



CITY OF COLUMBIA  
CITY COUNCIL MEETING &  
ZONING PUBLIC HEARING MINUTES  
WEDNESDAY, MAY 21, 2008  
9:00 A.M.  
COUNCIL CHAMBERS – 3<sup>RD</sup> FLOOR

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The Columbia City Council conducted a Regular Meeting and a Zoning Public Hearing on Wednesday, May 21, 2008 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 9:11 a.m. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Anne M. Sinclair, The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann and The Honorable Kirkman Finlay III. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

### **APPROVAL OF MINUTES**

1. Minutes of April 2, 2008 – *Approved as presented.*

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve the Minutes of April 2, 2008 as presented.

### **PRESENTATIONS**

2. National Public Works Week Proclamation – Ms. Melissa Gentry, P.E., Director of Public Works

Ms. Melissa Gentry, P.E., Director of Public Works announced that this is the 48<sup>th</sup> year of celebrating the tens of thousands of men and women across the country who provide services and maintain infrastructure, known as Public Works. This is an opportunity for the City of Columbia to recognize the 500+ employees working in our city to make a difference in our quality of life. The Public Works Department will be hosting the Regional Backhoe Rodeo Event on Friday, May 23, 2008 at the Public Works Facility along with the Lawnmower Race Event and lunch from 9:00 a.m. – 12:00 p.m.

Mayor Coble and the members of Council presented a Proclamation declaring May 18 - 24, 2008 as Public Works Week in the City of Columbia.

3. Recognition of Green Business Members – Ms. Melissa Gentry, P.E., Director of Public Works

Ms. Melissa Gentry, P.E., Director of Public Works recognized the following businesses for becoming Green Business Members. These companies were presented with a Green Business Seal and a Kilowatt Meter. She announced that the Climate Protection Action Committee will be participating in the Kids Day Columbia “Green is Good for Kids” event this weekend at Finlay Park; the next Green Business Boot Camp is scheduled for June 26, 2008 and will focus on the medical community; and the 2<sup>nd</sup> Annual Green is Good for Business Conference is scheduled for October 7, 2008 at the Columbia Metropolitan Convention Center.

Seven Doors Salon  
Pinnacle Physical Therapy and Rehab Specialists  
Irmo Chapin Recreation Commission  
Green Touch Cleaning

Shealy Electrical Wholesalers  
Brown and Caldwell  
The Boudreaux Group  
Columbia Housing Authority

4. Introduction of the May 2008 Business Spotlight Honoree (WLTX-TV) – Mr. Sergio Aparicio, Business Compliance Officer / Office of Business Opportunities

Mr. Sergio Aparicio, Business Compliance Officer introduced WLTX-TV as the May 2008 Business Spotlight Honoree. WLTX is a broadcasting station and is well known for serving the Midlands with news, information and entertainment. WLTX embraces diversity by ensuring that their workforce effectively represents the community which they serve and their recruiting efforts encourage applicants of all walks of life. They also play an active role in the community by donating over \$500,000 worth of free-time to charitable organizations; they have launched websites for various interests; and they are a member of the South Carolina Chamber of Commerce and the Greater Columbia Chamber of Commerce. Their employees serve in many organizations to include the Columbia Urban League, United Way of the Midlands, the Cultural Council of Richland/Lexington Counties, Parenting Partners and many others. WLTX was awarded an EMMY in 2007 for best newscast.

Mayor Coble and the members of Council presented a proclamation honoring WLTX-TV as the May 2008 Business Spotlight Honoree. WLTX-TV was give a certificate to the Business Fast Trac Growth Venture Program at Midlands Technical College.

Ms. Melissa Gentry, P.E., Director of Public Works added that WLTX-TV is also a Green Business Member.

5. Jazz Under the Stars – Mr. Skipp Pearson, Skipp Pearson Foundation

Ms. Shirley Fields-Martin, Executive Director of the Skipp Pearson Foundation, appeared before the members of Council to announce the 2<sup>nd</sup> Annual Jazz Under the Stars event on the Statehouse north lawn. The public is invited to participate in free swing dance classes at 6:00 p.m. on Friday, May 23, 2008 and Saturday, May 24, 2008 and the concert begins at 7:30 p.m. The public is also invited to bring along their dinner, blankets and dancing shoes. She showed a video presentation to the members of Council, noting that if a city can be defined by its music; Columbia, South Carolina can be defined by jazz. Every Thursday evening, Mr. Skipp Pearson plays at the Hunter-Gatherer Brewery and Ale House, inviting tourists and citizens in and showing how much we care about Columbia.

Mr. Skipp Pearson, Skipp Pearson Foundation announced that on Thursday, May 22, 2008 at 9:00 p.m. they will celebrate the ten-year anniversary for presenting jazz music at the Hunters-Gatherer and he recalled only being away for two (2) nights due to illness. He hopes to have a big cultural uplifting during this celebration and continuing on Friday and Saturday nights at the Statehouse. He stated that jazz music helped America through World War II, which was a very crucial time. He repeated his request for the Council to reorganize the Arts Taskforce.

6. Columbia Development Corporation and South Columbia Development Corporation Merger – Mr. Ned Pendarvis, Chair of the Columbia Development Corporation and Ms. Margaret Neville, Chair of the South Columbia Development Corporation

Mr. Ned Pendarvis, Chair of the Columbia Development Corporation explained that the Council directed them some time ago to merge the Columbia Development Corporation and the South Columbia Development Corporation. That task was undertaken and they are here today to ask that Council pass a Resolution to put this merger into effect. He noted that his and Ms. Neville's terms have expired, but there are great people serving on the boards that will continue the work of both the Columbia and South Columbia Development Corporations. He recognized the Board of Directors and staff members that were in attendance. Mr. Pendarvis presented a brief video on the history of the revitalization of the Congaree Vista through the Columbia Development Corporation.

Mr. Fred Delk, Executive Director of the Columbia Development Corporation noted that the amazing video and the footage from 1983 were both produced by L. A. Kornegay Productions. He respectfully requested that the City Council adopt a Resolution to create the newly merged corporation.

Councilor Finlay stated that the Council should vote to merge the corporations, but also to remove the covenant that requires the Council to approve changes to the bylaws for the South Columbia Development Corporation. He asked if the Council currently approves changes to the bylaws for the Columbia Development Corporation.

Mr. Fred Delk, Executive Director of the Columbia Development Corporation stated that no other Development Corporation had that requirement. With the creation of the South Columbia Development Corporation there were a number of things done differently. It was originally set up as a 501 (c) (3), but it was set up with members in a format wherein all of the members of the organization could vote on changes to bylaws and issues. This approval will allow him to file the final paperwork to merge the two (2) corporations as requested by Council.

Councilor Sinclair reminded the Council that this was a step to create an arms length distance between the development corporations and the city. There were also concerns that we had too many development corporations so the Council asked the two (2) to go through the process of merging and this is exactly what has happened over the last couple of years.

Councilor Finlay asked if we were establishing an arms length distance. He noticed that some of the other development corporations have negative debt assets. Going forward, do these obligations fall on the city's balance sheet or are they truly standalone, arms length entities that we no longer backstop and underwrite? Until that happens, we are not at arms length. He requested a legal opinion on whether the development corporations are truly arms length at this point. He doesn't have a problem with the proposal that's being considered today.

Mayor Coble said that the late Mayor Kirk Finlay's leadership and legacy as outlined in the video, was very meaningful and that sometimes it's good to have a look at where we've been as we talk about where we are going.

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to approve the amendment to the bylaws of the South Columbia Development Corporation by deleting the requirement that future amendments to the bylaws must be approved by City Council. This is a final step in the merger of the Columbia Development Corporation and the South Columbia Development Corporation.

7. Concerns with the Removal of Benches from Downtown Sidewalks and Bus Stops – Ms. Carol Watson, Outreach Chairperson for the Main Street United Methodist Church

Mr. Charles P. Austin, Sr., City Manager stated that staff is aware of the concerns that have been raised and staff has been directed to look into those concerns so that we might meet with Ms. Watson to discuss those issues further. He explained that she is concerned about senior citizens and people with disabilities not having access to seating at bus stops. He said that her concerns are legitimate and we need to follow-up on them.

Councilor Cromartie is aware of the city's concerns about people lounging on chairs, but he has seen what other cities have done by putting dividers in the benches and making it impossible to lounge, but allowing people to sit. He said that we don't want people standing at bus stops and this should be communicated to the Central Midlands Regional Transit Authority.

Mayor Coble requested that the Panhandling Ordinance be scheduled for second reading

consideration on May 28, 2008.

Councilor Finlay voiced his support for the Ordinance noting that he will not be present on May 28, 2008. He talked about how his family was aggressively pan handled by two (2) men while dining in Five Points last night. It is out of proportion and very scary and he hopes that we are quick to respond to complaints.

Councilor Devine stated that the Council has already passed an Ordinance prohibiting lounging on benches and once the panhandling Ordinance is passed we should be able to enforce both of them and address the concerns we are hearing. We need to ensure that Police Officers are completely trained on the Ordinances and that we get the awareness out so that people understand how to report the incidents. She suggested that we schedule an orientation for the Municipal Court Judges so they are aware of the new Ordinances.

Councilor Davis stated that he gets complaints from other areas of the city and he expects for the Ordinances to be enforced citywide and not just in downtown and Five Points. He suggested that they look at what enforcement will entail and whether or not we have the manpower and the ability to respond to these complaints. He said that responses and response time are going to be essential.

### **ZONING PUBLIC HEARING**

- **Council opened the Public Hearing at 10:05 a.m.**

#### **CONFIRM ZONING OF PREVIOUSLY ANNEXED PROPERTIES – FIRST READING**

No one appeared in support of or in opposition to **Items 8.** through **11.**

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval on a single motion to the *Confirmation of Zoning of Previously Annexed Properties* for **Items 8.** through **11.** as outlined.

8. **1103 Hazelwood Road**, TMS# 19103-01-05; zoned RS-LD in Richland County; confirm equivalent zoning of RS-1. – *Approved on first reading.*
9. **21 Bayleaf Court, 22 Bayleaf Court, 25 Bayleaf Court, 60 Redbay Road, 66 Redbay Road, and 68 Redbay Road**, TMS# 28812-02-01, 28812-02-05, 28812-02-02, 28812-02-10, 28812-02-12, and 28812-02-13; zoned PDD in Richland County; confirm equivalent zoning of PUD-R. – *Approved on first reading.*
10. **615 Suber Street**, TMS# 13708-04-02; zoned RM-HD in Richland County; confirm equivalent zoning of RG-2. – *Approved on first reading.*
11. **810 Broad River Road, 934 Broad River Road, 938 Broad River Road, and 942 Broad River Road**; TMS# 07311-05-01, 07311-05-11, 07311-05-10 and 07310-02-01; zoned GC in Richland County; confirm equivalent zoning of C-3. – *Approved on first reading.*

#### **ANNEXATION WITH REZONING – FIRST READING**

12. **Blaine Street at Whitlock Street, TMS# 16305-03-02**; rezone from Richland County RS-MD (Single-family residential) to M-1 (Light Industrial). – *Approved on first reading.*

Ordinance No.: 2008-029 – Annexing two 0.5 acre lots, south side of Blaine Street, Richland County TMS# 16305-03-02 and 16305-04-01 – *Approved on first reading.*

Mr. Marc Mylott, Director of Development Services explained that **Item 12** is an annexation with rezoning, which continues the acquisition efforts of Southern Wine and Spirits. He expressed staff's appreciation to the company for their sensitivity while going through this process. The request is to annex two (2) parcels, but to only rezone one (1) parcel. This will keep Whitlock Street as a buffer separating the M-1 zoning from the residential zoning to the south until their plans are further developed.

No one appeared in support of or in opposition to **Item 12**.

Upon motion by Mr. Finlay, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval on a single motion to the *Rezoning* of Blaine Street at Whitlock Street, TMS# 16305-03-02; rezone from Richland County RS-MD (Single-family residential) to M-1 (Light Industrial) **and** Ordinance No.: 2008-029 – Annexing two 0.5 acre lots, south side of Blaine Street, Richland County TMS# 16305-03-02 and 16305-04-01.

#### MAJOR CHANGE TO A PLANNED UNIT DEVELOPMENT (PUD) – FIRST READING

13. 201 Columbiana Drive, TMS# 001999-02-057; rezone from PUD-C to amended PUD-C. – *Approved on first reading, provided 1) Lighting is to be directional and focused on the site to minimize any effects on adjacent neighborhoods; and 2) Maintain buffer area along back of parcel.*

Mr. Marc Mylott, Director of Development Services explained that this is a major change to the Harbison Planned Unit Development (PUD). He further explained that when City Council approved the text amendment whereby all drive-thru facilities became a special exception the change was not addressed in the Harbison PUD. We are looking at the PUD in totality and will have an amendment to Council in the next couple of months; however, in the meantime 201 Columbiana Drive would like to proceed with their development of a bank with a drive-thru and this request would facilitate that.

Councilor Davis asked if the recommendations had been validated as it relates to the buffering and the directional positioning of the lighting.

Mr. Marc Mylott, Director of Development Services explained that the buffer is still in place and the directional lighting would be confirmed on the application of permit and will require long-term maintenance to ensure that the lights don't drift out of direction.

No one appeared in support of or in opposition to **Item 13**.

Upon motion by Mr. Davis, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to a *Major Change to a Planned Unit Development (PUD)* for 201 Columbiana Drive, TMS# 001999-02-057; rezone from PUD-C to amended PUD-C, provided **1)** Lighting is to be directional and focused on the site to minimize any effects on adjacent neighborhoods; and **2)** Maintain buffer area along back of parcel.

TEXT AMENDMENTS – FIRST READING

14. **Amend Chapter 17, Article 3, Division 9, §17-317, Home occupations.**

Ordinance No.: 2008-033 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplemental District Regulations, Sec. 17-317 Home occupations – *Approved on first reading.*

Mr. Marc Mylott, Director of Development Services explained that this is an amendment to the text of the zoning ordinance that reflects an emerging trend and getting the ordinance caught up with the practices as they are occurring out in the real world. Currently, to establish a home occupation you can only do so in your house, but many accessory structures have finished rooms over the garages or parts of the garage are viable space to establish those types of operations. In looking back, staff could only come to the opinion that the reason the ordinance prohibited the use of accessory structures for this type of activity was out of concern for shade tree mechanics and things like that. The proposed amendment allows the use of accessory structures for home occupations provided it does not remove the required parking spaces and at the same time prohibits a home occupation from having any affiliation with an auto repair establishment.

Councilor Davis said that he understands what staff is trying to do with this, but expressed concerns about the number of on-going complaints about shade tree mechanics. He asked that staff figure out a way to shut those down based on the complaints received.

Councilor Cromartie noted that shade tree mechanics operate while city offices are closed and we need to ensure that this ordinance doesn't open the door for this, because they don't have business licenses and it destroys neighborhoods.

Mr. Marc Mylott, Director of Development Services reiterated that shade tree mechanics will remain illegal and this revision helps to express that. He reported that Development Services has stepped up weekend enforcement.

Councilor Finlay suggested that we do a small business amnesty day in an effort to drive small businesses to obtain business licenses.

Councilor Davis said that he also receives complaints from the neighborhoods about the vendors that set up overnight in front of certain establishments. This doesn't look good and it blocks access to legitimate businesses.

No one appeared in support of or in opposition to **Item 14**.

Upon motion by Ms. Sinclair, seconded by Mr. Davis, Council voted unanimously to give first reading approval to Ordinance No.: 2008-033 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplemental District Regulations, Sec. 17-317 Home occupations.

15. **Amend Chapter 17, Article 3, Division 4, §17-138, Notice publication.**

Ordinance No.: 2008-027 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 4, Amendments, Sec. 17-138 Notice of hearings – *Approved on first reading.*

Mr. Marc Mylott, Director of Development Services explained that this text amendment is a request of staff to bring the notification requirements for map and text amendments into greater compliance with State statute, which currently says a newspaper of general circulation. This amendment would strike the adjective “daily” from our requirements. This has no impact on the public notification requirements for the Board of Zoning Appeals. It is estimated that the department can save \$5,000 annually by using a less expensive newspaper.

Councilor Devine said that she is in favor of this request. She stressed the importance of utilizing Channel 2 and our website to get notices out.

No one appeared in support of or in opposition to **Item 15.**

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval to Ordinance No.: 2008-027 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 4, Amendments, Sec. 17-138 Notice of hearings.

- **Council closed the Zoning Public Hearing at 10:19 a.m.**

**PUBLIC COMMENT ON THE ANNEXATION OF STATE PROPERTY**

- **Council opened the Public Hearing at 10:20 a.m.**

16. As a condition of providing water and/or sewer service to the South Carolina Fire Academy (Urban Search and Rescue Building) located at 141 Monticello Trail, Columbia, SC 29203 (Richland County TMS No. 06400-01-03), the City has requested that the State Budget and Control Board petition to annex the property into the corporate limits of the City of Columbia. At the request of the State Budget and Control Board, the City of Columbia invites public comment on the proposed annexation.

No one appeared in support of or in opposition to the proposed annexation.

- **Council adjourned the Public Hearing at 10:20 a.m.**

**REPORTS AND UPDATES**

17. City Manager’s Report – Mr. Charles P. Austin, Sr., City Manager - ***Please refer to Item 31a.***

## CONSENT AGENDA

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve the **Consent Agenda Items 18.** through **22.** on a single motion. Mr. Finlay was not present for the vote.

### CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

18. Council is asked to approve a Contract for Professional Services for Conducting a Job Analysis for the Position of Fire Fighter, Captain and Battalion Chief, as requested by the Fire Department. Award to the University of South Carolina Institute for Public Service and Policy Research as a sole source contract in the amount of \$14, 500.00. This firm is located in Columbia, SC. *Funding Source: 1012304-636600 (\$7,250.00) and 2082306-636600 (\$7,250.00) - Approved*
19. Council is asked to approve the Purchase of an Envirosight Quickview Camera, as requested by the Utilities and Engineering Department. Award to Public Works Equipment and Supply, Inc., as the only bidder, in the amount of \$15,782.50. This vendor is located in Monroe, NC. *Funding Source: 5534201-625900 - Approved*
20. Council is asked to approve Project WM3909; 8" Water Main along Burke Avenue and Craven Street, as requested by Engineering Administration. Award to Independent Waterworks as the lowest bidder in the amount of \$40,135.03. This firm is located in Lexington, SC. *Funding Source: Water Improvement Funds Account #WM390901-851500 - Approved*
21. Council is asked to approve a Sanitary Sewer Main Extension Agreement for the View Subdivision on Lorick Road, Richland County, as requested by Engineering Operations. Construction of 13,753 linear feet of 8" Sewer Main is required to provide city sewer service to the 105 proposed lots. Award to The Sanctuary at Blythewood, LLC in an amount not to exceed \$67,200.00. *Funding Source: Capital Improvements Program Budget - Approved*
22. Council is asked to approve a Water Main Extension Agreement for Allan's Mill Subdivision, Richland County, as requested by Engineering Operations. Construction of 6,679 linear feet of 12" water main; 1,876 linear feet of 8" water main; 2,927 linear feet of 6" water main; and 1,405 linear feet of 4" water main are required to provide city water service to the subdivision boundary. Award to the Lexington Investment Group, LLC in an amount not to exceed \$149,050.00. *Funding Source: Water Improvement Funds - Approved*

### ORDINANCES – SECOND READING

- 23a. Ordinance No.: 2008-034 – (*Revised Total Ban*) Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article IV, Pollution Control, Division 5, Regulations and Requirements Relating to Smoking of Tobacco Products, Sec. 8-221, Jurisdiction, enforcement and penalties *First reading approval was given on April 16, 2008. A Public Hearing was conducted on May 13, 2008. Approved on second reading.*
- 23b. Ordinance No.: 2008-034 – (*Revised 15/85 Ban*) Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article IV, Pollution Control, Division 5, Regulations and Requirements Relating to Smoking of Tobacco Products, Sec. 8-221, Jurisdiction, enforcement and penalties *First reading approval was given on April 16, 2008. A Public Hearing was conducted on May 13, 2008. – This version of the Ordinance was not voted upon.*

Mayor Coble explained that we have the Smoking Ban Ordinance that has two (2) amendments and possibly a third amendment in terms of the timing. The first is the enforcement changing from a criminal penalty to a civil penalty, which is dictated exclusively by the Supreme Court outlining how you enforce a smoking ban and we are simply in compliance with the Supreme Court. The other is eliminating the bar exemption of the 15/85% ban so that we in essence have a comprehensive ban as it relates to the no smoking ordinance. Normally if we were adopting this type of ordinance there would be a three (3) month phase in or start time to give businesses and the public proper notice. We had July 1<sup>st</sup> in the ordinance, but it is not unreasonable to have a start date that gives everyone a three (3) month notice for the ordinance to begin. There is an advantage in that the Richland County Council is adopting a similar ordinance with a comprehensive ban and theirs is a month or so behind us. He believes that October 1, 2008 gives Richland County a chance to pass their ordinance and allows an opportunity for all the ordinances to start at the same time. That may be an incentive for Richland County to adopt the same ordinance that we have. He reported that in 2006 the Surgeon General issued the report that there is no level of indoor secondhand smoke that is safe and that there are no devices to mitigate smoking in an enclosed area that produces a safe control. For the benefit and health of all our citizens, including those who work in a bar or restaurant, we need to take action for their protection. He thinks that within two (2) to three (3) years from now everyone is going to have a no smoking ordinance. He said that cities have to do what we do to protect the citizens and to look forward to a day where smoking in an indoor facility and breathing secondhand smoke are simply not allowed and hopefully the day where it is comprehensive everywhere will come sooner rather than later. The second ordinance is the same ordinance with the original bar exemption that was passed earlier. He is in favor of **Item 23a.** with an October 1, 2008 start date.

Councilor Finlay had one individual to come forward wanting to speak. He said that Mr. Laddie Howard wanted to recommend that the definition of a private club be proposed and defined more tightly in both of the smoking ordinances. He read the following definition: "A private club means an organization or facility, not open to the general public, whether incorporated or not, which owns, leases or occupies a building or a portion thereof used exclusively for designated club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose. Club purposes may include any legal activity, such as smoking, the participation in which is a selection of the patron who shall meet specific membership requirements for the facility. Any facility organized as a non-profit and meeting the government's requirements as outlined by State regulations for private establishments shall be considered to meet the private club exception. In addition, any establishment maintaining separate member areas designated for the specific purpose of smoking, whether indoor or outdoor, shall receive an exemption from the smoking ban, so long as the activity is confined to those designated areas."

Councilor Sinclair asked Mr. Ken Gaines, City Attorney to talk about this proposed definition.

Mayor Coble said that the difference is our definition clearly eliminates a bar that operates as a private club for pecuniary gain of either the club or the bar owner and as a result it eliminates a private club that is really a bar and that's why I would not be for the proposal. There should be a level playing field.

Councilor Finlay said that he doesn't smoke nor is it allowed within his restaurants. He noted that 25% of our population chooses to smoke. He said adults make bad decisions, but he is more concerned about allowing adults to smoke in houses with small children who can't leave. He said that adults should be allowed to decide whether or not to smoke, but he supports the smoking ban in restaurants to protect small children. He said that from a public policy point of view, the more we can channel adults to smoke with other adults the better off we are.

Councilor Rickenmann asked how this affects the places that are already private and have

abided by the private club rules for years; there is a different license, which requires them to have memberships.

Mayor Coble said that the establishments can still be a private club, but a pecuniary entity or a club that's there to make money is not allowed to be exempted from the smoking ban. If a private club meets the criteria of not being in business to make money then it's treated as though it's a private establishment.

Mr. Laddie Howard said that the city's definition of a private club was drafted when smoking was allowed in establishments and a club, restaurant or bar could exist and it's business interests still be protected. He said that Council is passing a new ordinance, but holding the same standard. This amendment should be considered if the city wants to protect the business interests of establishments that are currently in the city.

Councilor Finlay suggested that the Council vote on which of the two (2) ordinances to consider since we now have time to come back and determine the definition of a private club.

Councilor Devine stated that while she understands that Mr. Howard was recently retained, the Council has been talking about this for months and we are going to pass this today. We don't have enough time to fully analyze what this amendment would or would not do. She would love to hear the City Attorney's advice on this since we have time to look at the definition. She suggested that the Council move forward with these votes, but allow time for public comment on the amendment to the definition at a later date.

Mayor Coble concurred with Ms. Devine, noting that he may not vote for it, but there should be every opportunity for it to be heard.

Councilor Cromartie agreed that the Council should look at the definition of a private club. He suggested that they talk to legal counsel so that they understand the distinction. He understands private club laws and how it works and suggested that they look at the legality of it and what Mr. Howard is trying to achieve.

Councilor Davis said that he has worked in private clubs since high school and it has always been his experience that private clubs have been selective in memberships as well as the activities they allow. If you make changes without changing the rules or the laws that private clubs are use to operating under then you are not necessarily bringing them onto a level playing field. He doesn't have a problem with moving forward today with the understanding that Council has the option to come back and consider an amended definition for the mere fact that all sides should be considered.

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted five (5) to two (2) to give second reading and final approval to **Item 23a**. Ordinance No.: 2008-034 – (*Revised Total Ban*) Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article IV, Pollution Control, Division 5, Regulations and Requirements Relating to Smoking of Tobacco Products, Sec. 8-221, Jurisdiction, enforcement and penalties effective October 1, 2008. Voting aye were Mr. Cromartie, Ms. Sinclair, Mr. Davis, Ms. Devine and Mayor Coble. Voting nay were Mr. Rickenmann and Mr. Finlay. (*Please note that **Item 23b**. was not voted upon.*)

## **ORDINANCES – FIRST READING**

24. Ordinance No.: 2008-038 - Authorizing the issuance and sale of General Obligation Refunding Bonds, Series 2008, of the City of Columbia, South Carolina, for the purpose of refunding the city's \$9,400,000 original principal amount General Obligation Bonds, Series 1998; fixing the form and details of the bonds; authorizing the Mayor and City Manager to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto  
– *Approved on first reading*

Councilor Finlay stated that the numbers they received were miscalculated on the total of the General Obligation Bonds, noting that they appear to be bumped up.

Mr. Brent Robertson, Financial Advisor / Merchant Capital, LLC distributed a summary of the city's 8% debt capacity as of June 1, 2008, which is the call date of the 1998 bonds that will be refunded pursuant to this ordinance. He said that the original numbers were based upon the information he had at that time to calculate it and it was also qualified as the best available information. It turned out to be an error and subsequent to that, information came from Richland County and the city's Finance Department. The summary shows the total assessed value for both Richland and Lexington Counties and the 8% debt limit, which is \$34,188,000. Back out of that the bonds that are outstanding in the first column including \$3,540,000 in 1998 bonds and the city's gets a credit back for \$640,000 that will be paid that same day on the 2002 bonds. The remaining debt capacity is \$6,033,000. The Ordinance contemplates a refunding of the bonds, but not the issuance of the refunding bonds that did the refunding. The city will stay at \$6 million whether they do the refinancing or not.

Councilor Finlay asked if the interest would offset quickly enough for the city to make its money back.

Mr. Brent Robertson, Financial Advisor / Merchant Capital, LLC stated that the city would make its money back at an average of \$20,000 per year in savings with a final maturity of 2012 to include the refunding bonds. The city is not extending its debt, but the interest rates are being lowered. He compared it to refinancing a mortgage. The city is paying \$27,000 to save an estimated present value of \$80,000, which is \$20,000 per year for the next four (4) years. This is a good opportunity. The average rate on the outstanding bonds is 4.73% and as of yesterday the competitive bid market rate was 3.3%.

Upon motion by Mr. Cromartie, seconded by Mr. Finlay, Council voted unanimously to give first reading approval to Ordinance No.: 2008-038 - Authorizing the issuance and sale of General Obligation Refunding Bonds, Series 2008, of the City of Columbia, South Carolina, for the purpose of refunding the city's \$9,400,000 original principal amount General Obligation Bonds, Series 1998; fixing the form and details of the bonds; authorizing the Mayor and City Manager to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto.

## RESOLUTIONS

25. Resolution No.: R-2008-027 - Authorizing the City Manager to execute a Contract of Sale for the purchase of Parking Decks within the mixed use Condominium Project in Five Points from Washington Square, LLC - *The Public Hearing was conducted on May 7, 2008. – Approved as amended.*

Councilor Rickenmann stated that he supports the development of this project and that he likes the building and style. One concern of his is the contract; it is very strong, but it's not perfect. The concern is with the market conditions. He recommends amending the cost of the condo units to be split between the city and the developer in an effort to look out for the entire city. He suggested a reduction in the condo levels to half in the amount of \$500,000. He believes this is the best way to move forward.

Councilor Finlay stated that the process has been fairly brutal and his primary objection to it has been the financial aspect; it is too expensive. We have a project that is approaching a situation where neighborhoods felt like they were losing and people perceived that the merchants in Five Points and the developers were winning. It was financially untenable and it was an untenable position for the city. With a lot of work by Mr. Rickenmann, the developer has agreed to reduce the price of its condo air rights from \$1 million to \$500,000, thus reducing the cost of the project by 10%. He apologized to Mr. Ron Swinson for this happening, noting that the process has been too long and the economics have changed. He believes that this will be a superb project. He commended the Five Points Association on their commitment to step up and rent spaces where feasible for three years with an escalating scale. He could not define what the price of condo air rights should be, but he knew that \$500,000 per floor was more than he thought it should be. He also thinks that a parking structure in Five Points is only useful if it becomes employee parking and merchants are pushed to have the employees parking there by paying for the parking upfront. This will provide 50% more retail parking spaces on the street.

Councilor Devine said that she is not complaining about paying less money than budgeted, but she is very confused, because it seems that the deal changed this morning after months of discussion. She asked if the city is still getting the same amount of exclusive parking spaces. She asked for clarification on the commitment from the Five Points Association. She wishes that they would have been updated prior to the meeting.

Councilor Rickenmann responded yes.

Councilor Finlay stated that we are getting permanent tenants by off loading some of the market risk to the merchants in Five Points

Mayor Coble said that he is concerned, because there are real issues about the commercial viability of condos in this current market. If you take \$500,000 out of the agreement, what does that do to the financing of it? How does it impact the project if we are going to renegotiate the contract and tell the developer that they have to do this or else. How do you protect all of that now? What has changed? We need to look at the viability of two (2) floors of condos. He commended Mr. Rickenmann for saving \$500,000, but it was his understanding that the financing of the deal was such that there was no room to move.

Councilor Davis congratulated Ms. Sinclair for having a vision for that area and for trying to meet the needs of the immediate area. He thanked the association for trying to address parking and the growth of the commercial area. He thanked the neighborhoods for their input. He doesn't make it a habit of determining what's good or bad for any particular area, but what's viable and what has potential to allow everybody in this city to enjoy it. His concern was with the contract and whether or not there were safeguards for the city. He is also concerned about the costs as a whole. If a deal has been struck to affect some savings, then it would make sense in the long run.

Councilor Rickenmann stated that the level of protection for the city has not changed. This is the right thing to do. The contract hasn't changed. We have taken all of the feedback and protected the city quite well from start to finish.

Mayor Coble said that it is a good step to save the city \$500,000, but it is a renegotiation of the deal. He would like to look at the number of floors of condos. There should have been an opportunity to explore other options.

Councilor Sinclair stated that the developer and the city have not looked at the ramifications of this reduction. We do have the conditions in place to strengthen and clarify what's in the contract. It is appropriate to move forward on the contract, but this is likely to change the dynamics of the financing.

Councilor Finlay stated that the totality of the change to the contract was striking through \$1 million and writing \$500,000. His obligation is to strike the best deal for the citizens of Columbia on every deal we make. He thinks that it is unfortunate that this occurred at the end, but changing the price is a win for the city. We can't come back and politically vote down this project due to the conditions. We are not in the business of subsidizing merchants or striking deals that are too expensive for the city. These dollars impact us in everything we do.

Councilor Cromartie said that he has been quiet on this and finds it quite interesting that we have a change in the deal at the last minute. It is important that the city gets a good financial deal, but it is also important to have a successful deal and ensure that we don't build a catastrophe in Five Points. He supports parking at this location and not at the Claussen's Inn. He would have liked for the neighborhoods and the developer to compromise more; a shorter building; and one (1) floor of condominiums with retail at the bottom. He said that they should go back and restructure the deal.

Councilor Devine said that no one is complaining about spending less money, but they feel that they have been completely left out of discussions considering that they have spent a lot of work time and personal time meeting and talking with people about this. Some of us might prefer to pay \$1 million and reduce the height of the building. She said that the design of the building may change and that the neighborhoods need to be a part of that discussion. She is prepared to go forward, because it is a part of the vision of Five Points. She feels that we will have to start over if the numbers don't work and that's not fair. She expects and has been assured by the developer that the proponents and opponents of this project will be brought to the table to talk about the aspects of this project as it goes forward. She suggested that the Council set a timeline for when we might have the financials and have staff review the financials to determine if this is still a viable project before it actually starts.

Councilor Finlay noted that he has been steadfast in his opposition to this financially. He doesn't know if condos in Five Points are viable and if they aren't it means there will be a four-story building with retail on the bottom and a two-story parking garage and that would alleviate many of the neighborhood's concerns.

Councilor Sinclair also believes that we need to move forward today and as the other information comes in we will have an opportunity to determine the viability of condominiums on top.

Mayor Coble explained the changes made to the entire contract as follows: there is a maximum price now in the sense that the maximum number of parking spaces is 206; there was an issue in paragraph 1m about the purchase price and that is the initial payment plus the construction price not cost; and we added the conditions to strengthen our ability to make sure the project will be financed and then completed by way of a performance bond. He suggested that paragraph 3f be amended to require the developer to provide options if the condominium

market is not working. He further suggested that City Council, not staff determine if the conditions have been met. He asked Mr. Joel Gottlieb, Esquire if anything else should be added. Mr. Joel Gottlieb, Esquire / McNair Law Firm, P.A. stated that the reality is that the construction lender may not be comfortable with this.

Councilor Sinclair asked if there is some way to describe the construction financing and give the developer the opportunity to review what else might be there and how it would impact the whole project. She suggested that a phrase be added as a condition that the developer can come back with an alternative for discussion.

Councilor Devine asked if alternatives would have to go back to the Planning Commission.

Councilor Cromartie said that this is not the way to do legislative work by rewriting a contract with the lawyer in public view.

Councilor Rickenmann said that the comments made in a public setting is the best way to handle this and he has no problem with the conditions.

Mr. Charles P. Austin, Sr., City Manager stated that if this is going to be recorded in the public purview then Mr. Gottlieb needs to come to the podium where his comments can be recorded.

Mr. Joel Gottlieb, Esquire / McNair Law Firm, P.A. explained that to accomplish what the Mayor is suggesting he could add a clause at the end of paragraph 3f that states that if the developer and its construction lender determine that residential development is not feasible developer shall present alternatives to Council. He asked if that was the gist of what was being said, because the truth is that the construction lender will not want to go forward if they determine it's not feasible. The city will be protected under the approval of construction financing provision, but the clause can be added to clarify that.

Mayor Coble told the developer that if the market is such that it doesn't make sense he is for exploring another deal, even if it requires us to share some of the redesign costs or whatever it is. He clarified that the purchaser is the City of Columbia.

Upon motion by Mr. Rickenmann, seconded by Mr. Finlay, Council voted six (6) to one (1) to approve Resolution No.: R-2008-027 - Authorizing the City Manager to execute a Contract of Sale for the purchase of Parking Decks within the mixed use Condominium Project in Five Points from Washington Square, LLC as amended. The payment of the air rights is reduced from \$1 million to \$500,000. The following clause was added to Page 2, Paragraph 3, Item F – "*...and if the Developer and its Construction Lender determine that Residential Development is not feasible the Developer shall present alternatives to Council.*". The City Council shall determine if the Conditions of the Contract are met. Voting aye were Ms. Sinclair, Mr. Davis, Ms. Devine, Mr. Rickenmann, Mr. Finlay and Mayor Coble. Mr. Cromartie voted nay.

26. Resolution No.: R-2008-028 - Authorizing the City Manager to execute an Agreement with Insured Benefits, Inc. for reimbursement of costs and condemnation to acquire a 15' Sanitary Sewer Easement and 219 square foot off site easement on Lexington County TMS #01925-03-014 to serve property owned by Insured Benefits, Inc. known as Lexington County TMS #001925-03-011, 001925-03-012 and 001925-03-013 - *Approved*

Upon motion by Mr. Cromartie, seconded by Mr. Finlay, Council voted unanimously to approve Resolution No.: R-2008-028 - Authorizing the City Manager to execute an Agreement with Insured Benefits, Inc. for reimbursement of costs and condemnation to acquire a 15' Sanitary Sewer Easement and 219 square foot off site easement on Lexington County TMS #01925-03-014 to serve property owned by Insured Benefits, Inc. known as Lexington County TMS #001925-03-011, 001925-03-012 and 001925-03-013.

## **OTHER MATTERS**

27. Council is asked to approve an Application for a Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Vladimir Brombert doing business as American Pride Cab at 104 Hickory Hall Lane, Irmo, South Carolina 29063. - *Approved*

Upon motion by Mr. Davis, seconded by Mr. Finlay, Council voted unanimously to approve an Application for a Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Vladimir Brombert doing business as American Pride Cab at 104 Hickory Hall Lane, Irmo, South Carolina 29063.

28. Council is asked to approve the Destruction of One Hundred Fifty (150) Firearms, as requested by the Police Department's Property and Evidence Unit. - *Approved*

Upon motion by Mr. Cromartie, seconded by Mr. Finlay, Council voted unanimously to approve the Destruction of One Hundred Fifty (150) Firearms, as requested by the Police Department's Property and Evidence Unit.

29. Business License Appeal – Mr. Emmett J. Scully, Owner of Synergetic, Inc.

Mayor Coble read the following statement for the record: "This hearing is in the nature of an appeal by Synergetic, Inc. The hearing is being held pursuant to Sec. 11-46 of the City of Columbia Code of Ordinances. We will receive testimony and evidence today and City Council will then take the matter under advisement. We will issue a written order at a later date and will ratify the order by subsequent resolution. You (*Synergetic, Inc.*) are encouraged to adopt by reference any materials you have previously submitted or to hand up any additional materials today (and we'll make sure that everything you want to put into the record is in there). In question, we specifically would like for you to answer the following: Do you contend that you were not doing business in the City of Columbia without the appropriate business license in 2006, 2007 and 2008? Do you contend that the Business License Administrator made any factual error or relied upon any erroneous fact in concluding that you owed business license taxes for 2006, 2007, 2008 and penalties? If so, please date the factual errors or erroneous facts. Do you contend that the Business License Administrator erred in calculating the taxes or penalties? If so, please describe how such calculations were erroneous. Do you contend that the Business License Administrator erred in her application of the law to the facts in your case? If so, please describe the erroneous application of law to facts (and of course we'll take any other comments or things you would like to add to us and we'll let you respond to that in any way that you would want to and leave that up to you as to how to respond)."

Mr. Emmett J. Scully, Owner of Synergetic, Inc. stated they are located in Lexington County and have been doing business for about four (4) years and provide outsource human resource services to small and medium size companies throughout the State of South Carolina. Recently, we were informed that we needed a business license to conduct business in the City of Columbia. We don't contest that that's important and we should in fact have that. What we would like to contest is the fact that when we received the information from the city, they made our license and they charged us fees retroactive to 2006. The city has agreed that we have not intentionally tried to avoid this; we were just made aware of it just recently in the last couple of months. They went back and charged us a license fee for 2006 plus a penalty rate of 125%, which came to a total of \$1,035 in 2006. They also went and retroactively assessed us a license fee in 2007 in the amount of \$478.10 and a 65% penalty rate for a total of \$788.87. By no means do we contest the fact that we should pay for a license for 2008. We are willing to do so and will do so in the future; however, out of a total amount of \$2,488.65, \$1,855.75 were charges

retroactive and on penalties we didn't know anything about and the city have told us that we didn't conscientiously avoid this. I would like to ask for some relief in that respect. We don't contend that we did not do business during those years and frankly the statute apparently says that they can do this and that's all well and good, but our experience is that the South Carolina Department of Revenue and the Internal Revenue Service regularly and consistently do provide some relief on these issues and when we went to the city the city said it would be discriminatory for them to do that and I would also refer to this morning where the city is considering abating these kind of things for parking penalties. My request to the Council is to give us a little bit of relief here, we are not trying to do anything other than pay reasonable taxes and I think Mr. Mayor I have answered all of your questions.

Councilor Cromartie asked if Synergetic, Inc. did business in the City of Columbia during 2006 and 2007.

Mr. Emmett J. Scully, Owner of Synergetic, Inc. replied yes sir we did.

Councilor Cromartie asked if he was aware of the fact that he had to pay for a business license.

Mr. Emmett J. Scully, Owner of Synergetic, Inc. replied that they were not aware.

Councilor Finlay asked where they were located.

Mr. Emmett J. Scully, Owner of Synergetic, Inc. stated in Lexington County and they provide services to 55-57 companies throughout the State of South Carolina and this is the only community that requires them to pay that license. They are happy to do so if that's the law, but they think it's unreasonable to go back to 2006 and 2007 plus the penalties.

Councilor Cromartie asked if they have a principal place of business inside the city limits.

Mr. Emmett J. Scully, Owner of Synergetic, Inc. responded no, they only provide services to certain businesses within the city limits.

Councilor Sinclair asked staff how we notify businesses about this requirement, because this has come up before.

Mr. Ken Gaines, City Attorney instructed Ms. Kyzer to present the factual basis for this, to respond to the Council's question of how this came to be and how she assessed the penalties.

Ms. Brenda Kyzer, Business License Administrator explained that as they are made aware that companies are working in the city limits they do notify them of the license requirement and this is exactly what was done with this company. As they became aware that they were operating in the City of Columbia, they called them, talked to them about it and sent the information to them via fax, no differently than they handle any other company as they become aware that they are doing business inside the city limits. They openly admitted that they had been working for several years in the city and protocol is that we go back to the current year plus two (2) years in the past in order to get the license fee assessed and this is exactly what we've done.

Councilor Finlay said that he has legal questions about this that he would like to discuss. He is less interested in collecting back penalties as he is in getting people on the business license rolls in the future. He would like to understand what our legal abilities are and consider doing something citywide to get businesses enrolled or the penalties will accrue.

Mr. Charles P. Austin, Sr., City Manager explained that Ms. Kyzer is charged with identifying those businesses that are operating in the city and in accordance with the ordinance she notifies them and then we follow the ordinance. Any appeal and any decisions otherwise become the purview of Council. It is important to understand that we don't go into this

attempting to, in any way, to subrogate or negate the ordinance.

Councilor Finlay suggested that there be an amnesty day for business licenses as proposed for parking tickets, because there are ways to help us get businesses.

Councilor Davis asked how does staff know whether a business is operating in the city and is required to get a license.

Ms. Brenda Kyzer, Business License Administrator stated that they were made aware of this case through a verbal conversation so they did call the business to speak with them about the activity which produces revenue in the City of Columbia and then the determination was made that a business license is required.

Councilor Davis asked if there is a best practice or approach to provide that information.

Mr. Emmett J. Scully, Owner of Synergetic, Inc. explained that one of their customers was going through a sales tax audit and there was a discussion about who performs certain services and Synergetic, Inc. was brought into the equation. We are happy to pay that license fee.

The facts related to the Business License Appeal were presented to the Council. The Council will take the matter under advisement during Executive Session and then issue a written order at a later date.

### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

#### 30. Columbia Parks and Recreation Foundation

Upon motion by Ms. Sinclair, seconded by Mr. Finlay, Council voted unanimously to approve the re-appointment of Mr. Jack Mills (*Coble*), Mr. Robert Amundson (*Rickenmann*) and Mr. Elliot Houser, Sr. (*Davis*) for a second and final three (3) year term. Council approved the appointment of Ms. Wanda Terry (*Devine*), Mr. Travis Wheeler (*Sinclair*) and Ms. Shawncee Sapp (*Finlay*) for a three (3) year term. Mr. Cromartie will bring forth his nomination on June 4, 2008.

#### 31. Richland / Lexington Airport District Commission – *Consideration of this item was deferred.*

### **REPORTS AND UPDATES**

#### 31a. \*\*City Manager's Report – Mr. Charles P. Austin, Sr., City Manager

Mr. Charles P. Austin, Sr., City Manager thanked the Council for their assistance during the budget process. He believes that we've made good progress and looks forward to continuing that process on May 28, 2008. There was an article in the paper this morning regarding the parking ticket amnesty day, which was a part of the discussions we've been having as it relates to collecting delinquent fines and other delinquent accounts that are due to the city. We will not make any decisions in that regard until we've had a full discussion with Council. We are looking at ideas now and trying to think in terms of ways we can in fact recapture some of the delinquent accounts that we have outstanding. I am in the process of conducting a review of the organizational structure and of course I will be coming to Council at an appropriate time to have some discussions with you, but one of the areas that I am looking at is the Office of the City Clerk. Ms. Salley has taken on a number of additional responsibilities and duties and I've concluded that she may be experiencing a staffing issue and it may really be time for us to take a look at some additional staff. She has already made some inroads as it relates to technology, but that still might require at least one (1) person, possibly two (2), but I will be coming back to you at the appropriate time with that information. On Thursday or Friday you will probably begin

getting a strange phone call from me. I am setting up three (3) calling posts, which will allow me to in essence contact you at any of the numbers that you have listed and do that simultaneously so that we can in fact deliver messages to you in a timelier manner. We have already set the process in motion and if it gets your voicemail, the system will leave a message anyway. That way when we have important items that need to be communicated to you, we will be able to get that done and you can then call back. The Main Street Phase II Beautification Project is underway. On May 14, 2008, there was a glitch and once Mr. Gantt looked into that process we were able to straighten out those issues and work has resumed. He doesn't believe that we will continue to have similar kinds of problems, but we needed to make sure we had an understanding with the contractor that there is an expectation that work will proceed in a timely manner and if there are instances where the work may be interrupted, we need to know so that we can determine what the problem is, address the problem, get it fixed and continue to move on.

Mayor Coble said that we needed to make sure that we help businesses as much as possible with advertising.

Councilor Cromartie said that the city should do the same thing to help out businesses on Main Street like we did with the businesses on Lady Street. We should help with advertisements and determine if they qualify for some reductions in business license fees or water fees.

Mr. Charles P. Austin, Sr., City Manager reported that there are a total of 139 police vehicles; 122 of those vehicles have 125,000 miles or less; 17 of them have over 125,000 miles; 122 are less than 8 years old; 83 are less than 4 years old; the 17 vehicles that are more than eight years old are being replaced by 14 new cars; 38 are fully equipped to include cameras; 101 are fully equipped, but not with cameras; and all traffic vehicles are fully equipped with cameras. He reported that the 2006/2007 auction sales were totaled at \$138,907.00 and \$26,100.00 was from the Police Department sales. The 2007/2008 auction sales were totaled at \$147,597 and \$18,004.00 was from the Police Department sales.

Councilor Sinclair asked what would be discussed on May 28, 2008 as it relates to the budget.

Mr. Charles P. Austin, Sr., City Manager stated that we would be discussing budget adjustments in terms of the concerns expressed about projects that were not initially funded or partially funded; and any lingering water and sewer issues.

Councilor Sinclair said that we should discuss the Hospitality and Accommodations Tax Funds.

Councilor Devine said that we needed to hear the Municipal Court presentation.

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

No one appeared at this time.

### **EXECUTIVE SESSION**

Upon motion by Mr. Rickenmann, seconded by Mr. Finlay, Council voted unanimously to go into Executive Session at 11:58 a.m. for the discussion of **Items A.** through **E.** as amended.

- A. Receipt of legal advice, which relates to matters covered by attorney-client privilege
- Hotel Litigation
  - Whistle Blower Policy
  - Synergetic Inc. Appeal
- These items were discussed in Executive Session. No action was taken.*
- Solicitor's Office
- This item was withdrawn from the agenda.*

- B. Discussion of negotiations incident to the sale of property - *This item was discussed in Executive Session. No action was taken.*
  - C. Discussion of compensation of an employee - *This item was discussed in Executive Session. No action was taken.*
  - D. Discussion of employment of an employee - *This item was discussed in Executive Session. No action was taken.*
  - E. **\*\*Discussion of negotiations incident to proposed contractual arrangements**
    - **Municipal Association of South Carolina**  
*This item was discussed in Executive Session. No action was taken.*
- **Mr. Davis left the meeting at 1:32 p.m.**
  - **Council adjourned the meeting at 1:41 p.m.**

Respectfully submitted by:

Erika D. Salley  
City Clerk