



CITY OF COLUMBIA
CITY COUNCIL MINUTES
TUESDAY, OCTOBER 19, 2010
6:00 P.M.
COUNCIL CHAMBERS – 3RD FLOOR
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting on Tuesday, October 19, 2010 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:07 p.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann, The Honorable Belinda F. Gergel, The Honorable Leona K. Plough and The Honorable Brian DeQuincey Newman. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Salley, City Clerk.

PLEDGE OF ALLEGIANCE

INVOCATION

Chaplain Clyde Waters, Columbia Police Department offered the Invocation.

MINUTES

1. Minutes of May 5, 12, 18, 19 and 26, 2010 – *Approved as presented.*

Upon a single motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to approve the Minutes of May 5, 12, 18, 19 and 26, 2010.

PRESENTATIONS

2. Introduction of the October 2010 Employee of the Month – Mr. Randy Scott, Interim Chief of Police

Mr. Randy Scott, Interim Police Chief accepted the Employee of the Month Certificate on behalf of Investigator Sumter.

3. President of Neighborhoods, USA – The Honorable Leona K. Plough

Mayor Benjamin and the members of City Council recognized Mr. Tige Watts for being elected as the President of Neighborhoods, USA. Mr. Watts currently serves as the President of the Brandon Acres/Cedar Terrace Neighborhood Organization and he is the first President of NUSA to be elected from the State of South Carolina.

4. Start! Fit-Friendly Platinum Level Award Presentation – Ms. Andrea Marks, Director/American Heart Association – *This presentation was withdrawn from the agenda.*
5. Share the Light /Honor Our Veterans Event – Ms. Courtney McDuffie, Advancement Associate-South Carolina/ Lutheran Family Services

Ms. Courtney McDuffie, Advancement Associate-South Carolina/Lutheran Family Services invited everyone to participate in Share the Light / Honor Our Veterans Event on Thursday, November 11, 2010 at 5:30 p.m. at Memorial Park. Col. Craig Currey, Deputy Commander at Ft. Jackson will be the keynote speaker and the Benedict College Gospel Choir will perform.

6. International Downtown Association Pinnacle Award – Mr. Eric McClam, City Roots Organic Farm Manager; Ms. Eva Nance, Chair / Columbia Development Corporation Board of Directors; and Mr. Fred Delk, Executive Director/ Columbia Development Corporation

Mr. Fred Delk, Executive Director/Columbia Development Corporation presented City Roots Urban Organic Garden in Edisto Court with the Pinnacle Award from the International Downtown Association. The Pinnacle Award is presented to projects that represent the best of the best in downtown management and urban development. It is the only urban organic farm in South Carolina and it is a partnership with the Columbia Development Corporation.

7. Municipal Court Annual Report – Ms. Dana Turner, Chief Administrative Judge

Ms. Dana Turner, Chief Administrative Judge introduced the following Municipal Court Judges DeAndrea Benjamin, Steedley Bogan, Steven D. Dennis, Lincoln C. Jenkins, Carlton B. Bagby, James S. Guignard and William C. Smith. Judges Jean Burns and Marion O. Hanna were not present. She reported that the total number of cases heard is down from 2008/2009, which also reduces the revenue they are able to collect. For fiscal year 2009/2010, they retained \$725,338.00 in revenue. They conducted 19 jury trials that led to 8 guilty verdicts. The Judges conduct preliminary hearings and countless bond hearings with bond court being held twice per day, including holidays. The General Assembly has increased our jurisdictional limits in a number of ways and courtesy summons are an issue. We are moving forward with the State's Case Management System by negotiating with Richland County and we anticipate that implementation will be complete in March 2011.

8. Emergency Homeless Shelter Update – Mr. David Kunz, Executive Director/The Cooperative Ministry

Mr. David Kunz, Executive Director/The Cooperative Ministry reported that the shelter operated from November 1, 2009 through March 31, 2010 with an increased capacity of 206 to 240. We served 668 unduplicated clients with fewer negative effects and incidents than previous years. This was a major collaboration with Dr. David Parker and his staff at the University of South Carolina School of Medicine's Special Housing Division who provided outstanding oversight, case management and research for the shelter. We propose for this year that meals be served at Ebenezer Baptist Church and that security be provided by The Cooperative Ministry. We are changing the shelter layout by moving beds back for more floor space; patrons will register each evening; and we are considering having shelter staff wear identification.

**Ms. Chandra Cleveland-Jennings of Palmetto Youth Connection Mentoring introduced a gender based mentoring program that has been in existence since 2009. She introduced Ladies Armed With Knowledge and Men Armed With Knowledge and reported that homelessness among our youth is growing. In the future, I will be asking for your support of a youth transitional shelter in the City.

**Councilor Davis introduced Master Tiquan Jackson as his shadow. Tiquan is being accompanied by Dwayne Ishmal who connects young people with professionals.

9. Registration of Park Patrons – Mr. S. Allison Baker, Senior Assistant City Manager

Mr. Damon McDuffie, Interim Director for Operations / Parks and Recreation Department sought Council's endorsement of the implementation of a registration program that will allow the Parks and Recreation Department to better serve our community and citizens. All patrons will be asked to complete a registration form and all identifying information will be entered into a database at the main office and viewed by park staff through a shared document.

Mr. S. Allison Baker, Senior Assistant City Manager asked that this be a required policy.

Upon a motion made by Mayor Benjamin and seconded by Mr. Rickenmann, Council voted unanimously to direct staff to proceed with the implementation of a Registration System for Park Patrons. A report should be provided to Council 6-months after implementation.

CITY COUNCIL DISCUSSION / ACTION

10. Direct Deposit Requirement for Employees – Mr. Steven Gantt, City Manager

Mr. Steven Gantt, City Manager reported that 78% of City of Columbia employees use direct deposit. He recommended that all new hires be required to set up direct deposit and that staff continue to look at other options for current employees without direct deposit.

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to accept the City Manager's recommendation to require all new hires to set up direct deposit and that staff research other options for current employees without direct deposit.

11. City Council Committees

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve the following as it relates to City Council Committees:

- Move Councilor Newman from the Environment and Infrastructure Committee to the Arts and Historic Preservation Committee;
- Move Councilor Plaugh from the Arts and Historic Preservation Committee to the Environment and Infrastructure Committee;
- To direct the City Clerk to create a master calendar of all committee meetings on the 2nd and 4th Tuesdays of each month. Meetings may be scheduled on the 1st and 3rd Tuesdays as deemed appropriate by the Committee Chair;
- To comply with all public meeting notice requirements;
- The City Council will entertain motions to defer matters to the committee; and
- The assignments are effective for two (2) years.

12. City Council December 2010 Meeting Dates

There was a consensus of Council to meet on December 7 and 14, 2010 at 6:00 p.m.

12a. **Neighborhood Stabilization Program and Code Enforcement – The Honorable Sam Davis and The Honorable Brian DeQuincey Newman

Councilor Davis stated that 16 neighborhoods were included in the assessment under the Neighborhood Stabilization Program and 30% of them contained 62 properties with poor conditions. At that time, 24 of those properties did not have active code enforcement cases. The assessment completed under the NSP was an excellent snapshot of where we were. He expressed concerns about moving forward and using the assessment to determine what other tools can be given to staff to improve code enforcement and to strengthen our position in getting people to understand the negative impact of derelict houses. During a neighborhood walk-thru we found 8 houses within one block that were in poor condition. That is a major concern. What is it about the system that will not allow us to be more expeditious in dealing with boarded up houses; derelict buildings; and absentee landlords?

Councilor Newman concurred with the sentiments of Councilor Davis, noting that they have a lot of similarities in the districts they represent. I have walked essentially every neighborhood that I represent and there are neglected properties. There is some issue that we have; I'm not sure if properties are being cited properly; if penalties are appropriate; or if there is follow-up. It's a public safety issue as well. We have to eradicate these havens for illegal activity.

There was a consensus of Council to schedule a full briefing on November 9, 2010 on Code Enforcement and the Absentee Landlord Registration Program and to direct staff to provide the statistical data associated with the Neighborhood Stabilization Program, Code Enforcement and the Absentee Landlord Registration Program.

CONSENT AGENDA

Upon a single motion made by Dr. Gergel and seconded by Mr. Rickenmann, Council voted unanimously to approve the **Consent Agenda Items 13.** through **22.**

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

13. Council is asked to approve the Purchase of Delsar Life Detector LD3-4, as requested by the Fire Department. Award to Newton's Fire and Safety, the lowest bidder meeting specifications in the amount of \$11,080.92. This vendor is located in Swepsonville, NC. *Funding Source: Homeland Security Grant Control Other Equipment over \$5,000, 2009 Midlands Search and Rescue 2549999-658400-9608000109-658400 - Approved*
14. Council is asked to approve the Annual Support Renewal of the Fleet Focus Software, as requested by the Fleet Services Division. Award to Asset Works, as a Sole Source in the amount of \$16,745.11. This vendor is located in Wayne, PA. *Funding Source: Equipment Services/Maintenance Contracts 6308971/638200 - Approved*
15. Council is asked to approve Project #WM3917; 6" Water Main along Melissa Lane and Cheryl Drive, as requested by Utilities and Engineering. Award to HD Supply Waterworks, the lowest bidder in the amount of \$25,388.34. This vendor is located in West Columbia, SC. *Funding Source: Water Main Capital Improvement Fund 5529999-WM391701-658670 - Approved*
16. Council is asked to approve Project #SD8346; General Laboratory Sampling at Various Locations, as requested by Utilities and Engineering in the amount of \$50,000.00. *Funding Source: Stormwater Maintenance Fund 5534210-SD834601-638300 – **Note:** These tests are necessary to comply with the National Pollutant Discharge Elimination System Permit. - Approved*
17. Council is asked to approve Project #WM3954; 12" Extension along Sparkleberry Lane, as requested by Utilities and Engineering. Award to LAD Corporation, the lowest, responsive and responsible bidder in the amount of \$248,526.01. This vendor is located in Swansea, SC. *Funding Source: Water Main Improvement Fund WM395401-658650; This is a Mentor Protégé Program Project and Babcock Construction is the Protégé. - Approved*
18. Council is asked to approve Project #SS7148; An Agreement for the Purpose of Rehabilitating the Sanitary Sewer Collection System in Saluda Basin #11, as requested by Utilities and Engineering. Award to W.K. Dickson & Company, Inc., in the amount of \$313,500.00. This vendor is located in Columbia, SC. *Funding Source: Sewer Improvements Fund 5529999-SS714501-636600 – Approved*

19. Council is asked to approve Project #WM416703; An Agreement for Inspection and Engineering Services in Connection with the Columbia Canal, as requested by Utilities and Engineering. Award to Chao & Associates, Inc., in the amount of \$322,985.00. This vendor is located in Columbia, SC. *Funding Source: Water Improvements Fund 5529999-WM416703-636600 – Approved*
20. Council is asked to approve the Purchase of Three (3) Street Sweepers, as requested by the Fleet Services Division. Award to Amick Equipment Co., the lowest bidder meeting specifications in the amount of \$562,137.00. This vendor is located in Lexington, SC. *Funding Source: Capital Replacement, Auto, Trucks, Heavy Equipment > \$5,000; 6308972-658500 - Approved*
21. Council is asked for approval to Enter into Contract Negotiations for a Business License Software Solutions, as requested by the Business License Division. Award to EnerGov Solutions in an amount not to exceed \$440,000. This firm is located in Duluth, GA. *Funding Source: 2011 GO Bond Issuance – Note: This is to replace the current operating system, which is 25 years old. - Approved*
22. Council is asked to approve Project #SS7154; An Emergency Project at the Metro Wastewater Treatment Plant Aeration Improvements, as requested by Utilities and Engineering. Award to M.B. Kahn Construction Inc., the lowest, responsive and responsible bidder in the amount of \$2,448,100.00. This vendor is located in Columbia, SC. *Funding Source: Sanitary Sewer Improvement Fund SS715402-658650 - Approved*

MAP AMENDMENTS – SECOND READING

23. **Sherwood Forest –CC1 Overlay**– Generally bounded by starting at the intersection of Devine Street and Kilbourne Road, southeasterly along Devine Street to Beltline Boulevard, southerly along Beltline Boulevard to Rosewood Drive, westerly along Rosewood Drive to South Kilbourne Road, northerly along South Kilbourne Road to midblock between Yale and Heyward Streets, easterly midblock between Yale Avenue and Heyward Streets to the end of Heyward Street and northerly to midblock between Monroe and Duncan Streets, westerly to Kilbourne Road, and northerly to the starting point described above TMS# 13806-03-01 through 14; 13806-04-02 through 10; 13806-05-01 through 18; 13806-06-01 through 13; 13806-07-01, -02, -04 through 18, -20; 13806-08-01 through 11, -13 through 17, -20, -21, -26 through 29; 13806-09-01 through 36; 13807-03-01 through 05, -07 through 35; 13807-04-01 through 08, 10 through 19, -21, -23 through 34; 13807-05-01 through 14; 13809-01-01; 13810-01-01 through 20; 13810-05-01 through 12; 13810-06-01 through 06; 13811-10-01 through 07; 13811-10-03 through 17; 13811-11-01 through 06; 13811-12-01 through 07, -09; 13988-01-01 through 10; request to add –CC1 (Community Character – Permanent) overlay and remove –CC (Community Character- Interim) overlay. – *First reading approval was given on September 15, 2010. – Approved on second reading.*

Upon a motion made by Mr. Rickenmann and seconded by Dr. Gergel, Council voted unanimously to give second reading approval to the *Map Amendment* for Sherwood Forest – CC1 Overlay; request to add –CC1 (Community Character – Permanent) overlay and remove – CC (Community Character- Interim) overlay.

24. **Forest Hills – CC Extension** - Generally bounded on the north by Forest Drive, on the east by Glenwood Road, on the south by Gervais Street, and on the west by Manning Avenue and further denoted on TMS# 11411-07-01 through -04; 11412-05-01, -02, -04, -05 through -08, -10; 11415-01-01 through -05; 11415-02-01 through -17; 11415-03-01 through -14; 11415-04-01 through -04, -06 through -08, -10, -11, -13 through -17; 11415-05-01 through -27; -29 through -35; 11415-06-01 through -04, -06 through -15, -17 through -18; 11415-07-01 through -05, -07, -09, -10; 11415-19-01 through -10; 11415-20-01 through -10; 11416-08-01 through -21; 11416-09-01 through -29; 11416-10-01 through -08; 11416-11-01 through -04, -06, -08 through -17; 11416-12-03 through -05, -07 through -13; 11416-13-01 through -02; 11488-01-01 through -06; 13903-01-01 through -15; 13904-13-01 through -11; 13904-14-01 through -12; request reapplication of –CC (Interim Measures for Community Character Protection) overlay on all parcels. – *First reading approval was given on September 15, 2010. – Approved on second reading.*

Upon a motion made by Dr. Gergel and seconded by Mr. Rickenmann, Council voted unanimously to give second reading approval to the *Map Amendment* for Forest Hills – CC Extension; request reapplication of –CC (Interim Measures for Community Character Protection) overlay on all parcels.

TEXT AMENDMENT – SECOND READING

25. **Amend and Create New Text in Chapter 17 to create regulations for Temporary Vendors**

Ordinance No.: 2010-119 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 1, Generally, Sec. 17-55 Definitions to add Temporary vendor and Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258 Table of permitted uses to add (7) – *First reading approval was given on September 15, 2010. This matter was deferred to the Economic and Community Development Committee.*

The following individuals appeared before the members of Council in opposition to **Item 25**:

Mr. Bud Ferrillo
Mr. McCullough
Mr. Ernest Lee

Ms. Krista Hampton, Director of Planning and Development Services stated that they are attempting to regulate temporary vendors. She proposed that they require the vendors to remove all materials associated with their trade from 9:00 p.m. until 7:00 a.m. daily.

Upon a motion made by Ms. Devine and seconded by Dr. Gergel, Council voted unanimously to defer Ordinance No.: 2010-119 to the Economic and Community Development Committee.

RESOLUTIONS

26. Resolution No.: R-2010-078 – Amending Sidewalk Vending Locations and Authorized Merchandise - *Approved*

Upon a motion made by Mr. Rickenmann and seconded by Ms. Plough, Council voted unanimously to approve Resolution No.: R-2010-078 – Amending Sidewalk Vending Locations and Authorized Merchandise.

Upon a single motion made by Ms. Devine and seconded by Ms. Plough, Council voted unanimously to approve **Resolution Items 27.** through **29.**

27. Resolution No.: R-2010-088 – Authorizing consumption of beer and wine at Mac's on Main Pig Feet Festival in the 1700 block of Main Street between Blanding Street and Laurel Street - *Approved*
28. Resolution No.: R-2010-089 – Authorizing consumption of beer and wine at the Park Street Oyster Roast - *Approved*
29. Resolution No.: R-2010-090 – Authorizing consumption of beer and wine at the Devine Street Holiday Open House on the sidewalks within the 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100 and 3200 blocks of Devine Street - *Approved*
30. Resolution No.: R-2010-091 – Authorizing the City Manager to execute an agreement between the City of Columbia and Richland County for sewer service to certain properties within Richland County's 208 service area - *Approved*

Upon a motion made by Mr. Rickenmann and seconded by Ms. Plough, Council voted unanimously to approve Resolution No.: R-2010-091 – Authorizing the City Manager to execute an agreement between the City of Columbia and Richland County for sewer service to certain properties within Richland County's 208 service area.

31. Resolution No.: R-2010-092 - Amending Resolution R-2010-079 Authorizing consumption of beer and wine at The White Mule's Rocktoberfest in the 1500 block of Main Street between Hampton Street and Taylor Street to change the date to Sunday, October 24, 2010 - *Approved*

Upon a motion made by Ms. Plough and seconded by Mr. Rickenmann, Council voted unanimously to approve Resolution No.: R-2010-092 –Amending Resolution R-2010-079 Authorizing consumption of beer and wine at The White Mule's Rocktoberfest in the 1500 block of Main Street between Hampton Street and Taylor Street to change the date to Sunday, October 24, 2010.

32. Resolution No.: R-2010-093 - Authorizing the City Manager to execute an Amendment to the Agreement between the City of Columbia and the Cooperative Ministry extending the term of the Agreement and adding additional provisions to the Agreement – *Consideration of this item was deferred to November 2, 2010.*
33. Resolution No.: R-2010-094 – Authorizing consumption of beer and wine at the South Carolina Oyster Festival in the 1600 block of Blanding Street - *Approved*

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: R-2010-094 – Authorizing consumption of beer and wine at the South Carolina Oyster Festival in the 1600 block of Blanding Street.

APPOINTMENTS

34. Central Midlands Regional Transit Authority

Upon a motion made by Mayor Benjamin and seconded by Dr. Gergel, Council voted unanimously to approve the appointment of Ms. Sue Berkowitz to the Central Midlands Regional Transit Authority Board of Directors.

35. Land Use Boards and Commissions

- Board of Zoning Appeals

Upon a motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to approve the reappointment of Mr. Ernest Cromartie, III to the Board of Zoning Appeals for a second and final five (5) year term.

Upon a motion made by Mr. Newman and seconded by Mr. Rickenmann, Council voted unanimously to approve the appointment of Ms. Patricia Durkin to the Board of Zoning Appeals for a five (5) year term.

There was a consensus of Council to advertise the one (1) remaining vacancy created by the relocation of Mr. Tony Thompson for a two (2) week period.

- Planning Commission

Upon a motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to approve the appointment of Mr. Alexander Alderman, Mr. Joshua Eagle and Mr. Gene Dinkins, Jr. to the Planning Commission for a three (3) year term.

- Design Development Review Commission

Upon a motion made by Dr. Gergel and seconded by Mayor Benjamin, Council voted unanimously to approve the appointment of Ms. Betsy Kaemmerlen as a Planner representative on the Design Development Review Commission for a three (3) year term.

Upon a motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to approve the appointment of Ms. Catherine Horne as the Architectural Historian representative, Mr. David Ross as the Attorney representative and Mr. Lesesne Monteith as the Architect representative for a three (3) year term.

36. Stakeholder Policy Advisory Committee (SPAC)

Upon a motion made by Mr. Rickenmann and seconded by Ms. Plough, Council voted unanimously to approve the appointment of The Honorable Tameika Isaac Devine to the Richland One Stakeholder Policy Advisory Committee (SPAC).

36a. **Miss South Carolina Pageant Sponsorship Request

Upon a motion made by Dr. Gergel and seconded by Ms. Plough, Council voted unanimously to authorize Mayor Benjamin, Councilor Gergel and Mr. Steven Gantt, City Manager to proceed with negotiations with the Miss South Carolina Pageant and the potential utilization of Hospitality Tax funding to attract them to Columbia.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Mr. Stephen Gibbes, Homeless Helping Homeless Advocate said that he was commissioned for the urban garden concept. There are two (2) locations and we would like expedited action from Council on the steps that need to be taken for these locations. We need irrigation and soil for the McDuffie Street property; the topsoil that the City has is not acceptable for the plants. He asked the Council to provide the Liberty Hill Community with an active garden and recognize and help HHH to go into other communities to establish and introduce community gardens.

Mr. William Ford, Homeless Helping Homeless spoke in support of street vendors. He provided an update on the activities of the organization. He suggested that the Lady Street tunnel be used as the host site for the upcoming Homeless for the Homeless event. He requested that signage be placed at the sites that the organization has worked to improve. He inquired about the status of the Urban Camping Ordinance, noting the limited opportunities for shelter.

Mr. John Holmes, Homeless Helping Homeless said that they are working to schedule a date to clean the middle of the tunnel to the other end. He asked that the City of Columbia provide a trash truck to assist with this effort.

CITY MANAGER'S REPORT

37. ** Public Safety Certifications – Mr. Steven A. Gantt, City Manager

Mr. Steven A. Gantt, City Manager provided an update on the certification of all public safety employees. We have done a complete evaluation of the Police Department, Fire Department and Homeland Security. As of last week, all public safety employees are 100% certified.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Mr. Bill Manley, Eau Claire Community Resident said that he hasn't heard about the arrangements being made for the 2010 Veterans Day Parade. He reminded the Council of concerns he expressed back in June about the relocation of four (4) houses and the cost incurred. He asked for the cost to relocate and rehab the houses versus the sales price.

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to adjourn the meeting at 9:09 p.m.

Respectfully submitted by:

Erika D. Salley
City Clerk