



CITY OF COLUMBIA  
CITY COUNCIL PUBLIC HEARING MINUTES  
WEDNESDAY, SEPTEMBER 27, 2006  
10:00 A.M.  
CITY HALL – COUNCIL CHAMBERS  
1737 MAIN STREET  
THIRD FLOOR

---

The Columbia City Council conducted a Public Hearing on Wednesday, September 27, 2006 in the City Hall Council Chambers located at 1737 Main Street, Columbia, South Carolina. Mayor Robert D. Coble called the meeting to order at 10:01 a.m. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Anne M. Sinclair and The Honorable Kirkman Finlay III. The Honorable Sam Davis and The Honorable Daniel J. Rickenmann arrived at 10:03 a.m. The Honorable Tameika Isaac Devine arrived at 10:04 a.m. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

### **APPROVAL OF MINUTES**

1. Minutes of August 16, 2006

Upon motion by Ms. Sinclair, seconded by Mr. Cromartie, Council voted unanimously to approve the Minutes of August 16, 2006 as presented.

### **PRESENTATIONS**

2. Recognition of the American Public Works Association Solid Waste Manager of the Year (Mr. Robert Anderson, Solid Waste Superintendent) – Ms. Melissa Gentry, Public Works Director

Ms. Missy Gentry, Public Works Director recognized Mr. Robert Anderson, Solid Waste Superintendent as the 2006 American Public Works Association Solid Waste Manager of the Year. Mr. Anderson is largely responsible for the City's recycling program and the compost facility. His hard work, dedication and leadership, throughout his career, resulted in this award.

3. Central Midlands Regional Transit Authority System Review – Ms. Chloe Jaco, Senior Associate / Carter Goble Associates, Inc.

Mr. Bob Goble, Carter Goble Associates, Inc., explained that Richland County engaged Carter Goble Associates in late August 2006 to take a look at the transit system and to provide a thorough status report on how the operations have performed and what the future funding options may be. The purpose of the study was to identify the economic impact of public transit; the operating cost to maintain the current level of service; date to replenish or supplement local funds; fares and fees that are appropriate for the system in comparison to other cities that are similar to Columbia's size and conditions; system modifications needed if funding is reduced; and the short term and long term funding options. He said that they have focused on what can be done to create a situation that essentially gives time for all of the participating governments to decide upon a long term funding option. He closed by stating that the CMRTA employs 144 local citizens; they provide 2.6 million annual trips, with 50% being work related; enhances access to opportunity; creates an economic benefit of \$3-6 to the local economy for each \$1 invested; and they protect our energy resources and air quality and reduces traffic congestion.

Ms. Chloe Jaco, Senior Associate / Carter Goble Associates, Inc., presented a detailed analysis of the Central Midlands Regional Transit System to include a review of system cost, routes, net income, finances for 2006-2007, fare structures and the potential for fare increases. Over the past three years, operating expenses have averaged at \$10.6 million. The fixed route bus network consists of 25 routes that are mostly in downtown Columbia at the transfer center. All routes operate during weekdays, but only 18 operate on Saturday and 11 operate on Sunday. The current fiscal year will end with a small deficit and will consume the initial Transit Trust Fund. The operating deficit is projected to increase from \$3.7 million to \$4.5 million over the next three fiscal years and when SCANA's annual contribution runs out, the deficit will increase to nearly \$7.3 million. The fares have been adjusted twice and now it is appropriate and consistent with peer groups of a similar size southeast city. The impact of fare increases are hard to measure due to concurrent service / route changes. If funding remains uncertain, the board and the public have already approved a potential \$0.25 increase for December 1, 2006. A significant rider decrease would adversely impact state and federal grants. If funding were reduced or unavailable, then the system would have to eliminate weekend and holiday service. This would result in a \$1.1 million cost reduction. The CMRTA could also eliminate and/or combine weekday routes based upon the service standard of 15 riders per hour to target cost. The short term funding options include the receipt of local funds from participating jurisdictions for up to three (3) years from General Funds or Road Maintenance Fees or to continue through 2008 with the current funding and by implementing an 85% reduction in services. The long term funding options include the receipt of annual local contributions from participating jurisdictions by continuing the current Inter-Governmental Agreement with fifteen (15) jurisdictions in Richland County and Lexington County or a dedicated funding source. Ms. Jaco outlined the following dedicated funding options: local options sales tax, capital sales tax, transportation sales tax, vehicle registration fee, road maintenance fee, property tax or local hospitality tax.

Mr. Bob Goble, Carter Goble Associates, Inc., explained that the federal transit funding is used to purchase / replace buses and vans and for 80% of the cost of maintenance. The government uses passenger miles to compute the amount of funding provided.

This was received as information. No action was taken.

4. Clean Air Attainment – Ms. Myra Reece, Bureau Chief / Department of Health and Environmental Control

Ms. Myra Reece of the Department of Health and Environmental Control, provided information on Clean Air Attainment for the State of South Carolina. She said that the Midlands area is having a tough time meeting the federal ambient air quality standard. She said that the air is getting cleaner, but standards are becoming more stringent. They are most concerned about ozone and particulate matter. She noted that violations of the standards can cause serious health effects and there are economic development consequences that will require companies to have the tightest controls on their emissions. She encouraged the City of Columbia to be proactive and remain above air quality standards.

No action was taken.

5. Five Points Parking Enforcement – Mr. Randall Dennis, Business Owner

Mr. Randall Dennis, Five Points business owner, appeared before the members of Council on behalf of seventy-seven merchants in Five Points. He said that Saturday parking enforcement is causing problems and it is the only area with Saturday parking enforcement. He said that the merchants are paying their customer's parking tickets. He stated that they have been through two years of construction and are losing customers. He requested that parking enforcement be eliminated on Saturdays in Five Points.

There was a consensus of Council to schedule a Public Hearing to continue discussions of Saturday parking enforcement in Five Points.

- 5a. \*\*Governor's Hill – Mr. Ned Pendarvis, Chairman of the Columbia Development Corporation Board of Directors

Mr. Ned Pendarvis, Chairman of the Columbia Development Corporation Board of Directors, appeared before the members of Council to move towards an acceptable resolution regarding the formation of a homeowners association at Governors Hill and its tenant responsibilities. He said that the Columbia Development Corporation has taken care of Governors Hill since its development. He said that the Columbia Development Corporation takes no position on the ownership of the streets, but believes that the issue of ownership and maintenance is tied to the establishment of a homeowners association and its duties. He said that he is not sure if the roads within Governors Hill were built to the City's specifications. Mr. Pendarvis said that the Columbia Development Corporation spends \$7,000 on lighting and maintenance in Governors Hill per year. He suggested that the City take over the roads or bring them up to standard and let the homeowners association maintain them.

Mr. David Hilburn, 29 Governors Hill, appeared before the members of Council on behalf of the residents of Governors Hill. He said that unfortunately, the City made some variances and flexibility in the design of the roads in order to accommodate the maximum amount of usage for the space. He said that it is not their intention to have the design of the roads changed at this time. He said that it is not practical to ask the residents to maintain these roads, because the property taxes produced in the area are more than enough to maintain the roads. Mr. Hilburn said that they are willing to take over the homeowners' responsibilities as soon as a decision is made.

This matter will be further discussed on Wednesday, October 18, 2006.

### **MAP AMENDMENTS / REZONING - FIRST READING**

- 5b. 1351 Jim Hamilton Boulevard and 1100 South Holly Street, TMS# 13702-01-30(p) and 13703-01-01A(p); rezone from M-1 and PUD-C to PUD-C.

Councilor Anne M. Sinclair explained that City staff has met with representatives of the School District to discuss the various options related to the placement of a track for Dreher High School. She said that Richland School District One has requested that City Council delay their vote if the vote is not for option one as presented during the Public Hearing; therefore, this matter is being deferred.

There was a consensus of Council to defer consideration of this matter at the request of Richland School District One.

### **PUBLIC HEARING**

6. Proposed Smoking Ban Ordinance – Mayor Robert D. Coble

- **Council opened the Public Hearing at 11:22 a.m.**

Dr. Oscar Lovelace thanked the members of Council for taking a leadership role in creating a healthier Columbia. He is a rural physician and knows the affects of second hand tobacco smoke. He said that it causes serious health problems and leads to societal costs. He urged the members of Council to protect those that can't protect them selves.

Ms. Rebecca Munnerlyn, 417 Etiwan Avenue, stated that cigarette smoke affects everyone within its range and that there is no safe level of second hand smoke.

Mr. Bob Amundson, 964 Laurel Lane, stated that he supports the proposed ban. He said that he would not enter a restaurant if he smells smoke. He said that this is something that the majority is concerned about.

Ms. Samantha Deas, 1401 Main Street, suggested that this be discussed positively and referred to as a Smoke Free Ordinance. She said that she grew up in a smoking family; however, they smoked outside.

Ms. Traci Hardin, 10 Markham Court, said that she is an asthma educator and asked the members of Council to do this for all the children in Columbia that have asthma. She said that more than 1,000 children in South Carolina suffer from asthma and one of the most violent triggers is second hand smoke.

Ms. Lauren Vincent, Coordinator for the Smoke-free Columbia Campaign, said that the air quality in 19 bars within Five Points and the 29205 zip code was researched this past summer. Findings show that the particulate air pollution in the bars reached dangerous levels unknowingly to most bar patrons and employees.

Mr. Mark Gardner, Spokesperson for Smoke-free Columbia, stated that 80% of Columbia residents supports a comprehensive smoke free Ordinance that includes all workplaces. He said that second hand smoke is more than an annoyance, but it is a health hazard that can lead to disease and premature death in non-smokers; exposure to second hand smoke at work increases a non-smokers risk of heart disease and lung cancer by 30%; and second hand smoke is linked to Sudden Infant Death Syndrome (SIDS), respiratory illness, ear infections and asthma in children. He said that the only way to protect non-smokers is to eliminate indoor smoking.

Ms. Lisa Turner, Public Policy Initiatives Manager for the American Cancer Society, commended the members of Council for taking this first step. She said that every independent study indicates that businesses are not negatively impacted by smoke free Ordinances. The American Cancer Society believes that this is a worker's health issue and that there is no such thing as a non-smoking section for hospitality employees.

Ms. Dianna Wilson, South Carolina African American Tobacco Control Network, appeared before the members of Council on behalf of all workers that have been impacted by second hand smoke. She said that all employees should have the benefit of working in a safe and healthy environment.

Representative Rick Quinn, The Back Porch Café / 1600 Gervais Street, said that they made the decision to have a smoke free restaurant six months ago and that it was a hard decision, but they have seen an increase in business. They do have an outside area for people to smoke. He said that he supports the Ordinance, because he has lost family and friends to lung cancer.

Mr. William Durkin, Durkin's Bar, said that toxic emissions from cars destroy the atmosphere. He said that he and his wife walk to where they need to go. He said that this is hypocritical. He stated that the ban has caused businesses to close or lose a lot of revenue, because the non-smokers did not fill the gap. He sells \$3,000 worth of cigarettes each month and this pays half of his rent. He urged the members of Council to allow business owners to operate their businesses as they see fit.

Mr. Mel Jenkins said that he is a long reformed smoker and opposes smoking in bars. He said that this is a real public health issue. He noted that third hand smoke comes from smoke residue.

Mr. John Clark stated that business owners should be able to decide whether or not to allow smoking in their venue. He said that this is how America and the free market works. He said that the role of government is to allow and require full disclosure. He referred to it as an attempt to enforce the values of the majority on the minority of consenting adults. He stated that this is offensive and gives government a bad name. He suggested that they post grades and signs that indicate whether or not smoking is allowed inside or if there is a ventilation system.

An unidentified man said that he is angry and that the businessman should be allowed to run his business. He said that this feels like Russia rather than Columbia, South Carolina with all of the rules and regulations being imposed.

Mr. William "Rusty" Depass said that government should get out of everybody's life to the greatest extent possible; however, when it comes to smoking an exception should be made. He said that government should snuff out as much smoking as possible. He said that we should not rely on cigarettes to finance anything. He admitted that he quit smoking 29 years ago and that smoking is gross. He urged the members of Council to enact the most restrictive smoking ban possible.

Mr. Bill Manley admitted that he is a reformed smoker and suffered many health problems as a result of it. He said that he served as a volunteer in the Oncology unit of the hospital and saw a lot of cancer patients. He encouraged the members of Council to pass this Ordinance. He just found out that his son in law has stage four cancer.

Mr. Jeff Helsley, Owner of Goatfeathers Coffee Bar and Restaurant, said that he doesn't like loud music, but he doesn't want a law against it. He said he went smoke free in his restaurant, but it was not supported. He took a 40% hit and then gave up on the smoke free environment. He noted that he understands the concerns, but people should still have a choice.

Ms. Linda Horton admitted that she was a smoker for a long time and that she was addicted and selfish until she began seeing educational information in the media. She teaches shag, but can't go around smoke, because it makes her sick. She said that it is not fair for people that want to be healthy.

Mr. Ryan Glenn, Owner of the Village Idiot, stated that no one is forced to patron any business. He said that his point of contention with the ban is that a line needs to be drawn between governments telling him how to run his business. He said that people have to be responsible for their actions and that employees can chose where to work.

Mr. Ray Brazzell said that he is the only smoker in his household and that he smokes outside. He said that he would not go into a restaurant if he smells smoke.

Mr. Bill Manley presented a signed petition for the record in support of the smoking ban.

Councilor Devine requested additional information on how smoke free environments lead to a decrease in heart disease and other ailments. She said that she would like to hear from those that work in bars.

An unidentified female said that her daughter works in a bar and she has to come home and strip down and take a shower immediately due to the smell of smoke in her clothes.

- **Council adjourned the Public Hearing at 12:22 a.m.**

Councilor Cromartie spoke about ventilation systems that should be installed to cleanse smoking environments. He requested that staff conduct research to determine what other cities have done in relation to mandating the use of ventilation systems.

Councilor Davis said that we should not regulate or price individuals out of business. He said that he is not too particular about mandating what businesses do unless it is a health or public safety issue.

Councilor Finlay said that his father died of skin cancer. He said that at a certain age individuals must accept responsibility for themselves. He said that young children should not be exposed to smoke in restaurants, but adults should be able to accept that risk. He said that smokers need a place to drink. He said that there is a middle ground to allow for some freedom and to prevent a lot of problems.

Mayor Coble announced that a second Public Hearing is scheduled for October 4, 2006 at 6:00 p.m. at the Columbia Metropolitan Convention Center during the District II Evening Meeting.

\*\*Mayor Coble led the group in a moment of silent meditation in recognition of the passing of Bishop Andrew C. Jackson, father of Senator Darrell Jackson.

### **CONSENT AGENDA**

Upon motion by Ms. Sinclair, seconded by Mr. Rickenmann, Council voted unanimously to approve the **Consent Agenda Items 7.** through **13.** on a single motion and as presented.

#### **CONSIDERATION OF BIDS, AGREEMENTS AND CHANGE ORDERS**

7. Council is asked to approve the Purchase of a Self-Propelled Scissor Lift, as requested by the Fire Department. Award to Hertz Equipment Rental, the lowest bidder, in the amount of \$10,477.04. This firm is located in Columbia, SC. *Funding Source: 1012305-658400 - Approved*
8. Council is asked to approve a Construction Contract for the Rehabilitation of City Property located at 164 Springway Drive, Columbia, SC 29209, as requested by the Community Development Department. Award to L.O. Fogle General Contractor in the amount of \$14,400.00. This firm is located in Elgin, SC. *Funding Source: Community Development Block Grant Unrestricted 5090000-172100 - Approved*
9. Council is asked to approve the Purchase of Two (2) Self-Priming Trash Pumps, as requested by the Water Distribution Division. Award to Goodlett Equipment, the lowest bidder, in the amount of \$21,617.64. This vendor is located in Cayce, SC. *Funding Source: 5516203-658400 - Approved*
10. Council is asked to approve the Replacement of Two (2) Pumps, as requested by the Lake Murray Water Plant. Award to Electric Motor & Repair, the lowest bidder, in the amount of \$43,481.20. This vendor is located in Columbia, SC. *Funding Source: 5529999-851100 - Approved*
11. Council is asked to approve an Agreement for Miscellaneous Civil Engineering Services and Work Order #1, as requested by Engineering Operations. Award to B.P. Barber and Associates in the amount of \$50,000.00. This firm is located in Columbia, SC. *Funding Source: Fiscal year 2006/2007 Capital Improvements Program Budget - Approved*
12. Council is asked to approve Renovations to the Keenan House, as requested by the Parks and Recreation Department. Award to Preferred Construction, Co., the most qualified bidder, in the amount of \$65,800.00. This firm is located in Columbia, SC. *Funding Source: GL-4039999-659300 / JL-PK007301-659300 - Approved*

13. Council is asked to approve Change Order #1 to Project WM3064; Water Main along Dubard Street, Burley Court, Lucille Drive and Paxton Street, as requested by Engineering Administration. Award to Carolina Tap & Bore, Inc., in the amount of \$67,255.00. This firm is located in West Columbia, SC. This change order is necessary to compensate the contractor for additional water main construction along Pinebelt Road to alleviate a water quality problem. *Funding Source: Water Improvement Fund - Approved*

#### **ANNEXATION WITH REZONING - SECOND READING**

14. 143.81 acres, N/S Screaming Eagle Road, TMS# 31600-02-18; rezone from Richland County RU (Rural) to RS-3.

Ordinance No.: 2006-032 - Annexing 144+/- acres, S/S Percival Road and N/S Screaming Eagle Road, Richland County TMS #31600-02-18

*This matter was withdrawn from the agenda.*

#### **RESOLUTIONS**

15. Resolution No.: R-2006-039 – Authorizing consumption of alcoholic beverages and Group Therapy’s Annual Chili Cookoff - *Approved*

Upon motion by Mr. Rickenmann, seconded by Ms. Sinclair, Council voted unanimously to approve Resolution No.: R-2006-039 – Authorizing consumption of alcoholic beverages and Group Therapy’s Annual Chili Cookoff.

#### **TRAFFIC CONCERNS**

16. Four Way Stop Request / Intersection of Monroe Street and Sims Avenue – Mr. Dave Brewer, Traffic Engineer

Upon motion by Ms. Sinclair, seconded by Mr. Rickenmann, Council voted unanimously to authorize the installation of a Four-Way Stop Control at the intersection of Monroe Street and Sims Avenue as requested by the Shandon Neighborhood Council.

17. Meadowfield Neighborhood Traffic Control– Mr. Dave Brewer, Traffic Engineer

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted six (6) to one (1) to approve the installation of speed humps at two (2) locations on each road at 1/3 and 2/3 point intervals between Old Woodlands Road and Galway Lane. The speeds appear to remain significantly above the posted limit of 25 miles per hour regardless of the time of day, particularly on Christie Road. Staff will solicit approval from the South Carolina Department of Transportation. Voting aye were Mr. Cromartie, Mr. Davis, Ms. Devine, Mr. Rickenmann, Mr. Finaly and Mayor Coble. Ms. Sinclair voted nay.

## **APPOINTMENTS**

### 18. Code Enforcement Taskforce – Mayor Robert D. Coble

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to approve the appointment of the following individuals to the Code Enforcement Taskforce. Staff was directed to organize meetings and to proceed with the review process for a six-month timeframe. A report should be presented to City Council after the six-month timeframe has passed. The names of additional appointees should be provided to the City Clerk.

#### City Council Representatives:

Mayor Coble	Mr. Bob Amundson
E.W. Cromartie, II	Mr. Durham Carter
Anne M. Sinclair	Ms. Katherine Fenner
Sam Davis	Mr. Daryl Black
Tameika Isaac Devine	Ms. Virginia Bedford
Daniel Rickenmann	Mr. Harvey Ackerman
Kirkman Finlay	Mr. Earl McLeod or Designee from the Homebuilders Association
Chair	Mr. Wiley Cooper

#### Commercial Corridors (Business Owners):

Farrow Road	<i>Undetermined</i>
Garners Ferry	<i>Undetermined</i>
Rosewood	<i>Undetermined</i>
Two Notch Road	<i>Undetermined</i>

## **OTHER MATTERS**

19. Council is asked to endorse an Increase in Parking Garage Rates for Certain Garages and to Establish Parking Garage Rates for the Park Street Garage, as requested by Parking Services. Upon City Council's endorsement, an Ordinance will be drafted for further consideration.

Mr. Steve Gantt, Senior Assistant City Manager for Operations, explained that the fee for unreserved spaces is going up to \$78 from \$75 and reserved spaces would increase to \$105 from \$100. The Park Street Garage is different, because there will be more cash customers.

Mr. John Spade, Director of Parking Services, explained that the hourly rate for the Park Street Garage would be the same as others, but the monthly rate will be lower in hopes of attracting new monthly parkers from the area.

There was a consensus of Council to direct staff to draft an Ordinance and to schedule a Public Hearing based on the proposed increase in parking garage rates for certain garages and to establish parking garage rates for the Park Street Garage.

20. Overview of City Boards and Commissions - Ms. Erika D. Salley, City Clerk

There was a consensus of Council to form a subcommittee to review the City's Boards and Commissions and bring back recommendations for consideration.

21. City Council Meeting Schedule - Mr. Charles P. Austin, Sr., City Manager - *Consideration of this matter was deferred.*

22. \*\*The Milton S. Eisenhower Foundation Request for Funding – Mr. Charles P. Austin, Sr., City Manager

Upon motion by Mayor Coble, seconded by Mr. Davis, Council voted unanimously to approve a request for funding from the Milton S. Eisenhower Foundation in the amount of \$25,000 and authorized the City Manager to determine a funding source.

### **APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL**

Ms. Pamela Greenlaw, Rosewood Community, said that she is concerned about the proposed track at Owens Field. She requested that there be some type of woodlands protection and conservation. She asked if alternative sites had been considered by the School District. Ms. Greenlaw encouraged the members of Council to hold the District's feet to the fire and insist that they repair the severe environmental damage that has already been done.

### **EXECUTIVE SESSION**

Upon motion by Mayor Coble, seconded by Mr. Davis, Council voted unanimously to go into Executive Session at 1:28 p.m. for the discussion of **Items 23.** through **25.** as amended.

- **Councilor Rickenmann left and did not participate in the Executive Session discussion.**
- 23. Discussion of negotiations incident to the proposed sale of property  
*Matters were discussed in Executive Session. No action was taken.*
- 24. Receipt of legal advice, which relates to a matter covered by attorney-client privilege  
*Matters were discussed in Executive Session. No action was taken.*
- 25. \*\*Discussion of the Employment of an Employee  
*This item was discussed in Executive Session. No action was taken.*
- **Councilor Finlay left the meeting at 2:30 p.m.**
- **Council adjourned the meeting at 3:00 p.m.**

Respectfully submitted by:

Erika D. Salley  
City Clerk