

**CITY OF COLUMBIA
SPECIAL CALLED MEETING MINUTES
JULY 22, 2009 – 9:00AM
CITY HALL - 1737 MAIN STREET
3rd Floor – Council Chambers**



The Columbia City Council met for a Special Called Meeting on Wednesday, July 22, 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. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Kirkman Finlay III and The Honorable Belinda F. Gergel. The Honorable Daniel J. Rickenmann was absent. Also present were Mr. Steven A. Gantt, Interim City Manager and Erika D. Salley, City Clerk.

FINANCIAL MATTERS

1. **Fiscal Year 2007/2008 Audit Update – Mr. Bill Ellis, Deputy Finance Director

Mr. Bill Ellis, Deputy Finance Director reported that the final changes to the statements were furnished by the Auditor to the City of Columbia on Sunday night; the accounting staff is working on making the changes; those changes will be reviewed upon completion; the budget will be legally amended today; and we will be able to sign the representation letter and return it to the Auditor. We are on schedule to begin the fiscal year 2008/2009 audit in August 2009; we anticipate completing the audit by December; and receiving the Government Finance Officers Association certification again.

Councilor Finlay asked how far along we are with the June cash and checking account reconciliations?

Mr. Bill Ellis, Deputy Finance Director stated that he believes they are all completed; I have not reviewed them, but they will be reviewed by the end of this month.

2. **Harmony Youth Group Request for Funding – The Honorable Tameika Isaac Devine

Councilor Devine explained that in front of everybody is a letter from Harmony, which is separate from Koban, but they work hand in hand with our youth. The group is led by several Columbia Police Officers and they have gone through the Community Promotions Advisory Committee for funding; the committee has recommended that they receive \$1,000 from the Community Promotions Fund for a trip they are taking next week, but we haven't officially approved the spreadsheets yet.

Councilor Finlay asked if the money is there.

Ms. Libby Gober, City Council Liaison verified that the funds are available.

Upon motion by Ms. Devine, seconded by Mr. Cromartie, Council voted unanimously to approve the disbursement of \$1,000 to the Harmony Youth Group from the Community Promotions Fund as recommended by the Community Promotions Advisory Committee. The disbursement process is to be expedited, because the group leaves this weekend.

ORDINANCES SECOND READING

3. Ordinance No.: 2009-078 – Amending Ordinance 2007-048 to Adopt the Budget for the City of Columbia, South Carolina, for the Fiscal Year ending June 30, 2008 – *First reading approval was given on July 15, 2009. – Approved on second reading.*

Upon motion by Mr. Finlay, seconded by Mr. Cromartie, Council voted unanimously to give second reading approval to Ordinance No.: 2009-078 – Amending Ordinance 2007-048 to Adopt the Budget for the City of Columbia, South Carolina, for the Fiscal Year ending June 30, 2008.

4. Ordinance No.: 2009-051 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 24, Vehicles for Hire Division 2, Driver's Permit, Sec. 24-81, Appeals – *First reading approval was given on July 15, 2009. – Approved on second reading.*

Mr. Michael King, Assistant City Manager for Public Safety explained that the primary change is to allow more time for the appellant to schedule the hearing. We extended it to fifteen (15) days, because they could not meet with us within ten (10) days.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to give second reading approval to Ordinance No.: 2009-051 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 24, Vehicles for Hire Division 2, Driver's Permit, Sec. 24-81, Appeals.

5. Ordinance No.: 2009-081 – A Sixth Supplemental Ordinance Supplementing Fifth Supplemental Ordinance No. 2007-072 and Providing for the Issuance and Sale of City Columbia, South Carolina, Waterworks and Sewer System Revenue Bonds, Series 2009, in the principal amount of not exceeding \$105,000,000; delegating the authority to the Mayor and Interim City Manager to determine certain matters with respect to the bonds; prescribing the form and details of such bonds; making certain amendments to general bond ordinance No. 94-43; and other matters relating thereto. – *First reading approval was given on July 15, 2009. – Approved on second reading.*

Upon motion by Ms. Devine, seconded by Mr. Cromartie, Council voted unanimously to give second reading approval to Ordinance No.: 2009-081 – A Sixth Supplemental Ordinance Supplementing Fifth Supplemental Ordinance No. 2007-072 and Providing for the Issuance and Sale of City Columbia, South Carolina, Waterworks and Sewer System Revenue Bonds, Series 2009, in the principal amount of not exceeding \$105,000,000; delegating the authority to the Mayor and Interim City Manager to determine certain matters with respect to the bonds; prescribing the form and details of such bonds; making certain amendments to general bond ordinance No. 94-43; and other matters relating thereto.

RESOLUTIONS

6. Resolution No.: R-2009-054 – Authorizing the City Manager to execute a Lease between the City of Columbia and Stevens & Wilkinson of South Carolina for the First Floor of 1644 Main Street - *Approved subject to a letter of credit or personal guarantee being added to the lease.*

Councilor Finlay asked if we were able to tighten the lease; get a guarantee/letter of credit; or is the lease still the same.

Mr. Steven A. Gantt, Interim City Manager said that he talked to Mr. Jim Gambrell, Director of Economic Development and they were positive about putting in a letter of credit for a corporate guarantee for six (6) months. That condition will be added to the lease; Stevens & Wilkinson of South Carolina are okay with that.

Councilor Finlay asked if it is a rolling six (6) months or just the first six (6) months.

Mr. Steven A. Gantt, Interim City Manager said that he will check.

Councilor Gergel asked if there were any other possible tenants for this property.

Mr. Steven A. Gantt, Interim City Manager said no.

Upon motion by Mr. Cromartie, seconded by Dr. Gergel, Council voted unanimously to approve Resolution No.: R-2009-054 – Authorizing the City Manager to execute a Lease between the City of Columbia and Stevens & Wilkinson of South Carolina for the First Floor of 1644 Main Street, subject to the line of credit or personal guarantee being attached to the Resolution as a condition of the lease.

7. Resolution No.: R-2009-056 – Adopting City of Columbia Use of Force Policy

Councilor Davis asked Mr. King for his basic philosophy about deadly force.

Mr. Michael King, Assistant City Manager for Public Safety said that it should only be used to protect a life.

Councilor Davis said that he supports our men in blue and he thinks that our track record is good, but he has some apprehensions. I trust that this is something that you will really emphasize among the ranks. The Taser issue has not been addressed to my satisfaction, but I won't oppose the vote this morning. We need to make sure we stay on top of this and that it is fully embraced by our guys that have to respond. I know that sometimes they walk into situations that require quick thinking.

Mr. Michael King, Assistant City Manager for Public Safety agreed to meet with Mr. Davis. He added that the Ohio State Patrol adopted the use of Tasers before he retired.

Councilor Cromartie stated for the record that he is all for the use of computers, but it makes us less effective as a Council when we don't have the information we need to make an accurate decision. Access to information is the key. He insisted that 60% of our community does not have access to a computer. Uninformed people are denied their privileges as a citizen. As it relates to Tasers, he said that the policy has a lot of very important stuff in it and he is not sure that the provisions can be met. He inquired about throw away guns; do we have a policy on that? Is there a policy on whether or not officers can have an authorized gun and a personal gun in their possession?

Lt. Colonel Carl Burke, Columbia Police Department said that the Columbia Police Department's policy prohibits officers from carrying handguns other than the issued departmental weapon while on duty. In order to carry a weapon off-duty, they have to meet all of the requirements with our department; they have to be certified; and it has to be registered with our department along with the State.

Councilor Devine said that the only major change is adding the use of Tasers.

Lt. Colonel Carl Burke, Columbia Police Department added that it also includes provisions for deciding what to do once the Tasers are used.

Councilor Devine said that Section 7 talks about the use of less than lethal force and it seems very vague to me. I have concerns about situations wherein the officer just used his hands. We might need to address the use of hands; we should look at what other departments have done in this regard

Councilor Finlay stated that there is a significant difference between a registered weapon and a throw gun.

Lt. Colonel Carl Burke, Columbia Police Department clarified that a throw gun is illegal.

Councilor Finlay further clarified that a throw gun is a gun that you plant on a victim that was unarmed so that all of a sudden they become a criminal. He asked Mr. Cromartie if he is implying that we have officers carrying illegal weapons that they would be willing to put on potential crime victims, because that is a significantly different issue than carrying a personal weapon; registered or unregistered.

Councilor Cromartie clarified that he was talking about a second gun that has not met the requirements of being registered. The policy states that there's a requirement that if in fact you have a second or personal weapon then it has to be registered.

Councilor Davis said that there is an increase in crime in this city like any other city in this country. Recently, I have been communicating with the Columbia Police Department about some things that I think need to be done. We need to ensure that the officers follow the policy; that they are protected; and that bystanders are protected.

Lt. Colonel Carl Burke, Columbia Police Department stated that some Tasers are already in.

Mr. Michael King, Assistant City Manager for Public Safety asked the members of Council to e-mail their concerns to him for further research.

Councilor Cromartie asked what the detailed procedure is to ensure that officers are fully aware of how we implement policies.

Upon motion by Dr. Gergel, seconded by Mr. Davis, Council voted unanimously to defer consideration of Resolution No.: R-2009-056 until August 5, 2009.

8. Resolution No.: R-2009-057 – Authorizing the City Manager to execute an Agreement between the City of Columbia and London I, LLC for streetscaping within the south side of the 1200 block of Washington Street between Main Street and Sumter Street. **Note:** *This project is in the amount of \$197,901.01 and the Funding Source is Main Street Phase II Account (4039999-CP003402-638300).* - Approved

Mr. Steven A. Gantt, Interim City Manager explained that this is an agreement to upgrade the sidewalk on the south side of Washington Street between Main Street and Sumter Street. We did some storm water work there; Mr. Patel wanted to upgrade the work; and we are partnering with London I, LLC to complete the work.

Councilor Cromartie added that Mr. Patel is using his own money to help the City in the process of doing what he needs to get done through his limited liability corporation. He is doing this according to our specifications.

Mr. Steven A. Gantt, Interim City Manager said that we approved the plans.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: R-2009-057 – Authorizing the City Manager to execute an Agreement between the City of Columbia and London I, LLC for streetscaping within the south side of the 1200 block of Washington Street between Main Street and Sumter Street.

CITY COUNCIL DISCUSSION / ACTION

9. Business License Appeals and Fees – The Honorable Kirkman Finlay III

Councilor Finlay said that he wanted to ask questions about business licenses in general. Having found out about the draconian penalties for making a mistake, I would like to ask a few questions and understand our policy and how it applies as a general procedure. As a basic groundwork, for the 2009 business license fees, those would be assessed off revenues from 2008 and paid in April 2009.

Ms. Brenda Kyzer, Business License Administrator said correct.

Councilor Finlay said that in April, in essence, you are pre-paying for 7 ½ months of business license. Is that a fair way to assess it?

Ms. Brenda Kyzer, Business License Administrator said that she would not assess it that way. The license they had expired on December 31st; on January 1st they had no license; and we give them until April 15th to pay it, because that allows them to prepare their taxes and have their numbers together.

Councilor Finlay said that property taxes and income taxes are paid in arrears. By most other standards it is in advance. Let's imagine that a business is inside the City of Columbia for the month of January and then moves outside of the City. What taxes would be owed on that?

Ms. Brenda Kyzer, Business License Administrator said that it would be the same thing as a renewal, because they operated on January 1st.

Councilor Finlay said that if a business operates in the City for one day; they are responsible for the tax of an entire year.

Ms. Brenda Kyzer, Business License Administrator said that is correct.

Councilor Finlay said that we collect the fees such that if you operate for one day or three hundred and sixty four days in the City, it is exactly the same tax.

Ms. Brenda Kyzer, Business License Administrator said correct.

Councilor Finlay asked if the fee can be offset if the business moves to a different locale outside the City.

Ms. Brenda Kyzer, Business License Administrator said no.

Councilor Finlay asked if the County assesses business license fees in the same manner.

Ms. Brenda Kyzer, Business License Administrator said that Richland County does.

Councilor Finlay said that a business can be hit in the same year by two bodies of the same entity. You can pay a full year business license in Richland County and a full year business license in the City.

Councilor Gergel said if you make that decision.

Ms. Brenda Kyzer, Business License Administrator said that she doesn't know about a full year. If someone is in the City limits in January; they have to pay a full year to the City of Columbia; when they move to Richland County they will be estimating a gross from the time they began in Richland County until December 31st. It's not quite a 12-month figure.

Councilor Finlay said that this seems like an odd way to assess it, because we are saying that it is a license for business to be generated in 2009, but assessed off of 2008. If you aren't in the City for the full year, we are assessing you off of a previous year for a significantly lesser period of time. He told Dr. Gergel that he understands her point he thinks she's going to make on revenues, but the issue is that it not only impacts people moving out of the City; it impacts people moving into the City.

Councilor Gergel said that was her point, but she also wants to start at the beginning of this with an overview of how our office handles business licenses.

Councilor Finlay said that we need to look at this. A business was in the City paying north of \$25,000 per year in business license fees; they moved to Richland County and the fee for exactly the same business dropped to \$13,000. We have to address this disparity.

Mayor Coble asked if there are differences in terms of the rates.

Ms. Brenda Kyzer, Business License Administrator said that there are differences in the rates between municipalities and counties. We have found that we are middle of the road in our rates when compared to other cities. In some cases we are better than Richland County and in some cases we are worse than them.

Councilor Finlay said that he did some research, but it's not perfect. On a basic retail rate, the City of Columbia's business license fee is higher than Lexington and Richland County, the City of Lexington and Camden. We need to understand where there are discrepancies. We need to review the policy of how we assess it and how it comes down. I see us becoming a less favorable tax locale in comparison to the competitors around us.

Councilor Gergel requested a full briefing on the business license process. She said that every member of Council wants a City that attracts new business and that retains businesses here. We want to be known as a business-friendly City. We need a basic orientation; we need to know how we compare with those areas immediately around us and those areas that are more like us; and we need to be talking about the great benefits of locating businesses in our City. She asked Mr. Finlay if he was referring to a business that was located in the City of Columbia for a short period of time.

Councilor Finlay said no. They've been here for a significant period of time and chose to move.

Councilor Devine inquired about the status of Ms. Kyzer reviewing the business license policies and making recommendations on changes to the Council. Wouldn't we be best served to deal with all of that at the same time?

Ms. Brenda Kyzer, Business License Administrator said that she is prepared to that.

Councilor Davis said that this is important, because we are trying to recruit retail businesses in certain parts of the City and one of the best salespeople to help in this venture are the businesses. We have an all out effort to look at Farrow Road, North Main and Two Notch, because that's where the need is. This is one of the strategies we can use to answer the

question as to why people aren't coming to those areas. We know that there is income. We need to do what we can to make the process as well as the cost attractive. I need to understand the methodology of this.

Councilor Cromartie asked Ms. Kyzer to provide a memo on what other cities are doing. We also need to look at the economic impact of any of your recommendations and I would like for the Finance Director to look at that. As a City, we have to understand that the overall amenities, driving force and dynamics of this City are different from Camden and other places. Those are some of the intangibles that have to be dealt with.

Councilor Finlay said that we have figures for what people believe their 2009 sales should have been. We should be able to look at what revenues were. I think it would be a good idea Bill for us to start calling, because we have a large part of our budget for 2009/2010 that's based on business license fees. It's a lagging indicator to see whether the people are feeling better or worse about the economy. I would like for us to look at the penalties, which seem fairly steep. He asked Mr. Gaines, City Attorney if it's legal to pick an area and hold a business license amnesty in order to drive business.

Mayor Coble said that this has come up before when we've tried to have targeted areas or targeted industries and Mr. Gaines has blown our idea out of the water. I would love to revisit that, because I think the tax code should encourage this. We were told that it's problematic.

Mr. Ken E. Gaines, City Attorney said that it's not permissible.

There was a consensus of Council to schedule a Work Session discussion on business license fees and where the fees rank among other counties and municipalities.

APPEARANCE OF THE PUBLIC HAVING BUSINESS WITH COUNCIL

Ms. Brenda Oliver, President of the Pinehurst Community Council appeared before the members of Council to express concerns about their community being plagued with increasing crime of gang related activities. Not all of the action has been within our community, but all of the trouble makers are. She said that Pinehurst is one (1) of the three (3) areas that are known as lucrative crime beds and it is called the "Hurst". We want to change that. The police have identified some of the hubs of some of the unwanted activities. For the past several weeks, we have been meeting with the Columbia Police Department and a blueprint of attack is being developed. A cohesive team is being formed to deal with problems on a multi-prong approach. We have pulled in Zoning, Code Enforcement, Fire Marshals and block captains. As a result of this approach, we are currently dealing with property owners, their attorneys and assorted team members. The bottom line is that while we have grazed the surface, it is important to note that our Police Department has increased patrols and we have 24/7 access to police assistance.

Mr. Ronald Taylor, Pinehurst Community Council Executive Committee Member / Block Captain said that Pinehurst has it issues. He thanked the City of Columbia and all of it's entities for helping us work through our issues. We are seeing that things are going to change and it will take time to make it a place where people want to live.

CITY COUNCIL DISCUSSION / ACTION

10. **Code Enforcement Inspections – Fire Chief Bradley Anderson

Fire Chief Bradley Anderson, Columbia Fire Department reported that we have 7,700 occupancies that require annual inspections. There are different types of occupancies so we

set priorities on the higher risk units. Last year, we conducted 3,468 inspections; we found 2,982 violations; and 1,682 of the violations were corrected. We still have a lot of violations to follow up on. A Deputy Fire Marshal has to revisit the occupancy and check to see if the violations were corrected; if not, then it escalates to the point of going to court. Ms. Carmen Floyd, Assistant Fire Marshal is conducting a study now and we will be meeting on tomorrow. She has been talking to Fire Marshals with other agencies to see what they are doing to maximize their resources. We are looking at all resources. We have five (5) Fire Marshals that do code enforcement work in the streets; we have two (2) people that review plans; we have a public education officer; an investigator; we recently downgraded an Assistant Fire Marshal position and converted it to a Deputy Fire Marshal position; we are about to make a recommendation to add one (1) position; and we will have to do a lot more.

Councilor Finlay suggested that there are a lot of ways we can do this without adding significant costs to our budget. As we move forward with the Fire Services Contract we need a group of Fire personnel to work with the Legal Department in order to have input on the contract. This has to be fixed as expeditiously and efficiently as possible.

Councilor Devine asked how using light duty firefighters will help.

Fire Chief Bradley Anderson, Columbia Fire Department said that it is an option, but because of training issues and the need for consistency I am uncomfortable with that. It's not our first choice; we are looking at other things; and we are looking at other ways to gain efficiency.

Councilor Davis concurred with Mr. Finlay. We need to understand how we got where we are with the inspections of the apartments and commercial buildings. Why don't we appear to be matched with code enforcement on those? I would like to see the number of properties that have been cited and the repeated violations that have gone into Livability Court.

Mr. Michael King, Assistant City Manager for Public Safety insisted that for next year we have 7,700 inspections and we are going to do 7,700 inspections. We are fighting an uphill battle with the limited resources that we have. I challenged Chief Anderson and Fire Marshal Floyd to think outside of the box and to look at every available resource.

Councilor Davis requested a comparative look at the number of code enforcement positions in Charleston, Greenville and similar cities. How many do we have?

EXECUTIVE SESSION

Upon motion by Mr. Cromartie, seconded by Mr. Davis, Council voted unanimously to go into Executive Session at 11:05 a.m. for the discussion of **Item 11**.

11. **Discussion of negotiations incident to proposed contractual arrangements
 - Ameresco
 Items were discussed in Executive Session. No action was taken.

- **Council adjourned the meeting at 11:25 a.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk