



CITY OF COLUMBIA
DISTRICT I EVENING MEETING MINUTES
WEDNESDAY, JULY 28, 2010
6:00 P.M.
EAU CLAIRE PRINT BUILDING
3901 ENSOR AVENUE

The Columbia City Council conducted a District I Evening Meeting on Wednesday, July 28, 2010 at the Eau Claire Print Building located at 3901 Ensor Avenue, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:08 p.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Belinda F. Gergel and The Honorable Leona K. Plough. The Honorable Tameika Isaac Devine arrived at 6:20 p.m. and The Honorable Daniel J. Rickenmann was absent. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Salley, City Clerk.

INVOCATION

Mr. S. Allison Baker, Assistant City Manager offered the Invocation.

MINUTES

1. Minutes of January 6, January 13, January 20 and January 27, 2010 - *Approved*

Upon a single motion made by Mr. Davis and seconded by Dr. Gergel, Council voted unanimously to approve the Minutes of January 6, 13, 20 and 27, 2010 as presented.

PRESENTATIONS

2. Welcome to the District I Evening Meeting – The Honorable Sam Davis

The Honorable Sam Davis welcomed everyone to the District I Evening Meeting.

3. Eau Claire Community Council – Mr. Henry Hopkins, President

Mr. Henry Hopkins, President of the Eau Claire Community Council provided an overview of the Eau Claire Community Council to include its mission, history, neighborhoods and current initiatives.

- **Ms. Devine joined the meeting at 6:20 p.m.**

4. **K.I.C.K. – Mr. Anthony Frederick, Founder

Mayor Benjamin presented Master Anthony Frederick with the Mayor's Humanitarian Award as the Founder of K.I.C.K. (Kids Inspired by Cancer Campaign), which raises money to help find a cure for cancer. Master Frederick has donated over \$10,000 to the Palmetto Health Foundation – Walk for Life.

5. North Columbia Business Association – Ms. Sabrina Odom, President

Ms. Sabrina Odom, President of the North Columbia Business Association reported that the North Columbia Business Association was established in April 2008 as a non-profit organization to provide professional networking, educational workshops and neighborhood information for businesses within the North Main corridor. The Association meets weekly for "Coffee Talk". They are promoting "Light Up North Columbia" in an effort to light up the corridor during the holiday season. Businesses and individuals are being asked to purchase holiday ornaments for \$450.00 each.

Mr. Donald Gist, North Main Business Association Executive Board Member said that the North Main corridor is the gateway to downtown Columbia and the Association wants to illuminate a positive impression. There is a high degree of unemployment within the corridor and we look forward to a cooperative relationship with the City of Columbia in order to promote growth, businesses and jobs.

Mr. Tommy Burkett, North Main Business Association Executive Board Member reported that businesses within the corridor have been hit hard by crime. He expressed concerns about the lack of response from investigators within the Columbia Police Department. He added that the Columbia Police Department has agreed to increase patrols and communications and to assign two (2) detectives to the area.

Ms. Sabrina Odom, President of the North Columbia Business Association presented the following wish list: a North Columbia Business Directory; clear vision and direction from the Office of Business Opportunities; and funds for marketing. She recognized many individuals for their support of the North Columbia Business Association.

6. National Night Out 2010 KickOff – Ms. Charmaine Clark, Community Liaison

Ms. Charmaine Clark, Community Liaison / Community Development Department announced the 3rd Annual National Night Out Kickoff event on Monday, August 2, 2010 from 6:00 p.m. until 9:00 p.m. at the Columbia Metropolitan Convention Center located at 1101 Lincoln Street.

Ms. Bessie Watson, President of the Columbia Council of Neighborhoods invited everyone to participate in the Kickoff event and to participate in the neighborhood events scheduled for Tuesday, August 3, 2010.

Officer Randy Felder, Columbia Police Department reported that the City of Columbia has won the national award twice for its National Night Out events. He announced that a new crime prevention initiative will be unveiled during the Kickoff event.

7. **Proclamation Presentation – The Honorable Mayor Steve Benjamin

Mayor Benjamin presented a proclamation declaring July 21, 2010 as James E. Clyburn Day in the City of Columbia. Congressman Clyburn recently celebrated his 70th Birthday.

8. 3rd Quarter 2010 Business Spotlight Program Honoree – Mr. Angelo McBride, Business Administrator

Mr. Angelo McBride, Business Administrator introduced Rhythmlink International as the 3rd Quarter Business Spotlight Program Honoree. Rhythmlink International is a manufacturer of neurological electrodes, accessories and a variety of other medical products. Rhythmlink has been selected for the high quality of their products, their strong attention to customer service, continuous growth over the past eight years and their numerous contributions back to the families and organizations in our community.

Mr. Michael O'Leary, Chief Operating Officer of Rhythmlink International thanked the City of Columbia and recognized his employees, noting that they deserve the recognition.

Mayor Benjamin presented Mr. O'Leary with a proclamation and a certificate to the Fast Trac Program for being selected as the 3rd Quarter Business Spotlight Program Honoree.

9. ** Mayor's Back to School Drills & Skills Basketball Clinic and Health Fair

Mayor Benjamin announced that 300 youth have registered to participate in the Skills & Drills Basketball Clinic and Health Fair during August 2-6, 2010. He recognized the following sponsors: Advanced Diagnostics will provide health screenings; Select Health of SC has purchased drawstring backpacks; USC Women's & Men's Basketball Coaches for their expertise; KISS 103.1 FM; and Dr. Robert Parker will provide free physicals.

CONSENT AGENDA

Upon a single motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to approve the **Consent Agenda Items 10.** through **37.** as presented.

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

10. Council is asked to approve Project #SD831504; U.S. Department of the Interior, U.S. Geological Survey Joint Funding Agreement, as requested by Utilities and Engineering in the amount of \$13,140.00. *Funding Source: Storm Water Utility Fund 5549999-SD831504-656200- **Note:** The Agreement provides for operation of three (3) stream monitoring stations that are used to assist with flood warning in the Rocky Branch drainage basin during the period of April 1, 2010 to March 31, 2011. - Approved*
11. Council is asked to approve Project#SS7144; Install New Taps and Renew Existing Taps in Road Right-of-Way, as requested by Utilities and Engineering. Award to New Independent Waterworks, the lowest bidder in the amount of \$28,663.75. This vendor is located in Lexington, SC. *Funding Source: Sanitary Sewer Capital Improvement Fund 5529999-SS714401-658670 - Approved*
12. Council is asked to approve the Purchase of Grounds Maintenance for the Wastewater Treatment Plant FY 2010/2011. Award to Ecological Resources, Inc., the lowest bidder in the amount of \$39,500.04. This vendor is located in Elgin, SC. *Funding Source: Wastewater Treatment Plant Special Contracts 5516208-638300 - Approved*
13. Council is asked to approve Project #SS7146; Pump Repair at Longcreek #3, as requested by Utilities and Engineering. Award to Godwin Pumps of America, the lowest bidder in the amount of \$87,691.92. This vendor is located in North Charleston, SC. *Funding Source: Sanitary Sewer Capital Improvement Fund 5529999-SS714601-851600 - Approved*
14. Council is asked to approve the Purchase of Thirteen (13) Flex-Fuel Chevrolet Impala Vehicles, as requested by the Police Department. Award to Herndon Chevrolet, using the State Contract in the amount of \$226,447.90. This vendor is located in Columbia, SC. *Funding Source: Equipment Services Capital Replacement 6308972-658500 – **Note:** This purchase is for the Investigative Bureau of the Columbia Police Department. - Approved*
15. Council is asked to approve Project #SS6855; Proposed 8" Sanitary Sewer Line to Serve 3868 Clement Road, as requested by Utilities and Engineering. Award to Trussell Bros. Construction, the lowest bidder in the amount of \$345,933.00. This vendor is located in Columbia, SC. *Funding Source: Sewer Improvement Fund SS685501 – This is a Mentor Protégé Program Project - Approved*
16. Council is asked to approve the Purchase of Grit, Ash, Sludge Hauling and Container Rental FY 2010/2011, as requested by the Wastewater Treatment Plant. Award to Pascon, LLC, the lowest bidder in the amount of \$521,240.00. This vendor is located in Lexington, SC. *Funding Source: Wastewater Treatment Plant Special Contracts 5516208-638300 – Approved*

ORDINANCES – SECOND READING

17. Ordinance No.: 2010-091 – Authorizing the transfer of approximately 1.03 acres (45,037 square feet) at Kinard Court and Park Street, Richland County TMS #09012-08-23 from the City of Columbia to Columbia Development Corporation – *First reading approval was given on July 21, 2010. – Approved on second reading.*
18. Ordinance No.: 2010-111 – Granting an Easement to South Carolina Electric and 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 #11000-01-03 (Portion); CF#250-283 – *First reading approval was given on July 21, 2010. – Approved on second reading.*

SIDE WALK VENDING – SECOND READING

19. **NW Corner of Sumter Street and Greene Street**

Ordinance No.: 2010-112 – Granting a franchise to Chris Hinely d/b/a The Peanut Man for operation of a stationary sidewalk vending cart on the northwest corner of Sumter Street and Greene Street – *First reading approval was given on July 21, 2010. – Approved on second reading.*

20. **E/S Sumter Street at College Street (USC Horseshoe)**

Ordinance No.: 2010-113 – Granting a Franchise to Michael Cosola and Maya Cosola d/b/a Fire House Dawgs for operation of a stationary sidewalk vending cart within the mid-block end of the E/S Sumter Street at College Street (USC Horseshoe) – *First reading approval was given on July 21, 2010. – Approved on second reading.*

CASES WITH MAP AND TEXT AMENDMENTS – GRANBY – SECOND READING

21. **TEXT AMENDMENT - Amend various sections of Chapter 17 to create new Two-Family Residential (RD-2) zoning district for application in Mill Villages**

Ordinance No.: 2010-110 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning Article III, Zoning, Division I, Generally, Sec. 17-54 Rules of construction; interpretation of types of districts (i) (1) c to add RD-2; Division 7, General Regulations, Sec. 17-231 Districts enumerated © to add RD-2 Mill Village Two-Family Residential District; Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-234 RD two-family residential district to add RD-2; Sec. 17-258 Table of permitted uses to add RD-2; Sec. 17-275 Lot size, setback and height requirements to add RD-2; Sec. 17-282 Antennas (c) to add RD-2; Sec. 17-283 Wireless communication facilities to add RD-2; Division 9, Supplementary District Regulations, Sec. 17-321 Private dormitory (a) (1) to add RD-2; and Division 12 Signs, Sec. 17-406 Permitted signs (a) to add RD-2 – *First reading approval was given on July 21, 2010. – Approved on second reading.*

22. **TEXT AMENDMENT- Amend Section 17-681(b) to add Granby as an Architectural Conservation District**

Ordinance No.: 2010-109 – 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 3, Landmarks and Design Protection Districts, Sec. 17-681, Districts identified (b) Architectural conservation district to add (7) – *First reading approval was given on July 21, 2010. – Approved on second reading.*

23. **MAP AMENDMENT - Granby Neighborhood – RD-2 Amendment** - Area generally bounded on the north by Catawba Street, on the east by Church and Pulaski Streets, on the south by Heyward Street and on the west by Gist Street and further noted on Richland County TMS# 08812-01-01 through 08812-01-17; 08812-02-01 through 08812-02-09; 08812-02-11 through 08812-02-15; 08812-03-01 through 08812-03-08; 08812-04-01; 08816-11-01 through 08816-11-10; 08816-12-01 through 08816-12-14; 08816-13-01 through 08816-13-15; 08816-14-02 through 08816-14-14; 08909-02-03 through 08909-02-12; 08913-13-01; 08913-14-01 through 08913-14-05; 08913-15-01 through 08913-15-06; 08913-16-01, 08913-16-02, 08913-16-04, 08913-17-01 through 08913-17-09; 08913-19-01 through 08913-19-08; 08913-20-01 through 08913-20-14; request to rezone from RG-2 and PUD-R to RD-2 to facilitate conformance of existing structures and density – *First reading approval was given on July 21, 2010. – Approved on second reading.*
24. **MAP AMENDMENT- Granby Neighborhood – DP Overlay Amendment** - Area generally bounded on the north by Catawba Street, on the east by Wayne Street, on the south by Heyward Street and on the west by Gist Street and further noted on Richland County TMS# 08812-01-01 through 08812-01-17; 08812-02-01 through 08812-02-09; 08812-02-11 through 08812-02-15; 08812-03-01 through 08812-03-08; 08812-04-01; 08816-11-01 through 08816-11-10; 08816-12-01 through 08816-12-14; 08816-13-01 through 08816-13-15; 08816-14-02 through 08816-14-14; 08909-02-03 through 08909-02-12; 08913-13-01; 08913-14-01 through 08913-14-05; 08913-15-01 through 08913-15-06; 08913-16-01, 08913-16-02, 08913-16-04, 08913-17-01 through 08913-17-09; 08913-19-01 through 08913-19-08; 08913-20-01 through 08913-20-14.; request to rezone to add –DP overlay to parcels to designate area as an Architectural Conservation District. – *First reading approval was given on July 21, 2010. – Approved on second reading.*

ANNEXATION WITH MAP AMENDMENT – SECOND READING

25. **120 Fairforest Road**, TMS# 04911-01-08; annex and zone property PUD-LS. The property is zoned PDD in Richland County.
- Ordinance No.: 2010-092 – Annexing 120 Fairforest Road, Richland County TMS #04911-01-08 – *First reading approval was given on July 21, 2010. – Approved on second reading.*
26. **200, 300, 400, and N/S Arbor Lake Dr.**, TMS# 14203-13-02, 14207-02-01, -02, and 14203-18-01; annex and zone property M-1. The property is zoned M-1 in Richland County.
- Ordinance No.: 2010-093 – Annexing 200 Arbor Lake Drive, 300 Arbor Lake Drive, 400 Arbor Lake Drive and N/S Arbor Lake Drive, Richland County TMS #14203-13-02; 14207-02-01; 14207-02-02 and 14203-18-01 – *First reading approval was given on July 21, 2010. – Approved on second reading.*
27. **1001 Bluff Road and S/S S. Stadium Road**, TMS# 11205-01-05, -06, -09A; annex and zone property C-3. The property is zoned GC in Richland County.
- Ordinance No.: 2010-094 – Annexing 1001 Bluff Road and S/S South Stadium Road, Richland County TMS #11205-01-06, 11205-01-05 and 11205-01-09(A) – *First reading approval was given on July 21, 2010. – Approved on second reading.*
28. **38 Bethune Court**, TMS# 11606-05-11; annex and zone property RS-3. The property is zoned RS-3 in Richland County.
- Ordinance No.: 2010-096 – Annexing 38 Bethune Court, Richland County TMS #11606-05-11 – *First reading approval was given on July 21, 2010. – Approved on second reading.*

29. **181 and 190 Pontiac Business Center Drive**, TMS# 25714-01-05, -08; annex and zone property M-1. The property is zoned M-1 in Richland County.

Ordinance No.: 2010-095 – Annexing 181 Pontiac Business Center Drive and 190 Pontiac Business Center Drive, Richland County TMS #25714-01-05 and 25714-01-08 - *First reading approval was given on July 21, 2010. – Approved on second reading.*

30. **715 Bluff Road**, TMS# 11202-06-02; annex and zone property M-1. The property is zoned M-1 in Richland County.

Ordinance No.: 2010-107 – Annexing 715 Bluff Road, Richland County TMS #11202-06-02 – *First reading approval was given on July 21, 2010. – Approved on second reading.*

31. **14 Redbay Court**, TMS: 28808-03-10; annex and zone property PUD-R. The property is zoned PDD in Richland County.

Ordinance No.: 2010-098 – Annexing 14 Redbay Court, Richland County TMS #28808-03-10 – *First reading approval was given on July 21, 2010. – Approved on second reading.*

32. **56 Redbay Road**, TMS# 28812-02-09; annex and zone property PUD-R. The property is zoned PDD in Richland County.

Ordinance No.: 2010-099 – Annexing 56 Redbay Road, Richland County TMS #28812-02-09 – *First reading approval was given on July 21, 2010. – Approved on second reading.*

33. **2 Old Landing Court**, TMS: 28901-03-07; annex and zone property PUD-R. The property is zoned PDD in Richland County.

Ordinance No.: 2010-101 – Annexing 2 Old Landing Court, Richland County TMS#28901-03-07 – *First reading approval was given on July 21, 2010. – Approved on second reading.*

34. **206 Beaver Lake Drive**, TMS# 28902-01-15; annex and zone property PUD-R. The property is zoned PDD in Richland County.

Ordinance No.: 2010-102 – Annexing 206 Beaver Lake Drive, Richland County TMS #28902-01-15 – *First reading approval was given on July 21, 2010. – Approved on second reading.*

35. **151 Island View Circle**, TMS# 28907-02-04; annex and zone property PUD-R. The property is zoned PDD in Richland County.

Ordinance No.: 2010-103 – Annexing 151 Island View Circle, Richland County TMS #28907-02-04 – *First reading approval was given on July 21, 2010. – Approved on second reading.*

36. **10 Redbay Court**, TMS# 28808-03-08; annex and zone property PUD-R. The property is zoned PDD in Richland County.

Ordinance No.: 2010-100 – Annexing 10 Redbay Court, Richland County TMS #28808-03-08 – *First reading approval was given on July 21, 2010. – Approved on second reading.*

37. **621 S. Assembly Street**, TMS# 11208-03-01; annex and zone property M-1. The property is zoned M-1 in Richland County.

Ordinance No.: 2010-106 – Annexing 621S Assembly Street, Richland County TMS #11208-03-01 – *First reading approval was given on July 21, 2010. – Approved on second reading.*

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

38. Council is asked for the approval of Sergeant Melron Kelly to attend the 124th Administrative Officers Course, as requested by the Police Department. Award to the Southern Police Institute (University of Kentucky) in the amount of \$10,879.00. *Funding Source: Office of the Chief – Travel/Training 1012400-6312 - Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to approve Sergeant Melron Kelly's attendance at the 124th Administrative Officers Course, as requested by the Police Department. Award to the Southern Police Institute (University of Kentucky) in the amount of \$10,879.00.

39. Council is asked to approve Project #SS7094; Change Order #3, Emergency Repair of 8" Sanitary Sewer Line; Philips, Cook Marsteller Streets and Miller Avenue, as requested by Utilities and Engineering. Award to Trussell Bros. Construction Co., Inc., in the amount of \$30,892.15. This vendor is located in Columbia, SC. *Funding Source: Sewer Improvement Fund – **Note:** The additional costs associated with this change order are to compensate the contractor for the installation of a new drop manhole and to relocate an existing 8" water main. - Approved*

Upon a motion made by Mr. Davis and seconded by Dr. Gergel, Council voted unanimously to approve Project #SS7094; Change Order #3, Emergency Repair of 8" Sanitary Sewer Line; Philips, Cook Marsteller Streets and Miller Avenue, as requested by Utilities and Engineering. Award to Trussell Bros. Construction Co., Inc., in the amount of \$30,892.15. This vendor is located in Columbia, SC.

40. Council is asked to approve Project #WM3631; 12" Water Main Construction Along Simon Tree Lane, as requested by Utilities and Engineering. Award to Carolina Tap and Bore, the lowest bidder in the amount of \$172,479.90. This vendor is located in West Columbia, SC. *Funding Source: Water Improvement Fund WM363102 – This is a Mentor Protégé Program Project. - Approved*

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to approve Project #WM3631; 12" Water Main Construction Along Simon Tree Lane, as requested by Utilities and Engineering. Award to Carolina Tap and Bore, the lowest bidder in the amount of \$172,479.90. This vendor is located in West Columbia, SC.

41. Council is asked to approve Project #SS7081; Increase in Project Amount for Broad River Lift Station Repairs, as requested by Utilities and Engineering. Award to McClam & Associates, Inc., in the amount of \$174,911.95. This vendor is located in Little Mountain, SC. *Funding Source: Sanitary Sewer Capital Improvement Fund 5529999-SS708101-851200 – **Note:** The increase is for final payment of applications requested by the city and to close out McClam's portion of the project. - Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to approve Project #SS7081; Increase in Project Amount for Broad River Lift Station Repairs, as requested by Utilities and Engineering. Award to McClam & Associates, Inc., in the amount of \$174,911.95. This vendor is located in Little Mountain, SC.

42. Council is asked to approve Project #CM3003; Washington-Taylor Street Garages Improvements, as requested by the Parking Services Division. Award to AOS Specialty, the lowest bidder in the total amount of \$575,492.93 to include the base bid in the amount of \$389,873.00; Alternate #2 for the painting of metal decking in the amount of \$63,340.00; Engineering Services in the amount of \$22,279.93; and a contingency in the amount of \$100,000.00. This vendor is located Columbia, SC. *Funding Source: 2005 Parking Bond Issue – PG001109 - Approved*

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to approve Project #CM3003; Washington-Taylor Street Garages Improvements, as requested by the Parking Services Division. Award to AOS Specialty, the lowest bidder in the total amount of \$575,492.93 to include the base bid in the amount of \$389,873.00; Alternate #2 for the painting of metal decking in the amount of \$63,340.00; Engineering Services in the amount of \$22,279.93; and a contingency in the amount of \$100,000.00. This vendor is located Columbia, SC.

43. Council is asked to approve Project #SS7102; North Columbia Pump Station Improvements, as requested by Utilities and Engineering. Award to State Utilities Contractors, the lowest bidder in the amount of \$3,570,000.00. This vendor is located in Monroe, NC. *Funding Source: Sanitary Sewer Funding Account SS710201 – This item was discussed in Executive Session. Please refer to **Item 52**.*

A motion made by Ms. Plough to authorize the City Attorney to proceed with executing the aspect of the contact with Franklin Lee, Esq. that deals with local preference and to bring that back to the Council as early as next week for consideration, was not seconded.

A motion made by Ms. Plough to delay action on **Item 43**. for the receipt of legal advice was not seconded.

There was a consensus of Council to receive legal advice in Executive Session.

CITY COUNCIL DISCUSSION / ACTION

44. Authorizing the City Manager to Issue a Request for Proposals for the Lease or Sale of the Canal Hydro Plant

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to authorize the City Manager to Issue a Request for Proposals for the Lease or Sale of the Canal Hydro Plant.

45. ****Central Midlands Regional Transit Authority (CMRTA) Update – The Honorable Belinda F. Gergel**

Councilor Gergel reported that she attended the July meeting of the CMRTA Board and reminded the Council of the operations study previously initiated by Richland County. She reported that there is a new and improving system; the routes are being overhauled; Routes 4 and 8 were adjusted; there are new user-friendly route maps; clean up crews have been assigned to each stop; there is a new partnership with Piggly Wiggly and tickets can be purchased at their six (6) locations; automatic vehicle locators have been installed on the buses; transit center upgrades are scheduled for September 2010; and eight (8) new buses will be delivered next week.

There was a consensus of Council to schedule a formal presentation on the proposed Transportation Sales Tax Referendum and associated projects.

****Councilor Davis recognized Mr. Chris Dawson, Owner of the Cici's Pizza on North Main Street.**

ORDINANCES – FIRST READING

46. 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). – *First Reading Consideration of this item was deferred to September 1, 2010.*

Ordinance No.: 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 – *First Reading Consideration of this item was deferred to September 1, 2010.*

Ordinance No.: 2010-025(c) – Amending the 1998 Code of Ordinance 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– *First Reading Consideration of this item was deferred to September 1, 2010.*

47. Ordinance No.: 2010-077 – 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. 8-220 Jurisdiction, enforcement and penalties – *First Reading Consideration of this item was deferred to September 1, 2010.*

Mr. Ken E. Gaines, City Attorney explained that **Ordinance 2010-077** clarifies that each offense is a separate infraction as done in the City of Cayce and as recommended by DHEC's Secondhand Smoke Prevention Coordinator. **Ordinance 2010-025(a)** defines and permits cigar bars; a cigar bar must generate 35% or more of its annual gross income from the sell of cigars; it excludes retail tobacco stores; it does not allow the consumption of alcoholic beverages in retail tobacco stores; a business will not be able to sell incidental amounts of alcohol and claim it is merely a retail tobacco store; and it allows only the smoking of cigars and pipes in cigar bars. **Ordinance 2010-025(b)** excludes from the definition of retail tobacco store any establishment that is licensed for the on-premise consumption of alcoholic beverages; therefore, a business will not be able to sell incidental amounts of alcohol and claim it is merely a retail tobacco store. **Ordinance 2010-025(c)** has been revised; it is identical to the City of Cayce's ordinance; and it changes the definition of a retail tobacco store to define incidental as less than 5% of gross sales for all other products combined; therefore an establishment could possibly serve alcohol on-premises if the alcohol sales, together with other non-tobacco products, doesn't reach 5% of gross sales.

Mr. Louis Eubank, Executive Director of the SC Tobacco Collaborative asked that the City be clear on what incidentals are and tighten the definitions within the amendments.

Mr. Ian Hamilton, State Grant Coordinator for the SC Tobacco Collaborative clarified that the intent is to create smoke-free environments.

Mr. Daryl Smalls, Esq. appeared on behalf of The Tobacco Merchant. He said that the existing ordinance allows for cigar bars. We think that Ordinance 2010-025(a) is best. We are a retail tobacco store selling beer and wine.

There was a consensus of Council to defer first reading consideration until September 1, 2010.

48. Ordinance No.: 2010-117 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 11, Licenses, Permits and Miscellaneous Business Regulations, Article III, Contractors, Sec. 17-73 Technical qualifications - *Code Enforcement Task Force Recommendation: Approve – Approved on first reading.*

Upon a motion made by Mr. Davis, and seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2010-117 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 11, Licenses, Permits and Miscellaneous Business Regulations, Article III, Contractors, Sec. 17-73 Technical qualifications

**The members of Council recognized Sgt. Melron Kelly for being accepted to the 124th Administrative Officers Course at the Southern Police Institute at the University of Kentucky.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

No one appeared at this time.

EXECUTIVE SESSION

Upon a motion made by Ms. Plough and seconded by Mr. Davis, Council voted unanimously to go into Executive Session at 8:35 p.m. for the discussion of **Items 49.** through **51.** as amended.

49. Discussion of negotiations incident to the proposed sale of property
- Little Red School House – *This item was discussed in Executive Session. No action was taken.*
50. Receipt of legal advice which relates to pending, threatened or potential claim – Several items was discussed in Executive Session. No action was taken.
51. ** Receipt of legal advice which relates to a matter covered by attorney-client privilege
- Project SS7102; North Columbia Pump Station – *This item was discussed in Executive Session. Please refer to **Item 52.***
- **Council adjourned the Executive Session at 9:12 a.m. to reconvene the meeting.**

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

52. Council is asked to approve Project #SS7102; North Columbia Pump Station Improvements, as requested by Utilities and Engineering. Award to State Utilities Contractors, the lowest bidder in the amount of \$3,570,000.00. This vendor is located in Monroe, NC. *Funding Source: Sanitary Sewer Funding Account SS710201 - Approved*

Upon a motion made by Ms. Plough and seconded by Mr. Davis, Council voted unanimously to approve Project #SS7102; North Columbia Pump Station Improvements, as requested by Utilities and Engineering. Award to State Utilities Contractors, the lowest bidder in the amount of \$3,570,000.00.

- **Council adjourned the meeting at 9:13 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk