



COLUMBIA CITY COUNCIL MEETING MINUTES TUESDAY, AUGUST 1, 2023

CALL TO ORDER

The Columbia City Council conducted a meeting on Tuesday, August 1, 2023 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Daniel J. Rickenmann, Mayor called the meeting to order at 4:02 p.m. and the following members of Council were present: The Honorable Howard E. Duvall, Jr., The Honorable William Brennan, The Honorable Aditi Bussells, The Honorable Tina N. Herbert, and The Honorable Peter M. Brown. Also present were Mr. Jeff M. Palen, Assistant City Manager for Financial Services/Chief Financial Officer and Ms. Erika D. Moore Hammond, City Clerk. The Honorable Edward McDowell, Jr. was absent. This meeting was advertised in accordance with the South Carolina Freedom of Information Act.

PLEDGE OF ALLEGIANCE

INVOCATION

The Honorable Peter M. Brown offered the invocation.

ADOPTION OF THE AGENDA

Upon a motion made by Mr. Duvall and seconded by Dr. Bussells, Council voted unanimously to adopt the agenda with the following amendments:

- Remove **Item 11** (*AIA Amendment for Project SS7568; a Construction Manager At-Risk (CMAR) Project for Saluda River Force Main Extension*) from the Consent Agenda for discussion.
- Amend **Item 23** (*Resolution No: R-2023-063 - Authorizing Notice of 2023 Election for Council members from District 2, District 3 and one at Large Seat*) to combine Ward 21 at Ward 29 and add Ward 33 - Martin Luther King Park.
- Defer **Item 24** (*Appointments to the Design Development Review Commission (DDRC)*).

PUBLIC INPUT RELATED TO MATTERS ON THE AGENDA

No one appeared at this time.



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APPROVAL OF MINUTES

1. Council is asked to approve the July 18, 2023 Work Session and Council Meeting Minutes.

Upon a motion made by Mr. Duvall and seconded by Ms. Herbert, Council voted unanimously to approve the July 18, 2023 Work Session and Council Meeting Minutes.

CONSENT AGENDA 2 THROUGH 21

Upon a single motion made by Mr. Duvall and seconded by Ms. Herbert, Council voted unanimously to approve **Consent Agenda Items 2 through 10 and 12 through 21.**

2. Council is asked to approve the Purchase of 1,586 Blue 95 Gallon Recycling Roll Carts, as requested by the Public Works Department on July 06, 2023. Award to Schaefer Systems International, using the Houston-Galveston Area Council Cooperative Contract in the amount of \$96,273.65. This vendor is located in Charlotte, NC. – *Approved*

Funding Source: Solid Waste Recycling - Rolls Carts and Recycling Bins (1014407-627600). The original budget amount is \$96,273.65.

3. Council is asked to approve a Contract for the Painting of the City of Columbia Lady and Taylor Street Parking Decks, as requested by the Support Services Division on April 28, 2023. Award to Lowery Painting, Inc. in an amount not to exceed \$171,597.00. This vendor is located in Columbia, SC. - *Approved*

Funding Source: Parking Improvement Project Control - Exterior Painting-Lady & Sumter - Capital Project Costs (5329999-PG210001-658650). The original budget amount is \$171,597.00.

4. Council is asked to approve Contract Amendment #6 for the Community Development Block Grant Disaster Recover (CDBG-DR) Housing Rehabilitation and Reconstruction Program, as requested by Community Development on July 20, 2023. Award to The St. Bernard Project, Inc. dba SBP, Inc. in the amount of \$1,568,106.63. This firm is located in New Orleans, LA. - *Approved*

Funding Source: Admin-Development - Professional Services (1011107-636600). Funding for this amendment is available from the federal CDBG-DR allocation. The original budget amount is \$6,243,070.33. The budget amount for this amendment is \$1,568,106.63. The total revised budget amount is \$7,811,176.96.



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5. Council is asked to approve Contract Amendment #5 for Program Management Services for the Community Development Block Grant Disaster Recovery Program, as requested by the Community Development Department on July 20, 2023. Award to ICF Incorporated, LLC in the amount of \$2,188,319.00 and to extend the term to December 31, 2025. This firm is located in Reston, VA. - *Approved*

Funding Source: CDBG-DR Control Account - 2015 October Flood Recovery (2639999-9107402017, 9107404017, 9107080017, 9107901017, 9107406017-638400). Funding for this amendment is available from the federal CDBG-DR allocation. The original budget amount is \$1,593,222.08. The budget amount for this amendment is \$2,188,319.00. The total revised budget amount is \$3,781,541.08.

6. Council is asked to approve a Contract to Purchase Annual Repair Materials for the Wastewater Maintenance Division, as requested by Columbia Water on July 17, 2023. Award to Core and Main LP in an amount not to exceed \$231,930.36. This vendor is located in West Columbia, SC. - *Approved*

Funding Source: Utilities Wastewater Maintenance - Pipe, Fitting, Hydrants, etc. (5516205-625700). The original budget amount is \$231,930.36.

7. Council is asked to approve a Contract to Purchase Annual Repair Materials for the Water Distribution Division, as requested by Columbia Water on July 6, 2023. Award to Core and Main, LP in an amount not to exceed \$982,003.28. This vendor is located in West Columbia, SC. - *Approved*

Funding Source: Utilities Water Distribution and Maintenance - Pipe, Fitting, Hydrant, etc. (5516203-625700). The original budget amount is \$982,003.28.

8. Council is asked to Ratify the approval of Project SS7433; Emergency Wastewater Repair Project at Summerlea Drive, as requested by Columbia Water. Award to LAD Construction, LLC in the amount of \$1,054,091.50. This contractor is located in Swansea, SC. - *Approved*

Funding Source: Water & Sewer Capital Project - Cunningham/Johnson/Cramer - Capital Project Costs (5529999-SS743301-658650). The original budget amount is \$1,054,091.50.

9. Council is asked to approve a new Contract for Project SS735002; Crane Creek Upper North Branch Gravity Sewer Capacity Improvements, as requested by Columbia Water on May 4, 2023. Award to GH Smith Construction, LLC, in an amount not to exceed \$2,917,765.13, which includes contingency. This contractor is located in Columbia, SC. – *Approved*
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Funding Source: Water and Sewer Grants - SC Department of Corrections Crane Creek Branch Extension - Capital Project Costs (5589999-DCSS735002-658650). The original budget amount is \$2,917,765.13.

GH Smith Construction, Inc. is the prime contractor and will provide sewer installation services at 61.23% (\$1,624,178.75) of the total contract amount.

The following subcontractors/suppliers will provide additional services/supplies:

Smoak Construction, LLC, a Minority Business Enterprise (W), located in Little Mountain, SC, will provide sewer/manhole installations at 10.00% (\$265,251.00) of the total contract amount.

DS Utilities, LLC, located in Little Mountain, SC, will provide clearing/tree removal at 2.34% (\$62,000.00) of the total contract amount.

Fortiline Waterworks, located in Columbia, SC, will provide pipe/fittings/manholes at 23.18% (\$614,784.00) of the total contract amount.

Chao & Associates, a Minority Business Enterprise, located in Columbia, SC, will provide staking and as-builts at 0.99% (\$26,300.00) of the total contract amount.

Martin Marietta, located in Columbia, SC, will provide rock at 2.26% (\$60,000.00) of the total contract amount.

10. Council is asked to approve a new Contract for Project SS743701; Miscellaneous Lift Station Improvements & Backup Power Additions, as requested by Columbia Water on March 24, 2022. Award to Shady Grove Construction, LLC in an amount not to exceed \$5,140,772.87, which includes contingency. This contractor is located in Irmo, SC. – *Approved*

Funding Source: Engineering - Water and Sewer Improvements (5529999-SS7437-01-658650). The original budget amount is \$5,140,772.87.

This is a Columbia Disadvantaged Business Enterprise (CDBE) program project with a 23% CDBE goal. The CDBE percentage is currently at 14.35%. This contract has been reviewed by the Office of Business Opportunities and deemed in compliance with the CDBE program. Shady Grove Construction, LLC is the contractor and will provide lift station improvement services at 51.93% (\$2,426,811.40) of the total contract amount.

The following subcontractors/suppliers will provide additional services/supplies:

Fortiline Waterworks, located in Columbia, SC, will provide pipe appurtenances at 9.53% (\$445,375.00) of the total contract amount.



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Generator Power Systems, Inc., a Minority Business Enterprise and CDBE located in Irmo, SC, will provide generators at 14.35% (\$670,480.00) of the total contract amount.

CITI, Inc., a Minority Business Enterprise (W) located in Charlotte, NC, will provide the control panel at 2.45% (\$114,718.00) of the total contract amount.

Gregory Electric Company, located in Columbia, SC, will provide electrical services at 21.74% (\$1,016,000.00) of the total contract amount.

11. Council is asked to approve AIA Amendment for Project SS7568; a Construction Manager At-Risk (CMAR) Project for Saluda River Force Main Extension, as requested by Columbia Water. Award to McClam and Associates, Inc. in an amount not to exceed \$11,741,486.01, which includes contingency. This firm is located in Little Mountain, SC.
– *Approved*

Funding Source: Water and Sewer Capital Projects, Saluda River Force Main Extension, Capital Projects Cost (5529999-SS756801-658650). The current budget amount is \$120,000.00. The budget amount of this amendment is \$11,741,486.01. The total revised amendment amount is \$11,861,486.01.

This is a Columbia Disadvantaged Enterprise (CDBE) program project with a 7% CDBE goal. The CDBE percentage is currently at 3.50%. This contract has been reviewed by the Office of Business Opportunities and deemed in compliance with the CDBE program. McClam & Associates, Inc. is the prime contractor and will provide construction management services at 45.70% (\$4,878,281.03) of the total amendment amount.

The following subcontractors/suppliers will provide additional services/supplies:

Fortiline Waterworks, located in Columbia, SC, will provide waterworks dewatering bag hatches and plugs at 0.05% (\$4,825.60) of the total amendment amount.

Tindall Corporation, located in Spartanburg, SC, will provide precast manholes at 1.75% (\$187,168.32) of the total amendment amount.

Dunn -Right Services, located in Florence, SC, will provide manhole epoxy lining at 1.08% (\$114,848.36) of the total amendment amount.

Thomas Concrete, located in Columbia, SC, will provide flowable fill & concrete at .21% (\$22,496.70) of the total amendment amount.

Xylem, located in Summerville, SC, will provide bypass pumping services at 4.32% (\$461,132.10) of the total amendment amount.



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Bradshaw Construction, located in Eldersburg, MD, will provide tunneling services at 34.11% (\$3,641,000.00) of the total amendment amount.

Thompson Pipe Group, located in Grand Prairie, TX, will provide Fiber Reinforced Plastic (FRP) Pipe at 7.71% (\$822,891.96) of the total amendment amount.

Chao & Associates, Inc., a Minority Business Enterprise and CDBE located in Columbia, SC, will provide surveying at 0.12% (\$12,700.00) of the total amendment amount.

Herndon Inc., a Minority Business Enterprise (W) and DBE located in Lugoff, SC, will provide erosion control, silt fence and grassing at 0.54% (\$57,292.50) of the total amendment amount.

LA Barrier & Son, Inc. a Minority Business Enterprise (W) and CDBE located in Lexington, SC, will provide stone and hauling at 2.84% (\$303,451.62) of the total amendment amount.

Palmetto Rock Services, located in Spartanburg, SC, will provide rock blasting services at 1.57% (\$167,990.00) of the total amendment amount.

Councilor Duvall said I am interested in this particular item because it may lead to going across the Saluda River with a bridge that would be partly owned by West Columbia, but it would contain part of the sewage line. That section is a part of one of the most historic and scenic spots. Going down the river, there is a bump out in the walkway that was designed because the rapids are used for kayak training. I think we need to carefully consider the impact on future development on the river. It is replacing a 48" line where there is an existing 42" line. Will that 6" increase be enough to take care of the effluent?

Mr. Clint Shealy, P.E., Assistant City Manager for Columbia Water said this is a section of line that is over on the West Columbia side of the river. It doesn't deal with the river crossing. That will be a forthcoming request. The trenchless technology that is mentioned is boring under the Old Saluda Mill ruins that are adjacent to the Zoo's Botanical Garden property. We don't run into historical issues there. We have not had any sanitary sewer overflows on that section with the 42", because there is a very steep grade to the line. We believe a 48" line is more than adequate to handle what we're doing. The condition of the 42 inch line leads to us having to replace that portion. It's a deteriorated portion that we are slightly up sizing. The capacity part of this project is driven by the phase to come. We will extend the force main that's on the Columbia side of the river, extend it down towards the Zoo, and tie in the gravity section that we are asking for approval of on this evening.

Councilor Duvall asked for clarity about the area not being able to be treated unless the line is installed.



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Mr. Clint Shealy, P.E., Assistant City Manager for Columbia Water said there are capacity restrictions upstream that would create potential moratoriums if we don't address this. Three years ago, we had sanitary sewer overflows because of hydraulic backups. This project is to assist us in handling that additional capacity and not spilling that sanitary sewage into the Lower Saluda.

Councilor Duvall asked that representatives from West Columbia along with Mr. Shealy share with the Council designs for any potential bridge with a sewage line.

Mr. Clint Shealy, P.E., Assistant City Manager for Columbia Water said I am looking forward to going through some of the options that don't deter from the scenic nature but still satisfy our objective. Finding out West Columbia's plans and working collaboratively will hopefully enhance things there. That memorandum of understanding will be forthcoming for you all to consider at a later date. We'll brief you on what we hope to do.

Mayor Rickenmann said we are approving the concept of the contract. What if there are adjustments to take into account? We need to have flexibility there. Can that be negotiated with Shannon and her team?

Mr. Clint Shealy, P.E., Assistant City Manager for Columbia Water said this portion of the contract is standalone. The same contractor will be doing the work, but we wouldn't change any of the technical components.

Upon a motion made by Mr. Duvall and seconded by Mr. Brennan, Council voted unanimously to approve the AIA Amendment for Project SS7568; a Construction Manager At-Risk (CMAR) Project for Saluda River Force Main Extension, as requested by Columbia Water. Award to McClam and Associates, Inc. in an amount not to exceed \$11,741,486.01, which includes contingency. This firm is located in Little Mountain, SC.

12. Council is asked to approve a new Contract for Project WM3925-01; Rosewood Area Water System Improvements Phase 1, as requested by Columbia Water on May 4, 2023. Award to LAD Construction, LLC in an amount not to exceed \$13,715,006.40, which includes contingency. This firm is located in Swansea, SC. – *Approved*

Funding Source: Engineering - Rosewood Area Water System Improvements Phase 1 (5529999-WM392501-658650). The original budget amount is \$15,779,610.00.



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This is a Mentor Protégé Program project. LAD Construction, LLC is the mentor and will provide water line installation services at 56.53% (\$6,460,976.00) of the total contract amount.

JA Mabus & Associates, Inc., located in Leesville, SC, is the protégé and will provide water line installation services at 20.00% (\$2,285,834.00) of the total contract amount.

The following subcontractor/supplier will provide additional services/supplies:

Ferguson Waterworks, located in Elgin, SC, will provide water line materials at 23.47% (\$2,682,362.00) of the total contract amount.

13. Council is asked to approve Project PK005608; Finlay Park Revitalization and Construction Services, as requested by the Parks and Recreation Department on September 7, 2022. Award to Mashburn Construction Company, Inc. in an amount not to exceed \$22,450,000.00, which includes contingency. The term of the agreement is two years with two additional one year periods. This contractor is located in Columbia, SC. We also request authorization for the City Manager to execute the final contract in a form approved by the City Attorney's Office. – *Approved*

Funding Source: General Capital Projects - Finlay Park Rehabilitation - Capital Project Costs (4039999-PK005608-658650). The original budget is \$22,450,000.00.

The Office of Business Opportunities, in conjunction with the Department of Procurement and Contracts, the Parks and Recreation Department, and Mashburn Construction Corporation, Inc. will ensure every effort is made to achieve or exceed the 15% Disadvantaged Business Enterprise (DBE) and 15% Local Business Enterprise (LBE) goals as noted in the Request for Proposals.

14. Ordinance No.: 2023-078 - Granting an encroachment to Tomaka Triangle Friends, care of Wayne Scribnick and Ann Gluse, for the use of the right of way areas of the 3600 block of Tomaka Road and the 1400 block of Heatherwood Road for the installation and maintenance of landscaping and irrigation adjacent to 1401 Heatherwood Road and 3650 Tomaka Road, Richland County TMS# 13906-05-11 and 13905-01-08 - *Approved on second reading.*

First reading approval was given on July 18, 2023.



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15. Ordinance No.: 2023-079 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Offenses and Miscellaneous Provisions, Article IV, Offenses against the Public Peace and Order, Section 14-105, Urban Camping and Improper Use of Public Places – *Approved on second reading.*

First reading approval was given on July 18, 2023.

16. Ordinance No.: 2023-080 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, to add Article XIII, Abandoned Shopping Carts – *Approved on second reading.*

First reading approval was given on July 18, 2023.

17. Ordinance No.: 2023-086 - Granting an encroachment to Gadsden Peach, LLC, for the use of the right of way areas of the 1300 block of Gadsden Street and the 800 block of Lady Street for the installation and maintenance of landscaping and irrigation adjacent to 1310 Gadsden Street, Richland County TMS# 09013-13-12 – *Approved on second reading.*

First reading approval was given on July 18, 2023.

18. Ordinance No.: 2023-087 - Amending the Business License Ordinance of the City of Columbia to update the class schedule as required by Act 176 of 2020 (known as the South Carolina Business License Tax Standardization Act) – *Approved on second reading.*

First reading approval was given on July 18, 2023.

19. ANNEXATION, FUTURE LAND USE MAP AMENDMENT, AND ZONING MAP AMENDMENT for 10.01 acres N/S Richard Street; TMS# 16313-01-07 – *Approved on second reading.*

Ordinance No.: 2023-082 - Annexing 10.01 acres N/S Richard Street, Richland County TMS #16313-01-07 into the City of Columbia, South Carolina, and Incorporating said property into Columbia Compass: Envision 2036 and the Official Zoning Map – Approved on second reading.



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Council District: 3

Proposal: Request to annex the property and assign the land use classification of Transitional / Sensitive Lands (T/S) and the assignment of zoning of Planned Development District (PD), portions within Floodplain Overlay District (OV-FP) and Floodway Overlay District (OV-FW), for a pending annexation. The property is currently classified as Economic Development Center/Corridor and zoned RU by Richland County.

Applicant: Burnside Farm Associates, LLC

Staff Recommendation: Approval

PC Recommendation: 06/08/2023; Approval (7-0)

First reading approval was given on July 18, 2023.

20. ANNEXATION, FUTURE LAND USE MAP AMENDMENT, AND ZONING MAP AMENDMENT for 6.04 acres S/S Trinity Drive and 3.68 acres S/S Trinity Drive; TMS# 16413-01 and 16413-01-02 - Approved on second reading.

Ordinance No.: 2023-083 - Annexing 6.04 acres S/S Trinity Drive and 3.68 acres S/S Trinity Drive, Richland County TMS #16413-01-01 and TMS #16413-01-02 into the City of Columbia, South Carolina, and Incorporating said property into Columbia Compass: Envision 2036 and the Official Zoning Map – Approved on second reading.

Council District: 4

Proposal: Request to annex the property and assign the land use classification of Urban Edge mixed Residential (UEMR) and the assignment of zoning of Residential Mixed District (RM-1) for a pending annexation. The property is currently classified as Neighborhood (Medium density) and zoned RU by Richland County.

Applicant: A. Forbes Patterson, Toma T. Patterson, Walker P. Ragin, Jr., Caroline Ragin Freeman, W. Motte Ragin/J. Scott Morrison, Morr Group, Inc.

Staff Recommendation: Approval

PC Recommendation: 06/08/2023; Approval (7-0)

First reading approval was given on July 18, 2023.



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21. **ZONING MAP AMENDMENT** for 3.85 acres, S/S Trinity Drive TMS# 16413-01-03 – *Approved on second reading*

Ordinance No.: 2023-085 - Amending the Official Zoning Map to modify the zoning for 3.85 acres S/S Trinity Drive, Richland County TMS# 16413-01-03 – Approved on second reading.

Council District: 4

Proposal: Request to rezone the property from Office Institutional (O-I) to Residential Mixed District (RM-1)

Applicant: Scott Morrison, Morr Group, Inc.

Staff Recommendation: Approval

PC Recommendation: 06/08/2023; Approval (7-0)

First reading approval was given on July 18, 2023.

ORDINANCES - FIRST READING

22. **Ordinance No.: 2023-088 - Granting an encroachment to Capital City Financial Partners, care of Michael Norris and Josh Bradley, for the use of the right of way area of the 6200 block of Garners Ferry Road for the installation and maintenance of landscaping and irrigation adjacent to 6208 Garners Ferry Road, Richland County TMS# 16404-09-10 -**
First reading approval was given on August 1, 2023.

Upon a motion made by Dr. Bussells and seconded by Mr. Duvall, Council voted unanimously to give first reading approval to Ordinance No.: 2023-088 - Granting an encroachment to Capital City Financial Partners, care of Michael Norris and Josh Bradley, for the use of the right of way area of the 6200 block of Garners Ferry Road for the installation and maintenance of landscaping and irrigation adjacent to 6208 Garners Ferry Road, Richland County TMS# 16404-09-10.



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RESOLUTIONS

23. Resolution No: R-2023-063 - Authorizing Notice of 2023 Election for Council members from District 2, District 3 and one at Large Seat – *Approved as amended.*

Upon a motion made by Mr. Brennan and seconded by Dr. Bussells, Council voted unanimously to approve Resolution No: R-2023-063 - Authorizing Notice of 2023 Election for Council members from District 2, District 3 and one at Large Seat, as amended to combine Ward 21 at Ward 29 and add Ward 33 - Martin Luther King Park.

APPOINTMENTS

24. Design Development Review Commission – *Deferred*

CITY COUNCIL REPORTS, REFERRALS AND NEW BUSINESS

Upon a motion made by Dr. Bussells and seconded by Mr. Brennan, Council voted unanimously to refer the Pet Licensing Program to the Health Social and Environmental Affairs Committee and to reconvene the Short-Term Rental Adhoc Committee prior to September for consideration of amendments to the current short-term rental regulations.

PUBLIC INPUT

Mr. Regi Solis read Martin vs. City of Boise, Idaho ruling in connection with the recent legislation about urban camping in Columbia. He expressed concerns about the homeless population. He said we need to consider what people are going through. Do we have a place to put them or are we just going to put them in jail, because they have no place to go?

Mayor Rickenmann said there are many options for folks, and a lot of folks choose not to do it. A lot of them are not accepting the services that are available to them. We're trying to push forward with providing people with wraparound services and shelter. We had 24 beds open the other week that were never used. That has been a constant throughout our community. If you feel that something is unjust then we will deal with it at that time.

Mr. Thomas Mosley expressed concerns about homelessness and drunken misconduct in Columbia.



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Mayor Rickenmann said we're going to build a one stop shop that has urgent care, a treatment center, cafeteria, and outdoor space. There are too many people walking around, not getting healthcare and the clinical help they need. Our plan is to build something so we can take care of those who are unsheltered.

EXECUTIVE SESSION

Upon a motion made by Mr. Duvall and seconded by Ms. Herbert, Council voted unanimously to enter into Executive Session at 4:31 p.m. for the discussion of **Items 25** through **27**.

25. Receipt of legal advice relating to a pending, threatened or potential claim pursuant to S.C. Code §30-4-70(a)(2)

Abigail Hartberger v. City

26. Receipt of legal advice relating to matters covered by attorney-client privilege pursuant to S.C. Code §30-4-70(a)(2)

Per- and Polyfluoroalkyl Substances (PFAS)

27. Discussion of negotiations incident to proposed contractual arrangements pursuant to S.C. Code §30-4-70(a)(2)

Lobbyists

ADJOURNMENT

The meeting was adjourned at 4:55 p.m.

Respectfully submitted:

Erika D. Moore Hammond, CMC
City Clerk