



CITY OF COLUMBIA  
CITY COUNCIL MEETING &  
ZONING PUBLIC HEARING MINUTES  
WEDNESDAY, SEPTEMBER 15, 2010  
9:00 A.M.  
COUNCIL CHAMBERS – 3<sup>RD</sup> FLOOR  
1737 MAIN STREET

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The Columbia City Council conducted a Regular Meeting and a Zoning Public Hearing on Wednesday, September 15, 2010 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 9:11 a.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Daniel J. Rickenmann, The Honorable Belinda F. Gergel, The Honorable Leona K. Plough and The Honorable Brian DeQuincey Newman. The Honorable Tameika Isaac Devine arrived at 9:15 a.m. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Salley, City Clerk.

### **INVOCATION**

Chaplain Michael Letts, Columbia Police Department offered the Invocation.

### **APPROVAL OF MINUTES**

1. Minutes of March 17, 2010 - *Approved*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve the Minutes of March 17, 2010 as presented.

### **PRESENTATIONS**

2. **\*\*Hospitality District Safety Taskforce Update – The Honorable Belinda F. Gergel and Mr. Tom Sponseller, Chair of the Hospitality District Safety Taskforce**

Mr. Tom Sponseller, Chair / Hospitality District Safety Taskforce reported that since July 15, 2010, the Taskforce has met four times to discuss issues related to public safety, risk management and other issues related to the City's hospitality and entertainment districts. He cited the following recommendations to help law enforcement officers gain control of the streets: rewrite the City's open container law to make it more enforceable; amend the loitering ordinance by taking out "for criminal intent" so it can be used to address complaints about individuals "just hanging around"; allow establishments that sell alcohol to hire off-duty officers to provide security; consider a curfew for individuals 17 and under and explore what other municipalities are doing in this regard; explore the concept and best practices of other cities regarding specialized Hospitality Law Enforcement Teams; develop a Request For Proposals for a consultant to conduct a comprehensive assessment of the City's hospitality districts; and that the local television stations consider reinstating a 1970's late night news reminder stating "It's 11 p.m.; do you know where your children are?"

Mr. Scott Linaberry, President / Five Points Association Board of Directors and Owner / Red Hot Tomatoes Bar described a situation wherein his door staff did their best to keep the crowd in a single file line, but people became impatient and rushed the front door. I think that a uniformed officer, without saying a word, would have alleviated the entire situation. He said that the bar owner would make the decision and pay for the security.

Councilor Gergel requested that the City Manager consider moving forward with a Request for Proposals for an assessment of the hospitality districts. She also asked that Council consider the open container ordinance at the next meeting. I am personally willing to look at an emergency implementation of the 17 and younger curfew along with the 2 a.m. bar closing. Mr. Gantt has indicated that the walking Police Officers are moving forward. She asked that the City Attorney to consider what can be added to the loitering laws. She asked the Taskforce to look at the experiences of other cities in this state as it relates to the 2 a.m. bar closing.

3. Sickle Cell Disease Awareness Month Proclamation – The Honorable Mayor Stephen K. Benjamin

The Honorable Mayor Stephen K. Benjamin and the members of Council declared September 2010 as Sickle Cell Disease Awareness Month in the City of Columbia. Mayor Benjamin thanked the James R. Clark Sickle Cell Foundation for their efforts to bring awareness to sickle cell.

4. Viva la Vista – Ms. Deirdre Mardon, Executive Director of the Congaree Vista Guild

Ms. Deirdre Mardon, Executive Director of the Congaree Vista Guild invited the members of City Council and the citizens of Columbia to participate in the 3<sup>rd</sup> Annual Viva La Vista on Saturday, September 25, 2010 from 2:00 p.m. until 7:00 p.m. in the Congaree Vista.

5. \*\*Cell Phone Tower on Beltline Boulevard and Trenholm Road – The Honorable Leona K. Plough

The following individuals appeared before the Council in opposition to the Board of Zoning Appeals and Adjustments approval of a special exception for the construction of a 130' tall low-profile wireless communication facility at Beltline Boulevard and Trenholm Road:

Mr. Wally Allen, MacGregor Drive Resident / Kilbourne Heights Neighborhood  
Mr. Welch Morrisette, 4033 Trenholm Road / Kilbourne Heights Neighborhood

Upon a single motion made by Ms. Plough and seconded by Dr. Gergel, Council voted unanimously to direct the City Manager to meet with American Tower to determine if another location can be found; to aggressively explore the alternate location that has already been shared with the company; to direct the City Manager and the City Attorney to work with staff to provide modifications to the ordinance that would allow notice to be given to adjacent or collared areas where any special exception of this nature is being considered; to consider other revisions as suggested by the Chair of the Board of Zoning Appeals; and to explore taking legal action to appeal the Board of Zoning Appeals action taken in this regard, because the Zoning Board relied upon incorrect information and their decision can not be reconsidered at this time. *This matter was discussed in Executive Session. No further action was taken.*

## ZONING PUBLIC HEARING

- **Council opened the Zoning Public Hearing at 10:13 a.m.**

### MAP AMENDMENTS – FIRST READING

6. **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. –  
*Approved on first reading.*

The following individuals appeared before the Council in support of **Item 6**:

Ms. Barbara Rackes, 1524 Westminster Drive/President, Forest Hills Neighborhood Association  
Ms. Heather Powers, 2615 Stratford Road  
Mr. Mark Cotterill, 1401 Cambridge Lane

The following individual appeared before the Council in opposition to **Item 6**:

Mr. Hank Wall, 2630 Stratford Road

Upon a motion made by Dr. Gergel and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment* for 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. Ms. Plough was not present for the vote.

7. **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. – *Approved on first reading.*

The following individual appeared before the Council in support of **Item 7**:

Mr. Ed Tilden, 4040 Bloomwood Road / President of the Sherwood Forest Neighborhood Association

Upon a motion made by Dr. Gergel and seconded by Ms. Devine, Council voted unanimously to give first reading approval to the *Map Amendment* for 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.

8. **4805, 4809, 4813 N. Main Street**, TMS# 11604-18-13, -14, -16; request recommendation to rezone from RS-3 and PUD-R to MX-1 (Mixed-Use) –NC (North Main Corridor). – *Approved on first reading.*

No one appeared in support of or in opposition to **Item 8**.

Upon a motion made by Mr. Davis and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment* for 4805, 4809, 4813 N. Main Street, TMS# 11604-18-13, -14, -16; request recommendation to rezone from RS-3 and PUD-R to MX-1 (Mixed-Use) –NC (North Main Corridor).

#### CASES WITH MAP AND TEXT AMENDMENTS – WHALEY – FIRST READING

9. **TEXT AMENDMENT- Amend Section 17-681(c) to add Whaley as a Protection Area District**

Ordinance No.: 2010-138 – 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 (c) Protection area district to add (5) – *Approved on first reading.*

10. **MAP AMENDMENT- Whaley Neighborhood – DP, -CC1 Overlay** - Area generally bounded on the north by Catawba Street, on the east by Assembly Street, on the south by Heyward Street, and on the west by Wayne Street and further denoted on TMS# 08913-06-02 through -06, 08913-07-01 through -08, 08913-08-01 through -08, 08913-09-02 through -05, 08913-10-01 through -08, 08913-11-01 through -06, 08913-12-01 through -10, 08981-01-01 through -16. – *Approved on first reading.*

No one appeared in support of or in opposition to **Items 9.** and **10.**

Upon a single motion made by Mr. Newman and seconded by Dr. Gergel, Council voted unanimously to give first reading approval to **Items 9.** and **10.**

ANNEXATIONS WITH MAP AMENDMENT – FIRST READING

11. **51 Woodcross Drive**, TMS# 04911-03-97; annex and zone property PUD-LS (Large Scale Planned Unit Development). The property is zoned PDD (Planned Development District) in Richland County. – *Approved on first reading.*

Ordinance No.: 2010-121 - Annexing 51 Woodcross Drive, Richland County TMS# 04911-03-97 – *Approved on first reading.*

Upon a single motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to give first reading approval to a *Map Amendment* for 51 Woodcross Drive, TMS# 04911-03-97; annex and zone property PUD-LS (Large Scale Planned Unit Development). The property is zoned PDD (Planned Development District) in Richland County **and** Ordinance No.: 2010-121 - Annexing 51 Woodcross Drive, Richland County TMS# 04911-03-97.

12. **27 Bayleaf Court**, TMS# 28812-02-03; annex and zone property PUD-R (Residential Planned Unit Development). The property is zoned PDD (Planned Development District) in Richland County. – *Approved on first reading.*

Ordinance No.: 2010-122 - Annexing 27 Bayleaf Court, Richland County TMS# 28812-02-03 – *Approved on first reading.*

13. **13 Redbay Court**, TMS# 28812-02-15; annex and zone property PUD-R (Residential Planned Unit Development). The property is zoned PDD (Planned Development District) in Richland County. – *Approved on first reading.*

Ordinance No.: 2010-123 - Annexing 13 Redbay Court, Richland County TMS# 28812-02-15 – *Approved on first reading.*

14. **171 Island View Circle**, TMS# 28908-02-09; annex and zone property PUD-R (Residential Planned Unit Development). The property is zoned PDD (Planned Development District) in Richland County. – *Approved on first reading.*

Ordinance No.: 2010-124 - Annexing 171 Island View Circle, Richland County TMS# 28908-02-09 – *Approved on first reading.*

15. **140 Island View Circle**, TMS# 28907-01-05; annex and zone property PUD-R (Residential Planned Unit Development). The property is zoned PDD (Planned Development District) in Richland County. – *Approved on first reading.*

Ordinance No.: 2010-127 - Annexing 140 Island View Circle, Richland County TMS# 28907-01-05 – *Approved on first reading.*

No one appeared in support of or in opposition to **Items. 12.** through **15.**

Upon a single motion made by Ms. Plough and seconded by Mr. Davis, Council voted unanimously to give first reading approval to the *Annexations with Map Amendments* for **Items 12.** through **15.**

16. **1050 Wildewood Centre Drive**, TMS# 25607-01-01; annex and zone property C-3 (General Commercial). The property is zoned GC (General Commercial) in Richland County. – *Approved on first reading.*

Ordinance No.: 2010-125 - Annexing 1050 Wildewood Centre Drive, Richland County TMS# 25607-01-01 – *Approved on first reading.*

17. **1010, 1020, 1024, 1028, 1030, 1034, 1038, 1040, 1044, and 1048 Wildewood Centre Drive**, TMS# 25608-10-35, -36, -37, -38, -39, -40, -41, -42, -43, and -44; annex and zone property C-3 (General Commercial). The property is zoned GC (General Commercial) in Richland County. – *Approved on first reading.*

Ordinance No.: 2010-126 - Annexing 1010 Wildewood Centre Drive, 1020 Wildewood Centre Drive, 1024 Wildewood Centre Drive, 1028 Wildewood Centre Drive, 1030 Wildewood Centre Drive, 1034 Wildewood Centre Drive, 1038 Wildewood Centre Drive, 1040 Wildewood Centre Drive, 1044 Wildewood Centre Drive, and 1048 Wildewood Centre Drive, Richland County TMS# 25608-10-35, -36, -37, -38, -39, -40, -41, -42, -43, and -44 – *Approved on first reading.*

No one appeared in support of or in opposition to **Items 16.** and **17.**

Upon a single motion made by Ms. Plough and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Annexations with Map Amendment* for **Items 16.** and **17.**

#### TEXT AMENDMENTS – FIRST READING

18. **Amend Chapter 17, Article 3, Division 8, §17-258 Table of Uses – Liquor Stores (SIC 592)**

Ordinance No.: 2010-135 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258 Table of permitted uses, Division G, Retail Trade, 59 Miscellaneous retail, SIC 592 Liquor stores – *Approved on first reading.*

The following individual appeared before the Council in support of **Item 18:**

Mr. Carl Frederick, President/Edgewood Read Street Community Improvement Cooperative Council

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to give first reading approval to Ordinance No.: 2010-135 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258 Table of permitted uses, Division G, Retail Trade, 59 Miscellaneous retail, SIC 592 Liquor stores.

19. **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) – *Approved on first reading, subject to consideration of an amendment to clarify the number of instances a peddler can sell at a location. The amendment must go before the Planning Commission for consideration.*

The following individual appeared before the Council in support of **Item 19**:

Mr. Bob Amundson, Vice-Chairman / Code Enforcement Taskforce Member

Upon a motion made by Mr. Davis and seconded by Ms. Plough, Council voted unanimously to give first reading approval to 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), subject to consideration of an amendment to clarify the number of instances a peddler can sell at a location. The amendment must go before the Planning Commission for consideration.

- **Council closed the Zoning Public Hearing at 11:34 a.m.**

**PUBLIC HEARING**

20. \*\*Fiscal Year 2009/2010 Consolidated Annual Performance Evaluation Report (CAPER)  
– Mr. Tony Lawton, Director of Community Development

Ms. Dollie Bristow, Community Development Administrator appeared on behalf of the Citizens Advisory Committee (CAC) to provide information on the 2009 CAPER, which is in draft form. With the input of the CAC, the CAPER is submitted to the US Department of Housing and Urban Development and citizens have the opportunity to comment on the draft report through September 29, 2010. Another public comment session will be held today at 6:00 p.m. at 1225 Lady Street. She provided an Executive Summary, which highlighted the achievements 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 11:38 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 11:38 a.m.**

There was a consensus of Council to publicize the full Consolidated Annual Performance Evaluation Report and the Executive Summary on the City of Columbia website for public review.

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to continue the Public Hearing on the Fiscal Year 2009/2010 Consolidated Annual Performance Evaluation Report until September 29, 2010.

## **PRESENTATION**

21. Transition Team Public Safety Committee Report – Mr. Stephen Birnie, Committee Chair

Mr. Stephen Birnie, Committee Chair presented an overview of Mayor Benjamin's Transition Team Public Safety Committee Report and recommendations as it relates to the Columbia Police Department, Columbia Fire Department, Emergency Operations Center and Homeland Security.

There was an in-depth discussion between the members of Council and Mr. Birnie. This report was received as information. No action was taken.

## **CITY COUNCIL DISCUSSION / ACTION**

22. Capital City Lake Murray Country Request for Disbursement of Accommodations Tax Funds – The Honorable Sam Davis

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to approve the request from Capital City / Lake Murray Country for the disbursement of Accommodations Tax Funds in the amount of \$75,000 from the \$150,000 that was previously allocated.

23. Central Midlands Council of Governments / Lower Richland Sewer – Mr. Steven A. Gantt, City Manager – *There was an in-depth discussion and consideration of the request was deferred until September 29, 2010 to allow the City Manager to meet with the County Administrator for clarification on Richland County's stance on the request.*

## **RESOLUTION**

24. \*\*Resolution No.: R-2010-081 - Authorizing the City Manager to initiate rezoning of 4054 Water Street, 3869 Shaw Street and 3863 Shaw Street, Richland County TMS #11602-10-01, 11602-10-02 and 11602-10-03 – *Approved*

Upon a motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: R-2010-081 - Authorizing the City Manager to initiate rezoning of 4054 Water Street, 3869 Shaw Street and 3863 Shaw Street, Richland County TMS #11602-10-01, 11602-10-02 and 11602-10-03.

## **CONSENT AGENDA**

### **CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS**

25. Council is asked to approve a Memorandum of Understanding between the South Carolina Minority Business Enterprise Center (SCMBEC) and the City of Columbia in the amount of \$15,000.00 for Services Provided in Coordination with the Office of Business Opportunities. *Funding Source: Community Development Operating Budget - Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted six (6) to one (1) to approve a Memorandum of Understanding between the South Carolina Minority Business Enterprise Center (SCMBEC) and the City of Columbia in the amount of \$15,000.00 for Services Provided in Coordination with the Office of Business Opportunities with the caveat that staff will provide a report on the businesses that have benefited from the services provided through this Memorandum of Understanding. Voting aye were Mr. Davis, Ms. Devine, Mr. Rickenmann, Dr. Gergel, Mr. Newman and Mayor Benjamin. Ms. Plaugh voted nay.

26. Council is asked to approve an Agreement to Determine and Prepare a Flood Analysis of Smith's Branch between Sunset Drive and North Main Street, as requested by Utilities and Engineering. Award to PACE Engineering in the amount of \$15,000.00. This vendor is located in Columbia, SC. *Funding Source: Stormwater Maintenance/Repair Fund 5534210-658660 - Approved*

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to approve an Agreement to Determine and Prepare a Flood Analysis of Smith's Branch between Sunset Drive and North Main Street, as requested by Utilities and Engineering. Award to PACE Engineering in the amount of \$15,000.00.

27. Council is asked to approve the Purchase of Sixteen (16) Steel Plates, as requested by the Water Distribution Division. Award to Metro Machine Works, the lowest bidder in the amount of \$20,456.17. This vendor is located in West Columbia, SC. *Funding Source: Utilities Water Distribution & Maintenance/Other equipment under \$5,000.00; 5516203-657400 - Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to approve the Purchase of Sixteen (16) Steel Plates, as requested by the Water Distribution Division. Award to Metro Machine Works, the lowest bidder in the amount of \$20,456.17. This vendor is located in West Columbia, SC.

28. Council is asked to approve a Renewal of the Annual Oracle Maintenance Support, as requested by the Information Technology Department. Award to Mythics in the amount of \$101,641.58. This vendor is located in Virginia Beach, VA. *Funding Source: Information Technology/Maintenance & Service Contracts 1011120-638200 – **Note:** This bid is a renewal of an existing contract. - Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to approve the Renewal of the Annual Oracle Maintenance Support Contract, as requested by the Information Technology Department. Award to Mythics in the amount of \$101,641.58. This vendor is located in Virginia Beach, VA.

29. Council is asked to approve a Professional Services Contract for the Housing Opportunities for Persons with AIDS (HOPWA) Program, as requested by the Community Development Department. Award to The Cooperative Ministry (TCM) in the amount of \$206,488.50. *Funding Source: Fiscal Year 2010-2011 HOPWA - Approved*

Upon a motion made by Mr. Rickenmann and seconded by Dr. Gergel, Council voted unanimously to approve a Professional Services Contract for the Housing Opportunities for Persons with AIDS (HOPWA) Program, as requested by the Community Development Department. Award to The Cooperative Ministry (TCM) in the amount of \$206,488.50.

30. Council is asked to approve Project SS707301; Change Order #1 for the Repair and Rehabilitation of a 48" and 54" Gravity Sewer Line between the North and West Columbia Pump Stations, as requested by Utilities and Engineering. Award to B.P. Barber & Associates in an amount not to exceed \$299,000.00. This vendor is located in Columbia, SC. *Funding Source: Sewer Improvement Fund 5529999-SS710101-636600 – **Note:** The change order provides for an alternate design to allow for replacement of a portion of the gravity sewer and assist in permitting of the bypass system. - Approved*

Upon a motion made by Dr. Gergel and seconded by Mr. Rickenmann, Council voted unanimously to approve Project SS707301; Change Order #1 for the Repair and Rehabilitation of a 48" and 54" Gravity Sewer Line between the North and West Columbia Pump Stations, as requested by Utilities and Engineering. Award to B.P. Barber & Associates in an amount not to exceed \$299,000.00. This vendor is located in Columbia, SC.

## ORDINANCES – SECOND READING

Upon a single motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to give second reading approval to **Items 31.** through **35.**

31. Ordinance No.: 2010-131 – Authorizing the City Manager to execute a First Amendment of Lease Agreement between the City of Columbia and Open Living Community, LLC – *First reading approval was given on September 8, 2010. – Approved on second reading.*
32. Ordinance No.: 2010-133 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina Chapter 21, Stormwater Management and Sedimentation Control, Article III, Flood Damage Prevention, Division 1, Generally, Sec. 17-127 Basis for establishing areas of special flood hazard - *First reading approval was given on September 8, 2010. – Approved on second reading.*
33. Ordinance No.: 2010-134 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 21, Stormwater Management and Sedimentation Control, Article III, Flood Damage Prevention, Division 2, Administration, Sec. 21-153 Duties of city engineer (2) - *First reading approval was given on September 8, 2010. – Approved on second reading.*
34. Ordinance No.: 2010-137 – (*Revised*) - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 2, Administration, Article II, Mayor and Council, Division 2, Council Meetings, Sec 2-51 Time and place of regular meetings; special meetings; meetings to be open to the public (a) - *First reading approval was given on September 8, 2010. – Approved on second reading.*
35. Ordinance No.: 2010-140 – Authorizing execution of a Right of Entry and Access Agreement between the City of Columbia and South Carolina Electric and Gas - *First reading approval was given on September 8, 2010. – Approved on second reading.*

## ORDINANCES- FIRST READING

Upon a single motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to give first reading approval to **Items 36.** through **39.**

36. Ordinance No.: 2010-118 – Granting an encroachment to Cabo Fresh Taco for placement and maintenance of one (1) statute, five (5) tables, ten (10) chairs and four (4) planters within the sidewalk right of way adjacent to 1425 Sumter Street for use by its patrons for outdoor dining during normal business hours – *Approved on first reading.*
37. Ordinance No.: 2010-128 – Granting an encroachment to Columbia Evangelical Church for placement and maintenance of a concrete walkway, an irrigation system and landscaping within the right of way area adjacent to 1013 Barnwell Street – *Approved on first reading.*
38. Ordinance No.: 2010-130 – Granting an encroachment to William B. Graham and Melinda M. Graham for installation and maintenance of two concrete walkways within the right of way area of the 2900 block of Kershaw Street adjacent to 1401 Hagood Road, Richland County TMS #11414-10-08 – *Approved on first reading.*
39. Ordinance No.: 2010-139 – Granting an Easement to South Carolina Electric & Gas Company (SCE&G) for Power Lines along a Portion of City Property for the Harden Street Streetscape Project, Phase II; Richland County TMS #11505-01-25 & TMS #11505-15-01 (Portion); CF #318-18 – *Approved on first reading.*

## **RESOLUTIONS**

40. 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 – Consideration of this item was deferred for up to 30 days for consideration of alternative locations and the possibility of co-location with Richland County.*
41. Resolution No.: R-2010-066 – Adopting and incorporating Local Preference Regulations into the City Procurement Regulations – *Consideration of this item was deferred to September 29, 2010.*
42. Resolution No.: R-2010-071 – Authorizing consumption of beer and wine and Fallout 2010 Outdoor Rock Concert on Gadsden Street adjacent to Jillian's - *Approved*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Newman, Council voted unanimously to approve Resolution No.: R-2010-071 – Authorizing consumption of beer and wine and Fallout 2010 Outdoor Rock Concert on Gadsden Street adjacent to Jillian's. Mr. Davis was not present for the vote.

43. Resolution No.: R-2010-073 – Authorizing consumption of beer and wine at Five Points Association's Commemorating Hootie Celebration Concert - *Approved*

Upon a motion made by Dr. Gergel and seconded by Mr. Rickenmann, Council voted unanimously to approve Resolution No.: R-2010-073 – Authorizing consumption of beer and wine at Five Points Association's Commemorating Hootie Celebration Concert. Mr. Davis was not present for the vote.

44. \*\*Voice Resolution – The Honorable Belinda F. Gergel

Upon a motion made by Dr. Gergel and seconded by Mayor Benjamin, Council voted unanimously to approve a Voice Resolution to authorize the honorary renaming of Santee Avenue between Harden Street and Blossom Street to Hootie Avenue at the request of the Five Points Association.

## **APPOINTMENTS**

45. Riverbanks Park Commission

Upon a motion made by Dr. Gergel and seconded by Mr. Davis, Council voted unanimously to approve the reappointment of Mr. James E. Smith to the Riverbanks Park Commission for a second and final six (6) year term.

46. Columbia Museum of Art

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to approve the appointment of Mr. Ronald Rogers to the Columbia Museum of Art to complete Mr. Arlen Cotter's term expiring on May 22, 2011.

## **CITY COUNCIL DISCUSSION / ACTION**

47. Law Enforcement / Management Agreement

There was a consensus of Council to vote on this matter on Wednesday, September 29, 2010.

48. Strategic Planning Session – *Discussion of this item was deferred.*

**APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL**

Officer George Potash  
Ms. Christie Savage  
Mr. Harold Murray  
Mr. Kevin Alexander Gray  
Mr. William Ford, Homeless Helping Homeless  
Mr. Bob Kelly, Homeless Helping Homeless  
Mr. Rick Rowe, 1324 Pulaski Street / Renaissance Plaza  
Ms. Katheryn Bellefield, Booker Washington Heights Neighborhood Association  
Mr. Temple Ligon, The Columbia Star

**EXECUTIVE SESSION**

Upon a motion made by Mr. Newman and seconded by Dr. Gergel, Council voted unanimously to go into Executive Session at 3:24 p.m. for the discussion of **Items 49.** through **53.**

- 49. Discussion of negotiations incident to proposed contractual arrangements
    - Village at Rivers Edge – *This item was discussed in Executive Session. No action was taken. Mayor Benjamin abstained from discussions due to a potential conflict of interest.*
    - \*\*Hydro Plant - *This item was discussed in Executive Session. No action was taken.*
  - 50. Discussion of negotiations incident to the proposed purchase of property – *This item was discussed in Executive Session. No action was taken.*
  - 51. Discussion of matters relating to proposed location or expansion of services to encourage location or expansion of industries or other businesses - *This item was discussed in Executive Session. No action was taken.*
  - 52. \*\*Discussion of the employment of employee - *This item was discussed in Executive Session. No action was taken.*
  - 53. \*\*Receipt of legal advice, which relates to matters covered by attorney-client privilege
    - Cell Tower at Beltline Boulevard and Trenholm Road - *This item was discussed in Executive Session. No action was taken.*
- **Council adjourned the meeting at 4:35 p.m.**

Respectfully submitted by:

Erika D. Salley  
City Clerk