



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

The Columbia City Council conducted a Regular Meeting on Wednesday, December 2, 2009 in the City Hall Council Chambers located at 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 9:03 a.m. The following members of City Council were present: The Honorable E.W. Cromartie, II, The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann and The Honorable Kirkman Finlay III. The Honorable Belinda F. Gergel arrived at 9:06 a.m. Also present were Mr. Steven A. Gantt, Interim City Manager and Ms. Erika D. Salley, City Clerk.

INVOCATION

The Honorable Tameika Isaac Devine offered the Invocation.

APPEARANCE OF PUBLIC HAVING BUSINESS RELATED TO THE AGENDA ITEMS

No one appeared at this time.

MINUTES

1. Minutes of May 20, 2009 - *Approved as presented.*

Upon a motion made by Mr. Finlay and seconded by Mr. Davis, Council voted unanimously to approve the Minutes of May 20, 2009 as presented.

CITY COUNCIL DISCUSSION / ACTION

2. November 2009 Community Promotions Funding Recommendation –The Honorable Judge Mildred McDuffie, Chair of the Community Promotions Advisory Committee

Upon a motion made by Mr. Davis and seconded by Mr. Rickenmann, Council voted unanimously to approve the Community Promotions Advisory Committee's recommendation to disburse \$1,000 to the Eau Claire Community Council for the North Columbia Holiday Display.

PRESENTATIONS

3. Recognition of Green Business Members – Ms. Mary Pat Baldauf, Sustainability Facilitator

Ms. Mary Pat Baldauf, Sustainability Facilitator announced that the City of Columbia received the 2009 Outstanding Local Government Spare the Air Award from the DHEC Bureau of Air Quality for its Climate Protection Action Committee. Ms. Baldauf and Ms. Jane Hiller of Sonoco Recycling introduced the following new Green Business Members.

WOLO TV / ABC Columbia
Builders Wholesale Carpet
Carolina Collegiate Federal Credit Union
Chao and Associates, Inc.
Green Clean Water Solutions
Hester Dry Wall, Inc.

Midlands Biofuels
Municipal Association of South Carolina
New Carolina / SC Council on Competitiveness
The Tom Sawyer Company
Watson Tate Savory

**Councilor Finlay recognized and thanked First Citizens Bank for a \$1,500 gift to the City of Columbia for the annual employee Christmas Party. He said that the City Council will continue to raise money for the event, which is scheduled for December 10, 2009.

4. Columbia Green Check Presentation – Mr. Arthur Strudwick, Assistant Superintendent of Forestry & Beautification

Mr. Arthur Strudwick, Assistant Superintendent of Forestry & Beautification said that we are here today to acknowledge our partnership with Columbia Green as they celebrate twenty-five years of creating a beautiful landscape in the City of Columbia.

Ms. Susan Hamilton, Mr. Ken Walden, Mr. Jim Morris and Ms. Jackie Boland, Columbia Green Board of Directors presented a Big Check in the amount of \$9,926.00 to the City of Columbia Forestry and Beautification Division for annual plantings.

5. Restaurant Week Columbia – Mr. Tom Sponseller, Greater Columbia Restaurant Association and President/CEO of the South Carolina Hospitality Association

Mr. Tom Sponseller, Greater Columbia Restaurant Association and President / CEO of the South Carolina Hospitality Association presented the concept of Restaurant Week South Carolina in the City of Columbia as part of a larger statewide event in all five (5) of the major metropolitan areas. By leveraging all of the major markets in the State we will be able to attract more restaurants and sponsors to share the extremely large media budget. Each city will have its own Restaurant Week website coupled with radio, television, print and social media advertisements. Consumers will know that restaurants will have special pricing, thus creating a great value and a reason to dine out. Mr. Sponseller requested Hospitality Tax funding in the amount of \$10,000 for the Columbia public relations and media portion of the campaign.

Upon a motion made by Mayor Coble and seconded by Mr. Davis, Council voted unanimously to approve a funding request in the amount of \$10,000 from the Hospitality Tax Contingency Fund for Restaurant Week Columbia during January 11-17, 2010. Mr. Rickenmann and Mr. Finlay abstained from voting due to a conflict of interest.

6. EdVenture Children's Museum Update – Ms. Katherine Horne, Executive Director

Ms. Katherine Horne, Executive Director of the EdVenture Children's Museum announced that they recently celebrated their 6th birthday. We are very fortunate to have a growing attendance that has exceeded last year by 10%. She said that 2009 featured two of the most successful exhibits in EdVenture's history: Curious George attracted more than 80,000 visitors and the Blooming Butterflies Exhibit attracted more than 113,000 visitors. The Blooming Butterflies Exhibit is the first of such new investments that we will make over the next 5 years in an effort to remain as one of the top fifteen children's museums in the nation and to meet the educational needs of our families, schools and teachers. We've committed significant resources for educational programming to meet the needs of the local schools and community organizations. We've created new educational outreach programs focused on the sciences, sustainability issues and health education. There will be an expansion of after school programming to 9 elementary and middle school programs in the Midlands, serving more than 250 children each week. We are also partnering with other local organizations to provide new educational resources and to create access for all families that include such topics as obesity prevention with the Charles R. Drew Wellness Center; programs for children with cognitive and physical disabilities with Family Connection of SC, Inc.; and an environmental science program with the Congaree National Park and the Columbia Parks and Recreation Department. The City's support of the Museum through its Hospitality Tax revenue makes a big difference in our ability to provide world-class experiences; to present interactive marketing and advertising; and to provide the ongoing maintenance of a very public attraction facility.

7. **Funding for the Pioneer Bowl – The Honorable E.W. Cromartie, II and Coach Willie Washington, Athletic Director for Benedict College

Coach Willie Washington, Athletic Director for Benedict College said that they were pleased and somewhat shocked when they were asked to serve as the host institution for the Pioneer Bowl on Saturday, December 5, 2009 at 2:00 p.m. In 2007, the City served as the key sponsor; we had over 15,000 people to come into the City; and the conference spent over \$75,000 in hotels, meals and activities. There was not a game in 2008. The Tuskegee University Golden Tigers will stay at the Marriott downtown and the Elizabeth City State University Vikings will stay at the Embassy Suites. I am here this morning to ask for your help on behalf of the Central Intercollegiate Athletic Association (CIAA) and the Southern Intercollegiate Athletic Conference (SIAC). This is the only NCAA-sanctioned bowl game in the country for Historically Black Colleges and Universities. We would like to receive the same amount that we received in 2007, which is \$15,000 or any amount that you deem necessary.

Mayor Coble said that it's a good event; it will certainly bring in visitors.

Councilor Cromartie stated that one of the things that we have been trying to achieve is a bowl game for the historically black colleges and universities.

Councilor Devine said that she would like to hear from Ms. Gober in regards to the balance of the Hospitality Tax Fund. She said that the late announcement is very irresponsible on the part of the bowl; it's not a good position for us or you to be in, but I won't ask you all to turn it down.

Councilor Gergel said that we will have to look and see if there are any resources there. How many people will come to our City? She inquired about the overall budget.

Coach Willie Washington, Athletic Director for Benedict College said that they asked for an extended commitment to allow time for future planning. We expect 10,000 visitors on December 5, 2009. The Pioneer Bowl is a playing of the top schools from the CIAA and the SIAC; the NCAA has endorsed it as a Division 2 bowl game. He said that after talking with the commissioners from both conferences we have decided to go forward. We will spend \$60,000; Benedict College has put their stadium on the line; and we will bear most of the costs.

Councilor Finlay said that he will support this. He asked Mr. Ellis for an update on revenues.

Ms. Libby Gober, City Council Liaison reported that there is \$114,000 remaining in the Hospitality Tax Contingency Fund.

Mr. Bill Ellis, Deputy Finance Director reported that revenues are in the short fall; we are holding our own, but we are \$100,000 below last year's collections.

Councilor Cromartie recommended that they allocate \$10,000 for the Pioneer Bowl.

Councilor Finlay said that the Council has to be willing to make small adjustments to final draws of other organizations at year end, if necessary.

Councilor Davis said that he would like to see this happen, noting that the short notice doesn't allow us to put on a first class event.

Councilor Rickenmann said that we funded the bowl in 2008 and they returned the money. The money won't make a difference in marketing at this point; what do you need help with?

Coach Willie Washington, Athletic Director for Benedict College said that they need help with security; we must try to promote this; we already put the packet together; we have a plan in place; and the association is helping. They are promoting the event in North Carolina and Alabama and they are pushing the alumnae to come in. I am pushing for a three-year commitment.

Councilor Devine requested the back-up information regarding the hits and costs the college will take; how much the association is putting in; what is the association doing; and we need an attendance report after the game.

Councilor Gergel asked how much money is needed for security.

Coach Willie Washington, Athletic Director for Benedict College explained that the costs for security include 12 officers. The school is providing the stadium for free, hosting banquets and providing staff. We are putting in \$20,000.

Upon a motion made by Mr. Cromartie and seconded by Mr. Davis, Council voted unanimously to approve a funding request in the amount of \$10,000 from the Hospitality Tax Contingency Fund for the Pioneer Bowl on Saturday, December 5, 2009 at 2:00 p.m. at Benedict College's Charlie W. Johnson Football Stadium.

- **Council recessed at 10:09 a.m.**
- **Council reconvened at 10:14 a.m.**

CITY COUNCIL DISCUSSION / ACTION

8. Update on Finlay Park Parking Lot – Mr. Allison Baker, Interim Senior Assistant City Manager and Mr. Michael King, Assistant City Manager for Public Safety

Mr. S. Allison Baker, Interim Senior Assistant City Manager recalled that in July 2009, the Council asked staff to develop recommendations on the closing of the upper parking lot at Finlay Park; to conduct a security analysis of all City of Columbia parks; and to present their approach to better security in our community parks and recommendations to solve the Finlay Park parking lot issue to the members of Council. This is a critical decision that must be made today. I believe that a routine approach to solving a parks problem has somehow become a political issue; it has somehow become a racial issue; and it has somehow become an issue of preferential treatment.

Mr. Mike King, Assistant City Manager for Public Safety reported that they conducted a security and safety analysis on the parks. We reviewed reports from August 1, 2008 through July 31, 2009 to include 911 data and Columbia Police Department data. He said that 53 parks were surveyed and the annual Calls for Service were anywhere from zero to 436; the number of reported crimes ranged from zero to 48; and the number of Part One Crimes ranged from zero to 8. He reported that Finlay Park had the highest number of calls for service at 436; the highest crimes reported at 48; and the highest number of part one crimes reported at 8. He added that Martin Luther King Park had the second highest number of calls for service at 139; Lorick Park had the second highest number of crimes reported at 10 and 88 calls for service; Greenview Park and Pool had the third highest number of crimes reported at 9. He continued to report that 12 of the parks had no calls for service; 36 of the parks had 15 or less calls for service; and 6 of the parks had 100 or more calls for service. We determined that 29 or 55% of the parks had no crimes during this time period; 49 or 79% of the parks had zero part one crimes; and 52 parks had 10 or less reported crimes or 6 or less part one reported crimes. We will enhance and focus on patrolling the park along with Parking Services, the Columbia Police Department and the Park Rangers

Dr. Lonnie Randolph, President of the NAACP appeared before the members of Council to express concerns related to the closing of the parking lot at Finlay Park. There are serious and grave concerns that were not addressed in this report. How could we not report on the gang activity at St. Anna's Park? This park doesn't belong to any segment of the community; it belongs to all of the citizens of the City of Columbia. This should be addressed in a way that is fair. Cutting out half of the parking spaces would be analogous to you going down to Carolina and telling the Athletic Director that you want to take half of the parking spaces from the Fair Grounds; it makes no sense. We need more parking spaces.

Mr. Tom Turnipseed, Esq., said that Food Not Bombs is an organization that feeds hungry people. Isn't hunger just as obscene as sex? We need to be very open about this and not restrictive.

Mr. Joe Azar said that parking is inadequate, especially for festivals. The garage is not used by women and children, because they don't feel safe, especially at night. We need more parking. This is an urban park and it's a very beautiful area. The park should close later; people would be there; and that would discourage certain behaviors. We could add cameras like you did in Five Points. The Columbia Police Department is already overworked and should not be asked to patrol Finlay Park. We cannot be discriminatory.

Upon a motion made by Mr. Finlay and seconded by Mr. Rickenmann, Council voted six (6) to one (1) to approve the following recommendations. Voting aye were Mr. Cromartie, Mr. Davis, Ms. Devine, Mr. Rickenmann, Mr. Finlay and Dr. Gergel. Mayor Coble voted nay.

- Improve lighting throughout Finlay Park;
- Install gates at both the Laurel Street and Gadsden Street entrances;
- Revert back to the official hours of operation from 6 a.m. to 9 p.m.;
- Allow Mr. S. Allison Baker, Interim Senior Assistant City Manager and Mr. Mike King, Assistant City Manager for Public Safety to report back to Council on additional concerns and recommendations that may include the permanent closure of the Gadsden Street gate; and
- The flow of traffic will remain as it is today.

9. **Reopening of Engine 9 – Fire Chief Bradley Anderson, Columbia Fire Department

Fire Chief Bradley Anderson, Columbia Fire Department announced that they were able to return Engine 9 back into full-service today. He recognized Chief Jenkins and Chief Tinsley for their persistence in addressing this matter. He added that Chief Tinsley spent the last two-weeks crunching numbers and determined that with the savings from the changes in holiday pay we have sufficient funds in the budget to maintain staffing levels.

- **Council recessed at 12:07 p.m.**
- **Council reconvened at 12:18 p.m.**

ZONING PUBLIC HEARING

TEXT AMENDMENT – FIRST READING

10. **§17-258, §17-305 (a), and create §17-294 (new)** to amend regulations concerning non-depository personal credit institutions (payday loan and/or title loan establishments).

Ordinance No.: 2009-109 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, to add Sec. 17-294 Non-depository personal credit institutions (payday loan and/or title loan establishments); and Division 9, Supplementary District Regulations, Sec 17-305 Planned unit developments (a) Generally *The Public Hearing was conducted on November 18, 2009 and this item was deferred.*

Mr. Marc Mylott, Director of Planning and Development Services reported that they met with industry representatives on Monday, November 20, 2009 and at the conclusion of that meeting the Code Enforcement Taskforce reaffirmed its recommendation to City Council.

Rev. Wiley Cooper, Chair of the Code Enforcement Taskforce recalled that this is an issue that City Council asked the Taskforce to review; it has to do with location not operation; State law deals with operation not location; and the proposal does not remove any existing business. If an existing business in this category goes out of business and another business in this same category comes in within one year at the same location, it is grandfathered in. This is a long-term attempt to address a problem of clustering. We've carefully worked through this.

Councilor Cromartie inquired about the rationale of the 30,000 sq. ft.

Mr. Marc Mylott, Director of Planning and Development Services explained that the rationale behind the 30,000 sq. ft. building was that there is an inclination of these types of uses to be more garish in their appearance. The thought was that if you locate or direct these businesses to larger shopping centers there is a greater likelihood that those establishments have internal sign controls. This is done in Greenville, Rock Hill and Camden.

- **Council opened the Zoning Public Hearing at 12:22 p.m.**

The following individuals appeared before the City Council in opposition to **Item 10.**

Rev. J. P. Neal
Mr. Cornel Murphy
Dr. Robert Hill, Council of Village Elders

- **Council closed the Zoning Public Hearing at 12:42 p.m.**

Councilor Rickenmann said that the clustering has caused a lot of heartache; I have personally bailed out employees from the vicious cycle. I don't feel sorry for the 300 establishments that have closed, because they weren't following the rules. There is a role for payday lending, but there is not a role for 22 establishments stacked up next to and feeding off of each other. Is the 30,000 sq. ft. unreasonable? We should look at that. We have to consider the concern of rental pricing being high jacked. I think it's time for us to make a decision for the City of Columbia.

Councilor Devine asked the City Attorney to provide a legal analysis on the basis of the 30,000 sq. ft. We are trying to address the clustering. The State law addresses people turning over loans, but it doesn't address the fact that there are so many establishments in one neighborhood and that has hindered our ability for development. I am in favor of the distance requirement. I am flexible with looking at the building space and the necessity of such.

Councilor Gergel stated that State legislation deals with a totally different issue and our responsibility as members of Columbia City Council is to address the issue of location and impact. I could not be supportive of waiting any longer than we already have.

Mr. Marc Mylott, Director of Planning and Development Services clarified that the recommendation is for a 30,000 sq. ft. building of which a payday or title loan lender could lease a smaller portion of; they would not have to lease 30,000 sq. ft.

Councilor Rickenmann stated that the average size of a strip mall in Columbia is between 12,000 and 15,000 sq. ft.; there are very few 30,000 sq. ft. strip malls.

Mr. Marc Mylott, Director of Planning and Development Services explained that Council can't deviate from what was considered by the Planning Commission even though they denied it. The Planning Commission would have to reconsider what you intend to approve. The cleanest approach would be to either give it first reading approval and send the matter back to the Planning Commission for reconsideration or give it approval and you can always amend it through a different amendment process, which any member of Council can initiate.

Councilor Cromartie asked if the Council can give the Ordinance first reading and simultaneously ask the Planning Commission to specifically consider the 30,000 sq. ft. limitation.

Mr. Marc Mylott, Director of Planning and Development Services said yes.

Councilor Davis stated that the Code Enforcement Taskforce reviewed this issue at the request of City Council and for the record, the Taskforce did their homework. This issue is separate and apart from what the State has done. The impact has been very clear; the clustering is a fact and it creates a negative perception in the areas that this City and the citizens felt have been neglected for years. The perception is that the income levels are not there and it's not worth the investment; it's our responsibility to correct that. The record needs to be set straight in terms of whether or not this Council has carefully considered the document and the motion before us. We would be derelict in our duties, if we did not do that.

Councilor Cromartie said that he supports the limitation of the distance, but he is concerned about the 30,000 sq. ft. requirement and the implications thereof. I don't like the clustering. There were two businesses of this type by Benedict College and Allen University; I didn't like that; and I worked very hard to move one of those businesses from James Square to another location.

Upon a motion made by Dr. Gergel and seconded by Mr. Davis, Council voted unanimously to give first reading approval to Ordinance No.: 2009-109 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, to add Sec. 17-294 Non-depository personal credit institutions (payday loan and/or title loan establishments); and Division 9, Supplementary District Regulations, Sec 17-305 Planned unit developments (a) Generally.

Upon a motion made by Mr. Rickenmann and seconded by Mr. Cromartie, Council voted five (5) to two (2) to ask the Planning Commission to review the rationale behind the 30,000 square footage requirement and what the appropriate size building would be. Pending ordinance doctrine will remain in place during this time and the Council will consider the recommendations of the Planning Commission on January 20, 2010. Voting aye were Mr. Cromartie, Ms. Devine, Mr. Rickenmann, Mr. Finlay and Mayor Coble. Voting nay were Mr. Davis and Dr. Gergel.

CONSENT AGENDA

Upon a single motion made by Mr. Cromartie and seconded by Mr. Rickenmann, Council voted unanimously to approve the **Consent Agenda Items 11.** through **14.;** **16.** through **21.;** **23.** through **25.;** and **27.** through **30.** **Items 15.** and **26.** were withdrawn from the agenda. Consideration of **Item 22.** was deferred until December 9, 2009.

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

- 11. Council is asked to approve a Contract for Vending Machines at the Charles R. Drew Wellness Center, as requested by Parks & Recreation Department. Award to South Carolina Commission for the Blind as the assigned vendor. - *Approved*
- 12. Council is asked to approve an Annual Permit Fee for Stormwater National Pollutant Discharge Elimination System (NPDES), as requested by Utilities and Engineering. Award to South Carolina Department of Health and Environmental Control (SCDHEC) in the amount of \$15,000.00. *Funding Source: Stormwater Operating Budget 5534201-638500 - Approved*
- 13. Council is asked to approve a Task Order to provide Geotechnical Engineering Services for the proposed Downtown Parking Deck located at the northwest corner of Taylor and Sumter Streets, as requested by the Parking Services Division. Award to Terracon in the amount of \$15,200.00. This vendor is located in Columbia, SC. *Funding Source: 2005 Parking Facilities Revenue Bond Issue PG001101/PG001102 - Approved*
- 14. Council is asked to approve the Purchase of MSA Supplies, as requested by the Fire Department. Award to Newton's Fire and Safety, the lowest bidder in the amount of \$16,585.00. This vendor is located in Swepsonville, NC. *Funding Source: 2549999-657400 9608000108-657400 Midland Search and Rescue Grant - Approved*
- 15. Council is asked to approve the Purchase of AssetTRAX System, as requested by the Homeland Security Department/EMOC. Award to Bridgeway Solutions, as a Sole Source in the amount of \$19,960.85. This vendor is located in Morganton, NC. *Funding Source: MMRS 2008 Homeland Security Grant 2549999-627100 JL 9601000208-62710 - This item was withdrawn from the agenda.*
- 16. Council is asked to approve Project #SS7099 (9); Repair of Mechanical Aerators at the Metro Wastewater Treatment Plant, as requested by Utilities and Engineering. Award to Siemens Water Technologies, Inc., as a Sole Source in the amount of \$24,315.00. This vendor is located Waukesha, WI. *Funding Source: Sewer Improvement Fund 5529999-SS809909-851200 - Approved*
- 17. Council is asked to approve the Purchase of eight (8) Mobile Radios and Accessories, as requested by the Fire Department. Award to Motorola C&E, Inc., using the SC State Contract in the amount of \$24,785.91. This vendor is located in Sumter, SC. *Funding Source: (2549999-657400/JL 9608000108-657400 \$22,084.80) and (2549999-627100/JL9608000108-627100 \$2,701.11) - Approved*
- 18. Council is asked to approve the Purchase of the Annual Tree Bid, as requested by Forestry and Beautification. Award to the lowest bidders of each lot in the amount of \$29,424.49. *Funding Source: 1011216-627300 - Approved*

Lot 1	Stockhaven Nursery	Springfield, SC	\$3,698.00
Lot 2	Bold Spring Nursery	Hawkinsville, GA	\$7,329.00
Lot 3	John Deere Landscapes	Cleveland, OH	\$4,175.67
Lot 4	Moon's Tree Farm	Loganville, GA	\$5,397.00
Lot 5	GreenSource Direct, Inc	Taylors, SC	\$8,824.82

19. Council is asked to approve Project #SS7111; Wastewater SCADA Improvements at Bible College Elevated Tank, as requested by Utilities and Engineering. Award to Lord & Company, Inc., in the amount of \$50,000.00. This vendor is located in Fort Mill, SC. *Funding Source: Sewer Improvement Fund 5529999-SS711101-851600 - Approved*
20. Council is asked to approve Project #WM4169; Change Order #4; 16" Water Main along Taylor Street, as requested by Utilities and Engineering. Award to D.S. Utilities, Inc., in the amount of \$51,442.05. This vendor is located at Little Mountain, SC. *Funding Source: Water Improvement Fund 5529999-WM416901-851500 – This change order is necessary to adjust the entire over runs and under runs in the project's final closeout - Approved*
21. Council is asked to approve the Agreement for the Five Points Parking Project located at the southwest corner of Devine and Hilton Streets, as requested by the Parking Services Division. Award to Cox & Dinkins, Inc., in the amount of \$66,450.00. This vendor is located in Columbia, SC. *Funding Source: 2005 Parking Facilities Revenue Bond Issue PG001107 – This is a Mentor Protégé Program Project - Approved*
22. Council is asked to approve the Agreement to provide various Economic Development and related services, as requested by the Economic Development Department. Award to the Central SC Alliance (CSCA) in the amount of \$72,000. *Funding Source: Economic Development 5511301 – 636600 - This item was deferred until December 9, 2009.*
23. Council is asked to approve Project #SS7099(8); Repair of #2, 15 and 18 Primary Basins at the Metro Wastewater Treatment Plant, as requested by Utilities and Engineering. Award to Siemens Water Technologies, Inc., as a Sole Source in the amount of \$88,811.00. This vendor is located in Waukesha, WI. *Funding Source: Sewer Improvement Fund 5529999-SS709908-851200 - Approved*
24. Council is asked to approve Project #SD826401; Agreement for Stabilization of Portions of an Unnamed Tributary that Floods Area Adjacent to Greenview Park, as requested by Utilities and Engineering. Award to Brown and Caldwell in the amount of \$182,038. This vendor is located in Columbia, SC. *Funding Source: Stormwater Utility Fund SD5549999-SD826401-636600 - Approved*
25. ****Council** is asked to approve the Agreement for the Homelessness Prevention Rapid Re-Housing Program (HPRP), as requested by the Community Development Department. Award to Cooperative Ministry in the amount of \$290,942.00. - *Approved*
26. Council is asked to approve Project #WM379104; Pine Branch, Pine Valley, Oak Hill, Satchel Ford 8" and 6" Water Construction, as requested by Utilities and Engineering. Award to Shady Grove Construction, the lowest bidder in the amount of \$627,018.50. This vendor is located in Irmo, SC. *Funding Source: WM379104 – This is a Mentor Protégé Program Project - This item was withdrawn from the agenda.*

MAP AMENDMENT – SECOND READING

27. **2300 Haskell Avenue**, TMS# 11408-10-01; rezone from RG-2 (General Residential) to PUD-C (Commercial Planned Unit Development) – *First reading approval was given on November 18, 2009. – Approved on second reading.*
28. **1301 Sunset Drive**, TMS# 09116-02-07; rezone from M-1 (Light Industrial) to C-3 (General Commercial) – *First reading approval was given on November 18, 2009. – Approved on second reading.*

ORDINANCES – SECOND READING

29. Ordinance No.: 2009-114 – Amending Ordinance 2004-100 to Kelly’s Deli & Pub to allow for encroachment for installation and maintenance of a concrete patio area within the right of way area adjacent to its property at 1001 Washington Street and to allow placement of six (6) wrought iron table with canvas umbrella and thirty (30) chairs for outdoor dining during normal business hours (*Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval*) – *First reading approval was given on November 18, 2009. – Approved on second reading.*
30. Ordinance No.: 2009-120 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 2, Administration, Article V, Procurement, Sec. 2-204 Competitive sealed bidding required; exceptions – *First reading approval was given on November 18, 2009. – Approved on second reading.*

SIDEWALK VENDING PUBLIC HEARING

RESOLUTIONS

31. Resolution No.: R-2009-093 – Amending Sidewalk Vending Locations and Authorized Merchandise - *Approved*

ORDINANCES – FIRST READING

32. Mid-Block Pad near 1423 Main Street

Ordinance No.: 2009-101 – Granting a Franchise to Dale Nunn d/b/a Dale’s Hot Dogs and Gyros for operation of a stationary sidewalk vending cart in the mid-block pad near 1423 Main Street – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services reported that everyone has agreed to go across the street.

Councilor Finlay asked Mr. Mylott if he was recommending approval.

Mr. Marc Mylott, Director of Planning and Development Services said yes sir.

Upon a motion made by Mr. Rickenmann and seconded by Mr. Finlay, Council voted unanimously to approve Resolution No.: R-2009-093 – Amending Sidewalk Vending Locations and Authorized Merchandise **and** to give first reading approval to Ordinance No.: 2009-101 – Granting a Franchise to Dale Nunn d/b/a Dale’s Hot Dogs and Gyros for operation of a stationary sidewalk vending cart in the mid-block pad near 1423 Main Street with a single motion.

CITY COUNCIL DISCUSSION / ACTION

33. Historic Designation Procedures Update – Ms. Amy Moore, Preservation Planner - *This item was deferred until December 16, 2009.*
34. Neighborhood Stabilization Program – Mr. Tony Lawton, Director of Community Development - *This item was deferred until December 16, 2009.*

35. Neighborhood Street Lighting Requests – Mr. Dave Brewer, Director of Traffic Engineering - *Approved*

Upon a motion made by Mr. Davis and seconded by Mr. Rickenmann, Council voted unanimously to approve the Neighborhood Street Lighting Requests as outlined below. Mr. Finlay abstained from voting due to a conflict of interest.

Neighborhoods Listed by Priority	Existing Lights	Requested Lights	Current Lease Cost / Annually	Increased Amount
Ashwood Lakes	0	1	\$0.00	\$303.96
Cushman Road	11	15	\$1,308.12	\$2,251.80
Columbia Industrial Park	31	10	\$3,686.52	\$2,125.20
University of South Carolina	6	6	\$1,138.56	\$1,275.12

36. Council is asked to approve the 2009 Annual Auction which is scheduled for December 12, 2009 at 8:00 a.m., as requested by the Police Department's Evidence and Property Unit. - *Approved*

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to approve the 2009 Annual Auction which is scheduled for December 12, 2009 at 8:00 a.m., as requested by the Police Department's Evidence and Property Unit.

TEXT AMENDMENTS – SECOND READING

37. **Amend §17-406 Permitted Signs** to add provisions for the replacement of sign display area in existing sign structures in design review districts. – *First reading approval was given on November 18, 2009*

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 - *The Zoning Public Hearing was conducted on September 16, 2009; First reading approval was given on December 2, 2009. – Approved on second reading. Mr. Finlay abstained from voting due to a potential conflict of interest.*

Upon a motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to 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. Mr. Finlay abstained from voting due to a potential conflict of interest.

ORDINANCES – FIRST READING

Upon a motion made by Mr. Finlay and seconded by Ms. Devine, Council voted unanimously to give first reading approval to **Items 38., 39. and 40.** with a single motion.

38. Ordinance No.: 2009-115 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 19, Solid Waste Management, Article II, Collection and Disposal Sec. 19-39 Retail and commercial establishments (a) – *Approved on first reading.*
39. Ordinance No.: 2009-116 – Authorizing the Interim City Manager to executed a Third Amendment to Lease Agreement with Branch Banking and Trust Company (BB&T) for 3905 Ensor Avenue (Lutheran Survey Building) – *Approved on first reading.*

40. Ordinance No.: 2009-123 – Approval for Granting a Utility Easement to TW Telecom of South Carolina, LLC 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); CF #315-11A – *Approved on first reading.*

RESOLUTIONS

41. Resolution No.: R-2009-074 – Authorizing execution of the Written Decision by Columbia City Council Concerning the Business License Appeal of Matrix Scientific - *Approved*

Upon a motion made by Mr. Cromartie and seconded by Mr. Finlay, Council voted unanimously to approve Resolution No.: R-2009-074 – Authorizing execution of the Written Decision by Columbia City Council Concerning the Business License Appeal of Matrix Scientific.

42. Resolution No.: R-2009-092 – Approval for Site Acquisition for Killian Road Water Tank Site; CIP Project #WM4113; Richland County TMS #14600-03-59 (Portion); CF #220-313 – **Note:** *The cost is \$445,500.00; Funding Source: 5529999-WM411301-639900 - Approved*

Upon a motion made by Mr. Finlay and seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: R-2009-092 – Approval for Site Acquisition for Killian Road Water Tank Site; CIP Project #WM4113; Richland County TMS #14600-03-59 (Portion); CF #220-313.

APPOINTMENTS

43. Columbia Tree & Appearance Commission

Upon a motion made by Mr. Cromartie and seconded by Mayor Coble, Council voted unanimously to approve the appointment of Mr. Christian Jones for a three year term. The remaining appointments/reappointments will be finalized on December 16, 2009.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

No one appeared at this time.

Upon a motion made by Mayor Coble and seconded by Mr. Finlay, Council voted unanimously at 1:46 p.m. to go into Executive Session after the discussion of **Item 44.**

- **Council recessed at 1:46 p.m.**
- **Council reconvened in the Conference Room on the 2nd floor at 1:58 p.m.**

CITY COUNCIL DISCUSSION / ACTION

44. ****Federal & State Legislative Priorities – Ms. Teresa Wilson Florence, Director of Governmental Affairs and Community Relations**

Ms. Barbara McCall, Federal Lobbyist / CapitalEdge Strategies, LLC provided an update on last year's requests. She stated that we don't have finished Appropriations Bills yet; we have two pending earmark requests; we have \$500,000 for North Main and \$500,000 for Harden Street pending in the Transportation Appropriations Bill; and we expect for that bill to be finished by December 18, 2009. She distributed a draft list of priority projects for fiscal year 2011. The first three projects were put in this year as appropriations requests and as requests for the next surface transportation authorizing bill. The House did a request for projects and Congressman Clyburn submitted North Main, Harden Street and Greene/Williams Street as priority projects in

the surface transportation bill, which is likely to move forward next spring. You all submitted North Main and Harden Street as a TIGER request for funding under AARA and our strategy is to keep these on the list at this time recognizing that the TIGER Program had \$1.5 billion to fund projects and received \$8 billion worth of requests; it is an extremely competitive program. If the projects are funded under that grant program then we will respectfully ask that we amend these requests for the two projects and substitute in its place a new project or the extension of Main Street renovations from Blanding Street to Elmwood Avenue, which would be approximately \$13 million.

Councilor Rickenmann stated that we need to get maintenance funds for the projects that get approved. If we can't maintain it then there is no reason to embark upon it.

Ms. Barbara McCall, Federal Lobbyist / CapitalEdge Strategies, LLC said that in the next Surface Transportation Bill there will be real emphasis on "fix it first"; to fix and maintain the current infrastructure rather than adding additional infrastructure. There is going to be an emphasis on what's being called "Complete Streets", which will also accommodate pedestrians, transit and bicycles in addition to automobiles. The request for \$15.4 million for Greene and Williams Streets was also submitted by Congressman Clyburn as a high priority project in the next Surface Transportation Bill, but it was not included in your TIGER request. We met with your law enforcement on yesterday and a real priority is a Crime Lab. The \$1.6 million is the maximum amount of money we would request.

Councilor Rickenmann said that he doesn't understand why we can't have a working relationship with the Sheriff's Department since they have a crime lab.

Ms. Barbara McCall, Federal Lobbyist / CapitalEdge Strategies, LLC said that it is a joint effort with the Sheriff's Department.

Mr. Mike King, Assistant City Manager for Public Safety said that they are reaching out to the Sheriff for his consideration of a regional crime lab, which would assist the City of Columbia, Richland County and Forest Acres.

Councilor Rickenmann insisted that this be slated as a regional request.

Ms. Barbara McCall, Federal Lobbyist / CapitalEdge Strategies, LLC concurred. There is also a regional request for an Emergency Operations Center and it would be for equipment. We put the request in this year and we would be simply renewing that request. She added that the Crime Lab request is for equipment as well. The final request is an exciting new project that is the Children's Law Center, which is a wonderful project associated with the Dunbar Funeral Home. You will get three projects for the price of one: a project that pulls development from Gervais Street then down a block; it restores property on the National Register; and it supports child abuse prevention, which is a priority area for law enforcement.

Mr. Harry W. Davis, Jr., Director of the Children's Law Center explained that the Children's Law Center is a project that will meet a number of priorities and needs and it provides training for professionals who are involved with children's cases. We teach courses in how to conduct a forensic interview of an abused child; most child abuse prosecutions fail due to the inability of people to get the evidence into the hearing. We provide over 300 trainings and workshops per year and over 10,000 individuals participate in these trainings each year. It is a statewide program, but most of the training is conducted in Columbia and several thousand attendees will contribute to Columbia's economy each year. We work closely with the National Advocacy Center and they are interested in contracting with us to bring in federal agents.

Ms. Wendi J. Nance, Director of Foundation Relations for the University of South Carolina said that she has been working on this project with the Children's Law Center for quite some time now. This is a special project that I've been working on in terms of garnering private foundation support.

Ms. Barbara McCall, Federal Lobbyist / CapitalEdge Strategies, LLC outlined the partner requests, which are supported by the City of Columbia: InnoVista / River Alliance are requests that we submitted last year and we are resubmitting them. The Water Resource Redevelopment Act was written in the House this year, but it will be taken up by post-committee in the spring. That request was submitted by Congressman Clyburn and Congressman Wilson. We also submitted the Congaree Riverfront Regional Park planning request from last year. The last partner request is from the Historic Columbia Foundation for the Modjeska Monteith Simkins House, which they received \$175,000 for this year and we expect the request to be \$600,000. The building has structural needs and it needs operational improvements; it's a wonderful property.

Ms. Teresa Wilson Florence, Director of Governmental Affairs reported that the Central Midlands Council of Governments has submitted a request for a letter of support for the John Hardee Expressway and their TIGER grant application.

There was a consensus of Council to add the Central Midlands Council of Governments TIGER grant application for the John Hardee Expressway to the list of partner requests.

Upon a motion made by Mayor Coble and seconded by Mr. Cromartie, Council voted unanimously to endorse the Federal Priority Projects as presented.

Ms. Teresa Wilson Florence, Director of Governmental Affairs reported on the State priorities, noting that this session will be different in that she will be handling these matters on her own. Not a whole lot was done last year due to stimulus discussions. I am seeking guidance on what you would want to add. The big item is the Point of Sale Legislation (H 3272). It would be in our best interest to work in concert with the County Associations and the School Board Associations. There have been meetings planned throughout the state with all of the local contingencies and I would like for us to meet as we get ready to lobby against H 3272 in January. There is a heavy lobbying effort on behalf of the realtors and homebuilders.

There was a consensus of Council to schedule an information session on January 7, 2010 for the Point of Sale Legislation, H 3272.

Ms. Teresa Wilson Florence, Director of Governmental Affairs reported that an ad-hoc committee was formed at the State House and we have a seat at the table to discuss annexations and donut holes. We are still working on our proposal and the Municipal Association has been very receptive to some of staff's suggestions. Progress was made on the Code Enforcement Legislation for abandoned and derelict vehicles with the help of Lobbyist Joe Grant. We succeeded in getting it where our Code Enforcement Officers were able to enter property and issue tickets for abandoned and derelict vehicles.

Mr. Joe Grant, Lobbyist reported that they simply expanded the definition of law enforcement officers to include municipal code enforcement officers.

Ms. Teresa Wilson Florence, Director of Governmental Affairs continued to report that they have been working with Police Chiefs from across the state on the Law Enforcement Legislation. There are three (3) bills: S 6, S 191 and H 303 that they are trying to move on. These bills address reducing our recidivism and being able to do warrant-less searches for those on parole. She recalled that we have an application in to the State Infrastructure Bank and we are watching it very closely. We have some concerns from staff on Act 36; Summary Court Expungement Process and we will revisit that along with Act 24; Handicapped Parking. We will

review the payment of fees and reimbursements by inmates, but I haven't researched it a lot. There is an Attorney General's opinion that says the law would have to be changed to do that. We will continue to monitor all legislation affecting municipal governance and issues specific to the City of Columbia.

EXECUTIVE SESSION

- **Council went into Executive Session at 3:13 p.m. for the discussion of Items 45. and 46. as outlined.**
- **Mayor Coble and Mr. Finlay left the meeting at 3:40 p.m.**
- 45. Discussion of negotiations incident to proposed contractual arrangements - *This item was discussed in Executive Session. No action was taken.*
- 46. Receipt of legal advice which relates to matter covered by attorney-client privilege.
 - Zoning Appeal (Capitol City Center)
 - Ordinance No.: 2009-109 (Payday Lending)*These items were discussed in Executive Session. No action was taken.*
- **Council adjourned the meeting at 3:55 p.m.**

Respectfully submitted:

Erika D. Salley
City Clerk