



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
WEDNESDAY, APRIL 2, 2008
9:00 A.M.
CITY HALL – COUNCIL CHAMBERS
1737 MAIN STREET

The Columbia City Council conducted a Meeting on Wednesday, April 2, 2008 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 9:06 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 Tameika Isaac Devine and The Honorable Kirkman Finlay III. The Honorable Daniel J. Rickenmann joined the meeting at 9:14 a.m. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

APPROVAL OF MINUTES

1. Minutes of January 23, 2008, February 6, 2008 and February 13, 2008

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve the Minutes of January 23, 2008, February 6, 2008 and February 13, 2008 on a single motion and as presented.

PRESENTATIONS

2. County Transportation Commission Update – Dr. Caroline Whitson, Chair of the Richland County Transportation Study Committee

Dr. Caroline Whitson, Chair of the Richland County Transportation Study Committee, explained that in January 2007 Richland County created a 39 person committee to study the present status of the transportation program. She noted that the current status is not a pretty picture due to inadequate and insecure funding, poor marketing, substandard level of service in terms of routes, schedules, amenities, coverage area, length of waiting time, condition of stops, etc. She further explained that Technical Memorandum Four has been distributed and that the funding and financial recommendations will be available within a week.

- **Mr. Rickenmann arrived at 9:14 a.m.**

3. Affordable Housing Taskforce Report – Mr. Mark Cox, Affordable Housing Taskforce Member

Mr. Mark Cox, Affordable Housing Taskforce Chair, explained that the City of Columbia formed the Affordable Housing Taskforce in June 2006 to assess and make recommendations on affordable housing needs in the City of Columbia. The taskforce presented a detailed report with recommendations in February 2007 and none of those recommendations have been dealt with due to the lack of funding, but the taskforce has remained active. He reiterated the recommendations from February 2007 and the need to implement a Housing Trust Fund as a new recommendation. He noted that the need for affordable housing has increased and urged the Council to continue funding the city's housing initiative program and to continue supporting the activities of the City of Columbia affiliated Development Corporations. He urged the Council to continue providing quality multi-family units; to establish, fund and implement the Housing Trust Fund; to draft and adopt a voluntary inclusionary zoning ordinance to help control development in the city; and to implement specific requirements for the sale of city owned property that will create funding sources for new projects through the Housing Trust Fund.

In closing he asked the Council to review the Affordable Housing Taskforce recommendations carefully since the city is headed into the budget process. He added that they have lost members of the taskforce.

3a. **Sexual Trauma Services Month Proclamation – The Honorable Tameika Isaac Devine

The Honorable Tameika Isaac Devine introduced Ms. Alexandra Smith of Sexual Trauma Services. She stated that they do great things in our community.

Ms. Alexandra Smith, Sexual Trauma Services, appeared on behalf of Ms. Eve Wilson the Executive Director of Sexual Trauma Services. She explained that National Sexual Assault Awareness Month is an opportunity to focus on one common goal of making our community safer and promoting growth and change. In 2007 the organization responded to 347 hospital calls and answered over 400 crisis calls. Prevention is very important and that's why the organization has outreach programs in schools. This is the organization's 25th year of providing services to the community.

The members of Council presented a Proclamation to Ms. Smith declaring April 2008 as Sexual Assault Awareness Month in the City of Columbia.

3b. **Fair Housing Month Proclamation – Mr. Preston Winkler, Executive Director of the Greater Columbia Community Relations Council and Mr. Eric Cassell, Housing and Loan Administrator for the City of Columbia Community Development Department

Mr. Eric Cassell, Community Development Housing Loan Administrator stated that the Community Development Department has a strong history of supporting affordable housing for all citizens in the City of Columbia.

Mr. Preston Winkler, President of the Greater Columbia Community Relations Council, stated that he appreciates the continued support from the City in helping to make our community a more livable place. He explained that 40 years ago the Department of Housing and Urban Development passed the Fair Housing Act and we celebrate that as a positive change in our community. He recognized Ms. Dorothy Wilson as the Housing Director for the Greater Columbia Community Relations Council. The Council conducts housing workshops and seminars and they understand the value of homeownership. They also conduct the Fair Housing Month Poster Contest for elementary and middle school students that draw their representation of fair housing.

The members of Council presented a Proclamation declaring April 2008 as Fair Housing Month in the City of Columbia.

OTHER MATTERS

3c. **Recognition of the New and Re-Elected City Council Members

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to allow Dr. Belinda Gergel, incoming Council member for Council District Three to participate in all Council Meetings and Executive Sessions, to receive a full Council Agenda Packet for each meeting and to receive a parking decal for parking in the City Council reserved spaces at City Hall.

- 3d. **Establishment of a an Ad-Hoc Committee – The Honorable Mayor Robert D. Coble

Upon motion by Mayor Coble, seconded by Ms. Sinclair, Council voted unanimously to endorse the formation of a committee with Richland County and composed of City Council members and City staff that would address the issue of donut holes and what can be done to eliminate them and provide services to those areas. Mr. Sam Davis will serve as Chairman of the committee.

- 3e. **Sewer Service for the Lower Richland Area – Mayor Robert D. Coble

Upon motion by Mayor Coble, seconded by Ms. Sinclair, Council voted unanimously to formally endorse a letter sent to Richland County Administration wherein the City of Columbia agreed to provide sewer service to the Lower Richland area.

MAP AMENDMENTS / REZONINGS & TEXT AMENDMENTS – SECOND READING

- 3f. ****Wales Garden**, TMS# 11306-04-02 through 35; 11306-05-01 through 06; 11306-06-01 through 06; 11306-07-01 through 39; 11307-03-13 through 16; 11307-04-01; 11307-05-02 through 06; 11307-06-01 through 11; 11307-07-02 through 25; 11307-08-01 through 04; 11307-09-01 through 09; 11308-09-01 through 11; 11308-10-02 through 13; 11308-11-08 through 13; 11310-01-01 through 06; 11310-02-01 through 16; 11310-03-01 through 16; 11310-22-01 through 10; 11311-01-01 through 14; 11311-02-01 through 38; 11311-03-01 through 06; 11311-03-17, 11311-03-19 through 22 (all up to 100' from Waccamaw); 11311-03-23 through 26; 11311-03-27 (up to 100' from Waccamaw); 11311-03-28 through 39; 11312-13-09 through 17; 11381-01-01 through 09; 11381-02-01 through 04; 11381-03-01 through 04; 11387-01-01; 11387-02-01 through 08; 11387-03-01 through 08; and 11387-04-01 through 08; rezone to add DP to all existing zoning classifications. *First reading approval was given on March 19, 2008. – Approved on second reading.*

Ordinance No.: 2008-009 – 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 4, Landmarks, Sec. 17-681, Districts identified, (b) Architectural conservation district to add (5) *First reading approval was given on March 19, 2008. – Approved on second reading.*

Upon motion by Ms. Sinclair, seconded by Mr. Cromartie, Council voted unanimously to give second reading approval on a single motion to the *Map Amendment / Rezoning of Wales Garden*, TMS# 11306-04-02 through 35; 11306-05-01 through 06; 11306-06-01 through 06; 11306-07-01 through 39; 11307-03-13 through 16; 11307-04-01; 11307-05-02 through 06; 11307-06-01 through 11; 11307-07-02 through 25; 11307-08-01 through 04; 11307-09-01 through 09; 11308-09-01 through 11; 11308-10-02 through 13; 11308-11-08 through 13; 11310-01-01 through 06; 11310-02-01 through 16; 11310-03-01 through 16; 11310-22-01 through 10; 11311-01-01 through 14; 11311-02-01 through 38; 11311-03-01 through 06; 11311-03-17, 11311-03-19 through 22 (all up to 100' from Waccamaw); 11311-03-23 through 26; 11311-03-27 (up to 100' from Waccamaw); 11311-03-28 through 39; 11312-13-09 through 17; 11381-01-01 through 09; 11381-02-01 through 04; 11381-03-01 through 04; 11387-01-01; 11387-02-01 through 08; 11387-03-01 through 08; and 11387-04-01 through 08; rezone to add DP to all existing zoning classifications **and** Ordinance No.: 2008-009 – 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 4, Landmarks, Sec. 17-681, Districts identified, (b) Architectural conservation district to add (5).

REPORTS AND UPDATES

4. City Manager's Report – Mr. Charles P. Austin, Sr., City Manager

Mr. Charles P. Austin, Sr., City Manager provided updates on the selection of the Chief of Police, revamping of the City's website, the pending selection of a Director for the Community Development Department, the release of a Fines and Collections Request for Proposals and the need for an updated Classification and Compensation Study. These updates were received as information. No action was taken.

5. Staff Reports

- Real Estate License Fees – Ms. Brenda Kyzer, Administrator of Business Licenses

Ms. Brenda Kyzer, Business License Administrator provided a report on House Bill #H4554, which is being pushed by the Realtors Association to limit the ability of cities and towns to impose license, occupation or professional taxes or fees on real estate licenses.

This report was provided as information. No action was taken.

CONSENT AGENDA

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to approve the **Consent Agenda Items 6.** through **15.**, **17.** through **22.** and **24.** through **28.** on a single motion. **Item 16.** was withdrawn from the agenda and **Item 23.** was approved by a separate motion.

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

6. Council is asked to approve the Purchase of Two (2) Bearings for the Spaans Screw Pump, as requested by the Metro Wastewater Plant. Award to Spaans Babcock, as a sole source procurement in the amount of \$15,350.22. This vendor is located in Ontario, Canada. *Funding Source: 5516208-631800 - Approved*
7. Council is asked to approve an Agreement for Engineering Services for the Design of Sidewalks along Atlas Road, as requested by Engineering Operations. Award to Chao and Associates in an amount not to exceed \$15,950.00. This firm is located in Columbia, SC. *Funding Source: Land Acquisition Fund - Approved*
8. Council is asked to approve the Purchase of San Fiber Channel Switch Port Upgrade Licenses and Transceivers for Switches, as requested by the Information Technology Department. Award to HP Direct, using the State Contract, in the amount of \$17,419.60. This firm is located in Omaha, NE. *Funding Source: 1011120-627510 and 1011120-627500 - Approved*
9. Council is asked to approve the Purchase and Installation of Carpet at 1136 Washington Street and the Eau Claire Town Hall (Police), as requested by Support Services. Award to the following low bidders of each lot in the total amount of \$23,786.00. *Funding Source: 1011201-638100 (\$20,359.40) and 5511219-638100 (\$3,426.60) - Approved*

Lot 1	Washington Street	Bonitz Carpeting	Columbia, SC	\$11,422.00
Lot 2	Eau Claire Town Hall (Police)	Ashford Enterprises	Winnsboro, SC	\$12,364.00

10. Council is asked to approve WM4154; Water Main Relocation at 3026 Gervais Street, as requested by the Department of Utilities and Engineering. Award to Ideal Construction, the lowest bidder, in the amount of \$24,226.00. This firm is located in Columbia, SC. *Funding Source: Paid for at the owner's expense. - Approved*
11. Council is asked to approve Project WM3048; Phase 1 Water Main Replacement along Lee Street from Queen Street to King Street, as requested by Engineering Administration. Award to Trussell Brothers Construction Co., Inc., as the lowest bidder, in the amount of \$28,784.00. This firm is located in Columbia, SC. *Funding Source: Water Improvements Fund #WM304801-851500 - Approved*
12. Council is asked to approve an Agreement for "On-Call" Structural Engineering Services, as requested by Engineering Operations. Award to Chao and Associates an amount not to exceed \$50,000.00. This firm is located in Columbia, SC. *Funding Source: Fiscal Year 2007/2008 Capital Improvements Program - Approved*
13. Council is asked to approve an Agreement for Consulting Services to Develop and Implement a Public Information and Community Relations Initiative for Utility Construction of the North Main Street Improvements Project, as requested by Engineering Operations. Award to P. J. Noble and Associates in an amount not to exceed \$60,000.00. This MBE firm is located in Columbia, SC. *Funding Source: 413999-9307000101 - Approved*
14. Council is asked to approve the Purchase of a Recycling Truck, as requested by Fleet Services. Award to Columbia Truck Center, the lowest bidder, in the amount of \$127,525.00. This firm is located in Columbia, SC. *Funding Source: 6308972-658500 - Approved*
15. Council is asked to approve the Purchase of a Street Sweeper, as requested by Fleet Services. Award to Public Works Equipment and Supply Inc., the lowest bidder, in the amount of \$144,160.00. This vendor is located in Monroe, NC. *Funding Source: 6308972-658500 - Approved*
16. Council is asked to approve a Contract to Install a Spray Pad and Restroom at Drew Park, as requested by the Parks and Recreation Department. Award to Hobbs Architectural Fountains of Atlanta, Georgia in the amount of \$347,000.00. *Funding Source: PK004302-659300 – This item was withdrawn from the agenda.*
17. Council is asked to approve the Animal Shelter Expansion / Holding Facility Project, as requested by Animal Services. Award to Moose Construction, the lowest bidder, in the amount of \$969,875.00. This firm is located in Newberry, SC. *Funding Source: Funding provided by Richland County - Approved*
18. Council is asked to approve Project WM3584; Phase 1 Monticello Road Booster Pump Station, as requested by the Department of Utilities and Engineering. Award to M.B. Kahn Construction, the second lowest bidder meeting specifications, in the amount of \$5,025,000.00. This firm is located in Little Mountain, SC. *Funding Source: Capital Improvements Program - Approved*

ORDINANCES – SECOND READING

19. Ordinance No. 2008-014 - Annexing 942 Broad River Road, 938 Broad River Road, 934 Broad River Road and 810 Broad River Road, Richland County TMS #07311-05-01, 07311-05-11, 07311-05-10 and 07310-02-01 *First reading approval was given on March 5, 2008. – Approved on second reading.*

20. Ordinance No. 2008-015 - Annexing 1103 Hazelwood Road, Richland County TMS #19103-01-05 *First reading approval was given on March 5, 2008. – Approved on second reading.*
21. Ordinance No.: 2008-016 - Annexing 21 Bayleaf Court, 22 Bayleaf Court, 25 Bayleaf Court, 60 Redbay Road, 66 Redbay Road and 68 Redbay Road *First reading approval was given on March 5, 2008. – Approved on second reading.*
22. Ordinance No.: 2008-017 - Annexing 611 and 615 Suber Street, Richland County TMS #13708-04-02 *First reading approval was given on March 5, 2008. – Approved on second reading.*
23. **2537 Gervais Street**; TMS# 11411-09-11; rezone from C-1 to C-1, -DP. *First reading approval was given on March 19, 2008. – Approved on second reading.*

Ordinance No.: 2008-010 – 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 4, Landmarks, Sec. 17-691, Buildings and site list, (d) Group III *First reading approval was given on March 19, 2008. – Approved on second reading.*

TEXT AMENDMENTS – SECOND READING

24. Ordinance No.: 2008-030 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 3, Board of Zoning Appeals, Sec. 17-114, Appeals from decisions of board *First reading approval was given on March 19, 2008. – Approved on second reading.*

MAP AMENDMENTS / REZONINGS – SECOND READING

25. **4005 Rosewood Drive**, TMS# 13806-07-19; rezone from RS-2 to UTD *First reading approval was given on March 19, 2008. – Approved on second reading.*

ORDINANCES – SECOND READING

26. Ordinance No.: 2008-021 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Land Regulations, Article IV, Demolition of Structures, Sec. 5-235, Penalty bond *First reading approval was given on March 5, 2008. – Approved on second reading.*
27. Ordinance No.: 2008-026 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article II, Nuisances, Sec. 8-40 Nuisance abatement *First reading approval was given on March 19, 2008. – Approved on second reading.*

Councilor Davis feels that the 6-month timeframe is too lengthily and suggested that the Council rethink this timeframe.

Councilor Devine said that the International Property Maintenance Code dictates this.

Councilor Davis asked that staff look at boarded up dwellings, prostitution and tractor trailers, because ladies of the night are dealing with truckers inside their trucks in the fringes of neighborhoods. He is also concerned about the order being issued, the compliance period and then the notice for abatement, because this could equal a two-year process.

Councilor Sinclair said that there was a lot of conversation about what triggers a violation and the person having to be found guilty twice within a certain period of time. She would like to revisit this and suggested that we list this as a hot topic for City Council to evaluate along with staff to see what can be done to strengthen the ordinance.

RESOLUTIONS

28. Resolution No.: R-2008-012 – Authorizing consumption of beer and wine at the South Carolina Oyster Festival in Capital City Stadium - *Approved*

Upon motion by Ms. Sinclair, seconded by Mr. Rickenmann, Council voted unanimously to approve Resolution No.: R-2008-012 – Authorizing consumption of beer and wine at the South Carolina Oyster Festival in Capital City Stadium.

CITY COUNCIL APPOINTMENTS TO BOARDS AND COMMISSIONS

29. Code Enforcement Taskforce

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve the appointment of Mr. Gene Dinkins, Jr. to the Code Enforcement Taskforce as a Garners Ferry Road Corridor Representative.

OTHER MATTERS

30. Council is asked to approve the Disposition of 569 Narcotic Cases to Include Paraphernalia, as requested by the Police Department's Evidence and Property Unit. - *Approved*

Upon motion by Mr. Rickenmann, seconded by Mr. Davis, Council voted unanimously to approve the Disposition of 569 Narcotic Cases to Include Paraphernalia, as requested by the Police Department's Evidence and Property Unit.

31. Council is asked to approve a request from the BE&K Building Group to close Hampton Street between Harden Street and Pine Street on May 14, 2008 until February 2, 2009 to construct a new residence hall for Allen University. – *Approved*

Upon motion by Mr. Cromartie, seconded by Mayor Coble, Council voted unanimously to approve a request from the BE&K Building Group to close Hampton Street between Harden Street and Pine Street on May 14, 2008 until February 2, 2009 to construct a new residence hall for Allen University, subject to a letter dated March 18, 2008 between BE&K Building Group and the Historic Waverly Neighborhood Association.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Ms. Tina Forsthoefel explained that she was a Research Assistant Professor in the Biology Department at the University of South Carolina. She appeared before the members of Council to discuss her concerns about levels of benzene on the former Kenny's Auto site at levels much higher than acceptable by the Department of Health and Environmental Control (DHEC). She urged the Council to assess the groundwater flow at the site to determine the extent of environmental contamination and to undergo an immediate study of this site.

Mr. Steve Gantt, Senior Assistant City Manager for Operations explained that there were a lot of gas stations on every corner in downtown Columbia and that benzene is a derivative of oil, but it was not generated on the Kenny's site. It is gradient and moving at a higher elevation at Greene Street. They have installed permanent monitoring wells at the request of DHEC and that information will be continuously provided to DHEC. He noted that benzene was encountered at the Hilton Hotel site, the Pendleton Street parking garage and at the Convention Center. Any other contamination will be removed from the site. There are two options; passive or active remediation which are decisions made by DHEC, but the city will continue to monitor the situation.

Mr. Lee Carroll appeared before the members of Council to follow up on a request he made on March 19, 2008 to request a neutral investigation in regard to his arrest.

Mr. Charles P. Austin, Sr., City Manager asked if Mr. Carroll is asking for an administrative investigation, because SLED won't get involved with that. He agreed to get with the City Attorney to draft a letter to the Attorney General outlining Mr. Carroll's concerns.

Mr. Lee Carroll further explained that his concern is the misconduct of officers. He was an officer and feels that it would be unfair for the Columbia Police Department to investigate, because he worked with them. He noted that the witness was a blind woman and did not see anything.

Mr. Charles P. Austin, Sr., City Manager, agreed to contact Mr. Reggie Lloyd Chief of SLED, now that Mr. Carroll has mentioned misconduct.

EXECUTIVE SESSION

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to go into Executive Session at 12:09 p.m. for the discussion of **Items A.** through **D.** as amended.

- A. Receipt of legal advice, which relates to matters covered by attorney-client privilege
- SCE&G Franchise Agreement
 - Senate Street Fire Station
 - **Smoking Ban

These matters were discussed in Executive Session. No action was taken.

- B. Discussion of negotiations incident to the proposed sale of property
Matters were discussed in Executive Session. No action was taken.

- C. Discussion of employment of an employee
This matter was discussed in Executive Session. No action was taken.

- D. Discussion of compensation of an employee
This matter was discussed in Executive Session. No action was taken.

- **Council adjourned the meeting at 2:55 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk