



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
MONDAY, JULY 1, 2013
2:00 P.M.
EAU CLAIRE PRINT BUILDING
3907 ENSOR AVENUE

The Columbia City Council conducted a Public Hearing on Monday, July 1, 2013 at the Eau Claire Print Building, 3907 Ensor Avenue, Columbia, South Carolina. The Honorable Stephen K. Benjamin called the meeting to order at 2:38 p.m. and the following members of Council were 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 B. Wilson, City Manager and Ms. Erika D. Moore, City Clerk. This meeting was advertised in accordance with the Freedom of Information Act.

[BULL STREET CAMPUS DEVELOPMENT AGREEMENT](#)

ORDINANCES – FIRST READING

1. [Ordinance No.: 2013-072](#) – An Ordinance to approve pursuant to Section 6-31-30 of the Code of Laws for South Carolina, 1976 as amended, a Development Agreement between the City of Columbia, South Carolina and Hughes Development Corporation, as equitable owner and developer, of approximately 165 acres of land within the City of Columbia, commonly known as the Department of Mental Health's "Bull Street Campus" – *Approved on first reading by a vote of four (4) to three (3).*

Mayor Benjamin presented the Bull Street Campus Development as a historic partnership for a historic project. He recalled that the State of South Carolina, the City of Columbia and the Central Carolina Community Foundation held a charette in 2005; in 2007 the Supreme Court ruled that the Department of Mental Health could sell the property; NAI began marketing in January 2009; City Council appointed the Bull Street Property Advisory Committee later in 2009; a year later Mr. Hughes put the property under contract; the Board of the Department of Mental Health approved the sell seven (7) months later; the revised Bull Street Planned Unit Development (PUD) was approved by City Council in October 2012; and on June 24, 2013, the City released the Bull Street Development Agreement. He outlined the economic development benefits of Bull Street as derived from the Miley report; staff's review of public investment for BMW and Boeing; and what the project brings to Columbia. He reviewed the city's commitment to infrastructure for the project along with other benchmarks. He reported that the development agreement protects 74% of the property's historic structures along with the city's waterways and wetlands. He outlined the concessions/donations being made by Hughes Development. [Click here to view Mayor Benjamin's presentation.](#)

- **Council opened the public hearing at 2:36 p.m.**

Ms. Cathy Hearn said that her father worked at the State Hospital for 40 years and they lived in Cottontown. She said it is great that someone is going to finally develop it; it has sat there for too long. She said that the ballpark is a good idea and maybe a couple of hotels, but she is not sure about the houses.

Dr. John Ruoof said as an owner of a research and policy analysis consulting firm, he is active in baseball and baseball research. He said that public funding of baseball stadiums is a terrible public investment based on a large body of academic research. He said that minor league baseball is not a destination and you may be lowering total income, because the teams tend to be owned by outsiders. He said researchers are clear that there is no positive discernible effect on income or economic growth.

Mr. George McMaster, Esq., Tompkins and McMaster Law Firm said that neither the firm nor his family has a financial interest in this project. He said that a long process went into this exceptional contract and Bob has the capacity and track record of a brilliant development that revitalized downtown Greenville. He said that there has been criticism about the city putting in the infrastructure, but it will be done in phases and it is needed anyway. He said that the Mayor is being criticized, but somebody has to take the lead on this. He stated that whatever we do is better than having that magnificent piece of property sitting there doing nothing. He endorsed this project, wholeheartedly.

Mr. Ike McLeese, President of the Greater Columbia Chamber of Commerce said this is a game changer for Columbia. He urged Council to support this agreement. He noted that 74% of the total square footage on the property is protected by this agreement. He stated that there isn't another developer standing in the wings to come forward with either the reputation or the financial wherewithal to achieve this project. He said if this doesn't happen there are rumblings that the Legislature will take this property off the market and mothball it for future use, leaving it off the tax rolls and the historic buildings to rot. He urged the Council to move forward with this project and the agreement, as is.

Mr. Tom Felder, Banker appeared on behalf of the Small and Minority Business Council. He said they continue to serve as an advisor to the Chamber leadership on issues concerning growth and development throughout this region. He said that Columbia's public investment is over a billion dollars in annual economic impact, millions of dollars in additional revenue for the city and thousands of new jobs; this is a game changer for our city. He noted that this is a phased development, which defers costs over several years. He said the agreement makes for a public private partnership, which promotes economic growth and this is a boost for small and minority businesses, retail and people living, working and visiting in downtown Columbia. He stated that the structure of the financial systems will provide for sustained growth; will solidify the project; and help make this project a success. He further noted that an enhanced tax base will provide increased revenue for Richland School District One. He stated that this is good for our city, our region, the preservationists and certainly all of us.

Mr. Dave Almeida, former Executive Director and current volunteer of the National Alliance on Mental Illness (NAMI) said the organization is dedicated to advocating on behalf of people with mental illnesses and their families. He said the SC Supreme Court cleared the way for the sale of the State Hospital property. He noted that the court also made it very clear that the property is a charitable trust; therefore, the proceeds from the sale must go back to the Department of Mental Health to be reinvested into services for people with mental illnesses. He said nearly 200 years ago South Carolina was one of two states to truly embrace its moral obligation to provide services, treatment and care for our citizens with mental illnesses. He explained that Col. Samuel Farrow and Maj. William Crafts successfully contended with their colleagues in the legislature to appropriate money to create and fund what is now the State Hospital on Bull Street. He said that Robert Mills did an exceptional job building this refuge and therein is the problem. He said the dreams of those champions have now become hijacked by preservationists who care more about the wellbeing of buildings than the wellbeing of people. He called upon Council to move forward with the sale of the Bull Street property; to make good on the court's ruling, which will provide much needed funding for the underfunded Department of Mental Health; and to place people before buildings, because it is the right thing to do.

Mr. Terry Williams, C.P.A., said he owns the closet business to the State Mental Hospital property at the corner of Bull and Calhoun Streets. He said the developer needs to be down there after 5:00 p.m. to see the prostitution, public drunkenness and drug deals that go on outside his window every night. He said his firm saw the vision of the Bull Street property being developed and he wants to see this project happen, but in the past five to ten years, there has been a constant deterioration of that corridor. He told Council you are either for economic development and will put more businesses there or become the homeless center for the southeast.

Mr. Michael Kahn, Architect said that he served on Duany's design team and he knows about the land, its potential and size. He said as a property owner and as a designer, he wants the right thing done; he wants the project to be built, because it is great for the city and the Midlands. He expressed concerns about the ballpark. He thought the ballpark was being pitted against preserving the Babcock Building and would argue for keeping the building, because it has a lot of historic value. He admitted that he would stand to benefit from the ballpark, but he is concerned about parking, traffic and how it would be positively integrated into the community. He recommended that a much better land use would be developing trails and things that don't take up as much land or require as much parking and can be used by everybody year round.

Mr. Nathaniel B. Land, Jr., said he spent 31 years as a planning and zoning staff person for the city and he lived and breathed the Duany Plan; he attended 90% of the public meetings; participated in the subsequent review and approval of the Duany Plan; and he was part of the annexation and development of the Harbison area. He said that he hasn't seen a generalized land use plan to explain the form based codes. He noted that the Duany Plan had a lot of that spelled out. He expressed concerns about

the lack of specificity on the roles of the Design Development Review Commission (DDRC) and planning staff in reviewing this. He doesn't agree that 17 buildings should be saved. He doesn't see a role for the DDRC in reviewing demolitions or changes to other buildings. He is concerned about the lack of openness and accountability for the developer and about the city providing infrastructure. He said the size, timing and nature of the subsidies are a concern. He asked if we have to buy the property that we are putting the park on. He hopes that Mr. Hughes is successful. He asked Council to post all documents pertaining to Bull Street on the web and give people an opportunity to review and comment on all documents. He suggested that they defer a final vote for at least two (2) weeks.

Mr. Chester DePratter, Ph.D., Archaeologist for the South Carolina Institute of Archaeology and Anthropology at the University of South Carolina expressed concerns about Camp Asylum, the Civil War Prison Camp on the Bull Street property. He said that the plan takes no notice of Camp Asylum and that is a grave error. He asked Council to amend the development agreement to include preservation or excavation of Camp Asylum. He said that a survey project needs to be completed to determine what remains in the Camp. He said that the SC Institute of Archaeology and Anthropology stands ready to assist in this work.

Mr. Jim Pagett thanked the members of Council for making this project a reality. He expressed concerns about the city investing \$60 to \$70 million over a period of time and scheduling the public hearing during the week of July 4th at 2 p.m. while many concerned citizens are at work or on vacation. He respectfully suggested that Council schedule another public hearing, possibly on a Saturday morning in September or at 6 p.m. He wants to see the project succeed, but the citizens of Columbia have the right to understand what we are getting into. He said that public private partnerships don't always mean equal partners with equal risks; public entities should help facilitate deals and the private sector can help bring in capital.

Ms. Lee Ann Kornegay, local filmmaker and chief advocate of 701 Whaley said she is excited about this project; this is going to be incredibly important for our city. She expressed faith in Mr. Hughes, even though she has never seen him. She wished Mr. Hughes was at the meeting and the press conference that was held to announce the deal. She said her father was an employee of the Department of Mental Health and her aunt was a patient there from 1951 to 1970. She wants to see something awesome happen there. She said one of the unique things about the property is the village feel that it has. She expressed concerns about the developer being able to offer the Ensor, Bakery or Laundry Buildings to the city for relocation as long as the relocation occurs within the developer's schedule. She said that it doesn't seem to make sense that we would buy and relocate those buildings; it would certainly jeopardize their physical integrity if we tried to move them; and it would certainly diminish their historical significance with the property. She asked Council to amend the agreement by listing these buildings as precedent structures, setting them up to be reused rather than relocated or demolished.

Mr. Todd Stuart sought to dispel the myth that if you are a preservationist, you are not for economic development. He said that preservationists truly believe that the historic buildings add to the project. He acknowledged that he hasn't read the development agreement. He asked Council to postpone the vote on this and have more public hearings. He is concerned about not seeing a plan before the development agreement is signed; we should know what we are buying before we buy it. He said that Council's job is to make sure that the developer doesn't do something to decrease the future value of the property. He noted that the PUD will allow the developer to survey the trees and then cut them down if it's in his best interest.

Ms. Elizabeth Marks, Robert Mills Historic District resident said that the Bull Street development is at their northern boundary and what happens on that development affects them profoundly. She asked Council to take it to the next step; don't rush into a vote today; review the development agreement more carefully; make it more favorable to the city; and put more balance in it. She said there has been a lot of citizen input, but not enough of it has found its way into this development agreement; none of the Duany Plan is included in the PUD or the development agreement; the Bull Street Committee met for a year and produced a document that was never approved by Council or acknowledged by the developer. She recalled that City Council, staff and many others spent two (2) years putting together the Comprehensive Plan for Columbia, which clearly states many open minded things that should be done in implementing a PUD, but the Bull Street PUD and development agreement trump the city's Comprehensive Plan (*Section Q Hierarchy of Documents*). She said there is no language in the PUD that gives leverage to the city in planning and there is no master plan; we don't have a clue as to what the developer is going to do with the property; and we need to put daylight on top of the development agreement and the PUD.

Mr. Eric Dickey said he came back from vacation for this meeting. He is tired of Columbia wanting to be like Greenville and Charleston. He said it is time to act; we've been planning for years; Mr. Hughes is renowned and he's not leading you down a primrose path for nothing; he wants to make a profit and the time is now.

Ms. Rebecca Haynes, President of the Earlewood Community Citizens Organization appeared on behalf of the Conservation Voters of South Carolina. She expressed an interest in the environmental aspects of this. She said we talk a lot about the buildings and the people, but we are not talking about the footprint and the potential environmental impact of this development, which is on top of Smith Branch, which is the stream that feeds into our drinking water source. She said it is important to do this right. She enjoyed reading that they will daylight Smith Branch and initiate stream restoration, but then she read about storm water ponds. She said we need to look at progressive storm water management on this site. She said they are still working out the kinks of the storm water management ordinance, but she wants to make sure that has a play in this development. She asked why take up useful acreage with storm water retention ponds when we could use green infrastructure. She said this is our opportunity and we need more specifics; we have a little bit to be hopeful about. She hopes to be a voice for Smith Branch.

Mr. Andy Whitfield, Columbia Tree and Appearance Commission member thanked Council for listening to some of their suggestions. He acknowledged that some of their language was written into the agreement. He said they are alarmed that the current language will allow for a net loss of tree canopy on the site. On behalf of the committee, he suggested that they refer back to the current city landscape ordinance that offers protection to mitigate and replace trees.

Ms. Gareth Fenley said she loves to travel and she loves cities and downtowns. She supports this project and feels that there has been enough light and process. She agreed that it's time. She doesn't have any particular nostalgia for the buildings on the campus. She said tear them down.

Mr. Richard Burts said that no one is trying to stop any kind of development on this site. He hopes that everyone who wants to act understands that we are taking a look from the public eye and making sure it looks good. He said that the cost per acre appears to be \$90,000 and he would like for staff to put those figures out there to include the city's contribution at \$140,000 per acre. He said we are paying a high price if we don't keep the historic section of the Mental Hospital intact. He said there is no mention as to when the historic structures will be addressed. He said the public money should be partially used as a trigger mechanism for when the Babcock and its wings get a plan for development. He said the contract between the developer and the Department of Mental Health provides that the Department holds the parcels until the developer decides to purchase or assign his interest. He noted that the contract also says that the Department will maintain the buildings and the grounds. He asked who will maintain the parcels if the developer doesn't buy them. He said the Department doesn't have the funds to stabilize or mothball the historic structures and the structures are not afforded the necessary protections. He said if the development agreement is signed now, it's like pooling a demolition permit for these buildings, because they can't be easily moved and if you do move them, they will lose historic significance of where they sit on the parcel. He asked that Council allow more time for citizens to speak.

Ms. Kathryn Fenner, Esq. asked Council to delay this, because it is very hurried. She recalled working on the Market Common Project in Myrtle Beach for the attorneys that are representing Bob Hughes and they knew who the retailers were going to be and they knew what the buildings were going to look like. She said the idea behind the Enabling Act was that developers would have the right to know that Council wouldn't change zoning on them. She cited Section 6-31-60. She said she spent a lot of time trying to figure out what uses are permitted from various people within and without City Hall. She said there are concerns about how the PUD was passed. She said this is a meta-agreement and we need to know more about what's going in there.

Ms. Susan Creed, Cottontown resident asked why this is being hurried and if they will ever get answers to their concerns. She asked how you can make a final decision about something we know nothing about; so many of us don't know what we are getting. She asked Council to please postpone this. She said that her major consideration is the city I live in and the way my elected officials relate to me.

Ms. Wendy Wells said there are so many different projects being done in so many areas of this city and public money is being given without the proper consideration or interest due back to the city. She said she has only given to the city, but she hasn't been given any consideration. She urged Council to slow this process down.

Mr. Carlos Anrrich said that he lived at the State Hospital in 1968 where his dad was the first Cuban doctor. He said there is a lot of history for first generation Americans in this place; it is a little town in the City of Columbia. He said that the place is deteriorating and by the time we make a decision, the trees will be gone. He wants to see something done here and he wants the money to go to NAMI. He urged the city to do something to make it beautiful and to preserve as many trees as you can along with some of the buildings.

Mr. Bill Chamblin, Conley Development said they met with Hughes Development and generally support their idea. He hopes in negotiations with Mr. Hughes that the city has considered incentives and caveats that give advantages to using local businesses. He also hopes that Council is comfortable with the succession plan for Hughes Development.

Ms. Cynthia South, President of the South Company, Sustainable Midlands Board Member and a former member of the Columbia Tree and Appearance Commission said this is the most exciting project she has ever seen. She suggested that the project needs to have a very good school in order to be successful, because she has seen families move out of Columbia in search of better schools.

Ms. Rosie Craig said she makes money on historic preservation and we all believe in doing what is in the best interest of our city. She said this is the only state in the union with three capitals and she is ready for Columbia to own its wonderfulness with the good, the bad and the ugly. She insisted that this makes us know who we are and allows us to step into the future. She asked the Mayor to tell Mr. Hughes that the Planning Commission, the Design Development Review Commission and other nice people are counting on those 17 buildings being saved, because they keep the story of our people. She expressed her admiration for Mr. Hughes, because of the Greenville development. She noted that Greenville wishes they had kept more of their historic architecture; once it's gone, it's gone.

Ms. Robin Waites, Executive Director of the Historic Columbia Foundation explained that before Bull Street was offered for sale by the State of South Carolina, there were various groups in this community that made serious attempts to encourage the protection and preservation of the historic core of the campus. She said the community has long held this site to be important in defining the character of this city and this state. She recalled that in 1993, the city sponsored a citywide architectural survey and historic preservation plan by Dr. John Bryan, which recommended expanding the number of national register and local landmarks listed sites on the SC State Hospital grounds to include all of those that have been listed in the subsequent plans. She further recalled that renowned urban designer Andres Duany offered a plan that called for the preservation of thirteen (13) historic and significant buildings. In 2009, the Planning Commission and the DDRC recommended that City Council approve a historic overlay for the Bull Street Campus; this proposal was withdrawn by Council in October 2009. She cited the minutes wherein this action was taken along with the appointment of a citizen's advisory committee to develop guiding principles for the development agreement. The recommendations were completed in August 2012. She said that conversations on how to protect this unique campus have been going on for two decades. She asked how those conversations have been incorporated in the development agreement. She insisted that the buildings selected are the easiest to reuse; they are not the most architecturally significant or the most culturally compelling buildings. She said we are allowing the developer to tell us what the most important buildings are. She said they want the site to be developed and are excited about what's to come. She urged Council to provide protection for the historic assets of the Bull Street Campus and amend Section 17(h) to expand the list of precedent buildings to those that were in the 2009 proposed overlay.

Dr. Lydia Brandt, Professor of Art and Architectural History at the University of South Carolina said that she leads a group of graduate and undergraduate students in ongoing research on the history of the Bull Street site. She has overseen considerable research and documentation of this site in the past two (2) years. She said that Columbia has an opportunity to bring to life one of the most fully intact asylum villages in the country. She said the Bull Street Campus as it stands today is significant to national, state and local history according to the standards of the National Register of Historic Places. She said once buildings are demolished or moved to another site, the integrity of the whole will be seriously jeopardized. She asked Council to expand the list of precedent structures in the proposed development agreement to include all of those recognized in the overlay district deferred by Council in 2009. She described how the myriad of buildings tell stories of the ways in which Americans have understood and treated mental illness from the early 19th century until the end of the 20th century. She said that the preservation of these buildings is not incompatible with the development of the campus. She asked Council to defer a decision until they decide to include the buildings identified in 2009.

Ms. Erin Holmes, American History Doctoral Student at the University of South Carolina said she documented the architectural history of the Bull Street site along with Dr. Brandt. She said the demolition of the buildings included in the 2009 proposed overlay district would severely limit our understanding of the Bull Street Campus. She said the Parker Annex was built in 1910 behind Babcock to house African American patients and it is the only building representing the history of segregation on the site. She described how the buildings served the campus and the community while allowing patients to work as part of their treatment and as a means of gaining skills for lives outside of the asylum. She said that in the 1930s, Bull Street sought to reshape public opinion through architecture and developed an oppositional campus centered on the Williams Building. She described how the buildings were used throughout the campus over the years. She said in determining the fate of Bull Street, it is imperative that we consider the pieces of the historical narrative that might be lost because they were deemed unimportant, too complicated or simply not in line with what we wanted at a given moment. She asked Council to defer approval of the development agreement until it addresses these buildings and considers how their potential loss will shape Columbia's legacy as a place that preserves and celebrates its past.

Mr. Mike Bedenbaugh, Palmetto Trust for Historic Preservation said that preservation of our places creates the reason for development to happen and it creates the reason for people to want to come to a place. He doesn't understand where 74% comes from; he said that it appears to be 50%. He said all of this misses the point of what we are trying to do when we talk about preservation. He said the spirit embedded in the landscape is what makes a place. He said the city adopted a Comprehensive Plan to set the foundation for new projects. He said that under the community and facilities matrix the city is advised to require the adaptive reuse of existing buildings before new community facilities are constructed. He said the economic development matrix advises the city to maintain historically significant buildings that can be redeveloped for economic activities. He further noted that in the Comprehensive Plan, 100% of the Bull Street property is designated as a landmark parcel. He said that preservation is all about the human element and he asked Council to consider this in the development agreement.

Mr. Bill Manley said he and his wife have been a part of the city and the Eau Claire Community for 61 years. He said that \$31,250,000 to \$70 million is the expected investment from the city. He asked where the citizens fit into this plan. He said that the Columbia City Council has ignored the citizens of Columbia. He asked if property taxes and water and sewer rates will increase. He asked Council to ride up Main Street to Elmwood Avenue where there is a lot of vacant commercial space and land. He referenced a January 23, 2013 article in the State Newspaper that said that City Council will hire a lawyer against its own Board of Zoning Appeals. He asked Council to hire a lawyer for the citizens of Columbia to understand what this plan does to us. He said it's not what you see, it's what you don't see; it's not what you hear; it's what you don't hear.

Mr. Floyd Brown as an owner of a local startup company, he said he would like to participate in the recycling efforts within the project and would like to be a protégé to Bob Hughes. He recommended that the property contain a museum to preserve the history of the property. He said a major league team would be more economically feasible for Columbia.

Ms. Valerie Marcil said that she has a background in historic preservation and archaeology and she supports developing the Bull Street property as a vibrant and urban cluster. She said a lot of the elements are in place, but we need more time. She is concerned about historic properties and the baseball stadium. She asked Council to remain cognizant about what makes a vibrant community, which includes maintaining human scale; maintaining historic properties; and making people feel safe to walk, live and work. She said that we have a gold mine potential in the historic properties; it's not just about the buildings; it's about the people that were there and those that will come. She would not want to live next to a stadium; it will cause traffic congestion and discourage people from living there. She urged Council to think carefully about what we want Bull Street to look like and what it will take to make that happen; let's not rush into things and be sloppy about it.

Ms. Jeannie Eidson, Member of the Livable Links Initiative said that she attended every meeting, hearing and workshop related to the Bull Street property and was instrumental in bringing in a consultant to educate the Council on form based codes and she obtained a grant that would provide additional consultation if needed. She agreed with the Mayor in that Bull Street Project is unparalleled in its size, scope and the potential that it holds for our city; it is the largest project of its kind east of the Mississippi and probably in the nation; it's a true game changer; and it will fundamentally reshape our city for the better of our generations to come. She said she has no more tangible insight on the vision of Bull Street than when she attended the first Planning Commission hearing. She said we need to know the details of the plan, if there is a plan. She said that the city and the citizens have asked Mr. Hughes to provide details from the very first Planning Commission hearing. She said this has been a long process and it is time for Mr. Hughes to share his vision. She said the Council has shown great support for its citizens on various issues. She said that the level of detail on the preservation, protection and visioning of those sites should also apply to the Bull Street property. She is supportive of form based codes, but the true use of the code concentrates on community visioning; it works by doing the hard work upfront and building consensus. She said they want the site to be developed; the agreement is a good first draft; but Council needs to postpone voting until they incorporate the concerns voiced in this public hearing.

Ms. Jan Gilligan said she is here today to jog the conscience of the Mayor and the developer. She said this capital city can provide state of the art research with mental health therapies. She said it was the wish of the donor of the Bull Street property that it always remains for the use of mental health. She said that Robert Mills built a state of the art facility for people with brain illnesses in the late 1800s and we can far exceed his innovative ideas for providing a mental treatment center as outpatient services. She

said that many mental health professionals are accepting no cure for most mental illnesses, but this can be proved wrong. She urged Council to think of preventing criminal behaviors and other illnesses. She said this beautiful property is intended to be used for the treatment of mental illnesses. She hopes that MIRCI, NAMI and all other mental health providers will cooperate fully with providing services at this site.

Rev. Wiley Cooper said he saw an article in the State Newspaper that he hopes was inaccurate. He noted that there will be two (2) hearings on this, but if we don't hear something radical we will move ahead no matter what. He asked City Council if they heard something that they needed to research or listen to further or might cause a revision in this plan. He said that everybody here wants this to go forward and soon. He asked if the information about the failure of baseball stadiums or the need for archaeological research on the war site is anything to give you pause or cause you to delay this vote tonight. He urged Council to act on the questions and get this right for the City of Columbia, its future, its integrity and for the sake of us moving forward together.

Ms. Ryan Nevius, Sustainable Midlands agreed with Rebecca Haynes about our storm water and best management practices; we have a chance to have a model in our city. She urged Council to take the Columbia Tree and Appearance Commission's words into consideration and make the suggested changes. She said that everyone here today has hopes and dreams for a world class addition to our city, but that takes a lot of hard work. She quoted the director of Place Makers as saying that the biggest Achilles heel possible for form based codes is failing to articulate a vision. She recalled that Nathan Morris from Place Makers said that a concrete common vision is not expressed in the Bull Street PUD and he expressed concerns about a vast amount of special purpose districts that were undefined and did not fall under the form based codes that were in the PUD. She suggested that the Bull Street PUD is not a plan for development; it serves mainly as a mechanism to consider development projects as they are proposed. She noted that the developer added student housing and manufacturing to the accepted uses, but she was told by the planning director that there isn't a definition within the PUD for manufacturing; it is permitted within the T5 zones, which can be applied anywhere except along Calhoun Street and in the Calhoun Street overlay. She asked if each Council member is comfortable as stewards of our city and its resources with the ambiguity of this plan. She asked if they would commit to buying property when undefined manufacturing could be next door. She asked Council to reconsider moving forward today and have more concrete discussions; she wished that Mr. Hughes was present to hear what we care about.

Mr. Toby Ward, Esq. said this is really big and you get to decide in large measure how that project will proceed. He spoke about honesty to citizens and fiscal responsibility to taxpayers. He noted that the enabling legislation requires the developer to show you a proposed use that you buy into. He agreed with the comments made by Mr. Land. He said it is premature for you to buy into this at this time. He said that the PUD is not attached to the documents that refer to it and the public is unable to discern what the proposed use is. He said that more work is needed. He suggested that the city use the

development agreement as the funding mechanism it is and to get what the citizens want. He said that serious issues of public policy are called into play by this development agreement and the PUD. He said the ordinance would have the effect of legitimizing mandatory real estate commissions to the developer. He said it is a serious policy issue to allow a developer the right of first refusal when we are providing the funding. He noted that nowhere in this agreement are we demanding local, small business and minority participation. He said when we read this we don't know what is going to happen to the historic buildings. He said that Council is not telling the citizens where you are getting the money from to pay for this; you are creating a liability by entering into this contract that requires funding. He urged Council to not go any further in approving this development agreement until you can tell us how you are going to pay for it.

Ms. Katie Riley, Jump Start University Two said that as a reading interventionist she comes in contact with parents, local businesses and neighborhoods. She said the Bull Street project is very important to them and they want to be involved at the grassroots level. She said there is an opportunity for the community to be involved; there are many job opportunities in those 17 buildings; and the grassroots organizations have the capability to come up with a grand plan as well. She told Council, if you can get the money for Mr. Hughes, you can get the money for us, too. She sought clarification on the number of acres and the 26% that is not covered in the contract. She asked that one-third of the jobs created from this project be reserved for the common use of the diverse residents here.

Mr. Dwight James, Member of the Columbia Branch NAACP submitted a letter on behalf of Dr. Lonnie Randolph acknowledging the city's role in advancing the Bull Street Redevelopment Project. He suggested that the city's procurement code overarch the development agreement; the city implement the city's current programs; and that the city incorporate assurances of the same in writing prior to signing the agreement. He implored Council to not try to be like Charleston; we can be better than Charleston. He recalled the major development on Daniel Island and urged Council to not replicate that experience for the people in this community. He said the NAACP is concerned about inclusion, fairness and opportunities for everybody. He urged the Council to hold fast to those distinctions and ensure that everyone in the community has an opportunity to participate.

- **Council closed the public hearing at 4:55 p.m.**

Mayor Benjamin said there were a lot of great comments, ideas and thoughts. He acknowledged that good ideas were laid out and those ideas will require further consideration and inclusion.

Councilor Davis recalled that there were discussions about the advisory group, its authority and the recommendations. He suggested that staff clarify the definition and authority of the advisory committee.

Ms. Teresa Wilson, City Manager said the agreement proposes that we would appoint a point of contact for the developer. She said that she will work with them phase by phase.

Ms. Krista Hampton, Director of Planning and Development Services recalled that at the beginning of the process, the Consolidated Review Committee (CRC) was a developer led committee, but staff felt that it vested a lot of power with the development led committee. She reported that the revised PUD establishes the same CRC as a city staff led committee. She further reported that there is a Design Review Board, which is a developer led board and we are required to receive notice of their approval prior to acting on any application.

Councilor Davis said as discussions move forward we need to be as clear as possible, because people don't clearly understand how that works.

Ms. Krista Hampton, Director of Planning and Development Services explained that the current landmarks to include the central portion of Babcock and the historic wall will be reviewed by the Design Development Review Commission, because they are individual landmarks. She said the other structures that are designated as precedent structures will be reviewed by the Design Review Board, which is the development group.

Councilor Plough said that the developer will review the structures with his committee and they will make a decision.

Ms. Krista Hampton, Director of Planning and Development Services said that process would be used for any building designated as a precedent building.

Councilor Plough asked if buildings being added would be reviewed.

Ms. Krista Hampton, Director of Planning and Development Services said that the covenants and restrictions indicate that all new construction and anything that goes on within the Bull Street Development will be reviewed by the Development Review Board first.

Councilor Newman said the biggest part of the project is the economic impact aside from the cultural impact. He asked staff to identify how the procurement process will go in terms of small, minority and women owned businesses and what the city will control in terms of minorities, protégés and how the dollars will be spent.

Ms. Teresa Wilson, City Manager said she has discussed assurances in writing with Mr. Hughes and he has committed to endeavor to ensure that there will be minority, women owned, small, local business preference. She said that should be followed regardless of the city's policy; however, she also asked him to strongly consider including triggers and benchmarks. She recalled that the city is reviewing its Mentor Protégé Program and she would certainly like to see what we can get in writing.

Councilor Plough sought clarification on the amount of acreage.

Mayor Benjamin explained that if you subtract the Hall Institute and the surrounding property, you get the smaller number; the entirety of the property is 181 acres, but if you subtract the Hall Institute it leaves 165 acres of developable land. He said the Hall Institute will maintain the current use of the property for a period of time.

Councilor Plough asked if the city will end up buying the park property and what does that include. She said the agreement refers to the city buying the park and the tree allee at \$90,000 an acre.

Ms. Teresa Wilson, City Manager explained that the tree allee is where you enter the property off of Bull Street going towards the Babcock Building.

Ms. Krista Hampton, Director of Planning and Development Services said they have requested more specificity on the park, but it would be in the vicinity of Babcock.

Councilor Devine recalled from previous discussions that a park would be desirable due to the nature and size of this development. She said the details may not have been worked out, but there was a desire for there to be a city park on the property.

Councilor Plough asked if that is part of the day lighting of Smith Branch.

Councilor Devine said the day lighting of Smith Branch will be incorporated into our overall Greenway Plan. She said the intent is for there to be an opportunity for a public right of way along Smith Branch to connect to the Greenway.

Councilor Plough asked if we need to acquire that property.

Ms. Teresa Wilson, City Manager said they discussed a public park and the city is best equipped to add to our park infrastructure and that begins to take into account the phased approach, which requires specificity for each. She said they discussed a park on the site, but no specifics as to where at this time.

A motion was made by Ms. Plough and seconded by Mr. Baddourah to continue this public hearing until August 6, 2013 to give the citizens of Columbia ample opportunity to review the draft development agreement; to post the Planned Unit Development document online for review; and to re-advertise for the second public hearing.

A motion was made by Mayor Benjamin and seconded by Mr. Runyan to table the motion made by Ms. Plough.

Mr. Kenneth E. Gaines, City Attorney advised that the ordinance passed by Council and state statute requires two (2) hearings on a development agreement. He stated that the ordinance says that seven days' notice should be given for the first public hearing and 14 days' notice for the second public hearing. He said you must have the public

hearing next week as advertised or we will have to start the process over again with two (2) notices. He suggested that Council could have a third public hearing and not give second reading to the ordinance at the July 9th meeting.

Councilor Plaugh asked Mr. Gaines what would happen if her motion should pass and the public hearing is carried into August.

Mr. Kenneth E. Gaines, City Attorney said we will have to republish the notice

Mayor Benjamin withdrew his motion to table Ms. Plaugh's motion.

Councilor Plaugh said she made the motion, because many citizens felt that this hearing was rushed and the public hearing on the 9th at 2 p.m. would be continuing this process that doesn't work. She said her effort to continue this public hearing is to get out of the cycle that the majority of our citizens don't want us to be in.

Mayor Benjamin stated that he knows that we are at a critical point for this deal and time is of the essence. He said in order to get this deal done and secure for the next 10, 20, 30, 40 years, the time to act is now. He said we have been discussing and deliberating for many years now; we heard good ideas today, but nothing that can't we resolve between now and the next public hearing. He said that at the end of the day when this is resolved, there will be folks who want more and some who want less. He said that it is important to understand that everyone had a voice, everyone was heard; the public input and conversation has been ongoing for a significant period of time; and at some point we have to decide to move forward. He insisted that we must build this city and we must make a commitment to move it forward boldly and aggressively.

Councilor Davis said we all agree that there is a need to make sure we have copious notes regarding the discussions and questions; both general and specific. He said it is important to show and prove that we can resolve those issues to the satisfaction of the individuals and the groups whom we are familiar with so that they do feel that we heard them; we listened; and we put forth the best effort to ensure that we do in fact deliver the best deal we have for the city.

Ms. Teresa Wilson, City Manager said it may be helpful for them to see the negotiations that have gotten us this far; there are some negotiations that weren't in there before; and precedent buildings such as the Bakery have been added. She said it has been a work in progress and we will work to address the concerns presented here.

Councilor Devine agreed that the document has evolved and this document has additional things from the document that was presented three (3) weeks ago. She said we need to look at the critical things that were discussed today; those are things that we cannot ignore and attempt to see if there can be an additional meeting of the minds. She stated that everyone wants this deal to happen and for the most part, 99% believe that Bob Hughes is the guy to do it. She said the problem is that we have a very lengthy document with several issues that may have gotten lost. She believes that Mr. Hughes agreed to an archaeological dig, but we need to go back and put that into

place. She said we received public input today and we will continue to do so; we will have to move forward and get this deal done. She would like to see us work hard over the next week to pull our notes together; go back to Mr. Hughes to see if some of those things can be incorporated; and at that point see where we are on the final document. She said she doesn't feel comfortable voting today to move forward with this document, because she would like to see additional language on some of the things that we would like to see. She suggested that they set July 9th as a deadline to get some of the things we want to see incorporated and if we feel comfortable after the public hearing then there may be a desire to move forward at that time. She said if we don't move forward today, there needs to be a clear message sent to Mr. Hughes that we are just fine tuning some details; it is not the city saying that we don't want to move forward.

Ms. Teresa Wilson, City Manager said that staff can reduce paper; fine tune some details; and make sure from a staff perspective that we are clear on what we want to spend the time addressing, because we have already attempted to address some of these things.

Councilor Baddourah said that everybody knows how important this development agreement is; everybody has been waiting and anticipating how much this can mean for the city. He expressed concerns about this development agreement and being on the conservative part of this and listening to the taxpayers and their concerns about how we are going to fund this, it has become a number one problem. He asked how we are going to fund this. He noted that the risk reward for the city is greater than the risk reward for the developer. He said that the paragraph where the city will give the developer \$15 million for \$81 million worth of private investment does not add up; the contract doesn't say where he is liable to build anything. He said \$81 million in taxable property will probably generate \$480,000 in city taxes per year; it will take a long time to get our return on investment. He stated that there are a lot of unanswered questions and he is not sure that today is a good day to take a vote on this, but he is okay with coming back on July 9th and August 6th to address issues. He said the developer had 2½ years on the contract, but he can't wait 2½ weeks. He said it's too important of a document for us not to take our time to bring everybody's wishes to the table; we've heard concerns about preserving the trees and the buildings; we heard concerns from a few people about how we are going to pay for it. He asked what the best interest for the city is. He suggested that they go back to the drawing board to fine tune the development agreement. He insisted that it could cost more to build a road and to build the water and sewer; it is going to add costs and more responsibility for this city. He said if we vote on this today, we are liable to give the developer all of our money whether we find a funding source or not. He said he is uncomfortable with that until we fine tune some of the details. He said preservation is a strong word; we need to study it and bring it to the table as much as we can; we can't assume that he is going to do things and that's why we need a master plan; it would resolve a lot of the issues we have in front of us today; we would know where the park, dormitories and pump station would be. He noted that the pump station for Bull Street is not in the Capital Improvement Program (CIP) for next year; we need to find money for it.

Ms. Teresa Wilson, City Manager said that staff presented several funding options, but did not want to assume what the Council wanted to do. She said most of the things said here today are things that we have attempted to address; it is not an oversight that they are not in the CIP; it was quite purposeful and I discussed that during the budget process.

Councilor Baddourah said we are rushing it; slow down; let's not vote today; delay it until July 9th or August 6th. He said we want Bull Street to be developed, but we want to be smart about it; we want to be cautious and represent every single city resident. He said we want all resident's voices to be heard and we have to open our ears and hearts for the people that live in the city.

A substitute motion made by Ms. Devine and seconded by Ms. Plough, to schedule a third public hearing on July 23, 2013 and to send correspondence to Mr. Hughes advising him of the 3rd public hearing and that proposed amendments are forthcoming, failed by a vote of three (3) to four (4). Voting aye were Ms. Devine, Ms. Plough and Mr. Baddourah. Voting nay were Mr. Runyan, Mr. Newman, Mr. Davis and Mayor Benjamin.

A subsequent motion made by Mayor Benjamin to give first reading approval of the development agreement and bring back proposed amendments to the document prior to second reading was not seconded.

A motion made by Ms. Plough and seconded by Mr. Baddourah to continue this public hearing until August 6, 2013 in order to give citizens ample opportunity to review the development agreement; to direct staff to post the PUD online; and re-advertise the public hearing failed by a vote of three (3) to four (4). Voting aye were Ms. Devine, Ms. Plough and Mr. Baddourah. Voting nay were Mr. Runyan, Mr. Newman, Mr. Davis and Mayor Benjamin.

Upon a motion made by Mr. Davis and seconded by Mayor Benjamin, Council voted unanimously to enter into executive session for the receipt of legal advice at 6:01 p.m.

Upon a motion made by Mr. Davis and seconded by Mr. Baddourah, Council voted unanimously to adjourn the executive session at 6:09 p.m.

Mayor Benjamin made a motion to proceed with first reading approval of the development agreement with Hughes Development while understanding that there were several issues raised by this Council, staff and citizens that we will need to present in discussions with the developer before the second public hearing and that we endeavor as many councilmembers to participate in those discussions over the next week. The motion was seconded by Mr. Runyan.

Councilor Plough said the Bull Street property offers the community a once in the lifetime opportunity to protect and preserve a significant part of our city and our state's heritage while utilizing the sites natural beauty and central location to attract businesses and residents into downtown Columbia. She said in the proposed Bull Street Development Agreement, the city is contributing \$31.25 million to the developer's public infrastructure fund for his use in installing and maintaining public facilities. She said the definition is public facilities such as but not limited to site preparation, demolition, asbestos abatement, contamination remediation, grading, landscaping, tree planting and removal, traffic signalization, utilities, public roads and all associated work, storm water ponds, day lighting Smith Branch, stream restoration. She said this definition does not include parking facilities or the ball stadium. She said the developer could use public funds provided to him by the city to remove trees, to do road work, asbestos abatement or demolish buildings; these funds appear to be provided to the developer with very little or no oversight. She said the agreement does refer to another agreement that is called a public funding agreement in which the terms and conditions would be spelled out, but that doesn't exist. She's not sure how you approve an agreement committing millions of tax payer or water and sewer customer dollars without knowing where the money will come from; specifically what the money will be used for; and where; on public improvements and facilities that will be built and maintained with this developer public infrastructure fund that we provide with public funds. She noted that there is no development plan and no master plan. She noted that the only schedule included in this document is a schedule of how we would spend our public money. She said it is perplexing how you turn over public dollars to a private developer and saddle future city councils with these millions of dollars in obligation. She noted that the city is committed to providing the developer \$16 million for two (2) parking garages; each one about 800 parking spaces in the first twelve months of the agreement, but I'm not sure when those first 12 months begin and end. She said as of May 31st, our Parking Fund is in a deficit. She said on page 21 of the development agreement, the city is agreeing that a new ball stadium is needed to facilitate and to bring a minor baseball league to Columbia. She suggested that we get the private business interest to step forward and fund a market study that can be provided to us, but **she doesn't think** the city should be advancing this deal. She insisted that she is in no way suggesting that she wants to kill this deal, but we need to take time to clean up the language and the typos in the proposed ordinance; consult with our legal counsel about how we commit future Councils; determine the source of funds for the required \$47 million; and understand why, how and should we turn over \$47 million to a developer who is going to guide the expenditure of public funds with little or no oversight; provide City Council and the public with information on our ongoing maintenance and operating costs; when will those costs hit our budget; we need details on what the developer will do particularly in the first three (3) years of this document; we need to understand the impact of the Bailey Bill; we need a development plan that outlines the phases of the development. She said that the developer has a plan, because he had to provide it to the Department of Mental Health and we need to clarify what breaches this agreement by either party.

Councilor Baddourah said that he understands business and he wants to be a part of a legacy that we can build, but we have to do it responsibly; we owe it to our children and the residents of this city. He said the document isn't balanced. As a representative of District Three, he understands what historic preservation and fiscal responsibility is all about, because his district is 50/50. He wants to make sure we understand that we are moving forward, but we have to move forward responsibly and we have to bring balance to this document.

Councilor Devine said this document is a good first draft; there are some things that have been brought to our attention over the last week and tonight that require additional consideration. She prefers not to vote for a document that is not substantially complete. She expressed concerns about sending a message that we are not serious about the amendments we are going to be proposing. She believes that we have a good partner in Mr. Hughes and this is going to be a tremendous development. She committed to work every day to build language that incorporates our citizens' comments. She said with another week, they could get a better document.

Mayor Benjamin committed to having a better document next week. He said it's important both realistically and symbolically to move forward today.

Upon a motion made by Mayor Benjamin and seconded by Mr. Runyan, Council voted four (4) to three (3) to give first reading approval to Ordinance No.: 2013-072 – An ordinance to approve pursuant to Section 6-31-30 of the Code of Laws for South Carolina, 1976, as amended, a Development Agreement between the City of Columbia, South Carolina and Hughes Development Corporation, as equitable owner and developer, of approximately 165 acres of land within the City of Columbia, commonly known as the Department of Mental Health's "Bull Street Campus". Voting aye were Mr. Runyan, Mr. Newman, Mr. Davis and Mayor Benjamin. Voting nay were Mr. Baddourah, Ms. Plough and Ms. Devine.

A motion made by Ms. Plough and seconded by Ms. Devine to adjourn the meeting at 6:24 p.m. was not voted upon.

EXECUTIVE SESSION

Upon a motion made by Mayor Benjamin and seconded by Mr. Davis, Council voted unanimously to enter into Executive Session at 6:25p.m. for the discussion of **Items 2 and 3** as outlined.

2. Discussion of negotiations incident to proposed contractual arrangements – *This item was discussed in Executive Session. No action was taken.*
3. Discussion of negotiations incident to the settlement of legal claims – *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 at 6:56 p.m.

Upon a motion made by Ms. Plough and seconded by Mr. Newman, Council voted unanimously to adjourn the meeting at 6:56 p.m.

Respectfully submitted by:

Erika D. Moore
City Clerk

DRAFT