



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
WEDNESDAY, JULY 11, 2007
9:00 A.M.
CITY COUNCIL CHAMBERS
1737 MAIN STREET

The Columbia City Council conducted a Meeting on Wednesday, July 11, 2007 in the City Hall Council Chambers located at 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 9:08 a.m. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Anne M. Sinclair, The Honorable Sam Davis, The Honorable Daniel J. Rickenmann and The Honorable Kirkman Finlay III. The Honorable Tameika Isaac Devine joined the meeting at 9:14 a.m. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Schinikia Richburg, City Clerk Assistant.

Mr. Charles P. Austin, Sr., City Manager, recognized a group of students from Benedict College and asked that they introduce themselves.

PRESENTATIONS

1. Update on the Skipp Pearson Foundation – Ms. Shirley Fields-Martin, Executive Director

Mr. Skip Pearson, Skipp Pearson Foundation, provided an update on Jazz Under the Stars, a community service project that is near and dear to his heart. It is an annual, free and live Jazz Concert Series. He said that the 2007 event was a huge success and thanked the flagship sponsors of the event. Attendance over two (2) evenings of presentations was approximately 2,379 persons. The 2006 attendance was 758. He was truly inspired by the public's reaction to the event. He asked the Council to consider forming an independent taskforce to secure funding sources outside the State of South Carolina for our community's benefit. He requested a prompt response to this suggestion.

Councilor Sinclair stated that she attended the Friday night event and that it was very pleasant. She noted that the Capitol grounds are a wonderful place for such an event.

2. Hurricane Disaster Services – Mr. Laddie Howard

Mr. Laddie Howard stated that he has spoken extensively with the members of Council and staff about hurricane preparedness. He encouraged the City Council to move forward with allowing staff to sign a Contract for these services after a competitive bid process. He said that the City needed to be in the strongest possible position in the event that something did occur unexpectedly. There are no up-front costs. There is the issue of debris removal and making sure that things are done in such a way that the City of Columbia qualifies for the maximum FEMA reimbursement.

Mayor Robert D. Coble noted that the company would be on standby in the event of a natural disaster that would require tree removal and other types of work. The City's obligation would only occur at the time the actual service is rendered.

Mr. Charles P. Austin, Sr., City Manager, concurs that there may be a time when such services are needed, but a presentation at this time is inappropriate and unfair to others that may participate in the competitive bid process. He respectfully requested that they hold any presentations until the appropriate time.

Councilor Finlay requested additional information so as to understand how the Request for Proposals should be drafted so we are in a position to receive actual FEMA reimbursements and how changes in federal regulations on FEMA would impact reimbursements.

Councilor Sinclair urged the Council to first decide if this service is needed and then move forward.

Councilor Rickenmann stated that other municipalities have paid the price for not being prepared and having these services pre-negotiated. He said that it would be good to know what has been done in the past by staff, adding that the discussion needed to go forward.

Mr. Charles P. Austin, Sr., City Manager, respectfully requested again that the Council allow staff to handle this matter. This would include a competitive bid process, because the service is needed.

Councilor Cromartie asked that staff move forward expeditiously, noting that the service is like having an insurance policy.

Councilor Devine stated that she would like to hear about the services that are generally provided.

Councilor Davis said that he is confident that staff can develop a Request for Proposals that would give us the services needed based upon past experiences as well as what we know.

Mr. Laddie Howard stated that this is not to talk about Ashbrit Environmental, but rather to discuss the services that would be provided.

Mr. Dow Knight, Vice President of Operations and Logistics / Ashbrit Environmental, explained that municipalities have three (3) options to maximize their reimbursement from FEMA on an event that's federally declared: **1)** Request direct federal assistance from FEMA for debris management services; FEMA turns it over to the Army Corp of Engineers; The Corp will do the response effort, but the municipality loses control of the response operation; **2)** Bid for the services post-event, wherein you specifically define a scope of work, but you may not receive FEMA's approval on pricing due to limited resources; and **3)** Release a Request for Proposals to obtain competitive pricing and only activate it when it's necessary. A pre-positioned contract helps to maximize reimbursements through FEMA. The cost range on Corp events ranges from 75% to 100% on federal government reimbursements. FEMA has a Debris Management Publication called the 325 Manual, which divides the recovery operations into phases and includes a sample Request for Proposals. Phase one is the immediate response phase where all emergency personnel are put into place. The contract is limited in its duration allowing for a maximum of seventy hours of work to be performed. Phase two is a recovery operation, wherein debris is removed from the streets and stored properly. This portion is based on quantities and the scope of work is specifically identified. He said that the City is assuming a financial risk by not having a pre-positioned contract in place and that having the contract would place the risk on the contractor.

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to direct staff to draft a Request for Proposals (RFP) for Debris Management Services that maximizes our ability to obtain reimbursements from the federal government.

3. Accommodation Tax/Community Promotions / Hospitality Tax 2007–2008 – Ms. Libby Gober, Ombudsman

Ms. Libby Gober, Ombudsman, presented spreadsheets with the recommendations from the three (3) funding committees. She noted that the spreadsheets were prepared prior to the approval of the budget. It does not reflect the following line items to be funded from the Hospitality Tax Fund: Conventions and Visitors Bureau (\$800,000); Columbia Museum of Art (\$695,000); EdVenture (\$495,000); Historic Columbia Foundation (\$391,500); and the Festival of the Arts (\$134,000).

Councilor Davis stated that he is concerned about other entities that did not apply, because they felt that they wouldn't fair well through this process. He urged his peers to keep this in mind, because it limits organizations capacity. He said that the process needed to be reviewed.

Councilor Devine suggested that they consider hosting seminars on the funding applications, qualifications and the different pots of money.

Mrs. Monteith requested funding from the Hospitality Tax Fund for the Modjeska Simpkins Home. She does not serve on the board, but Modjeska Simpkins was her sister-in-law.

Ms. Catherine Bruce, Collaborative for Community Trust, said that they requested \$300,000 from Hospitality Tax and decreased that amount to \$100,000 in June for the Modjeska Simpkins Center. On August 2, 2007 the National Endowment for the Humanities will be bringing a group of teachers here to look at African American Public History Preservation as a case study. She would like for them to see a vibrant example of preservation. She also submitted a proposal to the Richland County Conservation Commission, which will allow them to complete the preservation of the rear property. They are waiting for the group to receive matching funds.

Councilor Sinclair stated that the funding request was originally for the Skyway Project. She asked if a full application was submitted for the Modjeska Simpkins Center.

Ms. Catherine Bruce, Collaborative for Community Trust, replied that they did not submit a revised application, because she felt that the committee and Council alike were well versed on the tourism benefits of the historic site and their composition.

Councilor Devine said that they met with Ms. Bruce a couple of months ago to discuss alternatives, but they never heard back from her until she held a press conference speaking about City Council's reluctance to provide financial support. She stated that this puts the Council in a bad position, because they want to help, but they never heard anything back. She still wants to meet with Ms. Bruce to see what can be done.

Councilor Sinclair said that she volunteered to help things move forward.

Ms. Catherine Bruce, Collaborative for Community Trust, said that Council's support needed to come in the form of Hospitality Tax funds. She said that the Center wouldn't be viable if the funds aren't received.

Councilor Cromartie said that it was disingenuous on Ms. Bruce's part to put in an application for the Skyway Project without submitting an application for the Simpkins House.

Councilor Davis said that Council tried to work towards what the house needed until she appeared with the request for \$300,000 for another project.

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to approve

the committees' recommendations for the Accommodations Tax Fund, Community Promotions Fund and the Hospitality Tax Fund for fiscal year 2007–2008.

Councilor Devine offered to continue discussions with the group in regards to the Modjeska Simpkins House, noting that the process was not adhered to. She urged anyone with concerns to contact the members of Council.

Mr. Charles P. Austin, Sr., City Manager, asked Ms. Teresa Florence, Director of Governmental Affairs and Community Relations and Ms. Libby Gober, Ombudsman to meet with Ms. Bruce and others to discuss the needs of the Center and alternatives for funding.

4. Celebrate Freedom Foundation – Mr. Woody Randall, Chairman

Mr. Woody Randall, Chairman of the Celebrate Freedom Foundation, explained that during last May they joined Fort Jackson to host Thunder at Fort Jackson, which satisfied the goals of the Foundation. He said that they had to move from Owens Field due to the on-going construction. The event allowed them to connect Fort Jackson with the community, young and old. It showcased Fort Jackson and the five (5) military schools that operate year round. It was an all-services event encompassing all branches of the military, except the Navy. He believes that the funding committee overlooked the issue of how all of this impacts Base Realignment and Closure (BRAC), which comes up again in 2010. This was the largest event of its kind at Fort Jackson. The Celebrate Freedom Foundation has already been asked to host this event next year, but revenue is a challenge, because they can't charge for tickets or parking. The Foundation planned for a shortfall. He asked the City to provide an additional \$25,000 to overcome the \$75,000 budgetary shortfall. The Foundation is working hard with corporate sponsors to get the money. He said that they would break even before they begin planning the next event. They were awarded 23.6% of their total request, leaving \$173,200 remaining.

There was a consensus of Council to direct staff to contact the Chamber of Commerce to determine if \$25,000 of the \$50,000 earmarked for BRAC could be used to cover the budgetary shortfalls of the Celebrate Freedom Foundation.

CITY COUNCIL DISCUSSION / ACTION

5a. **Recognition of an Employee (Mr. Harold Reaves, Director of Homeland Security) – Mr. Charles P. Austin, Sr., City Manager

Mr. Charles P. Austin, Sr., City Manager, announced the selection of Mr. Harold Reaves as the Director of Homeland Security.

Mr. Harold Reaves, Director of Homeland Security, thanked the City Manager and City Council for the privilege to serve as the Director of Homeland Security. He looks forward to working with internal and external agencies to ensure that we take advantage of every opportunity to provide the best services to all of our citizens.

5b. ** Summary of Fire Sprinkler Issues – Mr. Steve Gantt, Assistant City Manager for Operation

Mayor Coble explained that the tragedy in Charleston raised a policy issue that cities should do everything possible to encourage the installation of fire suppression or sprinkler systems in older buildings. He said that cost impact fees are a factor that must be taken into account. We have the practical reality that the Legislature will be addressing this issue and cities should work to propose what the impact and tap fees would be to accomplish the goal of encouraging the installation of sprinkler systems. There are tremendous capital cost associated with having water available, installation and manpower.

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to direct staff to contact Mr. Howard Duval of the Municipal Association of South Carolina to work with other cities in South Carolina to review and propose water tap fees for fire suppression that would include recouping our cost of installation. Staff was further directed to study the financial impact this proposal would have on the city's Water and Sewer Fund. The recommendations should be reported back to the City Council by October 3, 2007.

5c. **Northeast Water Use Restrictions– Mr. John Dooley, Director of Utilities and Engineering

Mr. John Dooley, Director of Utilities and Engineering, distributed a map of the northeast area that is currently under water restrictions. We are determining how we can reasonably manage the anticipated growth in the area over the next couple of years. Some short-term improvements were made on yesterday and other physical plans include the ability to move water into that service area through a 40 million gallon per day pumping station, a 48" water main and a water tank.

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to authorize staff to move the Northeast Columbia water system expansion project forward as expeditiously as possible.

5d. **Tax Increment Financing (TIF) Audit Update– Mr. Charles P. Austin, Sr., City Manager

Mr. Charles P. Austin, Sr., City Manager, reminded the members of Council that the City signed an agreement with Richland County as it relates to an examination of the \$25 million Congaree Vista Redevelopment District 2001 Tax Increment Financing Bond, because \$6.8 million was in question. Both entities signed the agreement and seven (7) procedures were listed and agreed upon. He reported that 98% of the expenditures were reconciled with the vouchers provided. There were three (3) issues: A discrepancy of \$403,000 involving the City Dock Esplanade project from 2002 to 2003; \$60,938 fund balance variance that was carried over from 2001; and the \$60,938 still needing to be reconciled. Based on the information received from McAbee, Talbert, Halliday and Co. of Spartanburg, South Carolina, there is not a \$6.8 million variance in the records as it relates to the TIF project.

Mayor Coble stated that the City's relationship with Richland County is dramatically improving. He said that there might be some procedural concerns to address.

ORDINANCES – FIRST READING

6. Ordinance No.: 2007–052 – Authorizing execution of a Quit-Claim Deed to SEL Properties, LLC for Riverside Alley between College Street and Pendleton Street

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2007-052 – Authorizing execution of a Quit-Claim Deed to SEL Properties, LLC for Riverside Alley between College Street and Pendleton Street.

7. Ordinance No.: 2007-053 – Annexing 324 Percival Road Richland County, TMS # 16711-05-02

Upon motion by Mr. Cromartie, seconded by Mr. Finlay, Council voted unanimously to give first reading approval to Ordinance No.: 2007-053 – Annexing 324 Percival Road Richland County, TMS # 16711-05-02.

CITY COUNCIL DISCUSSION / ACTION

- 7a. **Proposed Incorporation of Ballentine – Mr. Charles P. Austin, Sr., City Manager

Mayor Coble asked if there was any reason why we would not consent to the incorporation of Ballentine.

Mr. Jim Meggs, City Attorney, explained that the State Incorporation Statute essentially requires the proposed town to check off with neighboring municipalities. Mr. Holland is requesting some expression from the City of Columbia that we have no intention of annexing any of the territory involved in the proposed Town of Ballentine.

There was a consensus of Council to direct Mr. Charles P. Austin, Sr., City Manager, to schedule a meeting with the City of Columbia, Town of Irmo and Ballentine to get a better understanding of what they are trying to accomplish.

RESOLUTIONS

8. Resolution No.: R-2007-037 – Authorizing the City Manager to execute a Consent and Estoppel to the Collateral Assignment of Parking Garage Lease Agreement with the Taylor Street Company, L.L.C. for 402 Blanding Street a/k/a 401 Taylor Street

Upon motion by Mr. Cromartie, seconded by Mr. Finlay, Council voted unanimously to approve Resolution No.: R-2007-037 – Authorizing the City Manager to execute a Consent and Estoppel to the Collateral Assignment of Parking Garage Lease Agreement with the Taylor Street Company, L.L.C. for 402 Blanding Street a/k/a 401 Taylor Street.

CONSENT AGENDA

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve **Consent Agenda Items 9.** through **11.** on a single motion.

9. Council is asked to approve the Major Maintenance at the Lake Murray Water Treatment Plant and Columbia Canal Water Treatment Plant Godwin Pumps of North Charleston, SC in the amount of \$153,244.82. *Funding Source: Water Improvement Fund (#WM3730 & WM3731) - Approved*
10. Council is asked to approve two (2) standby Emergency Installation of Temporary Bypass Pumping Systems at the Pontiac pump station site. Award to Carolina Tap and Bore of West Columbia, SC and Godwin Pumps of North Charleston, SC in the amount of \$210,000.00 *Funding Source: Water Improvement Fund (#WM4116) - Approved*
11. Council is asked to approve Project #SS7032; Agreement for Engineering Services for Water Line Extension to serve the Columbia State Farmers Market. Award to Wilbur

Smith Associates in the amount of \$184,228.00. This firm is located in Columbia, SC.
Funding Source: Fiscal Year 2007-2008 Capital Improvement Program Budget - Approved

CONSIDERATION OF BIDS, AGREEMENTS AND CHANGE ORDERS

- 11a. ** Council is asked to approve the Purchase of a Security Camera System for the Park Street Garage as requested by Parking Services. Award to Johnson Controls, the lowest bidder, in the amount of \$18,136.85. This firm is located in Columbia, SC.
Funding Source: GL 5329999-629900, JL PG001501-629900 and GL 5329999-629900, JL PG001502-629900 - Approved

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to approve the Purchase of a Security Camera System for the Park Street Garage as requested by Parking Services. Award to Johnson Controls, the lowest bidder, in the amount of \$18,136.85.

12. Council is asked to approve a Professional Services Contract for Global Consulting & Affiliates. The purpose of this agreement will be to identify and visit companies that have a serious interest in initializing or expanding existing operations in the U.S. or have a serious interest in learning about the benefits of establishing a business location in Columbia, SC. Contract is in the amount of \$20,000 plus a maximum of \$5,000 for approved reimbursable expenses. – *The members of Council discussed this item. Consideration of the Professional Services Contract was deferred.*

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Ms. Carolyn Murphy Taylor, appeared before the members of Council to report a serious problem with the enforcement of the International Property Maintenance Code. She said that the intent of the code is to govern existing buildings and structures so that tenants and renters will have a decent, safe and healthy place to live. She said that notices of a violation of the Code must include six (6) components. She asked how could a car violate the Property Maintenance Code. She stated that proper notice must be given, because the notice is necessary to determine the innocence or guilt of the person being alleged of violating the Code. She stated that the Legal Department is the root of the problem. She said that the City could not sit on their laws nor hide behind the advice of the Legal Department no more than she could hide behind her wig and pretend that she doesn't have gray hair. She requested an investigation of the Legal Department, Development Services and any other departments that may need to be investigated. Ask she was speaking; the City Manager was served with a civil rights lawsuit on her behalf by Ms. Mamie Jackson.

EXECUTIVE SESSION

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to go into Executive Session at 12:04 p.m. for the discussion of **Items 13.** and **14.** as amended.

13. **Discussion of negotiations incident to proposed contractual arrangements
This item was discussed in Executive Session. No action was taken.
14. **Discussion of the employment of an employee
This item was discussed in Executive Session. No action was taken.

Respectfully submitted by:

Erika D. Salley
City Clerk

