



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
WEDNESDAY, JULY 19, 2006
10:00 A.M.
CITY HALL COUNCIL CHAMBERS
1737 MAIN STREET

The Columbia City Council conducted a Meeting on Wednesday, July 19, 2006 in the City Hall Council Chambers located at 1737 Main Street, Columbia, South Carolina. Mayor Pro Tempore Sam Davis called the meeting to order at 10:05 a.m. The following Council members were present: The Honorable E.W. Cromartie, II, The Honorable Anne M. Sinclair, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann and The Honorable Kirkman Finlay III. Mayor Robert D. Coble was absent due to an economic development trip. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

APPROVAL OF MINUTES

1. Minutes of June 7 and 14, 2006

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to approve the Minutes of June 7 and 14, 2006 on a single motion and as presented.

PRESENTATIONS

- 1a. **2006 US Youth Games – Mr. Oliver Washington, Jr., National Coordinator of the US Youth Games of Columbia Executive Board

Mr. Oliver Washington, Jr., National Coordinator for the US Youth Games of Columbia Executive Board, invited the members of Council to participate in the 2006 Youth Games. Opening Ceremony will begin tonight at 7:30 p.m. at the Carolina Coliseum. He said that all races and ages are representing the City of Columbia. He thanked the members of Council for their support.

CONSENT AGENDA

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve on a single motion the **Consent Agenda Items 2.** through **21., 23.** and **24.** as amended.

CONSIDERATION OF BIDS AND AGREEMENTS

2. Council is asked to approve the Painting of the Handrails at Finlay Park, as requested by the Parks and Recreation Department. Award to Associated Contractors, the lowest bidder, in the amount of \$16,300.00. This firm is located in Columbia, SC. *Funding Source: GL-4039999-659300 / JL-PK005604-659300 - Approved*
3. Council is asked to approve Marketing and Business Development Services for the Drew Wellness Center, as requested by the Parks and Recreation Department. Award to Ferillo & Associates, the lowest bidder, in the amount of \$19,200.00. This firm is located in Columbia, SC. *Funding Source: 1015115-636600 - Approved*

4. Council is asked to approve the Repair and Replacement of the Bridge at Riverfront Park, as requested by the Parks and Recreation Department. Award to AOS Specialty Contractors, the lowest bidder, in the amount of \$20,643.00. This firm is located in Columbia, SC. *Funding Source: GL-4019999-636600 / JL-CP103201-636600 - Approved*
5. Council is asked to approve an Agreement for Engineering Services for Modifications to Filters 1 through 12 at the Canal Water Treatment Plant; CIP Project WM4097, as requested by Engineering Operations. Award to B.P. Barber and Associates in the amount of \$60,000.00. This firm is located in Columbia, SC. *Funding Source: Capital Improvements Program Budget - Approved*
6. Council is asked to approve an Agreement between the Palmetto Health Alliance and the City of Columbia for the Sponsorship and Promotion of Community Programs and Classes to the General Public at the Charles R. Drew Wellness Center. - *Approved*

ORDINANCES – SECOND READING

7. Ordinance No.: 2006-040 – Establishing the City Center Business Improvement District *First Reading approval was given on June 21, 2006. – Approved on second reading.*
8. Ordinance No.: 2006-055 – Granting encroachment to David R. Kingery and Michele D. Kingery for the installation and maintenance of a carport, driveway, brick columns and a wall within the right of way of the 600 block of Queen Street adjacent to 2425 Blossom Street *First Reading approval was given on July 12, 2006. – Approved on second reading.*
9. Ordinance No.: 2006-056 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 16, Personnel, to repeal Sec. 16-2, Death benefit program *First Reading approval was given on July 12, 2006. – Approved on second reading.*
10. Ordinance No.: 2006-058 – Authorizing execution of a Quit Claim Deed to LandTech Incorporated of South Carolina, Inc. *First Reading approval was given on July 12, 2006. – Approved on second reading.*

CONFIRM ZONING OF PREVIOUSLY ANNEXED PROPERTIES – SECOND READING

11. 3701-3707 Clement Road, TMS# 09104-08-07; confirm RS-3 zoning. *First Reading approval was given on July 12, 2006. – Approved on second reading.*
12. 1828 Pineview Road, TMS# 19000-01-08; confirm C-3 zoning. *First Reading approval was given on July 12, 2006. – Approved on second reading.*
13. 1046-1047 Berea Road/Stadium Village Lofts, TMS# 11206-03-02, 11206-04-01, 02, 03; confirm C-3 zoning. *First Reading approval was given on July 12, 2006. – Approved on second reading.*

MAP AMENDMENTS / REZONINGS – SECOND READING

14. 1110 Mason Road, TMS# 11712-04-02; rezone from (Rural, Richland County) RU and D-1 (Development, Interim) to D-1 (Development). *First Reading approval was given on July 12, 2006. – Approved on second reading.*

15. 1127 Butler Street, TMS# 13901-17-04; rezone from RS-3, -DP to PUD-R, -DP. *First Reading approval was given on July 12, 2006. – Approved on second reading.*
16. 1515-1517 Butler Street, TMS# 13902-02-06 and 08; rezone from RG-1 to PUD-R. *First Reading approval was given on July 12, 2006. – Approved on second reading, provided, (1) exterior side yard setbacks are 5 feet and interior side yard setbacks are 0 feet, and (2) development upon the property shall conform to RG-1 district standards unless explicitly amended by the Planned Unit Development.*
17. 3135 & 3127 Forest Drive, TMS# 14001-04-39 and 14001-04-40; rezone from RS-2 to PUD-C. *First Reading approval was given on July 12, 2006. – Approved on second reading, provided (1) the bufferyard fence along the southern lot line starts 40 feet back from the Forest Drive property line, (2) all signage shall comply with C-1 zoning requirements except that the height of any freestanding sign shall not exceed 25 feet, and (3) uses permitted within the existing building shall be analogous to uses permitted within the C-1 district and expressly include recreational facilities (existing yoga studio), general offices, and medical offices, but retail, restaurants, drinking establishes, nightclubs, sexually oriented businesses, and liquor stores are expressly prohibited.*
18. 6701 Farrow Road, TMS# 14208-02-02; rezone from RG-1 to PUD-R. *First Reading approval was given on July 12, 2006. - Approved on second reading, provided the applicant work with staff to ensure compliance with the Fire Code.*
19. 3201 Lyles Street, TMS# 09106-09-04; rezone from RG-3, -DP to PUD-R, -DP. *First Reading approval was given on July 12, 2006. – Approved on second reading.*
20. N/S Padgett Road (Honey Tree Subdivision), TMS# 22012-01-01; rezone portion of property from RS-3 to PUD-R. *First Reading approval was given on July 12, 2006. – Approved on second reading, provided the applicant submits a revised typical site plan, which reduces the amount of paved surface within the front yards.*
21. 534 South Saluda Avenue and 531 South Edisto Avenue, TMS# 11212-08-12 and 11212-08-11; rezone from M-1 to PUD-R. *First Reading approval was given on July 12, 2006. – Approved on second reading, subject to (1) conformance with the changes to the Descriptive Statement within version labeled “Revised by Staff”, including that (1a) proposed materials relate to the new houses, not the existing house, (1b) the exterior of each house shall be hardiplank, not vinyl siding, and (1c) roofs shall be architectural shingles, not stand and seam roof systems, (2) allowing full 2-story construction, rather than split level as shown, and (3) development upon the property shall conform to RG-1 district standards unless explicitly amended by the Planned Unit Development.*

MAJOR AMENDMENTS TO PLANNED UNIT DEVELOPMENTS (PUDS) – SECOND READING

22. 3501 Moss Avenue, TMS# 13801-07-16; rezone from PUD-R to amended PUD-R. *First Reading approval was given on July 12, 2006. - This item was removed from the Consent Agenda and voted upon separately.*
23. 2700 Block Millwood Avenue, TMS# 11413-05-02; rezone from PUD-R and PUD-R, -DP to amended PUD-R and PUD-R, -DP. *First Reading approval was given on July 12, 2006. – Approved on second reading, provided (1) office space within detached garages must otherwise comply with § 17-317 regarding home occupations, and (2) including option to replace existing wireless communication facility with a 130-foot stealth wireless communication facility designed like a flag pole.*

24. 601 to 621 Main Street, TMS# 11303-13-03, and 06 through 10; rezone from PUD-R, – DD to amended PUD-R, –DD. *First Reading approval was given on July 12, 2006. – Approved on first reading.*

CONSIDERATION OF BIDS, AGREEMENTS AND CHANGE ORDERS

25. Council is asked to approve Change Order #2 to add Temporary Restrooms to South East Park, as requested by the Parks and Recreation Department. Award to DESA, in the amount of \$15,985.75. This firm is located in Columbia, SC. *Funding Source: PK-006401 - Approved*

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve Change Order #2 to add Temporary Restrooms to South East Park, as requested by the Parks and Recreation Department. Award to DESA, in the amount of \$15,985.75.

26. Council is asked to approve the Microsoft Enterprise Agreement, as requested by the Information Technology Department. Award to Software House International Inc., as a Sole Source Purchase, in the amount of \$91,030.79. This firm is located in Somerset, NJ. *Funding Source: GL-6218950-638200 - Approved*

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve the Microsoft Enterprise Agreement, as requested by the Information Technology Department. Award to Software House International Inc., as a Sole Source Purchase, in the amount of \$91,030.79.

27. Council is asked to approve Project WM3064; Proposed 4' and 6' Water Main along Dubard Street, Burley Court, Lucille Drive and Paxton Street, as requested by the Utilities and Engineering Department. Award to Carolina Tap and Bore, the lowest bidder, in the amount of \$197,598.00. This firm is located in West Columbia, SC. *Funding Source: GL-5529999-851500 / JL-WM306401-851500 - Approved*

Upon motion by Ms. Sinclair, seconded by Mr. Cromartie, Council voted unanimously to approve Project WM3064; Proposed 4' and 6' Water Main along Dubard Street, Burley Court, Lucille Drive and Paxton Street, as requested by the Utilities and Engineering Department. Award to Carolina Tap and Bore, the lowest bidder, in the amount of \$197,598.00.

28. Council is asked to approve the Purchase of a Heavy Duty Walk-In Rehabilitation Vehicle, as requested by the Fire Department. Award to Spartan Apparatus, the lowest bidder, in the amount of \$270,278.00. This firm is located in Roebuck, SC. *Funding Source: GL-2549999-658500 / JL-9607000201-658500 - Approved*

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to approve the Purchase of a Heavy Duty Walk-In Rehabilitation Vehicle, as requested by the Fire Department. Award to Spartan Apparatus, the lowest bidder, in the amount of \$270,278.00.

29. Council is asked to approve Project WM3988; Improvements and Upgrades to Pontiac Pump Station, as requested by the Utilities and Engineering Department. Award to M.B. Kahn Construction, the lowest responsive bidder, in the amount of \$378,676.00. This firm is located in Columbia, SC. *Funding Source: GL-5529999-851500 / JL-WM398801-851500 - Consideration of this item was deferred.*

30. Council is asked to approve Project Modification to Filters 1-12 for the Columbia Canal Water Treatment Plant, as requested by the Utilities and Engineering Department. Award to Kemp Construction, Inc., the lowest bidder, in the amount of \$459,166.00. This firm is located in Sherrills Ford, NC. *Funding Source: GL-5529999-851000 / JL-WM409701-851000 - Approved*

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve Project Modification to Filters 1-12 for the Columbia Canal Water Treatment Plant, as requested by the Utilities and Engineering Department. Award to Kemp Construction, Inc., the lowest bidder, in the amount of \$459,166.00.

31. Council is asked to approve Project SS6761; Improvements to Mill Creek Pump Station, as requested by the Utilities and Engineering Department. Award to M.B. Kahn Construction, the lowest bidder, in the amount of \$3,198,006.00. This firm is located in Columbia, SC. *Funding Source: GL-5529999-851600 / JL-SS676101-851600 - Approved*

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve Project SS6761; Improvements to Mill Creek Pump Station, as requested by the Utilities and Engineering Department. Award to M.B. Kahn Construction, the lowest bidder, in the amount of \$3,198,006.00.

MAJOR AMENDMENTS TO PLANNED UNIT DEVELOPMENTS (PUDS) – SECOND READING

- 31a. ****3501 Moss Avenue, TMS# 13801-07-16; rezone from PUD-R to amended PUD-R. *First Reading approval was given on July 12, 2006. - Denied***

Councilor Anne M. Sinclair expressed concerns about the request. She said that single-family units surround the property and that we would be putting one (1) multi-family lot within single-family zoning. She said that she is sensitive to Ms. Ritter's personal situation, but she does not support an amendment to allow for two (2) dwelling units.

Ms. Paulette Ritter, Applicant, explained that Mr. Knowles has an apartment in his backyard that he also rents and that a duplex is located directly behind her. She said that when she purchased the property it was being rented. She found out that the structure was not legal when she applied for a permit for a car garage. She said that the income from renting the apartment would help to support her son.

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted five (5) to one (1) to *deny* the major amendment to the Planned Unit Development for 3501 Moss Avenue, TMS# 13801-07-16. Voting aye were Mr. Cromartie, Ms. Sinclair, Mr. Davis, Ms. Devine and Mr. Finlay. Voting nay was Mr. Rickenmann.

MAP AMENDMENTS / REZONINGS – SECOND READING

- A. 2000 Block of Two Notch Road, TMS# 11509-09-01A (P); rezone from M-1 to PUD-C. *First Reading approval was given on July 12, 2006. – Approved on second reading.*

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to give second reading approval to a Map Amendment and the Rezoning of the 2000 Block of Two Notch Road, TMS# 11509-09-01A (P); rezone from M-1 to PUD-C, provided **(1)** street improvements continue and **(2)** street lights are added along Edgewood Avenue. Mr. Cromartie abstained from voting due to a conflict of interest.

CONFIRM ZONING OF PREVIOUSLY ANNEXED PROPERTY - SECOND READING

- B. 1111 Balsam Road, TMS# 07311-08-04; confirm RS-2 zoning. *First reading approval was given on May 10, 2006. – Approved on second reading.*

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to give second reading approval to Confirm the Zoning of Previously Annexed Property at 1111 Balsam Road, TMS# 07311-08-04; confirm RS-2 zoning.

APPOINTMENTS

- C. Mini Grant Committee

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to approve the reappointment of Ms. Rosemary Biscardi to the Mini Grant Committee for a final three-year term to expire on July 19, 2009.

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve the appointment of Ms. Altina Johnson and the appointment of Mr. Keith McIver and Ms. Nancy Davis-Buchanan, upon notification, to the Mini Grant Committee for a three-year term to expire on July 19, 2006.

OTHER MATTERS

- C1. **Indirect Expenditures from the Water and Sewer System – The Honorable Anne M. Sinclair

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to direct staff to start the process of determining the actual number for indirect transfers from the Water and Sewer Fund. Staff should select three cities that own their utility and of similar size to find out how they determine the cost of the unit of service that is indirect. Mr. Cromartie was not present for the vote.

- C2. **Temporary Water Park – Mr. Charles P. Austin, Sr., City Manager

Mr. Charles P. Austin, Sr., City Manager, asked the members of Council to consider the set up of four (4) temporary water parks. The Fire Department has put together sprinkler systems that will attach to the fire hydrants. These systems will operate daily from 11:00 a.m. until 3:00 p.m. and three (3) spraying mist tents will be set up for senior citizens to get away from the heat. He further requested authorization to close the streets on an as needed basis. A unit of employees from various departments will oversee this initiative and barricades will be in place.

Upon motion by Ms. Sinclair, seconded by Mr. Cromartie, Council voted unanimously to authorize the use of sprinklers and misters in an effort to provide additional assistance and comfort to the citizens of Columbia during extremely hot days and to authorize the closing of streets on an as needed basis.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Mr. Robert McLeod expressed his discontent with the bus system. He stated that representatives of the Central Midlands Regional Transit Authority only gave him three (3) minutes to speak during a public hearing. He reported that since he is wheel chair bound, his time was up when he reached the podium.

Mr. Sheldon "Chip" Rice, 26 Newport Drive, talked about an initiative to deem the University of South Carolina a smoke free campus. This restricts smoking within 25 feet of their buildings beginning August 1, 2006. This also prohibits smoking inside of University vehicles. Mr. Rice stated that this would also limit the amount of liter on campus.

EXECUTIVE SESSION

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to go into Executive Session at 11:19 a.m. for the discussion of **Items D.** through **F.** as amended.

- D. Discussion of negotiations incident to the City's position in adversary situations involving the assertion of a claim - *This item was discussed in Executive Session. No action was taken.*
- E. Receipt of legal advice, which relates to matters covered by attorney-client privilege
 - Conflict Waivers - *This item was discussed in Executive Session. No action was taken.*
- F. ****Discussion of negotiations incident to proposed contractual arrangements - *This item was discussed in Executive Session. No action was taken.***
- **Councilor Anne M. Sinclair left the meeting at 11:55 a.m.**
- **Council adjourned the meeting at 1:30 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk