



CITY OF COLUMBIA  
CITY COUNCIL DISTRICT II EVENING MEETING  
MINUTES  
WEDNESDAY, OCTOBER 4, 2006  
6:00 P.M.  
COLUMBIA METROPOLITAN CONVENTION CENTER  
1101 LINCOLN STREET  
BALLROOM C

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The Columbia City Council conducted a Public Hearing on Wednesday, October 4, 2006 at the Columbia Metropolitan Convention Center, 1101 Lincoln Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 6:02 p.m. The following members of City Council were present: The Honorable E.W. Cromartie, II, The Honorable Daniel J. Rickenmann and The Honorable Kirkman Finlay III. The Honorable Tameika Isaac Devine joined the meeting at 6:16 p.m. The Honorable Anne M. Sinclair and The Honorable Sam Davis were absent. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

### **APPROVAL OF MINUTES**

1. Minutes of August 23, 2006

Upon motion by Mr. Cromartie, seconded by Mayor Coble, Council voted unanimously to approve the Minutes of August 23, 2006 as presented.

\*\*Mayor Coble recognized the Webelos of Pack 89 from Fort Jackson. This Cub Scout Troop is working to earn their citizenship badges by learning more about local government with Mr. Ron Doiron, Pack Leader.

### **PRESENTATIONS**

2. Welcome Address from the City Council District II Representative – The Honorable E.W. Cromartie, II

Councilor Cromartie welcomed everyone to the first District II City Council Meeting at the Convention Center. He decided to meet here to be more accessible to restaurant and bar owners in the Vista and to provide an opportunity for them to speak during the Public Hearing on the smoking ban. He thanked the Convention Center staff and Centerplate Catering for their cooperative spirit while organizing this meeting.

3. Greetings from the Columbia Metropolitan Convention Center – Mr. Bill Dukes / Chairman of the Board of Directors / Midlands Authority for Conventions, Sports and Tourism

Mr. Bill Dukes, Chairman of the Board of Directors / Midlands Authority for Conventions, Sports and Tourism, welcomed everyone to the facility, which celebrated its second anniversary on September 21, 2006 and has welcomed over 180,000 attendees during 730 events. He said that they would continue to fulfill its mission of contributing to the economic vitality of this city and the region.

4. Greetings from the Downtown Business Improvement District – Mr. Matt Kennell, Executive Director / City Center Partnership

Mr. Matt Kennell, Executive Director / City Center Partnership, welcomed everyone to the Downtown Business District, noting that they are completing their fifth year of service in the City of Columbia as the first Business Improvement District in South Carolina. They represent over 300 downtown property owners and many more businesses.

Councilor Finlay recognized Officer Bradley for a job well done in welcoming people to Main Street. He said that the City would enact more Ordinances to make it easier for the Police Officers to do their jobs in relation to the homeless.

5. Greetings from the Vista Guild – Ms. Jeanne Lirola, President

Ms. Jeanne Lirola, President / Vista Guild, welcomed everyone to the Vista. The Congaree Vista Guild, the arts and entertainment district of Columbia, represents 300 businesses and more than 40 restaurants. She recognized Ms. Deirdre Mardon, Executive Director of the Vista Guild. The 2006 Vista Lights Event will be on November 16, 2006 from 5:00 p.m. until 10:00 p.m. Events in the Vista are always free of charge.

- **Councilor Devine joined the meeting at 6:16 p.m.**

- 5a. \*\*Report on Economic Development Trip to China – The Honorable E.W. Cromartie, II

Councilor Cromartie reported on the 2006 US / China Business Matchmaking Conference. Many cities had business partners on this trip. China has a population of 1.2 billion and a huge economy; therefore, providing for an opportunity to expand the base of businesses. The San Yon Provincial Government, the US Department of Commerce, the National League of Cities, and the US/China Exchange Association organized the trip to provide opportunities for US municipal government officials to share views with their counterparts in China on issues facing today's governmental decision making. He presented a slideshow of the many places he visited while in China, noting that neither the City of Columbia nor its taxpayers paid for the trip.

6. Double Dutch Force Performance – Ms. Joy Holman, Athletic Specialist

Mr. Bobby Goodwin, Acting Superintendent for Parks and Recreation, said that the Double Dutch Program has been a part of the City's Parks and Recreation Department for twenty-one years. They have won 88 World Titles, 55-Second Place World Titles, 18 National Titles, 5 Grand National titles, 15 AAU titles, 3 Titles from Apollo in New York, and 231 South Carolina State Titles. He said that the on-going program teaches youth teamwork, discipline, dedication and sportsmanship.

Ms. Joy Holman, Parks and Recreation Athletic Specialist, introduced the Double Dutch Force and provided additional information during their performance. They have participants as young as 18 months old.

## **PUBLIC HEARING**

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

Mayor Coble stated that they would not vote tonight, but at the end of the Public Hearing they will schedule first reading consideration of the Ordinance. He asked that speakers limit their comments to three-minutes and asked that all applause be held.

- **Council opened the Public Hearing at 6:50 p.m.**

Mr. Keith Seymour, The Carolina Panorama, said that he is a non-smoker, but has a problem with the presentation of this Ordinance. He suggested that the City insist that physical dividers be installed between smoking and non-smoking sections; allow restaurants to designate their patios area as non-smoking; or have upper and lower levels designated as smoking and non-smoking areas. He said that he would hate to see City residents spending their money in other municipalities without this ban.

Mr. Lonnie Randolph, President of the Columbia, South Carolina Chapter of the National Association for the Advancement of Colored People, said that during the State Conference of Branches of the NAACP, they voted on a state and local level to unanimously support a smoke free Columbia and the policies of this organization. He said that there are too many divisions in our houses on so many issues, but in this case we should not be divided. He asked that all citizens be treated in a fair and equitable manner.

Mr. Tommy Preston, University of South Carolina Student Body President, stated that the student body supports the Ordinance and that the University of South Carolina has outlawed smoking in its facilities and vehicles. He admitted that they must do a better job on enforcement. He said that smoking is also detrimental to those that do not smoke.

Ms. Wanda Anderson Loftin, South Carolina Nurses Association / University of South Carolina staff person, said that the SC Nurses Association supports a smoke free Columbia, because smoking causes cancer regardless of the ventilation systems that might be installed. She said that she would frequent smoke free restaurants more often.

Ms. Janet Tapp said that she is representing thousands of families in support of this ban. She cannot wait to go out and enjoy eating without the smoke. She urged the members of Council to consider this as an opportunity to demonstrate leadership in the state by passing this Ordinance.

Ms. Ellen Thames, 3129 Travis Court, said that she would spend more money in venues that are smoke free. She said that 76% of the population is non-smokers being held captive by a small minority.

Ms. Fallon Guyton, University of South Carolina Graduate Student, said that second hand smoke is directly linked to heart disease and other illnesses. She said that a lot of employees support the ban, but will not speak out because of employers.

Dr. Phil Michaels, Professor for the University Of South Carolina School Of Medicine, stated that their smoking cessation class has a great success rate. He pledged his time and effort to the members of Council. He said that there are 5,000 annual deaths from smoking and asked that there be no exemptions.

Ms. Holly Hayes, March of Dimes, appeared before the members of Council in support of the Ordinance, noting that one in eight babies are born premature in South Carolina. This is the fifth highest rate in the nation. She said that babies would have a greater chance at survival if this Ordinance were passed.

Ms. Sara Bryant, University of South Carolina, said that she has been a waitress for six years and that smoke makes her eyes burn.

Ms. Melissa Jackson said that she was the only non-smoker in a large family from Virginia and that she was recently diagnosed with exercise asthma. Her family members have since quit smoking, but she still has asthma. She supports the ban, because she reeks of smoke when she leaves work and it is important to the health of all.

Ms. Ian Hamilton, South Carolina Cancer Alliance, stated that there are two aspects to this, health and community standards and that he supports the ban.

Ms. Anita East stated that she has an asthmatic daughter, but doesn't take her out often. She said that if the ban were enacted, it would help them to breathe a lot easier.

Dr. Patricia Wilson Witherspoon, Palmetto Health Richland and the University of South Carolina, said that her grandfather is a tobacco farmer and that she has seen how the cash crop can bring wonderful economics and extensive health costs. She said that we must be concerned about air quality.

Ms. Chanda Heyward, American Cancer Society volunteer, stated that she supports the ban, because we have the right to breathe clean air. She said that she is a musician, but can't play in bars due to smoke.

Dr. John Ureda suggested that the members of Council look at other cities that have gone smoke free, because studies show that revenue doesn't decrease. He said that a survey was conducted and it showed that more people would be likely to go to bars and restaurants that are smoke free.

Ms. Sarah Hood, Columbia College Librarian, presented a list of all cities that have enacted smoking bans in public places, bars and restaurants. She encouraged the members of Council to do the same, noting that she would go out more often.

Ms. Olga Ogoossan said that she supports the smoking ban, because she has cancer in both lungs that cannot be operated on due to the potential of spreading. Why must she endure smoke when she already can't breathe easily? She said that it is only fair that such behaviors not be imposed upon others. She presented a poster, which was signed by supporters of the smoking ban.

Mr. Vince Ford, Palmetto Health Foundation / Richland School District One Board of Commissioners, said that he is opposed to smoking in public facilities. He noted that Richland School District One was one of the first school districts to ban smoking. He said that visitors and patients have benefited greatly from smoke free hospitals. Lots of people tell him that they have problems working around second hand smoke.

Ms. Amanda Nichols, Bartender, said that she is against the smoking bans for bars. She said that 90% of her customers are smokers and they can't afford to lose the income. She asked Council to exempt bars from the ban.

Ms. Denise Mitchell commended the members of Council for having the courage to be proactive and get involved in this matter. She said that the citizens of Florida worked hard to get a smoking ban enacted and now all restaurants have increased profit. She noted that Marriott hotels will be smoke free nationwide.

Mr. Gary Cartle stated that smoking is an addictive behavior that is tolerated, but everyone has the right to breathe clean air. He said that many people don't understand the dangers of second hand smoke.

Dr. Brian Dundas said that smoking is not allowed in hospitals and should not be allowed anywhere else. He recalled a time in history when it was acceptable for physicians and surgeons to smoke in hospitals.

Ms. Renee Martin, Executive Director of the South Carolina Tobacco Collaborative, said that City Council holds the power to protect all workers. He said that anything less than a comprehensive law would not suffice. He said that the bars would not go belly up if they were smoke free.

Mr. Chuck Belcher said that he works a full time job for a local lumber company and part time at several local bars. He stated that no workplace is 100% safe.

Mr. Guy Jones, 905 Gervais Street, said that we need to do all we can to protect the health and well being of citizens and that the ban is a great idea.

Mr. Doug Kendall, Political Talk Radio Host / Executive Director of the South Carolina Libertarian Party, said that if this ban is enacted, he will ask the South Carolina Libertarian Party to move all meetings and conventions outside the City of Columbia. He said that he doesn't support a government that tries to control the rights of business owners. He said that government meddling should not be a substitute for personal responsibility.

Ms. Susan Doran, 818 Gregg Street, appeared before the members of Council in support of the smoking ban, because it is a matter of public health.

Mr. John Vena, University of South Carolina School of Public Health, said that he supports a total smoking ban for bars and restaurants. He said that it is clear that we need to do this.

Ms. Eugena Bambas said that society is changing and our rights are slowly being taken away. She said that people have the right to make their own life choices. She referred to the proposal as a slippery slope.

Mr. Ryan Odom, University of South Carolina Student Body Vice President, endorsed the ban, because his grandfather recently died from cancer. He asked everyone to join the plight to address these problems, while keeping in mind that this is not an attack on the liberty of business owners.

An unidentified male said that this is about poor business practices and good ones. He said that letting patrons smoke is not good business.

Mr. Jim Story is single and doesn't cook, so he spends a lot of time in restaurants. He said that this Ordinance is terribly flawed and it contains more fiction than fact. He stated that the precious resources of this City Council should not be spent on this Ordinance.

Mr. Alex Dingman, Dreher High School Student, said that he doesn't smoke and that if this Ordinance were enacted it would encourage more youth not to smoke.

Dr. Michelle Person, University of South Carolina, said that they are working on a Healthy Carolina initiative. She said that the students want to see better enforcement on campus. She said that other colleges and universities want to duplicate the ban.

Mr. Allen Clump, University of South Carolina student, said that he has a vested interest in this, because he was born with severe asthma and has to avoid smoke in every aspect of his life.

Nightcaps Bar Owner said that a smoking ban wouldn't prevent his customers from smoking. He said that this would only lead to more street litter and noise from the large crowds smoking on the streets. He said that it is not right for a business owner to be hit with such a hard ball.

An unidentified Elmwood Park Resident said that he is a smoker and while it is not healthy, it is his right provided by the United States Constitution. He urged the Council to consider the financial impact. He promised that if this ban were passed, he would sell his house and move out of the City of Columbia. He said that the ban is inappropriate for bars.

Ms. Sharon Biggers, Director of the South Carolina Department of Health and Environmental Control's Division of Tobacco Prevention and Control, said that the Center of Disease Control and Prevention fund them under their state based comprehensive tobacco prevention and control program. She said that second hand smoke has been identified as a health hazard and DHEC works to protect the state's citizens from the proven dangers of second hand smoke.

Ms. Lauren Williams stated that Atlanta, Georgia banned smoking in restaurants, but not bars. She said that there is no protection for employees and that it would be irresponsible to not pass the Ordinance.

Mr. Steven Britt, Elmwood Park Resident, said that he loves the idea, because smoking is like a swinging blade cutting lives. He said that bars should not be exempt from the ban. He has devoted his entire career to public health.

Ms. Kelly Gilbert said that she supports the ban for all venues, because of the health benefits. She travels to Charlotte, North Carolina to patron smoke free venues.

An unidentified male said that he attempted to take a good friend that has cancer to dinner one evening and had a hard time finding a smoke free restaurant. He urged the Council to do what is right and protect the people.

Mr. Zack Bigman, University of South Carolina Student, said that the Student Body President does not represent his views on the ban. He said that it is the right of business owners to decide how to operate their businesses. He argued that businesses are not public places and we must also protect the rights of the minority.

Ms. Ginger Deloach said that she is opposed to the ban, because she works eight to ten hours per day as a waitress in a cigar bar and that it has not affected her health. She said that people who don't like smoke should refrain from entering such environments. She suggested that the City impose a fee on bars and restaurants that want to continue to allow smoking.

Mr. William Durkin, Durkin's Bar / 2001 Wayne Street, said that his clientele would be impacted by this ban. He said that employees are not forced to work there and are able to seek other employment if they don't like the way his business is ran.

An unidentified female said that she has beat the streets working on a petition, because people want this ban. She said that she loves to shag dance, but can't breathe too well.

An unidentified female asked the Council what right is it for them to decide what we can and cannot do. She said that no real statistics have been given.

An unidentified female said that she supports a smoke free Columbia to include bars, because her mother is suffering from emphysema.

- **Council closed the Public Hearing at 8:55 p.m.**

Councilor Devine explained that the Council has held two (2) Public Hearings on this matter to hear all sides and opinions. She said that they would consider all that has been said and then make the right decision. She noted that the Council rarely schedules two Public Hearings for the same matter.

There was a consensus of Council to schedule first reading consideration of the Ordinance on October 18, 2006.

## CONSENT AGENDA

Upon motion by Mr. Rickenmann, seconded by Mr. Cromartie, Council voted unanimously to approve the **Consent Agenda Items 8.** through **12.** on a single motion and as presented.

### CONSIDERATION OF BIDS AND AGREEMENTS

8. Council is asked to approve the Purchase of Pump Parts for Repairs, as requested by the Metro Wastewater Treatment Plant. Award to Charles Underwood, Inc., the lowest bidder, in the amount of \$11,225.34. This vendor is located in Sanford, NC. *Funding Source: 5516208-631800 - Approved*
9. Council is asked to approve the Purchase of Toys for Employees' Children ages 0-12 Years, as requested by the Employee Special Activities Committee. Award to Kay-Bee Toys, the lowest bidder, in the amount of \$16,157.44. This vendor is located in Columbia, SC. *Funding Source: 1011125-639900 - Approved*
10. Council is asked to approve an Agreement for Landscape Architectural Services along Sunset Boulevard at Park Central Professional Medical and Office Community, as requested by the Construction Management Department. Award to Kenneth B. Simmons Associates, LLC in an amount not to exceed \$16,500.00. This firm is located in Columbia, SC. *Funding Source: North Main, Fund 413, Project 937000101 - Approved*
11. Council is asked to approve Project #WM3818; 6' Water Main from Greenville Circle to Canal Drive via Means Avenue and Balsam Road, as requested by the Utilities and Engineering Department. Award to Trussell Brothers Construction, the lowest bidder, in the amount of \$116,223.50. This firm is located in Columbia, SC. *Funding Source: GL-5529999-851500 / JL-WM381801-851500 - Approved*
12. Council is asked to approve the Purchase of Two (2) Rescue Pumper Fire Trucks, as requested by the Fire Department. Award to Spartan Fire and Emergency Apparatus, in the amount of \$643,294.00. This vendor is located in Roebuck, SC. *Funding Source: 2082306-658500 - Approved*

### ORDINANCES – FIRST READING

Upon motion by Mr. Rickenmann, seconded by Mr. Cromartie, Council voted unanimously to give first reading approval to **Items 13.** and **14.** on a single motion and as presented.

13. Ordinance No.: 2006-057 – Granting encroachment to Adesso / Columbia, LLC for installation and maintenance of landscaping, an irrigation system, handicap ramp, curbing and covered parking adjacent to 601 South Main Street – *Approved on first reading.*
14. Ordinance No.: 2006-078 – Annexing 3.59 +/- acres E/S Cushman Drive and 3.35 +/- acres E/S Baldwin Road, Richland County TMS# 14103-03-18A and 14103-04-01 – *Approved on first reading.*

## RESOLUTIONS

15. Resolution No.: R-2006-040 – Authorizing consumption of beer and wine at Fall for the Arts at Ensor-Keenan House on Sunday, October 29, 2006 - *Approved*

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to approve Resolution No.: R-2006-040 – Authorizing consumption of beer and wine at Fall for the Arts at Ensor-Keenan House on Sunday, October 29, 2006.

## OTHER MATTERS

16. City Council Meeting Schedule - Mr. Charles P. Austin, Sr., City Manager

There was a consensus of Council to begin meeting twice per month starting January 2007. The first meeting will be held on the first Wednesday of each month and would begin at 4:00 p.m. or 6:00 p.m. depending upon the number of agenda items. The second meeting will be held on the third Wednesday of each month at 9:00 a.m. and Zoning Public Hearings will begin at 10:00 a.m. on the third Wednesday of every other month.

17. \*\*Columbia Green Committee (Charge and Composition) – The Honorable Anne M. Sinclair

There was a consensus of Council to finalize the appointments to the Green Committee on October 18, 2006.

18. \*\*Council is asked to approve the Release of Two Hundred Twenty One (221) Surplus Ballistic (Body Armor) Vests, as requested by the Police Department. These vests will go to law enforcement and/or security agencies that may not have access or availability to body armor. - *Approved*

Upon motion by Mr. Finlay, seconded by Ms. Devine, Council voted unanimously to approve the Release of Two Hundred Twenty One (221) Surplus Ballistic (Body Armor) Vests, as requested by the Police Department. These vests will go to law enforcement and/or security agencies that may not have access or availability to body armor.

## APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

No one appeared at this time.

## EXECUTIVE SESSION

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to go into Executive Session at 9:00 p.m. for the discussion of **Item 19**.

- **Council adjourned the Executive Session discussion at 9:05 p.m. to reconvene the meeting.**

19. \*\*Receipt of legal advice, which relates to a matter covered by attorney-client privilege  
- Non-Disclosure Agreement - *Approved*

Upon motion by Mayor Coble, seconded by Mr. Rickenmann, Council voted unanimously to approve a Non-Disclosure Agreement for Project Y.

- **Council adjourned the meeting at 9:07 p.m.**

Respectfully submitted by:

Erika D. Salley  
City Clerk