

**CITY OF COLUMBIA
WORK SESSION MINUTES
SEPTEMBER 29, 2010 – 9:00 A.M.
CITY HALL - 1737 MAIN STREET**



The Columbia City Council held a Work Session on Wednesday, September 29, 2010 in the City Hall Council Chambers located at 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 9:20 a.m. and the following members of Council were present: The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann, The Honorable Belinda F. Gergel and The Honorable Leona K. Plough. The Honorable Sam Davis and The Honorable Brian DeQuincey Newman arrived at 9:22 a.m. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Salley, City Clerk.

PRESENTATIONS

1. National Urban League Day – The Honorable Stephen K. Benjamin

Mayor Benjamin and the members of Council proclaimed Wednesday, September 29, 2010 as National Urban League Day in the City of Columbia in recognition of the Urban League's 100 years of service. September 29th marks the day when the National Urban League was founded by an interracial group of concerned citizens, and through their efforts, provided a support system in helping African-Americans transition from an agriculture economy to one propelled by the industrial revolution.

PUBLIC HEARING

2. Fiscal Year 2009 / 2010 Consolidated Annual Performance Evaluation Report (CAPER) – Ms. Dollie Bristow, Community Development Administrator

Ms. Dollie Bristow, Community Development Administrator appeared before the Council on behalf of the Citizens Advisory Committee (CAC) to receive public comment on the 2009 CAPER, which is due to the US Department of Housing and Urban Development on September 30, 2010. She highlighted the entitlement funds received for the Community Development Block Grant, the HOME Investment Partnership Program, the Housing Opportunities for Persons With Aids Program and other resources received during 2009.

- **Council opened the Public Hearing at 9:40 a.m.**

No one appeared in support of or in opposition to the Fiscal Year 2009 / 2010 Consolidated Annual Performance Evaluation Report.

- **Council closed the Public Hearing at 9:40 a.m.**

Councilor Plough said that she is very uncomfortable with this document being forwarded to HUD with her name associated with it and she hasn't read it. I would ask that my name be redacted from the document.

Mayor Benjamin said that if that's an option, it will certainly be exercised.

A motion made by Dr. Gergel and seconded by Ms. Plaugh to move **Item 13. up as the next item of discussion failed by a vote of two (2) to five (5). Voting aye were Dr. Gergel and Ms. Plaugh. Voting nay were Mr. Davis, Ms. Devine, Mr. Rickenmann, Brian Newman and Mayor Benjamin.

RESOLUTIONS

3. Resolution No.: R-2010-61 - Authorizing the City Manager to execute a Lease between the City of Columbia and U.S. REIF/MJW Capitol Center Fee, LLC for lease of Suite 250 in the Capital Center located at 1201 Main Street – *Note: This is the Economic Development Office Lease - Approved*

Upon a motion made by Mr. Newman and seconded by Dr. Gergel, Council voted six (6) to one (1) to approve Resolution No.: R-2010-61 - Authorizing the City Manager to execute a Lease between the City of Columbia and U.S. REIF/MJW Capitol Center Fee, LLC for lease of Suite 250 in the Capital Center located at 1201 Main Street. Voting aye were Mr. Davis, Ms. Devine, Dr. Gergel, Ms. Plaugh, Mr. Newman and Mayor Benjamin. Mr. Rickenmann voted nay.

Upon a single motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to approve Resolution No.: R-2010-083 – Authorizing the City Manager to execute an Addendum to Intergovernmental Agreement Relating to the Interim Financing for the Central Midlands Regional Transit Authority dated April, 2009 **and** a Voice Resolution approving the continuation of transportation services to Lexington County until an amended agreement can be reached between the City of Columbia, Lexington County and Richland County regarding the Central Midlands Regional Transit Authority (CMRTA).

4. Resolution No.: R-2010-083 – Authorizing the City Manager to execute an Addendum to Intergovernmental Agreement Relating to the Interim Financing for the Central Midlands Regional Transit Authority dated April, 2009 - *Approved*
5. Voice Resolution – Council is asked to approve the continuation of transportation services to Lexington County until an amended agreement can be reached between the City of Columbia, Lexington County and Richland County regarding the Central Midlands Regional Transit Authority. - *Approved*
6. Resolution No.: R-2010-066 – Adopting and incorporating Local Preference Regulations into the City Procurement Regulations - *Approved*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve Resolution No.: R-2010-066 – Adopting and incorporating Local Preference Regulations into the City Procurement Regulations, subject to the following amendments:

- Significant Business Presence: To qualify for this Local Business Enterprise Preference, an LBE must operate out of a physical office located in the Combined Statistical Area (CSA).
- Price Preference: For the purpose of determining, the lowest responsible and responsive bidder on any qualifying contract valued above \$10,000, the City shall evaluate any bid submitted by an LBE by discounting its bid by up to 5% of its actual bid amount (up to a maximum dollar value not to exceed \$500,000).
- To include any procurement valued at less than \$10,000;

- To urge other local governments to adopt a similar policy; and
 - To receive quarterly reports on the implementation status of this policy.
7. Resolution No.: R-2010-086 - Adopting City of Columbia Use of Force Policy - *Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to approve Resolution No.: R-2010-086 - Adopting City of Columbia Use of Force Policy.

ORDINANCES – FIRST READING

8. Ordinance No.: 2010-132 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article IV, Offenses Against the Public Peace and Order, Sec. 14-99 Possession or consumption of alcoholic beverages on public property

Upon a motion made by Dr. Gergel and seconded by Ms. Devine, Council voted six (6) to one (1) to approve Ordinance No.: 2010-132 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article IV, Offenses Against the Public Peace and Order, Sec. 14-99 Possession or consumption of alcoholic beverages on public property. Voting aye were Mr. Davis, Ms. Devine, Mr. Rickenmann, Dr. Gergel, Ms. Plough and Mr. Newman. Mayor Benjamin voted nay.

9. Ordinance No.: 2010-090 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article V, Offenses Involving Minors, Division 2, Curfew

A motion made by Mr. Newman to delay a vote until the Council receives legal advice, was not seconded.

Upon a motion made by Dr. Gergel and seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2010-090 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article V, Offenses Involving Minors, Division 2, Curfew, subject to the following:

- Consider an exemption for college students with valid identification;
- Mr. Joe Fraley, Director of Safety and Security / Richland School District One will contact the Greenville School District to discuss their experiences with the curfew;
- Set penalties at \$100 / 2 days in jail; and
- Receive legal advice in executive session.

CITY COUNCIL DISCUSSION / ACTION

10. Council is asked to approve the appointment of Mr. Rick Rowe to the Midlands Housing Alliance Board as requested by the Downtown Coalition of Neighborhoods.

Upon a motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to approve the appointment of Mr. Rick Rowe to the Midlands Housing Alliance Board as requested by the Downtown Coalition of Neighborhoods.

11. Central Midlands Council of Governments / Lower Richland Sewer – Mr. Steven A. Gantt, City Manager

A motion made by Mayor Benjamin to defer consideration of this matter, was not seconded.

Upon a motion made by Mr. Rickenmann and seconded by Ms. Plough, Council voted six (6) to one (1) to authorize the City Manager to respond to the Central Midlands Council of Governments (CMCOG) Environmental Protection Advisory Committee (EPAC) request to amend the county 208 plan by agreeing to the City of Columbia providing service for the next five (5) years as the County establishes sewer service in the area; there will be no annexation by the City during this time period; and City Council will withdraw its action if Richland County responds with an alternative plan by October 19, 2010. Voting aye were Mr. Davis, Ms. Devine, Mr. Rickenmann, Dr. Gergel, Ms. Plough and Mr. Newman. Mayor Benjamin voted nay.

12. Hospitality District Taskforce Recommendations

- Allow off-duty police officers to provide security at establishments that sell alcohol at the cost of the owner

Mr. Steven A. Gantt, City Manager reported that the Columbia Police Department implemented a procedure last week to allow off-duty Police Officers to provide security at establishments that sell alcohol at the cost of the owner. A report will be provided over the next three (3) months on the number of establishments that have opted to utilize the service. He added that this does not allow the Police Officer to secure the inside of the establishment; it does allow them to be outside at the door.

- Develop a Request for Proposals for a consultant to conduct a comprehensive assessment of the City's hospitality districts

Upon a motion made by Dr. Gergel and seconded by Mr. Newman, Council voted unanimously to direct the City Manager to develop a Request for Proposals (RFP) in cooperation with the Hospitality District Safety Taskforce for a consultant to conduct a comprehensive assessment of the City's hospitality districts to include the North Main corridor. *Funding Source: Hospitality Tax Fund*

Councilor Gergel requested that there be a public relations campaign as recommended by the Taskforce.

- **Council recessed at 11:31 a.m.**
- **Council reconvened at 11:47 a.m.**

13. Law Enforcement / Management Agreement

Dr. Gergel made a motion to authorize the City Manager to negotiate an agreement with Richland County Sheriff Leon Lott for the management and oversight of the Columbia Police Department for a period up to the end of his current term of office in 2012 with an annual compensation not to exceed \$80,000; to direct the City Manager to include specific and measurable outcomes throughout the agreement term along with any other progress reports to the City Council; the agreement shall be ready for execution by October 15, 2010 and should include the following provisions: a comprehensive evaluation and assessment of the Columbia Police Department's strengths and weaknesses including needs in personnel, equipment and training; a coordinated strategic plan to include collaboration, communication and coordination between the Columbia Police Department and the Richland County Sheriff's Department; the strategic plan shall be submitted to the City Manager and Council no later than October 15, 2011; Sheriff Lott will implement the plan as approved by City Council; the City Manager will obtain the sole authority to hire and fire City employees within the existing Council-Manager Form of Government; all employees will retain grievance rights; and during this interim period Columbia City Council will begin discussions on the merits of further consolidated services and on the merits of maintaining the Columbia Police Chief. The motion was seconded by Ms. Plaugh.

A motion made by Mr. Rickenmann and seconded by Ms. Devine to begin the search for a Police Chief and to develop a committee of law enforcement experts to examine the possibility of a unified public safety agreement, was withdrawn.

An amended motion made by Ms. Plaugh to approve Dr. Gergel's motion and to proceed with hiring an interim Police Chief, was withdrawn.

Upon a substitute motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted six (6) to one (1) to direct the City Manager to move forward with hiring a police chief; City Council will constitute a commission of citizens and local law enforcement leaders to report back to the Public Safety Committee of Council by March 15, 2011 on the possibility of forming a unified service for the coordinated delivery of law enforcement services to the people of Columbia and Richland County; to allocate the appropriate resources for the commission; and to direct Mr. Steve Gantt, City Manager and Mr. Mike King, Assistant City Manager of Public Safety to review the various public safety reports conducted over the last several years and to provide Council with a full report on the implementation of the recommendations put forth. Such reports include, but are not limited to the 2008 Citizen Panel Report (also known as the Finney Report); the 2004 Strategic Management Planning Team Report; the 2005 City of Columbia Restructuring Commission Report; and the Transition Team Public Safety Committee Report. Voting aye were Mr. Davis, Ms. Devine, Mr. Rickenmann, Ms. Plaugh, Mr. Newman and Mayor Benjamin. Dr. Gergel voted nay.

13a. **Challenge Day Funding Request – The Honorable Daniel J. Rickenmann

Councilor Rickenmann requested an additional \$11,000 for Challenge Day. He noted that Palmetto Project was allocated \$25,000, which was a reduction in funding. One school will not be able to participate in the upcoming Challenge Day, if the funding is not received.

There was a consensus of Council to direct the City Manager to determine a source of funding for consideration on October 6, 2010.

EXECUTIVE SESSION

Upon a motion made by Ms. Plaugh and seconded by Mr. Rickenmann, Council voted unanimously to go into Executive Session at 1:37 p.m. for the discussion of **Items 14.** through **17.** as outlined.

14. Discussion of negotiations incident to proposed contractual arrangements – *This item was discussed in Executive Session. No action was taken.*
 15. Discussion of negotiations incident to the proposed sale of property - *Items were discussed in Executive Session. No action was taken.*
 16. Receipt of legal advice which relates to a matter covered by attorney-client privilege - *Items were discussed in Executive Session. No action was taken.*
 17. ****Discussion of employment of an employee - *This item was discussed in Executive Session. No action was taken.***
- **Council adjourned the meeting at 3:00 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk