



CITY OF COLUMBIA  
CITY COUNCIL MEETING &  
ZONING PUBLIC HEARING MINUTES  
WEDNESDAY, SEPTEMBER 16, 2009  
9:00 A.M.  
COUNCIL CHAMBERS – 3<sup>RD</sup> FLOOR  
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting and a Zoning Public Hearing on Wednesday, September 16, 2009 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 9:17 a.m. and the following members of Council were present: The Honorable E. W. Cromartie, II, The Honorable Tameika Isaac Devine, The Honorable Sam Davis, The Honorable Daniel J. Rickenmann and The Honorable Kirkman Finlay III. The Honorable Belinda F. Gergel arrived at 9:20 a.m. Also present were Mr. Steve Gantt, Interim City Manager and Ms. Erika D. Salley, City Clerk.

### **INVOCATION**

Rev. Michael Bingham, Chaplain for the Columbia Fire Department offered the Invocation.

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

No one appeared at this time.

### **APPROVAL OF MINUTES**

1. Minutes of February 25, 2009 - *Approved as presented.*

Upon a motion made by Mr. Cromartie and seconded by Mr. Finlay, Council voted unanimously to approve the Minutes of February 25, 2009 as presented.

### **PRESENTATIONS**

2. Business Improvement District Update – Mr. Matt Kennell, Executive Director of the City Center Partnership

Mr. Matt Kennell, Executive Director of the City Center Partnership reported that the City Center Partnership operates a Business Improvement District (BID), wherein special taxes are imposed on downtown property owners. That money is reinvested for specific services to include security, ambassador work, cleaning, hospitality services and marketing and recruitment for the downtown area. The area is bordered by Assembly Street, Marion Street, Gervais Street and Elmwood Avenue. He stated that the property values within the BID have increased at a higher rate than Greenville, SC over the last five years. Another significant achievement of the BID is the ratio of public versus private investment. We've had strong investment by the City of Columbia in the BID in the last seven years and the \$16 million investment has leveraged \$247 million of taxable private investment, which provides new money for the community. He reported that phases one and two of the streetscape project are now complete and the project has helped us to attract and retain new businesses to the area. The new Main and Gervais Tower is a \$56 million investment with three major companies moving into that building; the First Citizens Center is a dramatic improvement to our City; and the Meridian Building was the bellwether for change in the area. We were involved with helping to recruit Holder Properties to Columbia and since they've been in Columbia; they've completed other projects; and now contribute \$4 million annually to Richland County and the City of Columbia in new tax revenue. He said that Class A

occupancy in the area has increased over the last five years, but we do have a struggle with SCANA leaving. We will be bringing in site location contractors from around the country in hopes of filling that building quickly. The downtown residential market is doing very well. About 250 residents now live on Main Street. Mr. Tom Pioreschi and the Capitol Places developments were certainly the bellwethers in bringing new energy and new people to shop and eat downtown. Our cultural anchors are not to be overlooked; we have the Richland County Public Library, the Columbia Museum of Art with the Keenan Fountain, the Renaissance Foundation Cultural Arts Center is progressing nicely; and the Nickelodeon Theatre will be open next spring. He said that the retail study led to them hiring Ms. Amy Stone, as the Retail Recruiter. She has already recruited new shops and restaurants and a buyer for the Louries' Building. He further reported that downtown activities have increased making downtown Columbia the place to be. We work hard on marketing downtown and our City. We are using the Famously Hot brand as much as we can and it is working well for us. Everybody knows us for our Hospitality Team that works out on the streets, day and night to provide services from watering plants; maintaining over 160 planters and baskets; cleaning the streets; shuttling people around; making the visitor experience a very solid one; and helping to make downtown safe and secure. We purchased a T3 for the Columbia Police Department; we work with the Historic Columbia Foundation to market downtown as a walking destination; we are working this year to ensure that the BID is financially strong; to address the homeless problem with the City and the private business community; to improve retail and office recruitment; to reduce our expenditures; and to better market events; and to focus on the 1500 and 1600 blocks of Main Street to increase the vitality of downtown. Our total budget is slightly over \$1 million. We receive funds from the City of Columbia as a contribution through the Hospitality Tax; sponsorships; Federal General Services Administration; grants; donations; assessments within the BID; and Richland County. Our vision for this year is to improve the appearance of the building facades. We have some ideas on how to improve the pedestrian links between the Vista and downtown areas. Our vision for downtown is to be a place to have fun and celebrate South Carolina's Main Street.

3. Novel H1N1 Precautionary Procedures for Employees – Mr. Harold Reaves, Director of Homeland Security

Mr. Harold Reaves, Director of Homeland Security reported that the departments within the City of Columbia have done well in implementing the H1N1 precautionary measures. In an effort to reduce transmission, he encouraged everyone to wash their hands frequently; to limit handshakes; and to cover their coughs with their sleeve. In dealing with the H1N1 virus, we have to encourage our employees to stay at home if they are exposed to the virus. We have a City of Columbia Pandemic Influenza Plan in place to address our response; we have addressed the continuity of government; we continue to schedule informational meetings for employees and citizens; we have ordered surgical masks, a cleaning solution and gloves; and the Employee Health Clinic will make the seasonal flu shot available to City staff. We will be meeting with surrounding agencies on a regular basis to share information. We are working with DHEC and local hospitals to monitor the virus.

Mr. Roger Hovis, Director of Public Health Preparedness for Region 3 / Department of Health and Environmental Control reported that Region 3 consists of nearly one million citizens and it is a daunting task for us. We have preliminary plans in place and we are ready to go once the vaccine is made available to us, which we hope to have by mid October.

4. Request to Purchase Property – Mr. Robert Lewis, Esquire

Mr. Robert Lewis, Esquire / Vista Bank Representative stated that they are a new start-up bank that has been in business for 18 months. We have locations in Columbia, Aiken and Conway. We purchased the property on the corner of Huger Street and Senate Street and there is a 50'

right-of-way that lies within the Senate Street roadway, which is property that the City of Columbia owns. I understand from the Zoning Department that they would be amenable to selling that property. The Vista Bank would like to buy that property in order to maximize the building size, parking and the drive-thru area on Huger Street. The proposal is to pay \$100,000 at the present time for the 50' right-of-way. The City has obtained an appraisal for approximately \$200,000; therefore, we will give the City shared parking on the Vista Bank parking lot site, which would be seven (7) parking spaces that could be metered for public parking; there will be thirteen (13) parking spaces along Senate Street; for a total of (20) public parking spaces on the site. The Columbia Development Corporation has long-range plans to build the artist community to the southwest corner of our property and they expressed an interest in us deeding a stream to them that's at the back of the property; we are willing to do that, also. The other condition we would like is to have a five (5) year option to pay to the City an additional \$100,000 if we wish to sell off the rear of our property in exchange for canceling the shared parking arrangement. The long range plan for Innovista calls for Henderson Street to be extended to the rear of this property and go around the Waterfront Park. If that is done, we would want to sell a back portion of the property.

Councilor Devine asked if we have a need for additional parking in that area.

Mr. Steven A. Gantt, Interim City Manager said yes; it would be helpful to have additional parking.

Councilor Finlay said that we as a City should not be selling property for less than the appraised value. If we feel uncomfortable with an appraisal, then we should get another one to check the number or we need to come up with a way to make up the difference. This does a good job of bringing additional value to the City; it allows us to utilize an underutilized right-of-way; and it brings additional banking and business into the City. In full disclosure, I deal with Vista Bank, but I do not own any shares; nor do I sit on their board; and in no way do I have any capacity.

Mr. Ken E. Gaines, City Attorney advised the Council that Mr. Finlay doesn't have an economic interest in the outcome of this request.

Mr. Marc Mylott, Director of Planning and Development Services said that this came up when Mr. Lewis approached them about this development and the first thing we did was review the Innovista Susaki Plan and recognized that the right-of-way is much wider than envisioned in this plan. The proposal by Mr. Lewis to narrow this is wholly consistent with what was envisioned and adopted by City Council.

Upon a motion made by Mr. Cromartie and seconded by Dr. Gergel, Council voted unanimously to authorize the City Manager to execute a contract of sale between the City of Columbia and Vista Bank for 50' of right-of-way at the corner of Senate Street and Huger Street in the amount of \$100,000. Once the Vista Bank is constructed the City of Columbia will have access to twenty (20) public parking spaces.

5. Safety & Security Committee Update – Mr. Henry Hopkins, Chairman of the Safety & Security Advisory Committee - *This matter was deferred.*

- **Council recessed at 10:14 a.m.**
- **Council reconvened at 10:24 a.m.**

## **PUBLIC HEARING**

6. Ordinance No.: 2009-103 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 15, Parks and Recreation, Sec. 15-5 User fees (h) Athletics (3) Tennis and to add (j) Drew Wellness Center – *Approved on first reading.*
- **Council opened the Public Hearing at 10:24 a.m.**

No one appeared in support of or in opposition to **Item 6.**

- **Council closed the Public Hearing at 10:24 a.m.**

Upon a motion made by Mr. Cromartie and seconded by Mr. Finlay, Council voted unanimously to give first reading approval to Ordinance No.: 2009-103 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 15, Parks and Recreation, Sec. 15-5 User fees (h) Athletics (3) Tennis and to add (j) Drew Wellness Center.

- 6a. \*\*Fiscal Year 2008/2009 Community Development Annual Performance and Evaluation Report (CAPER) – Mr. Tony Lawton, Director of Community Development and Ms. Dollie Bristow, Community Investment Manager

Ms. Dollie Bristow, Community Investment Manager reported that the 2008/2009 Consolidated Annual Performance and Evaluation Report are now in process; we are completing the report that will be submitted to HUD on September 30, 2009. The public comment period was opened on September 7, 2009 and we invite all citizens to provide comments on those funds that have been utilized through our entitlement programs, which are CDBG, HOME and HOPWA. The comment period will close on September 28, 2009. Comments can be submitted to Mr. Eric Cassell at 1136 Washington Street; via fax at 988.8014; or via telephone at 545.3373.

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

No one appeared in support of or in opposition to **Item 6a.**

- **Council closed the Public Hearing at 10:27 a.m.**

Upon a motion made by Mr. Cromartie and seconded by Ms. Devine, Council voted unanimously to endorse the fiscal year 2008/2009 Community Development Annual Performance and Evaluation Report.

## **ZONING PUBLIC HEARING**

### **DP (DESIGN PRESERVATION) DESIGNATION MAP AND TEXT AMENDMENT – FIRST READING**

7. **MAP AMENDMENT: 2150 Harden Street (Department of Mental Health Bull Street Campus) Map**, TMS# 11501-01-01(portion); rezone portion to add DP (Design Preservation) to add the following area as an architectural conservation district: from the northeast corner of the intersection of Bull and Calhoun Street north to Williams Drive; east on Williams, north on Chapel Drive east along Williams Circle past and including the Ensor Building and south down Thompson Street to the Babcock Building and curving east along the perimeter road to include the Mattress Factory building and then immediately south to Mills Drive; west along Mills Drive and then south on Barnwell Street to Calhoun Street returning to the starting point intersection.

8. **TEXT AMENDMENT: Amend §17-681 (b)** to add Bull Street Mental Health Campus as an Architectural Conservation District.

Ordinance No.: 2009-100 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article 5, Historic Preservation and Architectural Review, Division 3, Landmarks and Design Protection Districts, Sec. 17-681 Districts identified (b) Architectural conservation district to add (7) 2150 Harden Street, Richland County TMS #11501-01-01 (portion)

Ms. Amy Moore, Preservation Planner / Planning and Development Services explained that the Bull Street Campus represents almost 200 years of mental health care for the people of South Carolina. The State of South Carolina opened the Bull Street Campus in 1828 with the construction of the Mills Building. Over the years, other buildings were added to handle a growing population and a greater demand for services. Housing, dining rooms, work buildings for the patients and staff, laboratories, a church and staff housing were combined to create a small city within a city. All of this functioned to enhance the care and healing of patients on campus. This is one of the longest running programs of mental health care in the country. The statewide and public investment in this property over a course of 180 years has been enormous. The proposal before you concentrates on a quarter of the campus. With a few exceptions, all of the buildings included here were also included in the Duany Plan for reuse and rehabilitation. Additionally, the City's own historic resource planning document (Bryan Study), noted almost every one of these structures as important ones. Site features which define the campus were also included. The intent of using a district is to allow for greater flexibility for changes on structures than land marking the buildings would allow. Additionally, with this district in place, these buildings would now qualify for the Bailey Bill, which is a tax abatement measure that has proven to be a positive factor in the viability of local projects. A local district also enhances the likelihood of tax credits being available to facilitate development. It is my belief that this district should help with the implementation of the Duany Plan.

- **Council opened the Zoning Public Hearing at 10:28 a.m.**

Mr. Mark Binkley, Representative for the SC Department of Mental Health stated that four (4) acres and the Mills Building are not owned by the Department of Mental Health; therefore, it is not a part of the property that's being sold. He stated that the State Budget and Control Board would claim they own it. The proposed architectural conservation district is not necessary; it constitutes a burdensome layer of regulation, which may discourage prospective developers; all of the buildings are currently taken; the department does not have the resources to devote toward preservation; we are willing to go on record with a pledge to not demolish those buildings. He said that preservation efforts should take place with the developer and the City of Columbia. We have been advised that any offer will be contingent upon a developer first getting approval from the City of Columbia to develop the property under a favorable plan.

Mr. Michael Bedenbaugh, Palmetto Trust for Historic Preservation said that the historic overlay will enhance the property value and attract developers.

Mr. Brad Elmer, The Alexander Company said that he works for a management redevelopment firm that specializes in adaptive reuse. We support your approval of the overlay; it will add value to this property. It helps to have guidelines going into a development; as a developer we would anticipate guidelines like this. The review process is minimal compared to other cities. You need basic parameters as you go through this process.

Mr. Gene Green Broker-in-Charge / NAI Avant said that he is the consultant and marketing agent for SCDMH. He urged the Council to vote no on the overlay proposal. We have been

seeking one master developer; the infrastructure is in terrible disrepair and needs to be replaced; and we have marketed the property with the Duany concept.

Mr. Grant Jackson, Greater Columbia Chamber of Commerce said that we are not talking about tearing down buildings; we are talking about mechanisms used to preserve the buildings and to get the best benefit from the development for all of the citizens of this region. The difficulty that we see is that the overlay district doesn't match the Duany model; and the overlay is incompatible with the density of the property. He proposed that an architect's guild should work with the DDRC.

Ms. Rebecca Best, Central Carolina Realtors Association / Homebuilders Association stated that the DDRC is a quasi-judicial body. This could be achieved better with a development agreement and a PUD rezoning. She added that the guidelines could significantly impact new construction.

Mr. Bill Lindsay, Executive Director of the National Alliance of Mental Illness (NAMI SC) stated that they are the largest grassroots advocacy group for those with mental illnesses and their families and we support the sale of the property without an overlay.

Mr. Harry Miley explained that he was asked by Central Carolina to estimate the economic impact of the campus with \$400 million in capital investments; 2,600 construction jobs; 1,100 permanent jobs; and \$9.5 million annually in property taxes. These figures were during the peak of the real estate market and we estimated that the impact of the potential overlay would generate \$100 million. The overlay could have a negative impact on job creation, capital investment and tax revenues.

Mr. Ted Speth, Former Chair of the Greater Columbia Chamber of Commerce urged the Council to adopt the Duany Plan as the only underpinning for this development, but not the historic overlay. Council doesn't need to aggregate its responsibility and involvement in this type of project.

Mr. Gary Morris, Haynesworth, Sinkler and Boyd, P.A. stated that there are two (2) ways to receive federal or state historic tax credits: one is the overlay and the other is to list the buildings on the national register.

Dr. Caroline Whitson, President of Columbia College said that it would be tragic to replace those buildings with generic houses and offices; this is crucial. The Bull Street property is an important factor in the growth of North Columbia and I am calling on City Council to have the Wisdom of Solomon.

Mr. Ben Brantley, President of the Central Carolina Realtors Association agreed that this is a very complex issue with a significant impact. Your practical approach is much appreciated, but it may be premature.

Mr. Roger Stroup stated that he is retired from the Department of Archives and History and clarified that anyone can nominate a property for the national register and then the private owner has to agree to have it go forward. Anyone can nominate state owned property, but the State can submit an objection.

Ms. Anjuli Grantham said that as a new resident she is in complete support of the overlay.

Mr. Cal Watson, President of the Historic Columbia Foundation said that the Historic Columbia Foundation is fully committed to the architectural overlay.

Mr. Frank Houston, Member of the Richland County Conservation Committee referenced several articles related to Mr. Page Ellington, who was an African-American brick mason and architect. Mr. Ellington played a large part in the design of many buildings on the grounds and I feel that this gives weight to the preservation of the buildings on the Mental Health Campus.

Rev. Thomas Summers, Retired United Methodist Minister said that he was a fulltime Hospital Chaplain and Director of Clinical Pastoral Education with the SC Department of Mental Health. I hope that this Council finds the middle ground that needs to be sought. I would implore you to work hard so that neither the history nor the patients who sought treatment in this fine state will suffer.

Ms. Elizabeth Marks, President of the Robert Mills Historic District said that the Robert Mills Historic District voted unanimously to support the historic overlay.

Ms. Janet Brownstein said that as a commercial property owner on Elmwood Avenue and Bull Street, I am against the overlay; we don't need anymore restrictions on the property.

Ms. Susan Creed urged the Council to go with their hearts and to do the most preservation that they possibly can.

Mr. Antonio Williams said that we are overlooking the people; we need to focus on the people; and then we can preserve these buildings.

Upon a motion made by Dr. Gergel and seconded by Mr. Cromartie, Council voted unanimously to continue discussions with all interested parties for 45-days; to continue to endorse the Duany Plan in principle; and to reconvene the Public Hearing on October 28, 2009 at 9:00 a.m.

#### ZONING CONFIRMATIONS – FIRST READING

No one appeared in support of or in opposition to **Items 9.** through **12.**

Upon a motion made by Mr. Cromartie and seconded by Mr. Finlay, Council voted unanimously to give first reading approval to the **Zoning Confirmation Items 9.** through **12.** as presented. Dr. Gergel was not present for the vote.

9. **5212 Farrow Road a/k/a 5206 Busby Street, 1738 Busby Street, 1736 Busby Street, 1734 Busby Street, 1730 Busby Street, 1722 Busby Street, 1722A Busby Street, 1714 Busby Street, 1706 Busby Street, 1705 Busby Street, 1709 Busby Street, 1713 Busby Street, 1721 Busby Street, 1725 Busby Street, 1731 Busby Street, 1733 Busby Street, 1735 Busby Street, and 1745 Busby Street;** Richland County TMS# 11607-08-06, 11611-06-13, 11611-06-12, 11611-06-11, 11611-06-10, 11611-06-08, 11611-06-06, 11611-06-05, 11611-06-03, 11611-06-02, 11611-06-01, 11607-08-13, 11607-08-14, 11607-08-12, 11607-08-11, and 11607-08-10; confirm RG-2 zoning for property annexed 03/25/2009. – *Approved on first reading.*
10. **7756 Garners Ferry Road and 745 Hazelwood Road,** Richland County TMS# 19102-02-05 and 19102-02-04; confirm C-3 zoning for property annexed 05/20/2009. – *Approved on first reading.*
11. **101 Pontiac Business Center Drive,** Richland County TMS# 25715-02-04; confirm M-1 zoning for property annexed 06/17/2009. – *Approved on first reading.*

12. **5809 Indian Mound Road**, Richland County TMS# 13715-01-05; confirm RS-1 zoning for property annexed 02/18/2009. – *Approved on first reading.*

TEXT AMENDMENTS – FIRST READING

13. **Amend §17-258** to modify district permissions related to electrical substations and utility services.  
Ordinance No.: 2009-099 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article III, Division 8, Sec. 17-258 Table of permitted uses, SIC 49 Electrical, gas and sanitary services – *Approved on first reading.*

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

Upon a motion made by Mr. Cromartie and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2009-099 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article III, Division 8, Sec. 17-258 Table of permitted uses, SIC 49 Electrical, gas and sanitary services. Dr. Gergel was not present for the vote.

14. **Amend §17-406 Permitted Signs** to add provisions for the replacement of sign display area in existing sign structures in design review districts.  
Ordinance No.: 2009-098 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article III, Division 12, Signs, Sec. 17-406 Permitted signs - *First reading consideration of this item was deferred to October 7, 2009.*

Upon a motion made by Mr. Finlay and seconded by Mr. Cromartie, Council voted unanimously to defer first reading approval of Ordinance No.: 2009-098 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article III, Division 12, Signs, Sec. 17-406 Permitted signs to October 7, 2009.

15. **Amend §17-401 and §17-404** to clarify provisions concerning off-premise signs.  
Ordinance No.: 2009-097 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 12, Sec. 17-401 Definitions and Sec. 17-404 Prohibited signs – *Approved on first reading.*

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

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2009-097 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 12, Sec. 17-401 Definitions and Sec. 17-404 Prohibited signs.

16. **Amend §17-206** to modify the process for the designation of zoning district classification for annexed land.  
Ordinance No.: 2009-096 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article

III, Division 7, General Regulations, Sec 17-206 Designation of district classification for annexed land – *Approved on first reading.*

No one appeared in support of or in opposition to **Item 16.**

Upon a motion made by Mr. Rickenmann and seconded by Mr. Finlay, Council voted unanimously to give first reading approval to Ordinance No.: 2009-096 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Division 7, General Regulations, Sec 17-206 Designation of district classification for annexed land.

- **Council adjourned the Zoning Public Hearing at 1:47 p.m.**

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

17. Council is asked to approve Project #SS7099 (5); Miscellaneous Repairs to Four (4) Cog Rake Screens and Four (4) Grit Collection Basins at the Metro Wastewater Treatment Plant, as requested by the Utilities and Engineering Department. Award to Premier Water, LLC in the amount of \$15,229.00. This vendor is located in Charlotte, NC. *Funding Source: Sewer Improvement Fund 5529999-SS709905-851200 - Approved*

Upon a motion made by Mr. Cromartie and seconded by Ms. Devine, Council voted unanimously to approve Project #SS7099 (5); Miscellaneous Repairs to Four (4) Cog Rake Screens and Four (4) Grit Collection Basins at the Metro Wastewater Treatment Plant, as requested by the Utilities and Engineering Department. Award to Premier Water, LLC in the amount of \$15,229.00.

- **Council recessed at 1:49 p.m.**
  - **Council reconvened at 2:13 p.m. in the second floor conference room.**
18. 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 - Denied*
  19. 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 - Denied*
  20. 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 - Denied*

Councilor Gergel suggested that the City consolidate all lobbying efforts under Ms. Florence and as needed she can make requests for additional resources to the City Manager.

Mr. Steven A. Gantt, Interim City Manager asked Dr. Gergel if her intent is to reject the contracts for **Items 18., 19. and 20.**

Councilor Gergel said yes.

Councilor Devine reiterated that the lobbyists are necessary and essential for most services. In light of economic times, I cannot in good conscience vote to approve these contracts.

Councilor Cromartie stated that things have unintended consequences. Ms. Florence handles the stimulus funds and she's our governmental liaison in Washington, DC.

Mayor Coble said that he will vote against the motion, because history shows that we need a diverse group of lobbyists.

Upon a motion made by Dr. Gergel and seconded by Ms. Devine, Council voted five (5) to (2) to deny the approval of **Items 18.** through **20.** with a single motion. Voting aye were Mr. Davis, Ms. Devine, Mr. Rickenmann, Mr. Finlay and Dr. Gergel. Voting nay were Mr. Cromartie and Mayor Coble.

21. Council is asked to approve Project #WM4196; Professional Services in Connection with the City of Columbia Minority Business Enterprise (MBE) Program, as requested by the Utilities and Engineering Department. Award to Tydings & Rosenberg, LLP in the amount of \$20,061.67. This vendor is located in Baltimore, MD. *Funding Source: Water Improvement Fund 5529999-WM419601-636600 - Approved*

Upon a motion made by Mr. Cromartie and seconded by Ms. Devine, Council voted unanimously to approve Project #WM4196; Professional Services in Connection with the City of Columbia MBE Program, as requested by the Utilities and Engineering Department. Award to Tydings & Rosenberg, LLP in the amount of \$20,061.67.

22. Council is asked to approve the Final Course of Road Paving on the Martha's Glen Road Project, as requested by the Utilities and Engineering Department. Award to Rea Contracting, the lowest bidder in the amount of \$43,412.00. This vendor is located in West, Columbia SC. *Funding Source: 4039999-CP104901-658670 - Approved*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Finlay, Council voted unanimously to approve the Final Course of Road Paving on the Martha's Glen Road Project, as requested by the Utilities and Engineering Department. Award to Rea Contracting, the lowest bidder in the amount of \$43,412.00.

Upon a motion made by Mr. Cromartie and seconded by Mr. Davis, Council voted unanimously to approve **Items 23.** and **24.** with a single motion.

23. Council is asked to approve Project #WM4165; Agreement for Engineering & Construction Phase Services for the Winterwood Pump Station, as requested by the Utilities and Engineering Department. Award to Black & Veatch in the amount of \$195,000.00. This vendor is located in Greenville, SC. *Funding Source: Water Improvements Fund 5529999-WM4165-636600 - Approved*

24. Council is asked to approve Project #SS7081; Increase in the Project Amount for the Broad River Lift Station Repairs, as requested by the Utilities and Engineering Department. Award to McClam & Associates in the amount of \$250,000.00. This vendor is located in Little Mountain, SC. *Funding Source: Sewer Improvement Fund 5529999-SS708101-851200 - Approved*

25. Council is asked to approve Project #WM3823; Agreement for Services Relating to the Canal Waterworks High Service Pump Station Discharge and Transmission Piping Upgrade, as requested by the Utilities and Engineering Department. Award to B. P. Barber & Associates, Inc., in the amount of \$666,700.00. This vendor is located in Columbia SC. *Funding Source: Water Improvements Fund 5529999-WM3823-636600 – **Note:** There is an Engineering Service Fee of \$473,700.00 and a Construction Management / Observation Services Fee of \$193,000.00. - Approved*

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to approve Project #WM3823; Agreement for Services Relating to the Canal Waterworks High Service Pump Station Discharge and Transmission Piping Upgrade, as requested by the Utilities and Engineering Department. Award to B. P. Barber & Associates, Inc., in the amount of \$666,700.00. Mr. Cromartie was not present for the vote.

### **ORDINANCES – SECOND READING**

Upon a motion made by Mr. Rickenmann and seconded by Mr. Finlay, Council voted unanimously to give second reading approval to **Items 26.** through **A.** with a single motion.

26. 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 – *First reading approval was given on September 2, 2009. – Approved on second reading.*
27. 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) – *First reading approval was given on September 2, 2009. – Approved on second reading.*
28. 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) – First reading approval was given on September 2, 2009. – Approved on second reading.*
29. 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) – First reading approval was given on September 2, 2009. – Approved on second reading.*
30. 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) – First reading approval was given on September 2, 2009. – Approved on second reading.*
31. 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) – First reading approval was given on September 2, 2009. – Approved on second reading.*

- A. Ordinance No.: 2009-107 - Amending Ordinance No. 2009-030 to adjust millage rate  
*First reading approval was given on September 9, 2009. – Approved on second reading.*

### **ORDINANCES- FIRST READING**

- B. Ordinance No.: 2009-089 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina Chapter 15, Parks and Recreation, Sec. 15-4, Hours of operation – *Approved on first reading.*

Mr. S. Allison Baker, Interim Senior Assistant City Manager for Public Services explained that this ordinance is to confirm an earlier vote of City Council to establish temporary hours for parks. We didn't have any complaints about the operating hours for neighborhood parks, which are from sunrise to sunset. Our larger community parks are open from 6:00 a.m. until 9:00 p.m. There was never an official vote of City Council to make those the permanent operating hours; we have been doing this for the past year.

Upon a motion made by Mr. Cromartie and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2009-089 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina Chapter 15, Parks and Recreation, Sec. 15-4, Hours of operation.

Upon a motion made by Ms. Devine and seconded by Mr. Finlay, Council voted unanimously to give first reading approval to **Items C.** and **D.** with a single motion.

- C. Ordinance No.: 2009-104 – Granting an encroachment to City Center Partnership for placement and maintenance of one (1) cigarette butt receptacle in front of the Barringer Building on the eastern side of the 1300 block of Main Street; 1626 Main Street at the bump out; 1604 Main Street; 1901 Main Street on the sidewalk; 2041 Marion Street behind the news racks; 1467 Sumter Street besides the news rack; 1401-A Sumter Street next to the trash receptacles and 1515 Main Street in front of the Columbia Museum of Art (*Mr. Marc Mylott, Director of Planning and Development Services: Recommends Approval*) – *Approved on first reading.*
- D. Ordinance No.: 2009-105 – Granting an encroachment to Samer G. Touma for Installation and maintenance of a driveway, landscaping and an irrigation system within the right of way area of the 300 block of Queen Street adjacent to 2501 Duncan Street, Richland County TMS #11311-10-17 (*Mr. Marc Mylott, Director of Planning and Development Services: Recommends Approval*) – *Approved on first reading.*

### **RESOLUTIONS**

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to approve **Items E., F.** and **H.** with a single motion. **Item G.** was deferred.

- E. Resolution No.: R-2009-067 – Authorizing consumption of beer and wine at the Columbia City Ballet's Dancing Under the Stars Gala and Fundraiser - *Approved*
- F. Resolution No.: R-2009-070 - Authorizing the Interim City Manager to execute Construction Agreements between the City of Columbia and Prominent Homes, Inc. for rehabilitation of 1501 Manning Avenue, Richland County TMS #11411-06-09; 1525 Manning Avenue, Richland County TMS #11411-06-02 and 1527 Manning Avenue, Richland County TMS #11412-06-06 - *Approved*

- G. Resolution No.: R-2009-071 – Providing for Notice of a Public Hearing regarding the Columbia Renaissance Redevelopment Plan; Providing for Notice to All Taxing Districts included in the Redevelopment District; and other matters relating thereto - *Consideration of this item was deferred to September 23, 2009.*
- H. Resolution No.: R-2009-072 – Authorizing consumption of beer and wine within Boyd Plaza adjacent to the Columbia Museum of Art for Sita Sings the Blues Film Screening - *Approved*

### **CITY COUNCIL DISCUSSION / ACTION**

Mr. S. Allison Baker, Interim Senior Assistant City Manager for Public Services said that **Items I.** and **J.** are attempts to bring our communications closer to our citizens and to make communicating with us much easier.

- I. GovQA Citizens Response System – Mr. Michael A. King, Assistant City Manager for Public Safety

Ms. Kim Gathers, Deputy Director for CRC 911 Telecommunications reported that the GovQA Citizens Response System is a web based system that will allow us to better communicate with citizens and we will also empower our citizens through a 24-hour self-service component. Also, it is more cost effective than the current system. The firm is based in Illinois and they are currently providing services to several cities across the nation. The service is user friendly; it's adaptable to our existing webpage; and it generates detailed reports.

- **Mr. Finlay left the meeting at 2:47 p.m.**

Upon a motion made by Mr. Cromartie and seconded by Mr. Davis, Council voted unanimously to authorize the City Manager to proceed with contract negotiations for the QovQA Citizens Response System.

- J. Nixle Community Notification / Information System – Mr. Michael A. King, Assistant City Manager for Public Safety

Mr. Michael A. King, Assistant City Manager for Public Safety explained that they have been searching for a product to assist in notifying the public of any type of issue to include safety concerns and community events. This system is free and it will compliment the existing communication systems.

Lt. Joseph Rowson, Columbia Police Department reported that the Nixle Community Notification and Information System provides up-to-date information to the public; it's web based; it's sponsored and owned by an outside vendor; and there are no technical requirements or assistance needed from the City of Columbia in order to maintain the site. Currently, the City's Police and Fire Departments have homepages on Nixle and we simply enter the information to be distributed to the community. It can be an alert for very serious communications; an advisory; a community link for notifications; or traffic alerts. These messages can be sent via e-mail, text or Twitter.

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to authorize the use of the Nixle Community Notification / Information System. Mr. Cromartie was not present for the vote.

K. Selection of a Firm to Conduct an Efficiency Study

Councilor Devine said that Mr. Baker has identified \$225,000 that can be used to pay for the efficiency/operational audit. This amount is derived from eliminated positions and funding for additions to the Drew Wellness Center.

Mr. S. Allison Baker, Interim Senior Assistant City Manager said that they did not have a detailed discussion with Mr. Gantt about the funding sources, but a portion of it is in the Parks and Recreation budget; the Economic Development Contingency Fund; and the expansion of the Wellness Center. We will also have remaining funds as a result of other eliminated positions.

Dr. Gergel said that she cannot support spending money for a study until we have adequate resources.

Mr. Steven A. Gantt, Interim City Manager stated that he identified the savings from the elimination of certain positions to cover any deficit at year end. Our General Capital Projects budget is in a deficit and our hope was to use the funds from any projects that had not started, to cover the deficit.

There was a consensus of Council to authorize Councilor Devine and Interim Senior Assistant City Manager Baker to negotiate the cost for an efficiency study and to explore alternative funding sources.

L. Ordinance No.: 2009-106 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 4, Animals, Article II, Livestock

There was a consensus of Council to schedule and advertise a Public Hearing.

M. Restructuring of the Central Midlands Regional Transit Authority Board

Upon a motion made by Mayor Coble and seconded by Dr. Gergel, Council voted unanimously to retain Mr. Tommy Windsor, Councilman E.W. Cromartie, II and Mayor Robert D. Coble as members of the Central Midlands Regional Transit Authority Board.

N. Columbia Museum of Art

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to approve the reappointment of Mr. C. Carroll Heyward for a second and final term; the reappointment of Ms. Suzan D. Boyd for a first term after completing the unexpired term of Mr. Peter Bristow; and the appointment of Ms. Katherine Davis for a first term to the Columbia Museum of Art Commission. Mayor Coble was not present for the vote.

O. Council is asked to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Glenn Temples doing business as Lexington County Taxi located at 144 Gravedigger Road, Lexington, SC. - *Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Glenn Temples doing business as Lexington County Taxi located at 144 Gravedigger Road, Lexington, SC.

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

No one appeared at this time.

**EXECUTIVE SESSION**

Upon a motion made by Mayor Coble and seconded by Mr. Cromartie, Council voted unanimously to go into Executive Session at 3:45 p.m. for the discussion of **Items P. and Q.**

P. Receipt of legal advice which relates to matter covered by the attorney-client privilege  
*This item was discussed in Executive Session. No action was taken.*

Q. Discussion of negotiations incident to proposed contractual arrangements  
▪ Jackie Breland & Associates, P.A.  
*This item was discussed in Executive Session. No action was taken.*

▪ **Council adjourned the meeting at 3:55 p.m.**

Respectfully submitted by:

Erika D. Salley  
City Clerk