



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
WEDNESDAY, DECEMBER 16, 2009
9:00 A.M.
CITY COUNCIL CHAMBERS
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting on Wednesday, December 16, 2009 in the City Hall Council Chambers located at 1737 Main Street, Columbia, South Carolina. Mayor Pro-Tempore Kirkman Finlay III called the meeting to order at 9:07 a.m. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Sam Davis, The Honorable Tameika Isaac Devine and The Honorable Daniel J. Rickenmann. The Honorable Belinda F. Gergel arrived at 9:10 a.m. The Honorable Mayor Robert D. Coble was absent. Also present were Mr. Steven A. Gantt, Interim City Manager and Ms. Erika D. Salley, City Clerk.

INVOCATION

Mr. S. Allison Baker, Interim Senior Assistant City Manager offered the invocation.

APPEARANCE OF PUBLIC HAVING BUSINESS RELATED TO THE AGENDA ITEMS

Ms. Mildred Knighter, Burton Heights Resident appeared before the members of Council to express concerns about water damage caused to her basement when the infrastructure at Burton Heights II was installed. She has tried to reason with the Eau Claire Development Corporation and the Community Development Department. She has sent letters to the members of City Administration and City Council. She requested a written response from the City of Columbia.

Upon a motion made by Mr. Cromartie and seconded by Ms. Devine, Council voted unanimously to direct the Interim City Manager to begin an external evaluation of Ms. Knighter's property and to provide a report back to Council on January 6, 2010.

- **Dr. Gergel joined the meeting at 9:10 a.m.**

MINUTES

1. Minutes of May 27, June 3, and June 10, 2009

Upon a single motion made by Mr. Cromartie and seconded by Ms. Devine, Council voted unanimously to approve the Minutes of May 27, 2009, June 3, 2009 and June 10, 2009 as presented.

PRESENTATIONS

2. Introduction of the December 2009 Employee of the Month (*Mr. Joseph "Jody" Harley, Assistant Superintendent, Wastewater Maintenance*) – Mr. John Dooley, Jr., P.E., Director of Utilities and Engineering

Mr. Charles Daniel, Superintendent /Wastewater Maintenance Division introduced Mr. Joseph "Jody" Harley, Assistant Superintendent for the Wastewater Maintenance Division as the December 2009 Employee of the Month.

Mayor Pro-Tempore Kirkman Finlay III presented Mr. Harley with a certificate and Mr. Steven A. Gantt, Interim City Manager presented Mr. Harley with tokens of appreciation for being selected as the December 2009 Employee of the Month.

3. Emily Douglas Amphitheater – Ms. Lynn Stokes Murray and Mr. Terry Sharpe, Co-Chairs of the Hand Middle School Educational Foundation

Ms. Lynn Stokes Murray Co-Chair of the Hand Middle School Educational Foundation invited the members of Council to the grand opening of the Emily Douglas Amphitheater on Thursday, December 17, 2009 at 10:00 a.m.

4. Harden Street Honorary Renaming – Mr. Durham Carter and Mr. Jesse Washington, Martin Luther King, Jr. Foundation

Mr. Durham Carter, Martin Luther King, Jr. Foundation said that the Committee has been charged with planning activities to honor the late Dr. Martin Luther King. In 2010, we will be celebrating the unveiling of a historic marker renaming Harden Street at Greene Street at 3:00 p.m. followed by ceremonial services at the Martin Luther King Community Center at 4:00 p.m.

Mr. Preston Winkler, Executive Director of the Greater Columbia Community Relations Council said that the City honors itself by honoring Dr. King.

Councilor Cromartie added that the marker will be paid for with private donations.

- **Council recessed at 9:40 a.m.**

- **Council reconvened at 9:49 a.m.**

5. Employee Dental Benefits Administrator and Medicare Supplemental Plan Recommendations – Employee Insurance Committee

Mr. Jacques Gilliam, Human Resources Director explained that the program will start on March 1, 2010. We would like to move forward to negotiate with Delta Dental; their network is the best; and our employees would have more dentists to choose from. We are offering a better benefit and the administrative fees are the best.

Councilor Devine inquired about the specific changes.

Mr. Jacques Gilliam, Human Resources Director said that we are upgrading the dental plan and adding more benefit for the money.

Councilor Rickenmann said that we don't currently have a dental network and we incur a balance on cleanings. This is the strongest network and Delta Dental is located in Columbia.

Upon a motion made by Mr. Davis and seconded by Mr. Cromartie, Council voted unanimously to authorize the Employee Insurance Committee to enter into contract negotiations with Delta Dental for the administration of the City's dental benefits.

CITY COUNCIL DISCUSSION / ACTION

6. Facility Review Committee – Mr. Ric Luber, President/CEO of Midlands Authority for Conventions, Sports & Tourism

Mr. Andrew Theodore, Board Member of the Midlands Authority for Conventions, Sports & Tourism / Chairman of the Facility Review Committee explained that they are considering a feasibility study for the Convention Center, but they needed to step back to determine if the

Convention Center is performing as expected. The committee is made up of 12 members to assess the baseline; determine where we are now with respect to usage; and determine where we need to go with future actions. The committee will report back to the Authority's Board by March 2010.

Upon a motion made by Mr. Cromartie and seconded by Mr. Davis, Council voted unanimously to approve the appointment of Councilor Kirkman Finlay III to the Facility Review Committee.

7. Valet Parking at the Sheraton Hotel – Mr. Rick Patel

Mr. Ken Patel explained that prior to opening the Sheraton Hotel they came to the City of Columbia to request valet parking for the safety of their customers. The request was approved; but, they had to remove 5 parking meters to accommodate the request and have been charged for the use of those spaces on a monthly basis. We have no private parking and we must rely on public parking. We have 11 guest parking spaces in the Sumter Street Garage that we pay for each month. We also pay for 5 additional spaces for our executive personnel. We are requesting that we get 30 designated valet parking spaces in the same garage on Level 1B at a rate of \$1.00 per space/per day.

Councilor Rickenmann recalled that Mr. Patel agreed to pay for the spaces where the meters were removed. You all started paying and then you stopped. We have to charge something. We can ask our parking staff to provide recommendations on how we can assist you, because we want you to be successful.

Councilor Cromartie concurred. He would like to know the tax revenue we received from this building in the past and what the assessment value is now. He asked the Interim City Manager and Economic Development Director to meet with the Patels to discuss the matter.

Upon a motion made by Mr. Finlay and seconded by Mr. Cromartie, Council voted unanimously to ask the Interim City Manager to direct Mr. John Spade, Parking Director and Mr. Jim Gambrell, Economic Development Director to meet with Mr. Rick Patel and Mr. Ken Patel as the owners of the Sheraton and to present their concepts to Council in January 2010. There should be a review and a plan should be developed for businesses within the Business Improvement District, not just the Sheraton. Mr. Rickenmann was not present for the vote.

Mr. Steven A. Gantt, Interim City Manager added that staff can not adjust fees which are set by ordinance without Council's approval.

PUBLIC HEARING

8. Ordinance No.: 2009-119 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 21, Stormwater Management and Sedimentation Control, Article II, Storm Drainage; Sedimentation and Erosion Control, Division 33, Sediment and Erosion Control, Sec. 21-84, Application fee for permit and plan approval – *Approved on first reading.*

Ms. Tracey Mitchell, C.F.M. / Stormwater Engineer explained that the City is under the National Pollutant Discharge Elimination System (NPDES) permit and there are 11 permit elements that will become effective in January 2010. The fees are being proposed in order to absorb the grading permit fees we currently have. To assist in developing our fee structure, we have done an analysis of what other entities are charging.

- **Council opened the Public Hearing at 10:30 a.m.**

No one appeared in support of or in opposition to the ordinance.

▪ **Council closed the Public Hearing at 10:30 a.m.**

Upon a motion made by Mr. Davis and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2009-119 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 21, Stormwater Management and Sedimentation Control, Article II, Storm Drainage; Sedimentation and Erosion Control, Division 33, Sediment and Erosion Control, Sec. 21-84, Application fee for permit and plan approval.

9. Department of Housing and Urban Development (HUD) Section 108 Guarantee Loan Application – Mr. Tony Lawton, Director of Community Development – *This item was withdrawn from the agenda.*

CITY COUNCIL DISCUSSION / ACTION

10. Neighborhood Stabilization Program – Mr. Tony Lawton, Director of Community Development

Ms. Deborah Livingston, Director of the Columbia Housing Development Corporation reported that 23 homes are under contract and most have been closed: 13 in 29203; 8 in 29204; and 2 in 29205. She announced that \$20,000 has been allocated as a home buying incentive.

Mr. Marc Mylott, Director of Planning and Development Services reported that they had 130 blighted properties and 43 consent agreements have been signed to authorize demolition of those properties by the City of Columbia.

11. **Community Assistance Providers (CAP) Inc. Loan Request – Mr. S. Allison Baker, Assistant City Manager for Public Services

Ms. Devine abstained from discussing this matter due to a conflict of interest.

Mr. S. Allison Baker, Assistant City Manager for Public Services reported that this presentation is to provide a record of public disclosure of an application of grant funds. This is a housing development organization that has been approved by the federal government. The issue for public disclosure is that Mr. Jamie Devine the spouse of Councilwoman Tameika Isaac Devine is the Vice President of Community Assistance Providers (CAP) Inc. The Director of Community Development sent a letter to the local HUD office seeking an opinion as to whether or not there is a conflict and HUD suggested that we request an exception. No action of City Council is needed nor is it being requested. The application of grant funds is to assist with the acquisition and rehabilitation of housing on Patterson Road. CAP, Inc. has met all eligibility requirements of the loan. The State Ethics Commission has provided an opinion and no ethics violations exist. We don't believe that an exception is necessary.

Councilor Rickenmann said that he is confused about this process and this discussion. By bringing it to this body you are creating a conflict. The criteria for funding seem to change as the wind blows. We need to have someone in the City Attorneys' Office that is well versed on HUD laws for us to receive advice on these matters.

Councilor Gergel said that she is unsure about what requires staff action, board action or Council action. Does HUD have a conflict of interest policy? We are left with a number of questions about the operation of this program.

Mayor Pro-Tem Finlay said that they are proceeding out of the abundance of caution.

12. Historic Designation Procedures Update – Ms. Amy Moore, Preservation Planner

Mr. Marc Mylott, Director of Planning and Development Services explained that they maintained the recommendation in terms of the process and added the process of the City of Columbia overseeing and administering the voting procedure.

Councilor Rickenmann would like for the Columbia Council of Neighborhoods (CCN) and the City Attorney to review the recommendations prior to Council approval.

Councilor Finlay suggested that staff prepare a standard neighborhood association operating agreement.

Councilor Devine suggested that staff receive comments on the proposed process from neighborhood associations that have already gone through the existing process.

13. Charles R. Drew Wellness Center Annual Maintenance Plans – Mr. S. Allison Baker, Interim Senior Assistant City Manager

Mr. S. Allison Baker, Interim Senior Assistant City Manager reported that the Wellness Center will be closed for 10-days to conduct maintenance activities from December 24, 2009 to January 3, 2010.

Mr. Damon McDuffie, Assistant Director of Operations / Parks & Recreation Department said that they will be performing routine and annual maintenance to include refinishing all floors, heating and air conditioning maintenance and pool maintenance. Out of the ten days we are closing, three of those days will be holidays. We charged the 8-days back to the membership accounts so that customers aren't losing any days.

Mr. S. Allison Baker, Interim Senior Assistant City Manager said that water causes a lot of problems like rust. The decks need repainting and other things must be done that can't be done while the facility is open.

Councilor Devine asked that staff constantly review ways to reduce the number of days we are closed each year. Make an analysis of the days the facility is used the least and consider closing on those days in the future.

ORDINANCE – SECOND READING

14. Ordinance No.: 2009-128 – Authorizing the Interim City Manager to execute a Lease Agreement between the City of Columbia and Open Living Community, LLC for the lease for 5406 Farrow Road, (9.90 acres), Richland County TMS# R11612-04-01 – *First reading approval was given December 9, 2009. – Approved on second reading.*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to give second reading approval to Ordinance No.: 2009-128 – Authorizing the Interim City Manager to execute a Lease Agreement between the City of Columbia and Open Living Community, LLC for the lease for 5406 Farrow Road, (9.90 acres), Richland County TMS# R11612-04-01, subject to a minor amendment to the lease fee for the front parcels of the commercial site being approved.

- **Mr. Davis left the meeting at this time.**

CITY COUNCIL DISCUSSION / ACTION

15. Columbia City Ballet – Ms. Libby Gober, City Council Liaison

Ms. Libby Gober, City Council Liaison reported that the Columbia City Ballet appeared before the Council last week and Council advised them to submit a Hospitality Tax application for consideration on today. She reported that representatives were unable to meet prior to today and asked that the matter be deferred until January 6, 2010.

16. Funding for Richland County Solicitor's Office – Mr. Steven A. Gantt, Interim City Manager

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to approve the disbursement of funding for the City's Special Prosecutor out of the Richland County Solicitor's Office in the amount of \$70,000 from the General Fund.

CONSIDERATION OF HOMES FOR HANDICAP PERSONS

Mr. Marc Mylott, Director of Planning and Development Services reported that any grounds for objection would have to be based upon the land use; we have no such objections.

Upon a single motion made by Mr. Cromartie and seconded by Ms. Devine, Council voted unanimously to approve **Items 17.** through **19.** as presented.

17. In accordance with §6-29-770 (E) of the South Carolina Code of Laws, Mentor of South Carolina sends notice of its intent to occupy 20 Silverleaf Court, TMS#19104-05-05 - *Approved*
18. In accordance with §6-29-770 (E) of the South Carolina Code of Laws, Mentor of South Carolina sends notice of its intent to occupy Paperbark Court, TMS#19104-06-35 - *Approved*
19. In accordance with §6-29-770 (E) of the South Carolina Code of Laws, Mentor of South Carolina sends notice of its intent to occupy 220 Gayle Pond Trace, TMS#19104-07-14 - *Approved*

CONSENT AGENDA

Upon a single motion made by Mr. Cromartie and seconded by Mr. Finlay, Council voted unanimously to approve the **Consent Agenda Items 20.** through **32.** as presented.

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

20. Council is asked to approve the Purchase of one (1) Chevrolet Impala Vehicle, as requested by the Police Department. Award to Herndon Chevrolet, using the SC State Contract in the amount of \$17,585.00. This vendor is located in Lexington, SC. *Funding Source: JAG-CDV 2609999-658500 JL RA24100100-658500 – Criminal Domestic Violence Federal Grant - Approved*
21. Council is asked to approve Project #SS7099(11); Repair of Bar Screen #4, Grit Tank #3, Grit Tank #1, and Grit Collector #4 at the Metro Wastewater Treatment Plant, as requested by Utilities and Engineering. Award to Premier Water, LLC in the amount of \$18,071.00. This vendor is located in Charlotte, NC. *Funding Source: Sewer Improvement Fund 5529999-SS709911-851200 - Approved*

22. Council is asked to approve the Purchase of Traffic Signal Heads and Lens Modules, as requested by Traffic Engineering. Award to Walker Brothers, Inc., using the SC State Contract in the amount of \$21,335.95. This vendor is located in Lexington, SC. *Funding Source: GL 2649999-623600 JL 9308000102-623600 - Approved*
23. Council is asked to approve the Purchase of one (1) Ford Explorer Vehicle, as requested by Utilities and Engineering. Award to Vic Bailey Ford, Inc., using the SC State Contract in the amount of \$21,917.00. This vendor is located in Spartanburg, SC. *Funding Source: (5516223-658500 \$12,440.00); (5516224-658500 \$9,477.00) - Approved*
24. Council is asked to approve Project #SS7099(10); Purchase of three (3) Raw Screw Pump Lower Bearings for Raw Screw Pumps at the Metro Wastewater Treatment Plant, as requested by Utilities and Engineering. Award to Spaans Babcock, Inc., as a Sole Source in the amount of \$26,029.89. This vendor is located in Barrie, Ontario. *Funding Source: Sewer Improvement Fund 5529999-SS709910-851200 - Approved*
25. Council is asked to approve Project #SS7099(12); Purchase of Spare Sludge Conveyor Parts for the Sludge Conveyor Bearings at the Metro Wastewater Treatment Plant, as requested by Utilities and Engineering. Award to C&D Specialty Parts & Electric Motor Repair, the lowest bidder in the amount of \$27,450.85. This vendor is located in Florence, SC. *Funding Source: Sewer Improvement Fund 5529999-SS709912-851200 - Approved*
26. Council is asked approve Project #SS7114; Agreement for Sample Collection and Analysis Relating to an Environmental Protection Agency (EPA) Sewage Sludge Incineration – Biosolids Required by Federal Regulations, as requested by Utilities and Engineering. Award to DEECO, Inc., in the amount of \$36,900. This vendor is located in Raleigh, NC. *Funding Source: 5529999-SS711401-636600 - Approved*
27. Council is asked to approve the Purchase of Taser Weapons and Accessories, as requested by the Police Department. Award to Lawmen's, as a Sole Source in the amount of \$94,625.61. This vendor is located in Columbia, SC. *Funding Source: JAG Recovery Act E. Byrne Grant 2609999-6271000 RA24110100-6271000 - Approved*
28. Council is asked to approve Project #SS7094; Change Order #1; Emergency 8" Repair along Phillips, Cook, Marsteller and Miller Streets, as requested by Utilities and Engineering. Award to Trussell Bros. Construction, Inc., in the amount of \$185,144.00. This vendor is located in Columbia, SC. *Funding Source: WM346101-851500 – **Note:** This change order is to allow the rehabilitation of the old waterlines along the project route while the road is excavated to install the new sewer line. - Approved*

ORDINANCES – SECOND READING

29. 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 – *First reading approval was given on December 2, 2009. – Approved on second reading.*
30. 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) – *First reading approval was given on December 2, 2009. – Approved on second reading.*

31. 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) – *First reading approval was given on December 2, 2009. – Approved on second reading.*
32. 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 – *First reading approval was given of December 2, 2009. – Approved on second reading.*

ORDINANCES – FIRST READING

Upon a single motion made by Mr. Cromartie and seconded by Dr. Gergel, Council voted unanimously to give first reading approval to **Items 33.** through **35.** as presented. Mr. Rickenmann was not present for the vote.

33. Ordinance No.: 2009-102 – Granting an encroachment to David Norton for installation and maintenance of a brick retaining wall and wooden privacy fence within the right of way area adjacent to 418 South Edisto Avenue and 2000 block of Ocoola Street, Richland County TMS #11309-13-10 – *Approved on first reading.*
34. Ordinance No.: 2009-122 – Granting an encroachment to Michael Beets and Violet Beets for installation and maintenance of a wooden privacy fence and two gates adjacent to 402 S. Prospect Street at the 3700 block of Prentice Avenue, Richland County TMS #13805-10-01 – *Approved on first reading.*
35. Ordinance No.: 2009-124 – Amending Ordinance 2009-112 to Charles T. Overturf and Christine Overturf to allow for encroachment for installation and maintenance of flower beds adjacent to 3300 Prentice Avenue, Richland County TMS #13801-04-01 – *Approved on first reading.*

RESOLUTIONS

Upon a single motion made by Mr. Cromartie and seconded by Ms. Devine, Council voted unanimously to approve **Items 36.** through **40.** Mr. Rickenmann was not present for the vote.

36. Resolution No.: 2009-087 – Authorizing the Interim City Manager to execute a First Amendment to Lease Agreement between the City of Columbia and Palmetto Place Equities, LLC for lease of 2638 Two Notch Road, Suite 208 for use as a Police Substation - *Approved*
37. Resolution No.: 2009-089 – Authorizing Notice of 2010 Election for Mayor and Three Members of City Council - *Approved*
38. Resolution No: 2009-090 – Authorizing consumption of beer and wine at Viva la Vista 2010 - *Approved*
39. Resolution No.: 2009-091 – Authorizing consumption of beer and wine at Vista Lights 2010 - *Approved*
40. Resolution No: 2009-094 – Authorizing the City of Columbia to purchase a 0.04 acre (1,874 square feet) portion of 1509 Manning Avenue, Richland County TMS #11411-06-08 from the Columbia Housing Development Corporation – **Note:** *The purchase price is \$9,262.36; Funding Source: Lyon Street Line of Credit Account 5090000/135000 - Approved*

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

No one appeared at this time.

EXECUTIVE SESSION

Upon a motion made by Mr. Cromartie and seconded by Mr. Rickenmann, Council voted unanimously to go into Executive Session at 11:59 a.m. for the discussion of **Item 41**.

41. Discussion of negotiations incident to proposed contractual arrangements
 - Chicora Foundation - *This item was discussed in Executive Session. No action was taken.*

CITY COUNCIL DISCUSSION / ACTION

42. **Fiscal Year 2010-2011 Budget Kick-off

Mr. Bud Addison, Senior Audit Manager / Webster Rogers, LLP reported that the fiscal year 2008/2009 audit will be complete by January 2010.

There was a consensus of Council to insist that the audit be completed by December 31, 2009 as planned. They requested a listing of pertinent items that could potentially delay the completion of the audit.

Mr. Bill Ellis, Deputy Finance Director provided the fiscal year 2009/2010 General Fund Summary to include the fiscal year 2008/2009 unaudited actual; fiscal year 2009/2010 actual through November 30, 2009; and the fiscal year 2009/2010 projections.

Mr. Jeff Palen, Treasurer discussed the revenue projections for fiscal year 2009/2010.

43. **General Fund Reserves

Upon a motion made by Mr. Finlay and seconded by Mr. Rickenmann, Council voted unanimously to allocate two-thirds of the fiscal year 2009/2010 surplus funds to the General Fund unreserved/undesignated reserves. If there is a surplus, at least \$3 million will be allocated to the General Fund unreserved/undesignated reserves with the remaining amount or one-third being decided upon at a later date.

44. **Authorizing the Interim City Manager to execute a Lease Agreement between the City of Columbia and Open Living Community, LLC for the lease for 5406 Farrow Road, (9.90 acres), Richland County TMS# R11612-04-01 (Ordinance No.: 2009-128) – *First reading approval was given December 9, 2009.*

Upon a motion made by Mr. Cromartie and seconded by Mr. Rickenmann, Council voted unanimously to approve an amendment to include an Out-Parcel Rental provision in the lease.

- **Council adjourned the meeting at 3:15 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk