



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
WEDNESDAY, APRIL 7, 2010
9:00 A.M.
COUNCIL CHAMBERS – 3RD FLOOR
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting on Wednesday, April 7, 2010 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 9:08 a.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine and The Honorable Daniel J. Rickenmann. The Honorable Belinda F. Gergel arrived at 9:09 a.m. and The Honorable Kirkman Finlay III arrived at 9:16 a.m. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Salley, City Clerk.

INVOCATION

The Honorable Tameika Isaac Devine offered the Invocation.

PRESENTATION

1. Drive Safe Proclamation – The Honorable Tameika Isaac Devine

Councilor Devine said that we are honored to have Congressman Clyburn here with us today in honor of three dynamic young ladies that have worked in the community and nationally to bring awareness to driving safe, especially for teen drivers.

Congressman James E. Clyburn, Majority Whip Leader said that there are many young people that are doing positive things, but they don't receive the recognition they deserve. I wanted to be here to let them know how proud I am and how proud the community is of them.

The Columbia City Council presented a Proclamation to Misses Twana, Tiffanie and Victoria Williams declaring May 2010 as Smart Teens Drive Safe Month in the City of Columbia.

FUNDING RECOMMENDATIONS

2. March 2010 Community Promotions Funding Recommendations – The Honorable Judge Mildred McDuffie, Chair of the Community Promotions Advisory Committee

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve funding in the amount of \$2,000.00 for the Earlewood Community Citizens Organization for the Reunion Centennial Celebrations, as recommended by the Community Promotions Advisory Committee.

PRESENTATIONS

3. Introduction of the March 2010 Employee of the Month - Mr. Edgar Heustess, Fleet Services Supervisor

Mr. Edgar Heustess, Fleet Services Supervisor introduced Mr. Robert "Bobby" Johnson of Fleet Services as the March 2010 Employee of the Month. He described Mr. Johnson as an employee with a positive attitude that works hard even when there's inclement weather.

Mayor Coble and Mr. Steven A. Gantt, City Manager presented Mr. Bobby Johnson with a plaque and a token of appreciation for being selected as the March 2010 Employee of the Month.

4. Green Business Program Recognition - Ms. Mary Pat Baldauf, Sustainability Facilitator

Ms. Mary Pat Baldauf, Sustainability Facilitator and Ms. Jane Hiller, Chairperson recognized Councilwoman Devine for renewing the Green Business Program Membership for Jabber & Isaac, P.A. and they introduced the following as new Green Business Members:

The Backpacker	Colliers Keenan	Cyberwoven	DP Professionals
Efficiency First	Midlands Authority on Conventions, Sports and Tourism		

5. Community Development Week Proclamation - Mr. Tony Lawton, Director of Community Development

Mr. Eric Cassell, Loan Administrator announced the following activities in recognition of Community Development Week 2010:

- **Community Development Block Grant (CDBG) Bus Tour** - Thursday, April 8th (820 Washington St. across from the Courthouse)
- **City Wide Clean Up** - Saturday, April 10th
We encourage residents to clean up their neighborhoods and place debris and bagged trash in proper locations for Public Works to pick up on Monday, April 12th.

The Columbia City Council declared April 4-10, 2010 as Community Development Week in the City of Columbia.

6. Federation Center of the Blind – Mr. Donald C. Capps, Founder

Mr. Donald Capps, Founder; Mr. David Howell, Executive Director; Mr. Frank Hopwell, Board of Trustees; and Mr. Isaiah Nelson, Board of Trustees provided an update on the history, purpose and activities of the Federation Center of the Blind. In closing, the group requested a funding allocation in the amount of \$5,000 per month.

- **Council recessed at 9:56 a.m.**
- **Council reconvened at 10:02 a.m.**

PUBLIC HEARING

7. Resolution No.: R-2010-037 – In Support of the Issuance by the South Carolina Jobs Economic Development Authority of its Recovery Zone Facility Revenue Bonds (The Mast General Store, Inc. Project), Series 2010, Pursuant to the Provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina, 1976, as Amended, In the Aggregate Principal Amount of not exceeding \$2,000,000

- **Council opened the Public Hearing at 10:03 a.m.**

Mr. Matt Kennell, Executive Director of the City Center Partnership appeared before the Council in support of Resolution No.: R-2010-037, noting that this is a big deal for Main Street.

- **Council closed the Public Hearing at 10:04 a.m.**

Upon a motion made by Mr. Rickenmann and seconded by Dr. Gergel, Council voted unanimously to approve Resolution No.: R-2010-037 – In Support of the Issuance by the South Carolina Jobs Economic Development Authority of its Recovery Zone Facility Revenue Bonds (The Mast General Store, Inc. Project), Series 2010, Pursuant to the Provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina, 1976, as Amended, In the Aggregate Principal Amount of not exceeding \$2,000,000. Mayor Coble abstained from voting due to a conflict of interest. Ms. Devine was not present for the vote.

PRESENTATION

8. Environmental Protection Agency (EPA) Brownfields Briefing - Mr. Fred Delk, Executive Director of Columbia Development Corporation

Mr. Fred Delk, Executive Director of Columbia Development Corporation reported that in the last ten (10) years, the City of Columbia received four (4) substantial grants from the Environmental Protection Agency to assist developers with environmental due diligence costs. Last year, the City of Columbia received a \$1 million grant in partnership with the City's Development Corporations and the City of West Columbia for the Congaree Coalition Project. The Congaree Coalition is a coalition of organizations coming together to provide environmental services for developers.

Mr. Brian Kvam, Concurrent Technologies presented a video of the City's accomplishments over the last ten (10) years with the Brownfield's initiatives and what we hope to accomplish in the future with the stimulus funding that was received last year.

This report was received as information. No action was taken.

RESOLUTION

9. **Resolution No.: R-2010-038 – Authorizing Notice of Special Election for City Council District 2

Mr. Ken E. Gaines, City Attorney recommended that a Special Election for the District II seat be scheduled for Tuesday, July 13, 2010, which would allow the City of Columbia to meet the 90-day notice requirement under City Code § 6-6-(b) and obtain pre-clearance from the Department of Justice. The first notice would run in The State Newspaper on Sunday, April 11, 2010 and candidates shall file a Statement of Candidacy and a Statement of Economic Interest in the Office of the City Clerk starting on Monday, April 12, 2010 and ending on Friday, May 14, 2010 at 5:00 p.m.

The following individuals appeared before City Council to provide public input on the proposed Special Election date:

Mr. Josh Stroman, Candidate for the District II Seat disagreed with the recommendations from the City Attorney and suggested that the City schedule the Special Election as early as June 2010. He suggested that the twenty-two days that have passed since the Notice of Election for the District II seat be included in the 90-day notice for the Special Election.

Mr. Loman C. Hairston, Benedict College Student stated that students would be disenfranchised if the Special Election is held on July 13, 2010, because they would not be able to vote.

Ms. Katheryn Bellefield, President of the Booker T. Washington Heights Neighborhood Organization said that District II needs to be represented as soon as possible.

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve Resolution No.: R-2010-038 – Authorizing Notice of Special Election for City Council District 2.

Upon a motion made by Mayor Coble and seconded by Mr. Davis, Council voted unanimously to request that the Richland County Voter's Registration Office begin accepting requests for absentee ballots as soon as possible.

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to postpone the scheduled April 21, 2010 public input session on the forms of government until a District II Councilmember is elected.

APPEARANCE OF PUBLIC HAVING BUSINESS RELATED TO THE AGENDA ITEMS

Mr. Rick Patel, Sheraton Hotel appeared before the City Council to express concerns related to the Christmas lights on Main Street. He said that the lights make a huge impact.

CITY COUNCIL DISCUSSION / ACTION

10. Council is asked to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Grant Zweifel doing business as First Class Limo Service located at 165 Stonemont Drive, Irmo SC. - *Approved*

Upon a motion made by Mr. Finlay and seconded by Mr. Rickenmann, Council voted unanimously to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Grant Zweifel doing business as First Class Limo Service located at 165 Stonemont Drive, Irmo SC.

11. Council is asked to approve the Destruction of 680 Narcotics to include Paraphernalia, as requested by the Police Department's Evidence and Property Unit. - *Approved*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve the Destruction of 680 Narcotics to include Paraphernalia, as requested by the Police Department's Evidence and Property Unit.

12. Assessments for Historic Structures - Ms. Robin Waites, Executive Director of Historic Columbia Foundation

Ms. Robin Waites, Executive Director of the Historic Columbia Foundation reported that they received \$150,000 from the federal Save America's Treasures Grant program to support renovations of the Modjeska Simpkins House. She requested funding in the amount of \$85,000 to conduct assessments on the Robert Mills House (\$45,000) and the Mann-Simons Cottage (\$40,000), which are City owned properties. This includes a conditional assessment, a preservation assessment and maintenance plans. It will also include a complete study of the building chronology for the Mann-Simons Cottage.

Mr. Steven A. Gantt, City Manager further reported that this request qualifies for funding from the Liquor Rebate Fund. He asked the Historic Columbia Foundation to add the Keenan House to the list for an assessment as well.

Upon a motion made by Dr. Gergel and seconded by Mr. Finlay, Council voted unanimously to allocate \$85,000 from the Liquor Rebate Fund to the Historic Columbia Foundation to conduct assessments on the Robert Mills House and the Mann-Simons Cottage. The Historic Columbia Foundation will obtain a quote for an assessment of the City of Columbia's Keenan House and Mr. Gantt will report back to the members of Council.

13. Citywide Holiday Decorations - Ms. Melissa Smith Gentry, PE, Public Works Director

Ms. Melissa Smith Gentry, P.E., Public Works Director presented options for the citywide holiday decorations to be installed within signalized intersections throughout the City of Columbia during the Thanksgiving Holiday for a total estimated cost of \$168,600.

Mr. Matt Kennell, Executive Director of the City Center Partnership said that he would like to work with local members to keep the lights up year round to help with safety and security.

Upon a motion made by Ms. Devine and seconded by Mr. Finlay, Council voted unanimously to accept the report on Citywide Holiday Decorations as information and to ask the City Center Partnership to work with the various business associations and bring back recommendations on partnerships for purchasing and installing lights.

14. Update on Community Development Employee/Teacher Loan Program - Mr. Tony Lawton, Director of Community Development

Mr. Tony Lawton, Director of Community Development reported that there is an Employee Loan Program and the Police Officer Loan Program, which have been consolidated into one program to include teachers within Richland School District One.

Mr. Josephus Howard, Community Development Department further reported that the Housing and Loan Division provides a program to encourage employees and teachers to purchase homes within the limits of the City of Columbia at an affordable rate. The program provides credit counseling to assist individuals with improving their credit ratings; low down payments; and below market interest rates. No private mortgage insurance is required and there is neither a specific time of occupancy nor a recapture clause. The funding for this program is provided by Community Development Block Grant (CDBG) funds for those meeting 80% or below of the median income and for those exceeding this requirement, funding is provided by the revolving loan program income. Since May 2008, they've made six (6) loans to employees to include three (3) Police Officers.

There was a consensus of Council to add a specific time of occupancy to the contract; to provide an overall incentive to Police Officers that have purchased a home inside the City limits; to aggressively market the program to Public Safety personnel; and to provide the amount of funding available to the members of Council.

15. Update on Housing First Program - Mr. S Allison Baker, Senior Assistant City Manager

Mr. S Allison Baker, Senior Assistant City Manager reported that on March 25, 2010, he responded to a proposal and request from Dr. David Parker, USC Department of Medicine to extend the Housing First contract, which ends June 30, 2010, for three (3) years. I suggested to him that I didn't feel it was appropriate for me to make a public recommendation on that program prior to making that recommendation to the City Council and the City Manager. Secondly, I suggested to him that the use of General Fund dollars would be questionable. I believe that the Housing First Program is very similar to our Homelessness Prevention and Rapid Re-Housing Program (HPRP), which we also have in place at this time. The Community Development staff has worked well with HUD to understand our HPRP Program and we are bringing forth a sound recommendation.

Mr. Tony Lawton, Director of Community Development reported that the Housing First Program centers on quickly providing homeless individuals with housing and then other services as needed. The National Alliance to End Homelessness published a toolkit to assist communities that currently have HPRP funding to transition into adopting a Housing First approach to address homelessness. In December 2007, the City of Columbia contracted with the USC Department of Medicine, along with the Columbia Housing Authority for a three (3) period of

time. The contract amount was \$1.1 million and the funding source was CDBG, but there was also an assumption that the City of Columbia would use the General Fund to address the housing component of the program. He proposed that the HPRP approach be used for the first two years and that Housing First be used for the third year.

No action was taken.

16. Radio Charges - Mr. Tandy Carter, Chief of Columbia Police Department

Upon a motion made by Mayor Coble and seconded by Mr. Rickenmann, Council voted unanimously to cover a budgetary shortfall in the total amount of \$98,657 for Radio Air-time Services on the State's Palmetto 800 Radio System managed by Motorola and for Service/Maintenance of the entire Department's radio inventory.

17. Eau Claire Development Corporation – Mr. S. Allison Baker, Senior Assistant City Manager – *This discussion was deferred.*

18. Blythewood Annexation – Mr. Steven Gantt, City Manager – *This discussion was deferred.*

CONSENT AGENDA

Upon a single motion made by Mr. Rickenmann and seconded by Mr. Finlay, Council voted unanimously to approve **Items 19.** through **23.** and **25.** through **46.** as presented. **Item 24.** was approved by a separate motion.

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

19. Council is asked to approve a Contract Renewal for Cisco Smartnet Maintenance, as requested by the Information Technology Department. Award to Pomeroy IT Solutions in the amount of \$16,851.62. This firm is located in Columbia, SC. *Funding Source: 1011120-628200 - Approved*

20. Council is asked to approve Project # SD827904; Agreement for a Pedestrian Bridge across the Storm Drainage Channel through Martin Luther King Park, as requested by Utilities and Engineering. Award to Chao and Associates in the amount of \$19,000.00. This firm is located in Columbia SC. *Funding Source: Stormwater Utility Fund 5549999-SD827904-636600 - Approved*

21. Council is asked to approve a 12-month Contract Renewal for Trend Micro Maintenance, as requested by the Information Technology Department. Award to Dell Marketing LP in the amount of \$30,783.90. This firm is located in Round Rock, TX. *Funding Source: 1011120-628200 - Approved*

22. Council is asked to approve Change Order #1 for Design and Construction of Storm Drainage Improvements along the Delverton Ditch adjacent to Northwood Hills Subdivision, as requested by Utilities and Engineering. Award to DS Utilities, Inc. in the amount of \$51,644.65. This firm is located in Columbia, SC. *Funding Source: 5549999-SD805905-636600 - Approved*

23. Council is asked to approve an Agreement for Construction of a New Bridge along Pinner Road as requested by Utilities and Engineering. Award to Chao and Associates in the amount \$79,600.00. *Funding Source: Stormwater Utility Fund 5549999 SD805907-636600 - Approved*

24. Council is asked to approve the Purchase of a Wheel Loader, as requested by Fleet Services. Award to Linder Industrial Machinery in the amount of \$130,058.50. This vendor is located in West Columbia, SC. *Funding Source: 6308972-658500 – Approved*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve the Purchase of a Wheel Loader, as requested by Fleet Services. Award to Linder Industrial Machinery in the amount of \$130,058.50. This vendor is located in West Columbia, SC.

25. Council is asked to approve Project # SS7044(2); Increase in Project Amount for Rehabilitation of Grit Chambers #1 and #3 at the Metro Plant, as requested by Utilities and Engineering. Award to WSG & Solutions in the amount of \$144,845.00. This firm is located in Montgomeryville, PA. *Funding Source: 5529999-SS704402-851200 – Approved*
26. ****Council** is asked to approve the Purchase of Three (3) Recycling Trucks, as requested by the Fleet Services Division. Award to Carolina International Trucks in the amount of \$434,008.00. This vendor is located in Columbia, SC. *Funding Source: 6308972-658500 - Approved*
27. Council is asked to approve Project #WM379104; Improvements to 8” along Pine Branch, 6” Along Pine Valley and, 6” Along Oakhill to Satchel Ford, as requested by Utilities and Engineering. Award to Trussell Brothers Construction in the amount of \$712,140.00. This firm is located in Columbia, SC. *Funding Source: WM379104 – This is a Mentor Protégé Program Project – Approved*

TEXT AMENDMENT – SECOND READING

28. **Amend §17-258** concerning district permissions for MX-1 to permit certain manufacturing uses as special exceptions to facilitate artisans/craftspersons.

Ordinance No.: 2010-050 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article III, Division 8, Sec. 17-258 Table of permitted uses, Division D Manufacturing, SIC 23, Apparel and other finished products made from fabrics and similar materials; SIC 26 Paper and allied products; SIC 32 Stone, clay, glass and concrete products; SIC 34 Fabricated metal products, except machinery and transportation equipment and SIC 39 Manufacturing industries, not elsewhere classified – *First reading approval was given on March 17, 2010. – Approved on second reading.*

MAP AMENDMENT – SECOND READING

29. **3901 Rosewood Drive**, TMS# 13806-08-18; rezone from RS-2 –CC to UTD – *First reading approval was given on March 17, 2010. – Approved on second reading.*

CASES WITH MAP AND TEXT AMENDMENTS – SECOND READING

30. **1601 Main Street, TMS# 09014-10-16; rezone to add –DP (Design Preservation) –** *First reading approval was given on March 17, 2010. – Approved on second reading.*

31. **Amend §17-691(c)** to add structure as a Group II Landmark

Ordinance No.: 2010-049 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article V, Historic Preservation and Architectural Review, Division 4, Landmarks, Sec. 17-691 Buildings and sites list, (c) to add 1601 Main Street, TMS# 09014-10-16– *First reading approval was given on March 17, 2010. – Approved on second reading.*

ANNEXATION WITH MAP AMENDMENT – SECOND READING

32. **5901 N. Main Street**, TMS# 11711-12-24; annex and zone property C-3 (General Commercial). The property is zoned GC in Richland County. – *First reading approval was given on March 17, 2010. – Approved on second reading.*

Ordinance No.: 2010-042 – Annexing 5901 N. Main Street, Richland County TMS# 11711-12-24– *First reading approval was given on March 17, 2010. – Approved on second reading.*

33. **1624 Browning Road**, TMS# 05916-01-10; annex and zone property C-3 (General Commercial). The property is zoned GC in Richland County. – *First reading approval was given on March 17, 2010. – Approved on second reading.*

Ordinance No.: 2010-043 – Annexing 1624 Browning Road, Richland County TMS# 05916-01-10 – *First reading approval was given on March 17, 2010. – Approved on second reading.*

34. **5400 Farrow Road**, TMS# 11612-07-02; annex and zone property C-3 (General Commercial). The property is zoned GC in Richland County. – *First reading approval was given on March 17, 2010. - Approved on second reading.*

Ordinance No.: 2010-044 – Annexing 5400 Farrow Road, Richland County TMS# 11612-07-02 – *First reading approval was given on March 17, 2010. – Approved on second reading.*

35. **4126 Beecliff Drive**, TMS# 13809-03-13; annex and zone property RS-2 (Single-Family Residential). The property is zoned RS-MD (Single-Family Residential) in Richland County. – *First reading approval was given on March 17, 2010.- Approved on second reading.*

Ordinance No.: 2010-039 – Annexing 4126 Beecliff Drive, Richland County TMS# 13809-03-13 – *First reading approval was given on March 17, 2010. – Approved on second reading.*

36. **4032 Rosewood Drive, 4040 Rosewood Drive, 209 and 223A-C South Beltline Blvd**, TMS#13805-05-07, -09, -10, -11; annex and zone property C-3 (General Commercial) and **307 South Beltline Blvd, TMS # 13805-05-12**; annex and zone property C-1 (Office and Institutional). The property is zoned GC (General Commercial) and OI (Office and Institutional) in Richland County. – *First reading approval was given on March 17, 2010. - Approved on second reading.*

Ordinance No.: 2010-038 – Annexing 4032 Rosewood Drive, 4040 Rosewood Drive, 209 South Beltline Boulevard, 223 A-C South Beltline Boulevard and 307 South Beltline Boulevard, Richland County TMS# 13805-05-07, 13805-05-09, 13805-05-10, 13805-05-11 and 13805-05-12 – *First reading approval was given on March 17, 2010. – Approved on second reading.*

37. **150 and 166 Pontiac Business Center Drive**, TMS# 25714-01-01, -02; annex and zone property M-1 (Light Industrial). The property is zoned M-1 (Light Industrial) in Richland County. – *First reading approval was given on March 17, 2010. - Approved on second reading.*

Ordinance No.: 2010-037 – Annexing 150 Pontiac Business Center Drive and 166 Pontiac Business Center Drive, Richland County TMS# 25714-01-01 and 25714-01-02 – *First reading approval was given on March 17, 2010. – Approved on second reading.*

38. **595 Spears Creek Church Road**, TMS# 28800-01-15; annex and zone property PUD-C (Commercial Planned Unit Development). The property is zoned PDD (Planned Development) in Richland County. – *First reading approval was given on March 17, 2010. - Approved on second reading.*

Ordinance No.: 2010-036 – Annexing 595 Spears Creek Church Road, Richland County TMS# 28800-01-15 – *First reading approval was given on March 17, 2010. – Approved on second reading.*

39. **901 Spears Creek Court**, TMS# 28802-02-03; annex and zone property M-1 (Light Industrial). The property is zoned M-1 (Light Industrial) in Richland County. – *First reading approval was given on March 17, 2010. - Approved on second reading.*

Ordinance No.: 2010-035 – Annexing 901 Spears Creek Church Road, Richland County TMS# 28802-02-03 - *First reading approval was given on March 17, 2010. – Approved on second reading.*

40. **120 Pontiac Business Center Drive**, TMS# 25715-01-03; annex and zone property M-1 (Light Industrial). The property is zoned M-1 (Light Industrial) in Richland County. – *First reading approval was given on March 17, 2010. – Approved on second reading.*

Ordinance No.: 2010-034 – Annexing 120 Pontiac Business Center Drive, Richland County TMS# 25715-01-03 – *First reading approval was given on March 17, 2010. – Approved on second reading.*

41. **3113 Farrow Road**, TMS# 11504-30-16; annex and zone property C-3 (General Commercial). The property is zoned GC (General Commercial) in Richland County. – *First reading approval was given on March 17, 2010. - Approved on second reading.*

Ordinance No.: 2010-040 – Annexing 3113 Farrow Road, Richland County TMS# 11504-30-16 – *First reading approval was given on March 17, 2010. – Approved on second reading.*

42. **1804 Gary Street**, TMS# 11612-02-04; annex and zone property RS-3 (Single-Family Residential). The property is zoned RS-HD (Single-Family Residential) in Richland County. – *First reading approval was given on March 17, 2010. - Approved on second reading.*

Ordinance No.: 2010-041 – Annexing 1804 Gary Street, Richland County TMS# 11612-02-04 – *First reading approval was given on March 17, 2010. – Approved on second reading.*

ORDINANCES - SECOND READING

43. Ordinance No.: 2010-028 – Granting an encroachment to Preston Sabalis and Louisa Sabalis for installation and maintenance of landscape timbers within the right of way area of the 3200 block of Cannon Street adjacent to 123 S. Ravenel Street – *First reading approval was given on March 17, 2010. - Approved on second reading.*
44. Ordinance No.: 2010-029 – Granting an encroachment to the Historic Waverly Improvement and Protection Association for installation and maintenance of landscaping and irrigation within the right of way areas of 2214 Washington Street; 2214 Hampton Street; North side of the 2300 block of Hampton Street; NE corner of Heidt Street and Gervais Street; NE corner of Pine Street and Gervais Street; NW corner of Hampton Street and North Millwood Avenue; NW Corner of Oak Street and Washington Street; NE corner of Oak Street and Washington Street; SE corner of Washington Street and Oak Street; SW corner of Washington Street and Oak Street; NW corner of Lady Street at Pine Street; SW corner of Lady Street and Pine Street; SE corner of Lady Street and Pine Street; NE corner of Lady Street and Pine Street; SE corner of Taylor Street and Oak Street; 1421 Oak Street; SE corner of Hampton Street and Oak Street; and SE corner of Hampton Street and Harden Street – *First reading approval was given on March 17, 2010. - Approved on second reading.*
45. Ordinance No.: 2010-030 – Granting an encroachment to Ursula R. Pallares for installation and maintenance of an aluminum fence, double walk gate, four brick columns, brick pavers and landscaping within the right of way area adjacent to 407 S. Ravenel Street, Richland County TMS# 13801-03-09 – *First reading approval was given on March 17, 2010. - Approved on second reading.*
46. Ordinance No.: 2010-052 – Granting an easement to South Carolina Electric & Gas Company (SCE&G) for Relocation of Power Lines along a portion of City Property for Service to the Metro Wastewater Treatment Plant; Richland County TMS# 11000-01-02 and TMS# 11000-01-03 (portion); CF# 250-277 – *First reading approval was given on March 17, 2010. - Approved on second reading.*

ORDINANCES- FIRST READING

47. Ordinance No.: 2010-025(a) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article IV, Pollution Control, Division 5, Regulations and Requirements Relating to Smoking of Tobacco Products, Sec. 8-216, Definitions, to add "Bar", "Cigar Bar" and Cigarette, and to amend "Retail tobacco store"; and Sec. 8-218, Exceptions to amend (4) and to add (8)
48. Ordinance No.: 2010-025(b) - Ordinance 2010-25 (b) - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article IV, Pollution Control, Division 5, Regulations and Requirements Relating to Smoking of Tobacco Products, Sec. 8-216, Definitions, Retail tobacco store

Mr. Ken E. Gaines, City Attorney explained that Ordinance A allows cigar bars and Ordinance B bans cigar bars; Ordinance A requires a cigar bar to generate 35% or more of its annual gross income from the on premise sale of cigars, tobacco products and related paraphernalia; and Ordinance B totally bans cigar bars.

Mr. Darryl Smalls, Attorney for The Tobacco Merchant said that they are in favor of Ordinance A, adding that it would not change the smoking ban. We think that 35% is too low; our sales are 90% tobacco.

There was a consensus of Council to review the ordinance enacted by the City of Cayce and other cities and states that allow the operation of cigar bars. The Council directed staff to notify the DHEC representative prior to the next discussion.

RESOLUTIONS

Upon a single motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to approve **Items 49.** through **54.**

49. Resolution No.: R-2010-013 - Authorizing consumption of beer and wine at the Urban Tour and Awareness Campaign of Main Street - *Approved*
50. Resolution No.: R-2010-016 - Authorizing Consumption of beer and wine at the Main Street Latin Festival - *Approved*
51. Resolution No.: R-2010-017 - Authorizing consumption of beer and wine within Finlay Park for the Bark to the Park Walk and Festival of Animals Fundraiser - *Approved*
52. Resolution No.: R-2010-028 - Authorizing consumption of beer and wine at the "Springout" Outdoor Concert with Papa Roach at Jillians - *Approved*
53. Resolution No.: R-2010-030 - Authorizing consumption of beer and wine at the Get in the Pink - *Approved*
54. Resolution No.: R-2010-032 – Authorizing consumption of beer and wine at the Italian Festival 2010 - *Approved*
55. Resolution No.: R-2010-034 – Release and Abandonment of a Portion of the City's existing 15' Sanitary Sewer Easement along Richland County TMS #09106-21-37 (Portion); 219 Candleberry Circle; Lot 12, Laurel Hill, Phase IC; CF #230-22 & CF #230-22F - *Approved*

Upon a motion made by Mr. Finlay and seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: R-2010-034 – Release and Abandonment of a Portion of the City's existing 15' Sanitary Sewer Easement along Richland County TMS #09106-21-37 (Portion); 219 Candleberry Circle; Lot 12, Laurel Hill, Phase IC; CF #230-22 & CF #230-22F. Mr. Davis was not present for the vote.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Mr. Jimmy Knight appeared before the members of Council to express concerns about the Columbia Canal project. The City plans to cut down all trees on the Congaree River side of the Canal from the foot bridge to the upstream intake. The large trees will remain, but no new trees will be allowed to grow. He asked that the City of Columbia seek alternative solutions.

Dr. Marie Faltas appeared before the members of Council to express her appreciation for the Board of Zoning Appeals' approval of a special exception for a single family residence with solar energy. She said that she was arrested on false harassment charges and that an investigator contacted the Social Security Administration to report that she was receiving checks that were due to her deceased mother. She reported that a male grabbed his crouch and harassed her, but the police did nothing.

EXECUTIVE SESSION

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to go into Executive Session at 1:46 p.m. for the discussion of **Items 56.** and **57.** Mayor Coble was not present for the vote.

56. Receipt of legal advice concerning potential claim – *This item was discussed in Executive Session. No action was taken.*
 57. Discussion of negotiations incident to the proposed sale of property– *This item was discussed in Executive Session. No action was taken.*
- **Council adjourned the meeting at 2:30 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk