



CITY OF COLUMBIA  
CITY COUNCIL MEETING MINUTES  
WEDNESDAY, SEPTEMBER 2, 2009  
9:00 A.M.  
CITY COUNCIL CHAMBERS  
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting and a Public Hearing on Wednesday, September 2, 2009 in the City Hall Council Chambers located at 1737 Main Street, Columbia, South Carolina. Mayor Robert D. Coble called the meeting to order at 9:05 a.m. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Daniel J. Rickenmann and The Honorable Belinda F. Gergel. The Honorable Sam Davis arrived at 9:07 a.m. and The Honorable Kirkman Finlay III arrived at 9:54 a.m. The Honorable Tameika Isaac Devine was absent. Also present were Mr. Steve A. Gantt, Interim City Manager and Ms. Erika D. Salley, City Clerk.

### **INVOCATION**

Rev. Wayne Horne, Senior Minister / Trenholm Road United Methodist Church offered the Invocation.

### **APPEARANCE OF PUBLIC HAVING BUSINESS RELATED TO THE AGENDA ITEMS**

No one appeared at this time.

### **MINUTES**

1. Minutes of February 11 and February 18, 2009 – *Approved as presented.*

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to approve the Minutes of February 11 and February 18, 2009 with a single motion and as presented.

### **PRESENTATIONS**

- 1a. \*\*Annual Palmetto Capital City Classic – Coach Willie Jefferies

Coach Willie Jefferies announced the 8<sup>th</sup> Annual Palmetto Capital City Classic featuring the Benedict College Tigers versus the West Virginia State University Yellow Jackets on Saturday, September 5, 2009 at 4:00 p.m. at the Charlie W. Johnson Stadium.

2. Introduction of the September 2009 Employee of the Month – Ms. Sara Hollar, Superintendent of Forestry and Beautification

Ms. Sara Hollar, Superintendent of Forestry and Beautification introduced Mr. Tim Rushman, Assistant Superintendent for Forestry and Beautification as the September 2009 Employee of the Month.

Mayor Coble presented Mr. Rushman with a plaque and Mr. Steven Gantt, Interim City Manager presented Mr. Rushman with tokens of appreciation for being selected as the September 2009 Employee of the Month.

3. Achievement of Excellence in Procurement Award – Mr. Bill Ellis, Deputy Finance Director

Mr. Bill Ellis, Deputy Finance Director announced that the City of Columbia Purchasing Department received the Achievement of Excellence in Procurement Award. The Purchasing Department has earned this award for 2009 and it is one of only 59 cities in the United States and the only agency in South Carolina to receive the award. The achievement of this award demonstrates professionalism and a commitment to excellence in public service.

4. Viva la Vista – Ms. Deirdre Mardon, Executive Director of the Congaree Vista Guild

Ms. Deirdre Mardon, Executive Director of the Congaree Vista Guild outlined the extensive marketing efforts of the Congaree Vista Guild through their Hospitality Tax allocation. She invited everyone to the annual Viva La Vista celebration on September 12, 2009 from 2:00 p.m. until 7:00 p.m. at Lincoln and Gervais Streets.

5. Update on Fast Forward – Ms. Dee Albritton, Executive Director of Fast Forward

Ms. Dee Albritton, Executive Director of Fast Forward outlined the many activities, projects and partnerships they have undertaken over the years. She presented a national technology video which featured Fast Forward. In closing, she shared a cake with the City of Columbia in celebration of Fast Forward's 10<sup>th</sup> Anniversary.

6. 4<sup>th</sup> Annual Sickle Cell Walk – Ms. Peggy Funny-Roanne, Chairperson of the Walk Committee for the James R. Clark Memorial Sickle Cell Foundation

Ms. Peggy Funny-Roanne, Chairperson of the Walk Committee announced the 4<sup>th</sup> Annual James R. Clark Memorial Scholarship Fund Walk on Saturday, September 12, 2009 at 8:30 a.m. at St. Luke's Episcopal Church, 2211 Lady Street. Onsite registration begins at 7:30 a.m. Registration is \$15 per person and proceeds will benefit the James R. Clark Memorial Scholarship Fund providing educational awards to college bound high school graduates living with sickle cell disease.

- **Council recessed at 9:55 a.m.**
- **Council reconvened the meeting at 10:07 a.m.**

## **SIDEWALK VENDING PUBLIC HEARING**

### **ORDINANCES – FIRST READING**

7. **NE Corner of Main and Lady Streets**

- **Council opened the Public Hearing at 10:08 a.m.**

No one appeared in support of or in opposition to **Item 7**.

- **Council closed the Public Hearing at 10:08 a.m.**

Ordinance No.: 2009-094 – Granting a Franchise to Krista Anderson d/b/a Krista's Hot Dogs for operation of a stationary sidewalk vending cart on the northeast corner of Main Street and Lady Street – *Approved on first reading.*

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2009-094 – Granting a Franchise to Krista Anderson d/b/a Krista's Hot Dogs for operation of a stationary sidewalk vending cart on the northeast corner of Main Street and Lady Street.

## **PUBLIC HEARING**

8. Ordinance No.: 2009-048 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 12 Motor Vehicles and Traffic, Article I, General, Sec 12-13 Through trucks prohibited on certain streets and eighteen wheelers prohibited from single-family residential neighborhoods – *Approved on first reading.*

Councilor Cromartie explained that the promulgation of the ordinance was initiated, because several neighborhood organizations requested it. They did not like the fact that 18-wheelers would stay overnight in neighborhoods; and it was damaging to the communities. We did this before at the request of the Highland Park Neighborhood Association and it was successful for them. Particularly, the Martin Luther King Neighborhood Association asked that I bring this forward. We sent letters to other neighborhood associations and they want the ordinance to pass.

Mr. Ken E. Gaines, City Attorney said that the ordinance prevents 18-wheelers from going through neighborhoods.

Councilor Davis said that there is also a provision that speaks to vehicles staying in an area for more than two (2) hours. There are some safety issues; there are wear and tear factors that come into play; and the trucks are staying for a lengthily period of time. I have been called out at night to witness some of the issues and there are times where 8-wheels are on the sidewalk and 8-wheels are in the road. Also, on the fringes of the neighborhood there are illicit activities that go on in some of these trucks. I know that drug sales have been an issue and it serves as an entertainment location. I am not saying that everyone who comes through the neighborhoods in these type vehicles are involved, but it lends itself to that sort of activity.

Councilor Rickenmann asked if the streets are listed in the ordinance. There are certain streets that we need to address and there are streets that we can't address, because we will completely shut down some businesses. This would impact the Rosewood area, especially Commerce Drive; there is no other way to get to those businesses that have existed since 1932. I want to make sure that we are not doing a citywide blanket ordinance.

Mr. Ken E. Gaines, City Attorney said that the ordinance is not street specific; the ordinance applies to RS-1, RS-1A, RS-2 or RS-3 as designated by the zoning ordinance. It prohibits all 18-wheelers and requires them to use alternative routes to engage in commercial activities. There are exemptions in the ordinance such as temporary loading, unloading or service to residence(s) in the single-family neighborhood; emergency vehicles; public or private utility service tractor-trailer units; tractor-trailer units owned by governmental entities; tractor-trailer units directed through residential neighborhoods by posted detours; and tractor-trailer units utilizing residential streets which are the only available routes to reach a destination.

Councilor Rickenmann asked how drivers will be notified of acceptable and unacceptable streets.

Mr. Ken E. Gaines, City Attorney said that signage has to be addressed by the Traffic and Engineering Division.

Councilor Finlay asked what would happen if someone was coming up South Beltline Boulevard from Bluff Road. Headed back into the City, it goes from a commercial district to a residential district. As you head to Rosewood, it would now be illegal to take a tractor-trailer down that road.

Mr. Ken E. Gaines, City Attorney said that's correct; but they would not be in violation if that was the only available route to their destination.

▪ **Council opened the Public Hearing at 10:25 a.m.**

Mr. Scott Murray, V.P. for Safety and Risk Management / SC Trucking Association appeared before the Council in opposition to the ordinance. He explained that they are a non-profit trade association with 800 to 850 companies belonging to the association. We work with many local, state and federal agencies on highway safety issues. Is the reason for the proposed ordinance a parking problem or some other kind of problem? If it is a parking problem, we understand the overnight parking issue, but do sympathize with the drivers' convenience and security. Is this a citywide parking problem or just certain areas of the City? Can we target the areas where the problems do exist? If you target problem areas, what type of enforcement would be taken? Will it start with warning tickets? If so, how many warning tickets will be considered before writing a ticket? What type of ticket will be written? Would it be a uniform traffic ticket? What would the fine structure be? Will the ticket be issued to the driver or the owner of the equipment? Violations seriously affect the commercial vehicle driver's license much more than a regular driver's license. We are already experiencing a shortage of qualified drivers and this problem will only increase as we recover from the economy that we are now experiencing. The potential of ticketing on non-signed roads does give us concern over fairness and due process. We think it's unreasonable for drivers to know these rules unless the streets are well marked in advance. We have concerns over security problems such as cutting trailers loose and dropping them at other locations. He said that cargo theft and cargo damage is on the rise, which ultimately adds to the cost for the consumer. Generally, we don't want to be in neighborhoods unless we absolutely have to be.

Rev. Wiley Cooper, 5314 Colonial Drive said that he is not representing the Code Enforcement Taskforce today. He appeared before the members of Council in support of the ordinance. He clarified that this proposal has nothing to do with parking. You already have a two-hour parking limit and a prohibition of overnight parking within the City in residential areas. As a resident of Eau Claire/North Columbia, I am very concerned about 18-wheelers coming through our neighborhood late at night, often stopping for periods of time and then moving on. These are usually not, although sometimes they are major trucking lines. This happens regularly; there is parking in neighborhoods; there is noise associated with this; there are illicit activities; and some of these trucks serve as traveling brothels with drugs. I don't know why you couldn't add language to exempt arterial streets such as Beltline Boulevard.

Mr. Peter Korper, 2220 Gadsden Street / President of the Elmwood Park Neighborhood Association appeared before the members of Council in support of the ordinance. He said that the proposed ordinance speaks to thru-trucks. We have a school in our neighborhood along with mothers, children and the elderly, which do not co-mingle safely with trucks. Trucks are very heavy vehicles and should have no rites of passage through residential areas. If thru-trucks are visiting the school they can come in off of Lincoln Street from Elmwood Avenue and leave by the same route. Similarly, we have two (2) commercial entities within our neighborhood on Wayne Street. The trucks could come from Elmwood Avenue, turn onto Wayne Street, deliver their goods and services and return via Wayne Street in the same manner that they arrived. The safety issue is from the narrowness of the streets and the overnight parking is paramount. He added that the Coalition of Downtown Neighborhoods support this ordinance. He urged the Council to adopt the ordinance.

Ms. Alex Furgess, President of the Jones McDonald Neighborhood Association / V.P. of the Columbia Council of Neighborhoods appeared before the Council in support of the ordinance. She said that this is a class issue, because many people living in some neighborhoods don't have to worry about long distance trucks; they don't come through those neighborhoods, because they know better. There are some drivers who just don't care and they take the shortcut, because it will save them a couple of ounces of fuel and time. Who drives long distance trucks and where do they live? They do live in my neighborhood; they drive the trucks home and drop the trailer off at the Midlands Shopping Center, which has signage that says no long distance trailers and a police station. Lately, the enforcement has been better. We want you to make it easy for the Police Department.

Ms. Maysetta Alston, President of the Highland Park Civic Club appeared before the members of Council in support of the ordinance. We are one of the residential communities where 18-wheelers are prohibited and it has provided us with quiet enjoyment and safety. This should be made available to other communities.

Mr. Keith Seymour, Carolina Panorama appeared before the Council in support of the ordinance. He said that he is a former resident of the Rosewood area and that is a mixed area; it's both residential and commercial and there are schools. I know that trucks come in as early as 6:00 a.m. and leave by 10:00 a.m. He suggested that Council consider having a timeframe in which trucks can and cannot enter an area.

▪ **Council closed the Public Hearing at 10:47 a.m.**

Councilor Finlay said that we are struggling with the issue of parking. If we pass another law, how do we get it enforced, if the first one isn't being enforced? The second issue is what we see as traffic passing through residential neighborhoods where it shouldn't be and that issue gets broken down into truckers being lost or taking a shortcut. We have to figure out how we stop the shortcuts. We need a process by which areas come forward and we put the signage in place.

Councilor Gergel concurred with Mr. Finlay, stating that we need this ordinance in place now and we need it enforced. I am supportive of moving forward, because there is nothing more important than making sure that life in our residential neighborhoods is safe, attractive and inviting.

Upon motion by Mr. Cromartie, seconded by Dr. Gergel, Council voted unanimously to give first reading approval to Ordinance No.: 2009-048 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 12 Motor Vehicles and Traffic, Article I, General, Sec 12-13 Through trucks prohibited on certain streets and eighteen wheelers prohibited from single-family residential neighborhoods, subject to the Interim City Manager scheduling a meeting with City Council members, the SC Trucking Association, SCDOT representatives and various neighborhood associations prior to second reading, which is scheduled for October 7, 2009.

**CITY COUNCIL DISCUSSION / ACTION**

9. Business License Appeal (*Matrix Scientific*) – Ms. Brenda Kyzer, Business License Administrator

Councilor Gergel abstained from discussions, noting that she had prior conversations with the appellant.

Mayor Coble read the following statement:

*This hearing is in the nature of an appeal by Matrix Scientific. This appeal concerns the business license for 2009. Matrix filed an appeal with the Council on July 20, 2009 concerning the penalty imposed for failing to timely obtain a business license for the 2009 business license year. The hearing is being held pursuant to Section 11-40-6 of the City of Columbia Code of Ordinances. We will receive testimony and evidence today first from Matrix Scientific and then from the Business License Division, if any and the City Council will take the matter under advisement. We will issue a written order at a later date and will ratify the order by subsequent resolution. Parties are encouraged to adopt by reference any materials you have previously submitted or to hand up any additional materials today. We will now proceed.*

Mr. Al Montgomery, Matrix Scientific explained that they have been in business for 10 years. We distribute molecular intermittence and building blocks for research facilities and entities. We were in Elgin until last year and have always used City water. Last year, we did an expansion and we were required and happy to install a fire suppression system for which we needed a larger water tap. We were required to annex into the City of Columbia before the additional water tap was installed. We were annexed into the City of Columbia on July 11, 2008. We were required to have a City license for that period of time, which was prorated. We paid it late November 2008 and it expired on December 31, 2008. Being new to the City we were not sure how these bills came about and we never received a bill for our 2009 business license fee. We didn't know when we were supposed to expect that so we didn't pay any attention to it not having been received. On July 8, 2009, Mr. Allen Eleazer of the City of Columbia came in and informed us that we were in arrears and we not only owed the license fee, but we owed a penalty of 15%. He brought with him a second notice of the license fee; we have never received the first notice. The second notice was not dated and I told him that I didn't understand why we couldn't get the first one. He had the correct address so there wasn't any reason we shouldn't have received it, but we didn't. Whether it was the post office or some other error, we didn't get it. We also didn't get the second notice and I could not understand that. I could see where some problem could occur on the first one, but I couldn't see where two would happen. He informed me that the second notice was not sent out because the City did not want to incur the expense of doing so. So in order to save forty two cents (.42¢) we were penalized almost \$550. My appeal is that I feel like we should not be penalized for that under these circumstances and that's the gist of this thing. The penalty itself was a 60% annual percentage rate. We pay about a \$3,600 license fee, which we are not contesting, but we are contesting the penalty and feel like under the circumstances it should be removed or negated or refunded. I appreciate you listening to this and I would be happy to answer any questions further if you require.

Mayor Coble clarified that Mr. Montgomery paid the business license and the penalty is the issue and whether or not you received the appropriate notice is your question.

Mr. Al Montgomery, Matrix Scientific said that they paid the penalty and the fee on the same day and they were also informed that if we did not pay on that same day, while he was there, we would be subjected to a further 5% penalty.

Ms. Brenda Kyzer, Business License Administrator explained the facts from staff's perspective. What you've heard is correct. Matrix Scientific is located in the City limits; they were previously in Richland County and they were annexed into the City of Columbia on June 11, 2008. They did pay for their 2008 business license and it was delivered to them sometime early December. The license does clearly state that it expires December 31, 2008. During the first week of January, we always mail courtesy applications; we are not required to mail the applications by ordinance, but we do mail them. As you heard, we did have his address correct. What is required by ordinance is that we place three (3) public notices in The State Newspaper prior to the deadline date, which is April 15<sup>th</sup>. We did so. This year we utilized an automated dialer software program that the City had available and we made courtesy calls to all of the businesses prior to the April 15<sup>th</sup> deadline so we did that as well. After the April 15<sup>th</sup> deadline,

we made another call using the automated software dialer program and indicated that we would be making visits and that the license needed to be renewed. On July 8<sup>th</sup> the license was still not renewed. An inspector did go out and he was able to collect the license fee and the penalties. The penalties were 20% of the license fee and we did process the license that day. From there the owner inquired about the whole process of appealing the penalties. We sent him a letter with a copy of the ordinance and we told him what needed to be done to appeal the license. We received a letter from him saying that he would like to appeal and it was dated July 20<sup>th</sup>, which was twelve (12) days after he paid. The ordinance does call for an appeal to be requested within ten (10) days after payment so he was a couple of days late on that. Pursuant to the ordinance, we did place the item on Council's agenda within thirty (30) days, but it was moved back, because Mr. Montgomery was out of town.

Mr. Al Montgomery, Matrix Scientific stated that he is not sure how this automated telephone thing works, but they never received any of those calls to his knowledge. I don't know what that technological situation is there, but we never received any phone call and we didn't get a letter on April 8<sup>th</sup>; we didn't get anything until July 8<sup>th</sup> when Mr. Eleazer showed up at my door.

Councilor Rickenmann is concerned that we sent the notice to the wrong place and then we didn't correct it and we sent someone with the second notice. How do we know that the person received the message from the automated call?

Ms. Brenda Kyzer, Business License Administrator said that we have a way of tracking that; on both instances of the phone call we do show that someone picked up the calls and it wasn't a machine. We had the correct address.

Councilor Rickenmann said that he has concerns about the delivery of a demand for payment letter, because he has been hearing a lot of feedback on the way we are addressing business owners when we arrive at their doorstep, especially certain individuals that work in that department. It's weird to have a business license issued on December 1<sup>st</sup> and expire on the 31<sup>st</sup>, knowing that business licenses really don't renew until April. What was the actual penalty?

Ms. Brenda Kyzer, Business License Administrator said that it's 20% of the license fee. I am not able to disclose the exact amount.

Councilor Finlay said that in three years on Council we have heard one business license issue. Since May, this is the single biggest issue that I have received repeated phone calls on. The part that makes me nervous is that people are upset enough with us to retain counsel. A tone is developing. It seems like we are unfair in the way we assess fees; we'll prorate you coming in; and we hit you for the whole year going out. We are treating business people who by their own admissions have made a mistake, as if they are law breakers. Do you think that many people are intentionally avoiding you?

Ms. Brenda Kyzer, Business License Administrator said no, but the ordinance does call for the penalties and we are just doing our job. We can't differentiate between who's telling the truth and who's not.

Mr. Steven Gantt, Interim City Manager said that we have been trying to schedule a discussion with Council for over a month to discuss our business license operations and whether or not we need to change how we calculate our business license and any other policy changes that you all deem appropriate. We will make every effort to get that back on the agenda as soon as possible.

Mayor Coble said that we can't ask staff not to enforce something. We may want to have some way of making adjustments and using more discretion. We haven't given the staff the ability to do that through the ordinance and that is what we need to do if we are going to have flexibility.

Councilor Davis said that we need to look at the issues on how we implement notices to get results given the economic impact that this has on the City and the businesses that we treat as customers. I agree that it's important to maintain a friendly atmosphere so that people don't want to leave because of processes and procedures as opposed to a customer base. We are about recruiting businesses to the City of Columbia and I don't want folks talking about processes and procedures as a reason for not wanting to locate here. We are willing to work with staff to look at the system to ensure that you have flexibility in making arrangements with businesses.

Mr. Al Montgomery, Matrix Scientific said that Ms. Kyzer and Mr. Eleazer were both very professional. The telephone thing still bothers me, because we do a lot of our business over the telephone and everybody that answers the phone is cognizant of that. As soon as I receive an automated call at my house, I'm not going to pay any attention to it; I hang up. I don't know what the telephone would say automatically, but I don't think that is a very good way of doing business, whether you're the City or a business itself. I sort of get the indication here that there's nothing you all can do on my appeal.

Mayor Coble said let's not come to any conclusions; we have to discuss that.

Councilor Finlay asked if the Business License Division sends a welcome letter when people first apply for their license and do we provide a form letter on important dates to remember.

Ms. Brenda Kyzer, Business License Administrator said that people come to our office to apply and we welcome them at our office. When they come back after receiving their clearances, we give them their license and we fully explain expirations, expectations and renewals.

Councilor Finlay asked how many new business licenses we do per year.

Ms. Brenda Kyzer, Business License Administrator replied a couple thousand.

Councilor Finlay said that these issues should be defined in writing and that the Business License Division should have applicants sign a copy.

Mr. Al Montgomery, Matrix Scientific stated that it is not really the money that we are worried about, although \$550 is a good bit of money. It's just a possibility that we get that we'll get that money back. The amount of the penalty as a general business practice for the City of Columbia is alarming and the process of notification needs to be looked at.

10. Restructuring of the Central Midlands Regional Transit Authority Board – The Honorable Mayor Robert D. Coble

Mayor Coble explained that Richland County Council has insisted on changes to the way the RTA does business. Part of that was the MOU we signed where we paid an additional \$1 million. The upshot of the change in the agreement is that Lexington County will no longer have voting members on the RTA Board. The State statute, which sets up the RTA allocates membership from the County to the different Cities and a City like Columbia doesn't get the appropriate representation. At the moment, we have five (5) voting members; that's going to change to three (3). The executive committee will still rotate between Richland County and the City of Columbia in terms of who is Chair. Currently, Pat Smith of Lexington County is the Chair and I am the Vice Chair. The five (5) current members are E.W. Cromartie, II, Sam Davis,

Belinda Gergel, Tommy Windsor and I. He asked the Council to consider the restructuring of the CMRTA Board by reducing the City of Columbia appointees from five (5) to three (3) before September 30, 2009.

Councilor Rickenmann suggested that if Richland County did not keep Mr. Liming the City of Columbia should appoint him as a city representative. We should not appoint all council members; we should have folks that are real advocates of the riders and the system.

Councilor Davis said that it is important to have someone on the board that clearly articulates the necessity of this transportation system. It should be someone who depends on it and can understand the benefits of the system.

Councilor Cromartie said that they should consider the fact that of the five (5) appointees of Richland County at least four (4) of them will be members of County Council. Those will be the members who will make the financial decisions as it relates to how we operate that system.

Councilor Finlay said that there will be a funding issue on the table in 18-months. Does there need to be a separate group working on that or should this group be focused on that? All of this in some regard is dependent on that.

This matter will be considered on September 16, 2009.

11. Selection of a Firm to Conduct an Efficiency Study

- The Mercer Group
- Equa Terra, Inc.
- MGT of America, Inc.
- Berkshire Advisors

Mr. Steven A. Gantt, Interim City Manager explained that this item is for the selection of a firm to conduct the efficiency study. We had presentations several weeks ago from the four (4) firms.

Mayor Coble said that we've done a lot of cutting and restructuring. Are you in support of this?

Mr. Steven A. Gantt, Interim City Manager explained that Councilwoman Devine asked that you all pick two (2) finalists out of the four (4) and have them come back to make additional presentations to the Council and to talk more specifically about what they were planning on doing and the cost factor. To be perfectly honest with you I haven't been able to locate a funding source to pay for this. Presently, I don't see anything in the General Fund budget to pay for it.

Councilor Gergel said that she is generally very supportive of efficiency studies, but given the information that Mr. Gantt has just shared with us this is something that we may well wish to table at this point and reconsider at another point.

Councilor Finlay said that the Mayor and Dr. Gergel make a good point. Efficiency is very important, but for us with our cash position right now, our efficiencies have to be implemented yesterday. We must continue cutting, controlling, limiting and to embark on a study that will be presented in the future that will cost us \$150,000 before it begins to bear fruit sends a message that's tough for employees and it continues to drain the General Fund.

Mr. S. Allison Baker, Assistant City Manager for Public Services said that this process is one that looks at a number of things. We had some questions today about business licenses. You look at your processes to make sure there are not wasted staff, wasted time and duplicate processes. We started with our budget process and we decided that we didn't have monies to do certain things so we made decisions to reduce the budget by certain amounts. That didn't

put us in a place where we had looked at our work processes from the bottom to the top to make sure that we could live within the amount of money we were given. I have personally been involved in the same kind of process with a previous employer where the Department of Parks and Recreation and Community Facilities had an \$18 million budget and through this process we reduced that budget to \$12 million in less than two (2) years. Again, to make sure we are doing the right thing, being efficient, effective and doing the right thing well is a more directed longer term process and while we don't have an identified source of funding, in the end, the idea, concept and what has happened in a lot of places is that it saves you money. It's almost something that you can't afford to do, but you can't afford not to do it.

Councilor Davis said that he is in favor of the study given the number of eye openers that came out of the recent budgeting process. There were a number of discoveries, hurdles, walls and challenges to engage because of the lack of knowledge of the system and processes. We did not have the wherewithal to determine that. We pledged to ensure that we have policies and procedures in place and that departments are functional and delivering the kinds of services that the mandates call for. Are we as efficient as we need to be? I say no. I don't see putting this on the back burner, because I have deep concerns about duplication and effectiveness.

Councilor Finlay said that the Council as a group has to delineate where the money will come from. We saw at least two reports on restructuring City government and we should pull those reports and ask staff to review them to determine whether or not the reports make sense. I am afraid that we will get to the end of this study on efficiency; we will receive suggestions; and they won't be popular. And when the cuts have to be made to make the payments later, we are not going to be willing to do it. We started dramatically cutting our budget in February; we are 6-months into it; it is very hard at this point with all of the changes to determine the level at which we are running. We are so strapped for cash and we should look at the reports we have; ask staff to draw up a baseline assessment of their own; review that; and then decide whether or not to move forward. We have to make a public commitment to implement the changes and the best way to make that public commitment up front is for us to cut money up front from departments to pay for the study. We cannot continue to send Mr. Gantt and Mr. Baker back under the "find it" motif.

Mr. S. Allison Baker, Assistant City Manager for Public Services agreed with Mr. Finlay, adding that we have to be committed to it across the board, if we do it. We were forced to do a top down process with our budget, but it has to be a bottom up process meaning that all of those employees that do this work everyday and understand how it should be done; they have to be involved in the process.

Mayor Coble suggested that they further discuss this matter when the full Council is present.

Councilor Gergel asked Mr. Gantt if there is a mechanism for employees to submit their suggestions to the City Manager. There should be a formalized process.

Mr. Steven A. Gantt, Interim City Manager explained that he has received some budget saving ideas and those ideas were sent to the Budget Director for further exploration.

Councilor Cromartie noted that the business community is providing incentives to employees that bring forth the best ideas. He suggested that the Interim City Manager consider implementing a similar program. He added that it is much more credible to say that we have to down size based upon an efficiency study. I don't support downsizing, but if it does occur then we will need a basis, criteria and an underlying reason for doing so.

Councilor Rickenmann agreed with staff reviewing the prior reports and receiving feedback from staff.

There was a consensus of Council to defer consideration of this matter in the absence of Councilor Devine and to direct staff to review any previous studies related to management and efficiency and to draw a baseline assessment for discussion with the members of Council.

### **TRAFFIC AND ENGINEERING**

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to approve **Items 12.** and **13.** with a single motion.

12. Yorkshire Neighborhood Traffic Control Request – *Approved the installation of Speed Humps and the Request to remove the existing 3-way stops on Yorkshire Drive and Kimberly Street.*
13. Chimney Hill Road Speed Hump Request – *Approved the installation of a Speed Hump on Chimney Hill Road near Flat Chimney Loop and the reduction of the speed limit from 30 mph to 25 mph.*

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

14. Council is asked to approve Project #WM4122 and #SS7075 Change Order #1; Agreement for Engineering Services for Infrastructure Development within the Village at River's Edge Subdivision, as requested by Utilities and Engineering. Award to Alliance in the amount of \$12,540.00. This vendor is located in Columbia, SC. *Funding Source: (Water Improvements Fund 5529999-WM412201-636600); (Sewer Improvements Fund 5529999-SS707501-636600); Stormwater Utility Fund 5549999-SD832501-636600 and 5549999-SR708301-636600) – Approved*

Mr. John Dooley, Director of Utilities and Engineering explained that the project was re-bid 8-months ago and there were bid protests. We asked Engineering to make some changes to the plans and to assist us with the re-bid. This is water, sewer and storm drainage. The work has been done, but we have not paid for it.

Upon motion by Mr. Rickenmann, seconded by Mr. Davis, Council voted unanimously to approve Project #WM4122 and #SS7075 Change Order #1; Agreement for Engineering Services for Infrastructure Development within the Village at River's Edge Subdivision, as requested by Utilities and Engineering. Award to Alliance in the amount of \$12,540.00. This vendor is located in Columbia, SC. *Funding Source: (Water Improvements Fund 5529999-WM412201-636600); (Sewer Improvements Fund 5529999-SS707501-636600); Stormwater Utility Fund 5549999-SD832501-636600 and 5549999-SR708301-636600). Mayor Coble abstained from voting due to a conflict of interest.*

15. Council is asked to approve the Purchase of Fencing for Finlay Park Café, as requested by the Parks & Recreation Department. Award to Ryan Brewer Enterprises, LLC, the lowest bidder in the amount of \$13,902.14. This vendor is located in Columbia, SC. *Funding Source: Capital Projects: Finlay Park 4039999-659300 PK005601-659300 - Approved*

Mr. S. Allison Baker, Assistant City Manager for Public Services explained that there is a café and a plaza adjacent to the café where a lot of loitering often occurs. For the last year and a half we have looked for solutions and waited on a better budget time to actually fix it. We will close off the patio that is associated with the café. It also has a roof top and there's a lot of unproductive activity under there during bad weather. It will be an attractive wrought iron looking fence.

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to approve the Purchase of Fencing for Finlay Park Café, as requested by the Parks & Recreation Department. Award to Ryan Brewer Enterprises, LLC, the lowest bidder in the amount of \$13,902.14.

16. Council is asked to approve a Memorandum of Understanding between the South Carolina Minority Business Enterprise Center (SCMBEC) and the City of Columbia in the amount of \$15,000.00 for Services Provided in Coordination with the Office of Business Opportunities. *Funding Source: Office of Business Opportunities General Administration - Approved*

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to approve a Memorandum of Understanding between the South Carolina Minority Business Enterprise Center (SCMBEC) and the City of Columbia in the amount of \$15,000.00 for Services Provided in Coordination with the Office of Business Opportunities.

A motion made by Dr. Gergel to re-schedule the consideration of **Items 17., 18. and 19.** for September 9, 2009 or the next date that there is a full Council present, was not seconded.

There was a consensus of Council to re-schedule the consideration of **Items 17., 18. and 19.** for September 9, 2009 or the next date that there is a full Council present.

17. Council is asked to approve a Professional Services Contract for Lobbying Services, as requested by the Office of Governmental Affairs. Award to McLeod Butler Communications, LLC in the monthly amount of \$1,491.00 for a total annual amount of \$17,892.00. This firm is located in Columbia, SC. *Funding Source: 1011103-638300 - Consideration of this item was deferred to September 9, 2009.*
18. Council is asked to approve a Professional Services Contract for Lobbying Services, as requested by the Office of Governmental Affairs. Award to The Grant Group, Inc. in the monthly amount of \$1,491.00 for a total annual amount of \$17,892.00. This firm is located in Columbia, SC. *Funding Source: 1011103-638300 - Consideration of this item was deferred to September 9, 2009.*
19. Council is asked to approve a Professional Services Contract for Lobbying Services, as requested by the Office of Governmental Affairs. Award to the State Capitol Group, LLC in the monthly amount of \$2,982.00 for a total annual amount of \$35,784.00. This firm is located in Columbia, SC. *Funding Source: 1011103-638300 - Consideration of this item was deferred to September 9, 2009.*

Upon motion by Mr. Cromartie, seconded by Mr. Davis, Council voted unanimously to approve **Items 20.** through **27.** with a single motion.

20. Council is asked to approve Project #SS7106; Reimbursement of Two-Thirds of the Cost for a Portable Generator required for Upgrades at the Existing Andrews Yard Pump Station, as requested by Utilities and Engineering. Award to Dovetail Companies in the amount of \$27,155.55. This vendor is located in Athens, GA. *Funding Source: Sewer Improvement Fund SS7010601 851600 - Approved*
21. Council is asked to approve an Agreement for Professional Financial Consulting Services for a one (1) year Service Extension period. Award to JB & Associates in the amount of \$30,000. *Funding Source: 1011101 - Approved*

22. Council is asked to approve Project #SD805906; Agreement for Consulting Services to Provide Bid and Construction Phase Services, including Special Monitoring, for Construction of Improvements to the Delverton Ditch from Fairfield Road to its End, as requested by Utilities and Engineering. Award to Environmental Permitting Consultants (EPC) in the amount of \$79,060.00. This vendor is located in Greenville, SC. *Funding Source: 5549999-SD805906-636600 - Approved*
23. Council is asked to approve the Scope of Work to provide services to clients in accordance with the Master Consulting Services Agreement dated December 18, 2008, as requested by the Employee Insurance Committee. Award to Towers Perrin in the amount of \$85,000. This vendor is located in Charlotte, NC. *Funding Source: 6048933*  
**Note:** *The fixed fee is payable in installments with 30% of the fee due upon executions of Scope of Work; 40% of fee due October 1, 2009 and the remaining 20% of the fee is due upon completion of services. The fixed fee has three phases and it's broken down as follows: \$5,000 for the Planning / Educational Session; \$40,000 for the medical RFP; and \$40,000 for the prescription drug RFP - Approved*
24. Council is asked to approve Project #CM1022; Lincoln Street Canopy Renovation, as requested by Utilities and Engineering. Award to I & E Specialties, Inc., the lowest bidder in the amount of \$120,396.00. This vendor is located in Lexington SC. *Funding Source: CP09001- Approved*
25. Council is asked to approve Project #SS6884 and #SD8141 Change Order #1; Agreement for Design and Construction of Sanitary Sewer and Storm Drain Improvements in the Read Street Area, as requested by Utilities and Engineering. Award to Wilbur Smith Associates (WSA) in the amount of \$262,001.00. This vendor is located in Columbia, SC. *Funding Source: Capital Improvements Program Budget 5529999-SS688401-636600 and 5549999-SD814101-636600 - Approved*
26. Council is asked to approve Project #SS7104; Emergency Repairs for 60" Sewer Crossing at Rocky Branch, as requested by Utilities and Engineering. Award to the lowest bidders in the amount of \$330,000.00. *Funding Source: Sewer Improvements Fund SS710401 851600 - Approved*

Chao & Associates	Engineering and Construction Inspection	\$35,000.00
Terratech Inc.	Construction of Piles	\$45,000.00
McClam and Associates	Repairs and Construction	\$250,000.00
	Total Emergency Repair	\$330,000.00

27. Council is asked to approve Project #SS7101 & SS7102; Agreement for services relating to Grinder Additions and Hoist Systems for the North Columbia, Broad River, and Mill Creek Pump Stations and Broad River Pump Station Assessment and Rehabilitation Plan, as requested by Utilities and Engineering. Award to B P Barber and Associates, Inc., in the amount of \$760,600.00. This vendor is located in Columbia SC. *Funding Source: Sewer Improvement Fund 5529999-SS710101-636600 and 5529999-SS710201-636600 – This is Mentor Protégé Program - Approved*

## **ORDINANCES – SECOND READING**

Upon motion by Mr. Cromartie, seconded by Mr. Finlay, Council voted unanimously to give second reading approval to **Items 28.** and **29.** with a single motion.

28. Ordinance No.: 2009-067 – Granting an encroachment to the Laurens Street Homeowners Association for installation and maintenance of a brick wall and columns with iron fencing within the right of way area adjacent to 1020 Laurens Street, 1022 Laurens Street, 1024 Laurens Street, 1026 Laurens Street, 1028 Laurens Street and 1030 Laurens Street, known as Richland County TMS #11405-11-30, 11405-11-31, 11405-11-32, 11405-11-33, 11405-11-34 and 11405-11-35 – *First reading approval was given on August 19, 2009. – Approved on second reading.*
29. Ordinance No.: 2009-095 – Granting a Temporary Easement to the South Carolina Department of Transportation for the Broad River Road Bridge Replacement Project along a Portion of City Property identified as Richland County TMS #07316-02-14, TMS #07316-02-01A, TMS #07314-02-05, & TMS #09102-01-02 (Portion); Project #BR40(004); SCDOT File #40.249B.1; CF #315-11 – *First reading approval was given on August 19, 2009. – Approved on second reading.*

## **ORDINANCES – FIRST READING**

30. Ordinance No.: 2009-084 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 11, Licenses, Permits and Miscellaneous Business Regulations, Article VII, Peddlers and Solicitors, Division 3, Sidewalk Vending, Sec. 11-254, Franchise and license required; franchise fee; transfer of franchise (b) – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that **Item 30.** is an attempt to save more money by shortening the sidewalk vending process. Currently, the process requires a 30-day posting in the newspaper. We estimate saving \$300 to \$500 a year by no longer noticing these matters in a newspaper of general circulation.

Upon motion by Mr. Finlay, seconded by Dr. Gergel, Council voted unanimously to give first reading approval to Ordinance No.: 2009-084 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 11, Licenses, Permits and Miscellaneous Business Regulations, Article VII, Peddlers and Solicitors, Division 3, Sidewalk Vending, Sec. 11-254, Franchise and license required; franchise fee; transfer of franchise (b).

31. Ordinance No.: 2009-085 – Granting an encroachment to Frank Paul Investments, LLC for installation and maintenance of landscaping and an irrigation system within the right of way area of the 1800 block of Barnwell Street and 1700 block of Richland Street adjacent to its property at 1825 Barnwell Street - *Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval – Approved on first reading.*

Upon motion by Mr. Rickenmann, seconded by Mr. Finlay, Council voted unanimously to give first reading approval to Ordinance No.: 2009-085 – Granting an encroachment to Frank Paul Investments, LLC for installation and maintenance of landscaping and an irrigation system within the right of way area of the 1800 block of Barnwell Street and 1700 block of Richland Street adjacent to its property at 1825 Barnwell Street.

- A. Ordinance No.: 2009-090 – Annexing 4011 West Beltline Boulevard Richland County TMS #11610-05-26 (*Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval*) – *Approved on first reading.*

- B. Ordinance No.: 2009-091 – Annexing N/S 5521 Fairfield Road Richland County TMS # 11703-01-16 (*Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval*) – *Approved on first reading.*
- C. Ordinance No.: 2009-092 – Annexing E/S Cushman Road Richland County TMS #14104-04-25 (*Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval*) – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that **Items A.** through **C.** are all City property; **Item A.** is the new location for the Water & Sewer Maintenance Divisions and **Items B.** and **C.** are water towers.

Upon motion by Mr. Rickenmann, seconded by Mr. Finlay, Council voted unanimously to give first reading approval to **Items A.** through **C.** with a single motion.

### **RESOLUTIONS**

Upon motion by Mr. Rickenmann, seconded by Mr. Finlay, Council voted unanimously to approve **Items D.** through **F.** with a single motion.

- D. Resolution No.: R-2009-064 – Authorizing consumption of beer and wine and Halloween in Five Point's fund-raiser and concert - *Approved*
- E. Resolution No.: R-2009-065 – Authorizing consumption of beer and wine and Collective Soul's Outdoor Concert on Gadsden Street adjacent to Jillian's and Wet Willie's - *Approved*
- F. Resolution No.: R-2009-068 – Authorizing execution of the Written Decision by Columbia City Council Concerning the Business License Appeal of Angelica Corporation - *Approved*
- G. Resolution No.: R-2009-069 – Amending Resolution R-2007-019 authorizing condemnation to obtain 15' water main easement and fee simple acquisition of 7.18 acres from Richland County TMS #11000-01-02, N/F Columbia Ventures, LLC for CIP Projects #WM3631, #SS6395 and #SS6722 (02); CF #250-212 & CF #251-71 – *Approved - Mr. Finlay abstained from voting due to a potential conflict of interest.*

Councilor Finlay told the City Attorney that he is in the process of acquiring some land from which is now or formerly known as Columbia Ventures. I don't know if this land abuts, but I think it comes close to Heathwood Hall where I serve on the board. Is there a conflict for me to vote on this? I have no economic interest in this; nor do I intend to acquire one.

Mr. Ken E. Gaines, City Attorney told Mr. Finlay that he doesn't appear to have an economic interest in this particular parcel of property; you aren't buying these parcels. If you think you have a conflict and if you feel uncomfortable voting, then I would ask that you err on the side of recusing yourself.

Upon a motion by Mr. Rickenmann, seconded by Mr. Davis, Council voted unanimously to approve Resolution No.: R-2009-069 – Amending Resolution R-2007-019 authorizing condemnation to obtain 15' water main easement and fee simple acquisition of 7.18 acres from Richland County TMS #11000-01-02, N/F Columbia Ventures, LLC for CIP Projects #WM3631, #SS6395 and #SS6722 (02); CF #250-212 & CF #251-71. Mr. Finlay abstained from voting due to a potential conflict of interest.

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

Mr. Keith Seymour, Carolina Panorama appeared before the members of Council to express concerns related to the transit situation. I am a bus rider and I think that the problem is that there are good organizations working in the City, but they are not working together. Other cities have a dedicated sales tax to fund their transit system. The money for the bus system comes from the gas tax. We have the fastest growing unemployment rate in the country. I am all for annexation, but you are annexing property that is not on the bus route. There are four (4) buses going up Devine Street, but some of those buses could go to Lexington County. I would like to see County Council, City Council and the Council of Governments work together on this.

Mr. Temple Ligon, The Columbia Star appeared before the members of Council to recognize New York City's 400<sup>th</sup> birthday. On September 2, 1609, Henry Hudson sailed into the New York Harbor.

## **EXECUTIVE SESSION**

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to go into Executive Session at 12:27 p.m. for the discussion of **Items H.** and **I.** as presented.

- H. Discussion of negotiations incident to the proposed sale of property - *This item was discussed in Executive Session. No action was taken.*
- I. **\*\*Discussion of negotiations incident to proposed contractual arrangements**
  - Compost Waste - *This item was discussed in Executive Session. No action was taken.*
  - **Councilor Finlay left the meeting at 1:43 p.m.**
  - **Mayor Coble left the meeting at 1:50 p.m.**
  - **Council adjourned the meeting at 1:53 p.m.**

Respectfully submitted by:

Erika D. Salley  
City Clerk