



CITY OF COLUMBIA  
CITY COUNCIL MEETING MINUTES  
TUESDAY, MAY 3, 2011  
6:00 P.M.  
CITY HALL – COUNCIL CHAMBERS  
1737 MAIN STREET

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The Columbia City Council conducted a Regular Meeting on Tuesday, May 3, 2011 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 Leona K. Plough and The Honorable Brian DeQuincey Newman. The Honorable Belinda F. Gergel arrived at 6:18 p.m. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Salley, City Clerk.

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

Mayor Benjamin offered the Invocation.

### **APPEARANCE OF PUBLIC WITH COMMENTS RELATED TO THE AGENDA ITEMS**

No one appeared at this time.

### **APPROVAL OF MINUTES**

1. Minutes of April 6 and April 19, 2011 – *Approved as presented.*

Upon a single motion made by Ms. Plough and seconded by Mr. Rickenmann, Council voted unanimously to approve the Minutes of April 6, 2011 and April 19, 2011.

### **PRESENTATIONS**

2. Introduction of the March 2011 Employee of the Month - Ms. Dana Higgins, City Engineer

Ms. Dana Higgins, City Engineer introduced Mr. Kelvin Keisler, Senior Construction Administrator for the Utilities and Engineering Department as the March 2011 Employee of the Month. She described Mr. Keisler as an exemplary employee that provides project and construction oversight to departments throughout the City. He is a team player and his negotiation skills have saved the City thousands of dollars.

Mayor Benjamin presented Mr. Keisler with a plaque and Mr. Steven A. Gantt, City Manager presented him with a token of appreciation for being selected as the March 2011 Employee of the Month.

3. Introduction of the April 2011 Employee of the Month – Mr. Edgar Heustess, Superintendent of Fleet Services

Mr. Edgar Heustess, Superintendent of Fleet Services introduced Mr. Robert Land, Automotive Technician II for the Fleet Services Division as the April 2011 Employee of the Month. He described Mr. Land as a valued employee that does everything that is needed of him and more. His skills and knowledge are excellent, his attitude is outstanding and he always promotes teamwork.

Mayor Benjamin presented Mr. Land with a plaque and Mr. Steven A. Gantt, City Manager presented him with a token of appreciation for being selected as the April 2011 Employee of the Month.

4. Introduction of the May 2011 Employee of the Month – Mr. Bud Summers, Water Works Superintendent

Mr. Bud Summers, Water Works Superintendent introduced Ms. Jill Martinez, Laboratory Technician II for the Utilities and Engineering Department Water Works Division as the May 2011 Employee of the Month. He described Ms. Martinez as a zealous employee whose responsibilities include water sampling imperative to maintaining SCDHEC certification and resolving customer complaints. We have received favorable comments from customers as to Jill's ability and willingness to help them.

Mayor Benjamin presented Ms. Martinez with a plaque and Mr. Steven A. Gantt, City Manager presented her with a token of appreciation for being selected as the May 2011 Employee of the Month.

5. Amyotrophic Lateral Sclerosis (ALS) Proclamation - The Honorable Mayor Stephen K. Benjamin

Mayor Benjamin said that Lou Gehrig's disease causes progressive disintegration of both the upper and lower motor nerves and it affects more than 5,000 Americans every year, regardless of race, gender and backgrounds. The Muscular Dystrophy Association's ALS Division leads the world in conducting research on ALS in hopes of one day finding a cure.

Mayor Benjamin and the members of Council proclaimed May 2011 as ALS Month in the City of Columbia.

6. Bike Month Proclamation – The Honorable Mayor Stephen K. Benjamin

Mayor Benjamin said that we must have a paradigm shift in the way in which we think about alternative modes of transportation and everything that promotes a healthy lifestyle and helps to reduce our carbon footprint. One of the important pieces of the puzzle is trying to find ways to can encourage more bicycling in the City. Bicycling has been an important part of the lives of most Americans and today, millions of Americans will engage in bicycling as an environmentally sound form of transportation, an excellent form of fitness and a source of quality family recreation. The City of Columbia has been named as a Bronze Bicycle Friendly Community by the League of American Bicyclists.

Ms. Gerry Lynn Hall, Community Development Neighborhood Liaison / Bike Columbia Taskforce said that the Bike Columbia Taskforce works to educate, encourage, engineer, enforce and evaluate aspects of bicycling in Columbia. In 2010/2011, training sessions were held in all police jurisdictions on the proper enforcement of the SC Bike Law; we have lead successful campaigns; adopted the City of Columbia Complete Streets Resolution; prioritized and requested budget appropriations for shared use lane and bike detector stop signal pavement markings; we are supporting the Congaree Vista Greenway Project to convert the rail into a trail; we are finalizing the draft of the Bike Columbia Commuter and Visitors Map; we are drafting the first bicycle parking ordinance; and we are exploring a Bike Share Program with the University of South Carolina.

Mayor Benjamin and the members of Council proclaimed May 2011 as Bike Month in the City of Columbia.

7. 20<sup>th</sup> Annual Artista Vista - The Congaree Vista Guild

Mr. Clark Ellefson, Congaree Vista Guild Board Member presented Ms. Susan Lenz's art quilt made of lost socks from all over the City. This quilt was done as part of the 2011 Artista Vista.

Ms. Susan Lenz, Artist / Installations and Contemporary Embroidery presented the members of Council with the quilt. She said that the quilt was a public art project with the support of the Congaree Vista Guild. There were ads in the newspaper inviting people to participate. As an artist, this was important, because it was a way to share with my community the idea of fiber art; the idea that a quilt doesn't have to be traditional bedding; it could be three layers held together with a stitch. It also brings awareness to the sustainability of programs that are already in place. Hopefully, it will hang at City Hall as a reminder to everyone that the City of Columbia supports art and to reduce, reuse and recycle.

Upon a motion made by Mayor Benjamin and seconded by Dr. Gergel, Council voted unanimously to refer the display of the quilt as the first public art piece in the 1<sup>st</sup> floor lobby of City Hall to the Arts and Historic Preservation Committee. Ms. Devine was not present for the vote.

8. A Big Fi\$h Story – Ms. Miriam Atria, President/ CEO of Capital City Lake Murray Country

Ms. Miriam Atria, President/ CEO of Capital City Lake Murray Country announced that the Bassmaster Elite Series Evan Williams Bourbon Carolina Clash will be featured on ESPN and hosted at Dreher Island State Park on May 12-14, 2011. The participants must stay in Columbia hotels. On October 21-29, 2011, we will host an event from Dreher Island to Fort Jackson and it will be publicized on the World Fishing Network. A banquet will be held at the Columbia Metropolitan Convention Center. The 2013 Professional Media Association Convention will be hosted here as well. This event guarantees \$1.5 million of free publicity for the region.

## **PUBLIC HEARING**

9. Community Development 2011 Annual Action Plan as recommended by the Citizens Advisory Committee (CAC)

Mr. Tony Lawton, Director of the Community Development Department thanked the staff and citizens that participated in the development of the 2011/2012 Annual Action Plan.

Mr. Cecil Hannibal, Chair of the Citizens Advisory Committee (CAC) reported that this Public Hearing is being conducted in accordance with the U.S. Department of Housing and Urban Development (HUD) Regulation CFR 24 Part 91 and the City of Columbia Citizens Participation Plan. The purpose of the hearing is to review formal budget recommendations from the committee and other public comments. This is a one year update to the federally mandated five year consolidated plan, which facilitates a unified vision of housing, economic and other community development needs for Columbia citizens. The following allocations for 2011/2012 represent a reduction in funding: Community Development Block Grant (CDBG) \$1,127,901; Home Investment Partnership Program (HOME) \$792,521; and Housing Opportunities for People With AIDS (HOPWA) \$1,540,616. An additional allocation in the amount of \$524,731 for the Homelessness Prevention and Repaid Re-Housing Program (HPRP) from the American Recovery and Reinvestment Act for 2009 will continue to be administered during the 2011/2012 program year. In addition, there are leveraged funding sources such as the Housing Loan Pool and program income generated from the CDBG Revolving Loan Funds. The Community Development Department is taking a holistic approach to improving the quality of life for its citizens and focusing activities in four Redevelopment Areas: Booker Washington Heights, Eau Claire, King Street and Edisto Court. There are specific objectives used for these funds: benefiting low and moderate income persons; addressing slum or blight; or meeting a particularly urgent community development need. To achieve these objectives, the \$1,127,901 in CDBG Funds is recommended for a variety of programs and activities such as housing rehabilitation; economic development including the façade improvement program and the commercial revolving loan fund; youth initiatives to address earlier success skills and college preparation; homeowner repair for elderly and disabled residents; and affordable housing loans. The HOME Funds in the amount of \$792,521 addresses affordable housing needs and 15% of the allocation is set aside for Community Housing Development Organizations. The remainder will be utilized to address the following housing activities: owner occupied rehabilitation in the Booker Washington Heights Redevelopment Plan; rental rehabilitation; home loan purchase assistance through the City Lender Program and homeownership counseling; and acquisition/rehabilitation of affordable rental housing. The HOPWA funds in the amount of \$1,540,616 will be utilized to address increased affordable housing options for persons with HIV/AIDS; permanent housing; supportive services; emergency housing; and future permanent housing needs within Richland, Lexington, Calhoun, Kershaw, Fairfield and Saluda Counties along with the City of Columbia. The deadline for the submission of the Annual Action Plan to HUD is May 15, 2011 and additional public comments will be received through Friday, May 6, 2011.

- **Council opened the Public Hearing at 6:52 p.m.**

Mr. Marvin Heller, Lyon Street Neighborhood said that the Lyon Street Community has been neglected by the City for generations. There's so much blight that we started doing regular clean ups and with your help we started the redevelopment. We need new houses, refurbished houses, recreation and businesses. Our park has one piece of equipment. We are also concerned about some of the property that the Columbia Housing Development Corporation has purchased over the years, because they've given the Housing Authority the first option. We are looking to you all to help us with the changes that are needed.

Ms. Catherine Fleming Bruce, Historic Waverly Neighborhood Council said that she supports Mr. Heller's requests on behalf of the Lyon Street Community.

Ms. Ellen Cooper, Coalition of Downtown Neighborhoods said that the Housing First Program was included in the five year consolidated plan, but was omitted from this budget.

Councilor Rickenmann said that we are working with the University to leverage the dollars within our General Fund Budget.

Mr. Justin Young appeared before the Council in support of Mr. Heller and the Lyon Street Community. He said that \$200,000 for the façade program is a bad expenditure, because it only benefits ten properties and the loan is forgivable after five years. Those funds should be given to organizations such as Home Works and Keeping the Midlands Beautiful, which would be more effective.

Ms. Gale Baker, Hyatt Park Neighborhood said that they scheduled their neighborhood meeting at City Hall tonight, since they are scheduled to meet at the same time as City Council.

Ms. Bessie Watson, President of the Columbia Council of Neighborhoods commended the Community Development Department and the Citizens Advisory Committee for doing an excellent job. I am glad that the public comment period was extended. I sent the survey to all of the CCN membership. She extended another invitation to the One Book One Columbia event on Saturday, May 7, 2011 at the Cecil Tillis Center from 10:00 a.m. until 1:00 p.m.

▪ **Council closed the Public Hearing at 7:08 p.m.**

Councilor Gergel asked that the Lyon Street Community be added as a priority area. She asked that the King Street Redevelopment Area be expanded to include Lyon Street.

Mr. Tony Lawton, Director of the Community Development Department said that he would contact Ms. Deborah Livingston of the Columbia Housing Development Corporation to determine what their plans are for the Lyon Street Community.

Ms. Dollie Bristow, Community Development Administrator explained that any amendment would need to go through the citizen participation process.

Councilor Gergel asked how long these Redevelopment Areas have been a part of the plan.

Ms. Dollie Bristow, Community Development Administrator said that most of the areas were in the 2005/2010 Consolidated Plan; the only addition to the plan was Booker Washington Heights, which replaced Read Street.

Councilor Newman said that after attending the sessions, Dr. Gergel and I had the same impression that the King Street Area also included a portion of Lyon Street in terms of our focus for the housing needs. Is that an incorrect assumption?

Councilor Devine asked Ms. Bristow to explain what a focus areas means for a community and does that prohibit us from spending community development dollars in Lyon Street if there are projects that need to happen.

Ms. Dollie Bristow, Community Development Administrator further explained that it doesn't mean that funds cannot be used in other areas, but as a holistic approach we focus those dollars in order to have a greater impact. We have to lay out a map for HUD. All amendments to the plan require two public hearings and citizens must have a 30-day comment period. We can amend the plan later in the year, but an amendment cannot be included in this process.

Mr. Tige Watts, Vice Chair of the Citizens Advisory Committee said that lower Lyon Street portion between House Street and Millwood Avenue is included within the King Street Redevelopment Area, but the majority of the residents are on the other side of Gervais Street.

Councilor Devine reiterated that the timing of the amendment doesn't prohibit us from saying that we want to do something now in the Lyon Street Community. There is difficulty with some of the lots due to the commitment with the Housing Authority. The Community Development Department has other funds that we have utilized in the past to do other things.

Councilor Gergel asked Mr. Heller who is working with the Lyon Street Community from the Community Development Department. How do we move these issues to the front burner if they are not a part of the focus areas?

Mr. Tony Lawton, Director of the Community Development Department said that the Community Liaison is Charmaine Clark.

Councilor Devine said that Lyon Street is also covered by the Columbia Housing Development Corporation.

Mayor Benjamin said that is a discussion we can have over the next several weeks and months. He added that County Councilman Seth Rose has also raised this as an important issue to him. We also understand that the Housing Development Corporation made some moves several years ago, but the market is very different right now. I've seen many of our staff working over there on community gardens to housing issues. We've made it clear that we're gong to put Lyon Street on the front burner and it's also the direction of Council that we want to see Lyon Street added to the list of priorities.

Councilor Rickenmann said that the idea is to leverage all of the opportunities that are there. One of our Development Corporations has plenty of lots; therefore, lets be creative with the developers and businesses to make this a public private partnership and leverage those dollars.

Mr. Tony Lawton, Director of the Community Development Department noted that Mr. Marvin Heller has been invited to serve on the CHDC so that their concerns are heard.

Upon a motion made by Mr. Newman and seconded by Dr. Gergel, Council voted unanimously to approve the 2011 Action Plan for submission to U.S. Department of Housing and Urban Development by May 15, 2011 as presented and to direct the Citizens Advisory Committee to convene as soon as possible to review the potential expansion of the target areas to include the Lyon Street Neighborhood.

Councilor Plough asked that the Lyon Street Neighborhood be included in the HOME Fund description.

Mayor Benjamin suggested that the Council give staff more latitude. He asked for a response from the Director of Community Development.

Mr. Tony Lawton, Director of the Community Development Department said that there are HOME Funds available that can be distributed across Booker Washington Heights as well as working with the Development Corporations to look at Lyon Street.

Councilor Newman said that he is hesitant based on the commitment we've made to the Booker Washington Heights Redevelopment Area. I don't have all of the details of the plan. Would this motion preclude anything that has already been committed?

Mr. Tony Lawton, Director of the Community Development Department said no sir.

Councilor Devine said that this has been discussed by the Economic and Community Development Committee and the committee decided to wait until a decision was made on the Columbia Housing Authority's HOPE VI Grant Application for Gonzales Gardens and then we would develop a holistic approach. Regardless of these funds, we've been discussing how we can put development in that community.

Upon a motion made by Ms. Plough and seconded by Dr. Gergel, Council voted unanimously to amend the activities under the HOME Fund to include the Lyon Street Neighborhood along with the Booker Washington Heights Redevelopment Area.

Mayor Benjamin explained that there were media reports about the potential payback of funds to the federal government. We've been made aware that this was due to some discrepancies and that no funds owed back to the federal government by the City of Columbia. That was taken into account by the decision of this Council to unanimously freeze applications before the Commercial Revolving Loan Fund Committee that we recently reconstituted with several new members. Including the applications for Columbia Economic Renaissance Funding, we need to free up that committee and allow them to consider the important applications before them.

Councilor Gergel asked if there is a full committee now.

Mr. Tony Lawton, Director of the Community Development Department said that there are five (5) members.

Mayor Benjamin said that we resolved the issue about staff appointments; staff can serve and we might be fully constituted.

Councilor Davis asked if staff will be serving or staffing the committee. If they are staffing the committee then they would not be taking up an appointed slot.

Mr. Tony Lawton, Director of the Community Development Department said that staff will be a voting member and the Assistant City Manager for Community Development and the City Manager has an appointment for whomever to serve on that committee.

Mayor Benjamin said that we will leave that to Mr. Gantt's discretion with careful consideration given to the fact that we don't want any staff members presenting before the body on which they are also expected to vote.

Councilor Gergel asked if it is standard operating procedure to have staff members serve as voting members of the loan fund.

Mr. Tony Lawton, Director of the Community Development Department said yes.

Councilor Plaugh said that the Columbia Economic Renaissance Fund is funded with General Fund dollars. We would be releasing General Fund dollars for an approved program to be lent to private businesses.

Councilor Gergel said that she is concerned, because that money could be used for other pressing needs.

Mayor Benjamin said that the money could be used for many pressing needs throughout the City, including economic development. The initial motion that we supported in the wake of the concerns before us was because we needed clarification of these issues. These issues have been clarified; now you may still disagree with the CERF, but that's a separate discussion.

Councilor Gergel said that she didn't realize that these were General Fund monies. She asked the City Manager if he added street repaving money to the General Fund budget.

Mr. Steven A. Gantt, City Manager said no; we have a placeholder there and I continue to clean up funds from the street scaping projects.

Councilor Devine said that there was a motion to allow the City Manager to do his work and that we would complete the street survey so that we will know which streets needed to be repaved. The report will be ready in September.

Councilor Gergel asked for the number of loan requests before the committee right now.

Mr. Tony Lawton, Director of the Community Development Department said that there are several requests for assistance.

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted five (5) to two (2) to allow the Commercial Revolving Loan Review Board to resume consideration of all pending loan applications before them, with deliberate speed. This is being done in light of the report given in Executive Session that the City of Columbia Community Development Department doesn't owe the U.S. Department of Housing and Urban Development any funds. Voting aye were Mr. Davis, Ms. Devine, Mr. Rickenmann, Mr. Newman and Mayor Benjamin. Voting nay were Dr. Gergel and Ms. Plough.

### **CITY COUNCIL DISCUSSION / ACTION**

10. Council is asked to approve a Sub-Recipient Agreement between the City of Columbia and the Columbia Development Corporation for Professional and Planning Services in the total amount of \$40,000.00. *Funding Source: Community Development Block Grant Fund Note: \$10,000.00 of this amount is designated to go to professional services to Mast General and \$30,000.00 to planning and administrative expenses for Edisto Court. - Approved*

Upon a motion made by Ms. Plough and seconded by Ms. Devine, Council voted unanimously to approve a Sub-Recipient Agreement between the City of Columbia and the Columbia Development Corporation for Professional and Planning Services in the total amount of \$40,000.00.

11. Council is asked to approve a Request for Additional Funding for the Palmetto 800 Radio Air Time Costs in the amount of \$55,200.00 as requested by the Police Department. *Funding Source: Council Reserve Fund - Approved*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve a Request for Additional Funding for the Palmetto 800 Radio Air Time Costs in the amount of \$55,200.00 as requested by the Police Department.

12. Council is asked to approve a Request for a Certificate of Convenience and Necessity for the Operation of a Taxi Cab. Award to Barbara Ard doing business as Ards Airport Transportation. This service is located at 13 Yashica Court West Columbia, SC. - *Approved*

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to approve a Request for a Certificate of Convenience and Necessity for the Operation of a Taxi Cab. Award to Barbara Ard doing business as Ards Airport Transportation. This service is located at 13 Yashica Court West Columbia, SC.

### **CONSENT AGENDA**

Mr. Steven A. Gantt, City Manager explained that **Item 17.** was bid out under the Subcontractor Outreach Program; one bid came in after the deadline; we opened the bid; it was the lowest bid; but we rejected it because it didn't come in at the appropriate time. We awarded the project to the next low bidder and we will not open any bids that come in after the timeframe.

Upon a single motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve the **Consent Agenda Items 13., 15., 16., and 17.** The consideration of **Item 14.** was deferred; **Item 18.** was approved by a separate motion; and second reading consideration of **Item 19.** was deferred. Ms. Devine was not present for the vote.

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

13. Council is asked to approve CIP #SD827903, Martin Luther King Park Stream Restoration Project Agreement for Consulting Services for the implementation of long-term monitoring. Award to Environmental Permitting Consultants, Inc. in the amount of \$12,400.00, as requested by the Utilities and Engineering Department. This vendor is located in Greenville, SC. *Funding Source: Storm Drain Fund SD827903 Storm Drain- 5534210/SD827903/636600 – This work includes performing and submitting 6 reports over a 5-year period. - Approved*
14. Council is asked to approve Contract Amendment 1 for Construction of a 150 Million Gallon Per Day (MGD) Influent Pump Station and Associated Preliminary Treatment Facility at the Metro Wastewater Treatment Plant., as requested by the Utilities and Engineering Department. Award to Hazen and Sawyer, P.C. in the amount of \$99,037 to bring the total to \$1,830,317.00. This vendor is located in New York City, NY. *Funding Source: Sanitary Sewer SS6722; 552999/SS6722/658660 – This change in agreement was requested to include Septage Receiving Building Preliminary Design, Septage Receiving Building Final Design, and Administration Building Modifications. This was not included in the original agreement dated August 16, 2010, submitted for Council approval. – Consideration of this item was deferred.*
15. Council is asked to approve the Purchase of a John Deere XUV 855D as requested by the Emergency Operations Center. This purchase is awarded to John Deere Company of Cary, NC as the low bidder meeting specifications in the amount of \$16,929.97. *Funding Source: Homeland Security Grant Control- Auto, Trucks, Heavy Equipment > \$5k Capital; 2549999-658500 - Approved*
16. Council is asked to approve CIP#WM4232, the Purchase of Equipment to Maintain Pressure Reducing, Pump Control, and Altitude Valves, as requested by the Utilities and Engineering Department. Award to Ross Valve Manufacturing Co. as a sole source in the amount of \$40,208.73. This vendor is located in Troy, NY. *Funding Source: Water Maintenance Fund 5518803-741552 - Approved*
17. Council is asked to approve a Subcontractor Outreach Program Project # SS7115-01 West Columbia Pump Station Improvements as requested by Utilities and Engineering. Award to M.B. Kahn Construction Co., Inc., the lowest bidder in the amount of \$8,798,100.00. This vendor is located in Columbia, SC. *The purpose of this project is for sanitary sewer improvements to the West Columbia Pump Station. Funding Source: CIP budgeted amount for this project is \$6,029,389.00. It's funding and supplemental source is from SS711501-658650 and 5516212-657400 Sanitary Sewer Improvement Fund - Sanitary Sewer Maintenance Fund - Approved*

18. Council is asked to approve a Subcontractor Outreach Program Project #CM3001 Parking Garage at Taylor Street and Sumter Street as requested by Utilities and Engineering. Award to Contract Construction in the amount of \$11,301,000.00. This vendor is located in Irmo, SC. CIP budgeted amount for this project is \$11,371,000.00. *Funding Source: 2005 Parking Bond Issue PG001103 and PG001104. – The awarding of this project is expressly contingent upon the conveyance by St. John, LLC, to the City of Columbia of the real property located at 1613 Sumter Street , pursuant to the pending and executed Agreement of Purchase and Sale between the City of Columbia and St. John, LLC. – Approved*

Upon a motion made by Mr. Rickenmann and seconded by Ms. Plaugh, Council voted unanimously to approve Subcontractor Outreach Program Project #CM3001 Parking Garage at Taylor Street and Sumter Street as requested by Utilities and Engineering. This project is awarded to Contract Construction in the amount of \$11,301,000.00, expressly contingent upon the conveyance by St. John, LLC, to the City of Columbia of the real property located at 1613 Sumter Street, pursuant to the pending and executed Agreement of Purchase and Sale between the City of Columbia and St. John, LLC.

#### ORDINANCES – SECOND READING

19. Ordinance No.: 2011-021 (*Revised*) - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Article IV, Offenses Against the Public Peace and Order, Sec. 14-106 Hours of sale restricted for commercial establishments which allow for on-premises consumption of beer, ale, porter and/or wine - *First reading approval was given on April 26, 2011. Second reading consideration was deferred on May 3, 2011.*

Mr. Steven A. Gantt, City Manager explained that he met with representatives of the Columbia Police Department for an in-depth review of the ordinance and there are items that they would like for the Legal Department to take another look at to ensure consistency throughout the ordinance. We are also requesting that the ordinance be effective July 1, 2011.

Councilor Gergel asked the City Attorney to look at penalties for Items 3, 4 and 5 in the ordinance. Our intent is to keep our bars in check and to give them an opportunity to do the self-policing that builds responsible bar behavior. I want us to address the meat of the violations. Council hasn't had much of an opportunity to discuss what we want to happen when someone commits a violation. Consider what penalties we are including; how many passes we're giving within 6-months and a year; and look at overcrowding violations.

## **ORDINANCES – FIRST READING**

Upon a single motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to give first reading approval to **Item 20**. Ordinance No.: 2011-024 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 2, Administration, Article V, Procurement, Sec. 2-207, Award of Contracts and to approve **Item 21**. Resolution No.: 2011-036 – Authorizing the City Manager to pursue competitive procurement jointly with Richland County and/or Lexington County.

20. Ordinance No.: 2011-024 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 2, Administration, Article V, Procurement, Sec. 2-207, Award of Contracts – *Approved on first reading*.

## **RESOLUTIONS**

21. Resolution No.: 2011-036 – Authorizing the City Manager to pursue competitive procurement jointly with Richland County and/or Lexington County – *Approved*

## **APPOINTMENTS**

22. Planning Commission

Upon a motion made by Mayor Benjamin and seconded by Mr. Newman, Council voted unanimously to approve the reappointment of Mr. Carl Frederick, Mr. Chris Brownlee and Mr. Mark James to the Planning Commission for a second and final term expiring on February 1, 2011.

23. Climate Protection Action Committee (CPAC)

Upon a motion made by Ms. Plaugh and seconded by Mr. Rickenmann, Council voted unanimously to approve the appointment of Mr. Kevin McLeod and Mr. Leon Anthony Marshall to the Climate Protection Action Committee, as requested by Councilwoman Leona Plaugh.

## **CITY COUNCIL COMMITTEE REPORTS**

24. Council is asked to refer the review of the City's Procurement Code to the Administrative Policy Committee.

Upon a motion made by Ms. Plaugh and seconded by Mr. Rickenmann, Council voted unanimously to refer the review of the City's Procurement Code to the Administrative Policy Committee.

25. Economic and Community Development Taxi Cab Recommendations – The Honorable Sam Davis, Chair of the Economic and Community Development Committee

Councilor Davis, Chair of the Economic and Community Development Committee reported that over the past few months the committee has been reviewing recommendations and suggestions for amendments to the ordinance governing taxicabs and as a result of the input of staff, persons in the industry, as well as Council members we are submitting the recommendations for consideration by Council:

1. *Minimum number of taxicabs (Table for 1 year from time of Council approval)*
  - All new companies will require a minimum number of 10 operational taxicabs in order to obtain a city license.
  - Companies currently licensed would be grandfathered and not required to increase their fleet to 10 vehicles.
  - Companies wishing to transfer license (new ownership assumes ALL liabilities and assets), the new owner would be subject to meeting the minimum 10 taxicab requirement. Transferred licenses would not be granted the grandfather exemption.
2. *Physical office in a commercially zoned location/24 hour dispatch & service*
  - All new companies are required to establish and maintain an office in a commercially zoned location which is physically manned at all times. This would be required regardless of where the physical location of the company is maintained (in city limits or outside city limits).
  - Companies currently licensed with less than 10 taxicabs would be grandfathered and would not have to meet this requirement until their fleet reaches a total of 10 operational taxicabs.
  - Companies currently licensed with 10 or more taxicabs at time of council approval would require compliance within 180 days.
3. *Cell phone use*
  - Cell phone use is allowed only with a hands-free device.
4. *Dress code*
  - Clothing needs to be neat, clean, and of a non-revealing nature. Shorts, collared shirts and open toed shoes are permissible. No t-shirts, flip flops, tank tops or curlers in the hair.
5. *Burden on new applicants to show taxicab business is not already being served by the existing providers*
  - New applicants shall have the burden of proof, by clear and convincing evidence, showing that the current taxis are not adequately providing service before any new Certificate of Public Convenience & Necessity would be awarded by council.

6. *Passenger information required within taxicab*
  - Each taxicab would be required to place within the vehicle, visible by all passengers, information regarding regulatory inquiries or where to file a complaint. The information posted would include the cab registration number and the phone number (area code included) of the South Carolina Office of Regulatory Staff, Transportation Division.
7. *Prohibit smoking*
  - All taxicabs licensed in the city would be required to be a 100% smoke free environment at all times.
8. *Amendments to Driver Permits*
  - Renew permits every three (3) years.
  - Increase renewal fee from \$5 to \$10. Transfer fee (new) would be \$10.00
  - Require the following documents for annual renewal: Current Driver's License, 10-year driver's record, SLED criminal history report and negative 5 panel drug test from an approved medical facility (these details will need to be worked out with Legal). The 5 panel drug test would also be required for a transfer of permit.
  - Requirement of physical examination. All first time applicants and renewals on every 5th year would require examination and certification by a physician licensed to practice in the state that the applicant is not disabled by reason of defects of sight, hearing, body or limbs from safely operating a motor vehicle in and upon the streets of the city.

Councilor Rickenmann suggested that there be provisions within *Recommendation 8* for those without a 10-year driver's record.

Councilor Devine revised *Recommendation 8* to require a physical examination every 3 years since renewals are changing to every 3 years.

Councilor Rickenmann further suggested that all new applicants and those up for renewal participate in the Columbia Conventions and Visitors Bureau Famously Hot Hospitality class.

Mayor Benjamin asked that information on the Famously Hot Hospitality Class be sent to all new applicants.

Councilor Plaugh said that the two-way radio discussion remains on our plate. The committee will meet on Thursday, May 5, 2011 at 2:00 p.m.

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to endorse the committee recommendations as amended. These changes will be reflected in a draft ordinance for consideration by City Council.

\*\*Councilor Rickenmann asked that the Professional Probation Services Contract for Sentencing Alternative Rehabilitation Services for Municipal Court be on the next City Council agenda for consideration.

26. **\*\*Broad River Road Corridor and Community Master Plan**

Councilor Davis said that they all received a copy of the Broad River Road Corridor and Community Master Plan today. This is a long-range product developed by Richland County and they are asking us to review it and consider becoming partners. It splits two City Council Districts. City staff is familiar with this and will be a resource for us as we continue to look at this and have discussions with the County.

Councilor Newman said that a joint meeting was held with a few members of Richland County Council expressing their interest in entering into a Memorandum of Understanding in terms of the direction we want Broad River Road to go. The Richland County staff is available to answer questions and to make a presentation.

Councilor Plaugh added that the Administrative Policy Committee is still trying to get a meeting with the County.

Mr. Steven A. Gantt, City Manager said that staff is working with Richland County to set a date and as soon as we hear back we will reschedule.

Upon a motion made by Mr. Davis and seconded by Mr. Newman, Council voted unanimously to refer the review of the Broad River Road Corridor and Community Master Plan to the Economic and Community Development Committee.

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

Mr. Temple Ligon, The Columbia Star announced that Puccini's "Madama Butterfly" will be performed by an international cast on Friday, May 13, 2011 at 7:30 p.m. and on Sunday, May 15, 2011 at 2:30 p.m. at the University of South Carolina's Drayton Hall, 1214 College Street.

Upon a motion made by Mr. Newman and seconded by Mr. Davis, Council voted unanimously to adjourn the meeting at 8:25 p.m.

Respectfully submitted by:

Erika D. Salley  
City Clerk

Meeting Dates	Type of Meeting	Meeting Times
May 5, 2011	Economic and Community Development Committee Meeting	2:00 p.m.
May 9, 2011	Public Safety Committee Meeting	10:00 a.m.
May 17, 2011	Work Session ( <i>Comprehensive Annual Financial Report and Hospitality Tax Policies</i> )	3:00 p.m.
	Council Meeting / Budget Public Hearing	6:00 p.m.
	Zoning Public Hearing	7:00 p.m.
May 24, 2011	MAST General Gala / Reception – 1601 Main Street	5:00 – 7:00 p.m.
	Council Meeting / Redistricting Public Hearing	6:00 p.m.
	<i>Columbia Metropolitan Convention Center – 1100 Lincoln Street The Mayor Coble Room (Ballroom C) – Upper Level</i>	
May 25, 2011	MAST General Ribbon Cutting – 1601 Main Street	9:00 a.m.
June 7, 2011	Work Session ( <i>City Attorney Evaluation</i> )	2:00 p.m.
	Council Meeting	6:00 p.m.
June 21, 2011	Work Session	3:00 p.m.
	Council Meeting	6:00 p.m.
July 5, 2011	No Meeting	
July 19, 2011	Council Meeting	6:00 p.m.
	Zoning Public Hearing	7:00 p.m.
August 2, 2011	District I Evening Meeting	6:00 p.m.
	<i>Location to be Determined</i>	

In accordance with Ordinance No.: 2004-094 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 2, Administration, to add VI, Lobbyist, Sec. 2-302. (a) Any person who acts as a lobbyist must within fifteen days of being employed or retained as a lobbyist, register with the city clerk. (b) The registration must be in a form approved by the city council that includes only the name and business address of the lobbyist, the name and business address of the person or entity that compensates the lobbyist and the issue or matter for which the lobbyist has been retained. A separate form shall be submitted for each issue or matter and each person or entity who compensates the lobbyist. (c) Any lobbyist who is employed by the city or has contracts with the city must seek approval by city council to be a lobbyist for other clients so long as he is employed or under contract. To obtain a Lobbyist Registration Form please contact the Office of the City Clerk at (803) 545.3045 or send your request to [Hcityclerk@columbiasc.net](mailto:Hcityclerk@columbiasc.net).