadway Street, 15 Broadway Street, 13 Broadway Street and 11 Broadway Street, Richland County TMS #11301-04-05; 11301-04-06; 11301-04-07; 11301-04-08; 11301-04-09; 11301-04-10 – *Approved on first reading.*

*No one appeared in support of or in opposition to **Item 18.***

Upon a single motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted unanimously to give first reading approval to the *Map Amendment* for 6 lots, N/S Flora Street, TMS# 11301-04-05 through -10; request to annex and zone the property M-1 (Light Industrial). The property is zoned M-1 (Light Industrial) in Richland County **and** Ordinance No. 2012-032 – Annexing 21 Broadway Street, 19 Broadway Street, 17 Broadway Street, 15 Broadway Street, 13 Broadway Street and 11 Broadway Street, Richland County TMS #11301-04-05; 11301-04-06; 11301-04-07; 11301-04-08; 11301-04-09; 11301-04-10.

19. **2620 Shop Road**, TMS# 13610-01-08; request to annex and zone the property M-2 (Heavy Industrial). The property is zoned HI (Heavy Industrial) in Richland County. – *Approved on first reading.*

Council District: 3
Proposal: Annex and zone property M-2

Applicant: Hefner Helms, LLC
PC Recommendation: Approve, (5-0) 04/02/12
Staff Recommendation: Approve

Ordinance No.: 2012-031 – Annexing 2620 Shop Road, Richland County TMS #13610-01-08 – *Approved on first reading.*

*No one appeared in support of or in opposition to **Item 19.***

Upon a single motion made by Mr. Rickenmann and seconded by Dr. Gergel, Council voted unanimously to give first reading approval to the *Map Amendment* for 2620 Shop Road, TMS# 13610-01-08; request to annex and zone the property M-2 (Heavy Industrial). The property is zoned HI (Heavy Industrial) in Richland County **and** Ordinance No.: 2012-031 – Annexing 2620 Shop Road, Richland County TMS #13610-01-08.

TEXT AMENDMENTS – FIRST READING

20. **Amend §17-55 Definitions, §17-258 Table of Uses, and §17-321 Private Dormitory** to permit greater densities by special exception and modify parking and spacing requirements. – *Approved on first reading.*

Proposal: **Amend §17-55 Definitions, §17-258 Table of Uses, and §17-321 Private Dormitory** to permit greater densities by special exception and modify parking and spacing requirements.

Applicant: Krista M. Hampton, Director of Planning and Development Services
PC Recommendation: Disapprove (4-3) 05/07/12
Staff Recommendation: Approve

Ordinance No.: 2012-026 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article 11/, Zoning, Division 9, Supplementary District Regulations, Sec. 17-321 Private Dormitory and Sec. 17-258 Table of permitted uses SIC 8811.6 – *Approved on first reading.*

Ms. Krista Hampton, Director of Planning and Development Services explained that this is an amendment to permit greater densities for private dormitories by special exception. Last year, this Council amended the ordinance to increase the density as well as to permit the use in our MX-2 District. The increase of up to 150 beds per acre did not contemplate a more urban setting. We are seeing projects that want to be in a more urban environment. This amendment will permit this by special exception for consideration by the Board of Zoning Appeals. It's only in our more urban districts: C-4, C-5 and MX-2. We also propose reducing the parking requirements to rely less on vehicles in these areas and to have bicycle parking.

Councilor Devine asked if this text amendment is for any specific location that wants to do this.

Ms. Krista Hampton, Director of Planning and Development Services explained that they are currently permitted as of right, but if you exceed the limit it becomes a special exception.

Mr. Husen Monteith, said that a lot of the objections to this have been to the notion of having students downtown. Having students downtown is nothing new and I've never had problems. Students add vitality to urban life. As an architect, I have done 200 housing units downtown and one fourth of them house University of South Carolina students. They are really apartments with four bedrooms surrounding a common living area. I would urge Council to endorse this project.

Councilor Rickenmann asked if this special exception goes with the applicant.

Ms. Krista Hampton, Director of Planning and Development Services said that special exceptions run with the land, because it's about the characteristics of use and not the person. If they apply conditions, they must be abided by.

Councilor Plough inquired about the concerns of the Planning Commission and their dialog about this.

Ms. Krista Hampton, Director of Planning and Development Services said that there was a great deal of conversation on both sides and the main issues about compatibility with the businesses. There were concerns that students wouldn't fit into that living environment.

Councilor Plough asked why these couldn't qualify as apartments.

Ms. Krista Hampton, Director of Planning and Development Services said because it has four bedrooms, it is categorized as a private dormitory. You have more than three unrelated people. Someone could convert the Palmetto Center today into student housing with three bedrooms.

Councilor Plough asked why the distance requirement was removed.

Ms. Krista Hampton, Director of Planning and Development Services said that our discussions on Form-Based Codes informed that decision. The area where the distance requirement is needed is where you have Design Review Districts.

Councilor Plough asked what happens if a special exception is granted and then there is a change in use. How do you go about converting it to another use?

Ms. Krista Hampton, Director of Planning and Development Services said that if the use is permitted, it would be a matter of construction work.

Mayor Benjamin said that this is an exciting opportunity for the City Center.

Upon a motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2012-026 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article 11/, Zoning, Division 9, Supplementary District Regulations, Sec. 17-321 Private Dormitory and Sec. 17-258 Table of permitted uses SIC 8811.6.

- **Council closed the Zoning Public Hearing at 7:15 p.m.**

ORDINANCES – FIRST READING

21. Ordinance No.: 2012-022 – Granting encroachment t the University of South Carolina for use of the right of way area of the North Side of the 1000 block of College Street adjacent to the USC Public Health Building, Richland County TMS #08916-07-01, for installation and maintenance of asphalt pavement, concrete curb, gutter, landscaping and an irrigation system – *Approved on first reading.*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Newman, Council voted unanimously to give first reading approval to Ordinance No.: 2012-022 – Granting encroachment t0 the University of South Carolina for use of the right of way area of the North Side of the 1000 block of College Street adjacent to the USC Public Health Building, Richland County TMS #08916-07-01, for installation and maintenance of asphalt pavement, concrete curb, gutter, landscaping and an irrigation system.

22. Ordinance No.: 2012-024 – Granting encroachment to Womble, Carlyle, Sandridge and Rice, LLP for installation and maintenance of landscaping and irrigation within the right of way area adjacent to 1727 Hampton Street, Richland County TMS #11402-06-02– *Approved on first reading.*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Newman, Council voted unanimously to give first reading approval to Ordinance No.: 2012-024 – Granting encroachment to Womble, Carlyle, Sandridge and Rice, LLP for installation and maintenance of landscaping and irrigation within the right of way area adjacent to 1727 Hampton Street, Richland County TMS #11402-06-02.

23. Ordinance No.: 2012-028 – Granting an encroachment to Jeffrey A. Guy for installation and maintenance of a deck within the pedestrian right of way area adjacent to 1700 Phelps Street, Richland County TMS #11307-11-01– *Approved on first reading.*

Upon a motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2012-028 – Granting an encroachment to Jeffrey A. Guy for installation and maintenance of a deck within the pedestrian right of way area adjacent to 1700 Phelps Street, Richland County TMS #11307-11-01.

24. Ordinance No.: 2012-039 – Authorizing the City Manager to execute an Agreement between the City of Columbia and EnduringFX, LLC– *Approved on first reading.*

Councilor Plough said that this is intriguing. The idea of getting 20% of the revenues for onsite sales is reaching, for me. I would prefer for us to consider that they provide the internet access, maybe Wi-Fi at all locations; they get the revenue; and we pick up the power bill. Let business grow without us getting involved in it.

This matter will be addressed at a later time.

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to give first reading approval to Ordinance No.: 2012-039 – Authorizing the City Manager to execute an Agreement between the City of Columbia and EnduringFX, LLC.

25. Ordinance No.: 2012-040 – Authorizing the City Manager to execute an Agreement of Sale and Purchase between the City of Columbia and M and M Main, LLC for the sale of 1620 and 1624 Main Street, Richland County TMS No. 09014-04-17– *Approved on first reading.*

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to give first reading approval to Ordinance No.: 2012-040 – Authorizing the City Manager to execute an Agreement of Sale and Purchase between the City of Columbia and M and M Main, LLC for the sale of 1620 and 1624 Main Street, Richland County TMS No. 09014-04-17.

26. Ordinance No.: 2012-041 – Authorizing the City Manager to execute an Agreement of Purchase and Sale between the City of Columbia and the Greater University of South Carolina Alumni Association for the sale of Richland County TMS number R08916-1 0-01 located at the Southeastern corner of the intersection of Senate Street and Lincoln Street and an Agreement for Certain Commitments and Obligations related to the Property for Public Infrastructure as referenced in Ordinance 2012-027– *Approved on first reading.*

Councilor Rickenmann inquired about the section entitled certain commitments and obligations related to the public infrastructure.

Mr. Steven A. Gantt, City Manager said that it authorizes the City to use the funds that were leftover from the construction of the Convention Center to construct a tunnel underneath Lincoln Street. IT will be a connector from the Convention Center to the new facility for backhouse and food service.

Mr. Kenneth E. Gaines, City Attorney further explained that the ordinance changes the footprint of the Convention Center to include the tunnel.

Upon a motion made by Mr. Rickenmann and seconded by Mr. Newman, Council voted unanimously to give first reading approval to Ordinance No.: 2012-041 – Authorizing the City Manager to execute an Agreement of Purchase and Sale between the City of Columbia and the Greater University of South Carolina Alumni Association for the sale of Richland County TMS number R08916-1 0-01 located at the Southeastern corner of the intersection of Senate Street and Lincoln Street and an Agreement for Certain Commitments and Obligations related to the Property for Public Infrastructure as referenced in Ordinance 2012-027.

27. Ordinance No.: 2012-042 – Authorizing the City Manager to execute an Asset Purchase Agreement between the City of Columbia and Palmetto of Richland County, LLC for the sale of sanitary sewer collector system assets for service to the Long Creek and Extended Area– *Approved on first reading.*

Councilor Plaugh inquired about the flow of the cash payments.

Mr. Steven A. Gantt, City Manager said that there is a purchase price and an escrow amount that would be used for repairs found during their due diligence period that the City would have done if we had known that the repairs were needed.

Councilor Plaugh asked if the money goes in the Water and Sewer Fund.

Mr. Steven A. Gantt, City Manager said yes.

Upon a motion made by Mr. Rickenmann and seconded by Mayor Benjamin, Council voted unanimously to give first reading approval to Ordinance No.: 2012-042 – Authorizing the City Manager to execute an Asset Purchase Agreement between the City of Columbia and Palmetto of Richland County, LLC for the sale of sanitary sewer collector system assets for service to the Long Creek and Extended Area.

RESOLUTIONS

28. Resolution No.: R-2012-047 – Authorizing Condemnation of 3.56 acres, W/S Garden Valley Road, Lexington County TMS #003696-05-001 (portion) for improvements/expansion of the existing Saluda River Sanitary Sewer Pump Station Site; CIP Project #SS7116; CF #220-381– *Approved*

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: R-2012-047 – Authorizing Condemnation of 3.56 acres, W/S Garden Valley Road, Lexington County TMS #003696-05-001 (portion) for improvements/expansion of the existing Saluda River Sanitary Sewer Pump Station Site; CIP Project #SS7116; CF #220-381.

29. Resolution No.: R-2012-048 – Release and Abandonment of the City's Existing 15' Water Main Easement along Property Known as Vista Lofts (formerly the 1200 block of Wayne Street), 701 Gervais Street; Richland County TMS #08912-07-15 (Portion); CF #89-269, CF #257-22 (R-1) & CF #257-22A – *Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to approve Resolution No.: R-2012-048 – Release and Abandonment of the

City's Existing 15' Water Main Easement along Property Known as Vista Lofts (formerly the 1200 block of Wayne Street), 701 Gervais Street; Richland County TMS #08912-07-15 (Portion); CF #89-269, CF #257-22 (R-1) & CF #257-22A.

30. Resolution No.: R-2012-050 – Authorizing Condemnation to acquire a 0.18 acre easement on a portion of 11455 Broad River Road, Richland County TMS #02600-01-01 for construction of a water main along Broad River Road from Mt. Vernon Church Road to 1-26 near the Peak Exit; OP Project #WM3956, Phase 1-B; CF#250-297– *Approved*

Upon a motion made by Mr. Newman and seconded by Mr. Rickenmann, Council voted unanimously to approve Resolution No.: R-2012-050 – Authorizing Condemnation to acquire a 0.18 acre easement on a portion of 11455 Broad River Road, Richland County TMS #02600-01-01 for construction of a water main along Broad River Road from Mt. Vernon Church Road to 1-26 near the Peak Exit; OP Project #WM3956, Phase 1-B; CF#250-297.

31. Resolution No.: R-2012-051 – Authorizing the City Manager to execute a Sublease Agreement with Celia Saxon Shopping Center, LLC for lease of approximately 3,297 square feet of the Celia Saxon Shopping Center– *Approved by a vote of five (5) to one (1).*

Councilor Plaugh asked to hold this item until she understands the source of funding and the City's liabilities with this property. She requested a presentation to help understand the implication of the power bill and operations. We are using a business model and I want to see how that model is expected to cash flow.

Mr. Steven A. Gantt, City Manager stated that we are hiring folks to run the clinic on our behalf. We are leasing the property for that to happen. I would like to get this done as quickly as we can. We have some up-fits to do and I am trying to open this as close to July 1st as possible. I will get with you and give you whatever information you need.

Councilor Gergel asked if Council approved the clinic. She also asked that the lease be held. I would like to better understand the terms and plans.

Mayor Benjamin said that Council discussed this several months ago.

Councilor Plaugh said that she thought that the property was going to be contributed.

Mr. Bill Ellis, Finance Director said that the funds are coming from the Insurance Fund. We are using a business model and reducing our costs, because we are getting the pharmaceuticals at cost.

Mayor Benjamin asked that Mr. Gantt share any and all information. I would strongly urge you to move forward.

Councilor Gergel asked that they review the terms of the lease.

Mr. S. Allison Baker, Senior Assistant City Manager said that the term of the lease is one year and it is \$10 per square foot. The projection is that even with our costs, the up-fit, and square foot amount, we expect to save \$500,000 to \$1 million on our insurance.

Councilor Plough said that she doesn't recall seeing anything outlining the cost of the lease, up fit or the savings.

Councilor Rickenmann said that we should be signing a five (5) year term lease, instead of one (1) year.

Mr. Steven A. Gantt, City Manager said that we want to be sure that we have buy-in from our employees. We didn't want to be tied into a five (5) year lease and our employees not take advantage of this. We think this is a wonderful service that we're providing.

Councilor Gergel said that her question has been answered.

Councilor Plough said that she would like to see what was presented to Council.

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted five (5) to one (1) to approve Resolution No.: R-2012-051 – Authorizing the City Manager to execute a Sublease Agreement with Celia Saxon Shopping Center, LLC for lease of approximately 3,297 square feet of the Celia Saxon Shopping Center. Voting aye were Mr. Newman, Dr. Gergel, Mr. Rickenmann, Ms. Devine and Mayor Benjamin. Ms. Plough voted nay.

32. Resolution No.: R-2012-052 – Authorizing the City Manager to execute an Intergovernmental Fire Agreement between the City of Columbia and Richland County – *Approved*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Newman, Council voted unanimously to approve Resolution No.: R-2012-052 – Authorizing the City Manager to execute an Intergovernmental Fire Agreement between the City of Columbia and Richland County.

APPOINTMENTS

33. Columbia Chamber Issues Ad-hoc Committee

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted unanimously to appoint Councilor-Elect Cameron A. Runyan, Deputy Police Chief Rueben Santiago and Jeff Pioreschi (*if there is a vacancy for a citizen appointee*) to serve on the Columbia Chamber Issues Ad-Hoc Committee to address the drop-off of detainees from the Alvin S. Glenn Detention Center.

34. Parks and Recreation Foundation

Upon a motion made by Mayor Benjamin and seconded by Dr. Gergel, Council voted unanimously to accept the following slate of recommendations for appointments to the Parks and Recreation Foundation.

Shaun Blake
Helen Munnerlyn

Alexis Earp
Brian Myers

Katie Mann
Tom Walters

35. Planning Commission

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted unanimously to approve the appointment of Mr. John Taylor to the Planning Commission for a three (3) year term. Mr. Taylor will replace for Mr. Frank Cason, who was appointed on April 18, 2012, but is unable to serve.

BUDGET PRESENTATION

Ms. Missy Caughman, Budget Director said that we are here tonight to seek public input on the proposed budget for 2012/2013 prior to our advertisement of a public hearing scheduled for June 5th. She explained that the goals of the proposed budget are to: provide funding necessary to operate a clean, safe and financially sound city; focus on funding City services first; continuation of the capital replacement program; and to provide funding for capital improvement and major maintenance projects across all funds. We had increases in State retirement system contributions and significant increases in health care costs, fuel and electricity. The departmental budgets include a 2% Cost of Living Adjustment. The last COLA was in 2009 and they are critical in keeping our pay scales closer in line with market values. The Police, Fire and Utilities departments are operating at full staff, which increases operating costs. Efforts are underway to restore capital projects and purchases to lessen the impact of deferred maintenance and replacement. This includes the General Obligation Bond, which is used for replacements of rolling stock and technology; the Storm Water Capital Improvement and Maintenance Program; and Water and Sewer Capital Improvements, while limiting the amount of debt issued. The General Fund budget is \$120,886,325; Hospitality Tax Fund is \$9,309,649, a 7% increase; Accommodations Tax is \$1,250,000, a 2% increase; Parking Fund is \$7,729,950, a 1.6% increase; Storm Water is \$8,103,280, a \$2,000,000 increase; Water and Sewer Operating is \$122,053,979; and Water and Sewer Improvements is \$80,000,000, for a total amount of \$348 million.

Councilor Rickenmann noted that the Hospitality Tax Fund includes the surplus.

Ms. Missy Caughman, Budget Director continued to report that the Hospitality Tax Fund includes \$895,649 of fund balance. The revenue projections are more aggressive. The Hospitality Tax Committee includes an increase in the amount of \$25,000 for allocations for a total of \$2.8. New line items include funding of \$167,600 for One Columbia and \$35,000 for the SC High School Football League. The transfer to the General Fund is \$2.8 million, which is an increase of \$1.8 million over the current year and \$500,000 over the previous year.

The debt service is \$1.3 million. Revenue projections for the Accommodations Tax Fund are conservative. The allocation to the Conventions and Visitors Bureau is \$1 million and Lake Murray Tourism is \$150,000, which is the same as the current year. The Parking Fund revenues show a decline due to projections from parking garages and interest earnings. There were no significant changes to the operating budget. The budget includes depreciation in order to lessen the impact at year end. We eliminated that \$1 million

transfer to the General Fund. We proposed an increase in parking fines. She noted that the last one was twelve (12) years ago. The Storm Water Fund includes an increase of \$2 million and a proposed increase of \$2 per Equivalent Residential Unit (ERU), which is the base rate paid by all city property owners per month. The current rate is \$4.80 and the new rate will be \$6.80.

Councilor Rickenmann noted that the ERU includes commercial properties, as well.

Ms. Missy Caughman, Budget Director stated that the total amount available for storm water capital improvements is \$3.3 million, which is an increase of \$1.2 million or 55%. The operating budget for the Water and Sewer Fund is \$102,053,979, a reduction of \$8.3 million or 7.6%. This comes from revisions made to the operating budget as well as savings from debt service. The Capital Improvement Program and Major Maintenance Program include \$100 million. The rate increase initially proposed was 15.6% and the final proposed rate is 7.63%. Both programs aim to rehabilitate system integrity so that we can sustain and grow our system. The General Fund revenues include an increase in the fire hydrant fee, which is the same rate that has been in place since it was established in 1979. We are anticipating \$4 million in revenues based on this rate. Our property tax collections remain flat. Our business license and permits are projected to be in line with the previous fiscal year. The General Fund includes \$6.1 million for year 3 of the capital replacement program for vehicles and technology. It includes \$1.7 million for general capital improvement projects.

Mayor Benjamin asked how many police vehicles are being replaced.

Mr. Steven A. Gantt, City Manager said 40. It has been 35 to 40.

Ms. Missy Caughman, Budget Director reminded everyone that the Public Hearing notice will be advertised on Monday, May 21st; the Public Hearing is scheduled for June 5th; and second reading is scheduled for June 26th.

Councilor Plaugh inquired about the depreciation included in the Parking Fund.

Ms. Missy Caughman, Budget Director explained that it is typically done at year-end by Accounting. The prior year actual was more.

CITY COUNCIL COMMITTEE REPORTS

Councilor Newman reported that the Public Safety Committee met on May 8th to discuss the Criminal Domestic Violence Act Grant that the Police Department is applying for. They are working to find outside funding support. If awarded, an official presentation will be made to Council.

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to refer the issue of enforcement for limousines and taxicabs to ensure that they are following business license regulations to the Economic and Community Development Committee. There are concerns from several taxi companies about the operation of gypsy taxis.

Councilor Devine asked that the Environment and Infrastructure Committee meeting be held at 9:00 a.m. and that the Economic and Community Development Committee meeting be held 11:00 a.m. on Tuesday, May 22, 2012. All Council members should be made aware of the schedule change.

Councilor Gergel inquired about the schedule for presenting the recommendations from the Rocky Branch study and for the Bull Street discussion.

Councilor Plough requested a schedule for the demolition of buildings on the Bull Street site.

Councilor Gergel announced that the Arts and Historic Preservation Committee will meet on June 6, 2012 at 2:00 p.m. She asked that staff alert the public of the input session that will be held after the recommendations on the Rocky Branch study are presented to Council on June 5th.

APPEARANCE OF THE PUBLIC

No one appeared at this time.

Upon a motion made by Ms. Devine and seconded by Dr. Gergel, Council voted unanimously to adjourn the meeting at 7:58 p.m.

Respectfully submitted by:

Erika D. Moore
City Clerk