



CITY OF COLUMBIA  
CITY COUNCIL  
DISTRICT IV EVENING MEETING MINUTES  
WEDNESDAY, APRIL 16, 2008  
6:00 P.M.  
HAMPTON PARK  
1117 BRANDON AVENUE

The Columbia City Council met for an Executive Session on Wednesday, April 16, 2008 in the City Council Conference Room located on the second floor of City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 4:07 p.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, The Honorable Daniel J. Rickenmann and The Honorable Kirkman Finlay, III. Also present were Mr. Charles P. Austin, Sr. and Ms. Erika D. Salley, City Clerk.

### **EXECUTIVE SESSION**

Upon motion by Mayor Coble, seconded by Ms. Sinclair, Council voted unanimously to go into Executive Session at 4:08 p.m. for the discussion of matters as outlined below.

1. Receipt of legal advice which relates to a matter covered by attorney-client privilege
  - Senate Street Fire Station
  - Smoking Ban Ordinance
  - Columbia Parking Facilities Corporation (*Mayor Coble abstained from discussing this matter*)
  - Railroad Cut at Arsenal Hill
  - \*\*Panhandling
  - \*\*Water Tap Fees

*These items were discussed in Executive Session. No action was taken.*

- **Council adjourned the Executive Session at 5:10 p.m.**

The Columbia City Council conducted a District IV Evening Meeting on Wednesday, April 16, 2008 at Hampton Park, 1117 Brandon Avenue, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 5:58 p.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, The Honorable Daniel J. Rickenmann and The Honorable Kirkman Finlay III. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

### **APPROVAL OF MINUTES**

2. Minutes of February 20, 2008

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve the Minutes of February 20, 2008 as presented.

### **PRESENTATIONS**

3. Welcome to the District IV Evening Meeting – The Honorable Kirkman Finlay III

Councilor Finlay welcomed everyone to the District IV Evening Meeting at Hampton Park. He recognized members of the Brandon Acres Cedar Terrace Neighborhood Association.

4. Recognition of the April Business Spotlight Honoree – Mr. Tony Lawton, Director of the Office of Business Opportunities

Mr. Tony Lawton, Director of the Office of Business Opportunities recognized Homeowners Mortgage as the April 2008 Business Spotlight Honoree. This is a Columbia based company, which started with the vision of one woman in 1983 and since has surpassed all expectations. Homeowners Mortgage employs 74 individuals and was recognized by Fannie Mae as the #1 State Housing Lender for bringing innovative mortgage programs to the market.

The members of Council presented a proclamation declaring Homeowners Mortgage as the April 2008 Business Spotlight Honoree.

Councilor Devine presented Ms. Carol Addy, Vice President of Operations for Homeowners Mortgage with a certificate for free admission into the Fast Trac Growth Venture Class at Midlands Technical College.

5. Recognition of the April Green Business Members – Ms. Melissa Gentry, P.E. Director of Public Works

Ms. Ray Borders Gray, Public Works Public Information Specialist, introduced the following businesses as Green Business Program inductees.

CarMax of Columbia	PBR of Columbia
Cartridge World	Katie and Irwin Kahn Jewish Community Center
Keep the Midlands Beautiful	

Mayor Coble and Councilor Sinclair presented these businesses with green business seals and tokens of appreciation.

6. Brownfields Program Update – Mr. Fred Delk, Executive Director of the Columbia Development Corporation and Mr. Joe Morici, Manager of Community and Economic Development for Concurrent Technologies Corporation

Mr. Fred Delk, Executive Director of the Columbia Development Corporation, introduced Mr. Joe Morici of Concurrent Technologies Corporation, the firm that manages a \$400,000 grant that the city received from the Environmental Protection Agency (EPA) a couple of years ago. This is a 3-year grant with \$200,000 for the study of chemically contaminated sites and \$200,000 to study petroleum contaminated sites. He noted that Concurrent Technologies Corporation was hired through a Request for Proposals process and is a local company established exclusively to manage these types of programs.

Mr. Joe Morici, Manager of Community and Economic Development for Concurrent Technologies Corporation defined a Brownfield as any property whose redevelopment or reuse is hindered by known or perceived contamination; the key being that it doesn't have to be proven to be contaminated; it just has to have that perception. A successful program depends on meaningful public participation in identifying sites and redevelopment options for a site. The following three (3) sites are being evaluated in Columbia: Columbia College (Parcels A and B) at 4626, 4638 and 4630 North Main Street, because the site was operated as a gas station with a dry cleaner on site. There are concerns related to both activities; therefore, Phase I was completed in September 2007 and some concerns were recognized. The plans were submitted and approved by the Department of Health and Environmental Control (DHEC) and the Environmental Protection Agency (EPA); field work will be completed in May 2008 and the report will be finalized in June 2008.

The second site is Olympia I and II, which consists of six (6) associated parcels. There was an auto parts remanufacturing plant on this site and it is associated with the Olympia Mills. Phase I was completed in September 2007 and there were some concerns; therefore, the Phase II environmental assessment will be completed in July / August 2008. The third site is the Drake Street Property located within the Brandon Acres Cedar Terrace Neighborhood because it neighbors the Columbia Organic Chemical site. A potential developer conducted the Phase I Assessment in May 2007, but Concurrent Technologies Corporation will move forward with the Phase II Assessment of this site and the surrounding area by May/June 2008 with a completed report in July 2008. They have already met with the Executive Committee of the Brandon Acres Cedar Terrace Neighborhood Association.

Mr. Fred Delk, Executive Director of the Columbia Development Corporation, explained that \$90,000 would be spent on Drake Street; \$40,000 to 45,000 on Olympia; and \$40,000 to 45,000 at Columbia College. There is funding available for petroleum related contamination. The funding for chemical contamination has been depleted. The City will apply for follow up funding that would become available next year, if granted.

6a. \*\*Dr. Lonnie Randolph, Jr., President of the South Carolina State Conference NAACP and President of the Columbia Branch, NAACP

Dr. Lonnie Randolph, Jr., President of the South Carolina State Conference NAACP and President of the Columbia Branch NAACP stated that he was moved by remarks made by several Council members regarding housing initiatives and by Ms. Devine's comments about race relations in Columbia in hopes of opening up dialog. He stated that race is still a pressing issue and we would be doing ourselves a disservice by not addressing it in the most effective and aggressive way possible. He referred to Mr. Rickenmann's comments about an incident wherein photos were disseminated to the public. He stated that whether in session or out of session we need to be sure that the members of Council associate themselves with positive images and positive people. He noted that while those tactics offended Mr. Rickenmann, there is a large segment of this community that is offended often by the tactics of this body. Dr. Randolph stated that the wedge in this community has to do with housing, hiring and promotions, procurement and donut holes in communities. He urged the Council to conduct a series of discussions and an evaluation of the negative impact caused by race relations in this city.

## **PUBLIC HEARING**

- **Council opened the Public Hearing at 6:31 p.m.**
- 7. First Public Hearing on Community Development Block Grant (CDBG) Recommendations, Home Funds and Housing Opportunities for Persons with AIDS (HOPWA) Recommendations and Proposed Community Development Block Grant (CDBG) Amendments – Ms. Valeria Jackson, Community Development Administrator and Ms. Regina Mills, Citizens Advisory Committee Chair

Ms. Valeria Jackson, Community Development Administrator and Ms. Yolanda Jones-Bell, Citizens Advisory Committee Member conducted the first Public Hearing on the City of Columbia Annual Action Plan; the estimated amount of Community Development Block Grant (CDBG), HOME and HOPWA funds available; and the activities to be undertaken with those funds.

No one appeared in support of or in opposition to the Annual Action Plan.

- **Council closed the Public Hearing at 6:44 p.m.**

## **REPORTS AND UPDATES**

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

Mr. Charles P. Austin, Sr., City Manager provided a report/update on the following matters: The Theme of “Building a Culture of Transparency in City Government”; Fines and Collections Request for Qualifications; the Police Department; Language Line Services; Hyperlinked Agendas; Community Development Director; and the General Fund Proposed Budget and Calendar.

These updates were received as information and no action was taken.

### 9. Staff Reports

- Pavement Management Study - Ms. Melissa Gentry, P.E., Director of Public Works

Ms. Melissa Gentry, P.E., Director of Public Works explained that there are 500 miles of roadway inside the city limits, but 70% of those roadways are owned by the Department of Transportation. She presented a plan for a pavement management study to have all city roads evaluated and prioritized for maintenance. This will also help to determine the level of funding needed for each project. The city has traditionally funded roadway improvements at the cost of \$125,000 per year, which covers resurfacing, but not pothole patching or utility cut repairs. The cost to perform resurfacing has drastically increased over the years. The Pavement Management Study will take three (3) months to complete once a consultant is selected after May 8, 2008.

Councilor Davis is frustrated about not having a solution for ditch repairs within streets owned by DOT, because their criteria don't meet the needs of city residents. He asked how we can get around that when DOT is not flexible in resolving the matter.

Ms. Melissa Gentry, P.E., Director of Public Works explained that the city's new criteria will be consistent with DOT's and that the study would help to rate the conditions of the roads and then prioritize the improvements. A component of this RFP is an alternate item for sidewalks. The upcoming tree inventory will include sidewalk repairs also.

- Sidewalk Priority Listing – Ms. Melissa Gentry, P.E., Director of Public Works

Ms. Melissa Gentry, P.E., Director of Public Works recalled that she committed to prioritizing all sidewalk requests and that process is now complete. Funding is very limited for the 80 requests for sidewalks totaling an estimated \$7 million if completed in house and an estimated \$10 million if completed by a contractor. She envisions the establishment of a Capital Improvements Program for sidewalks and roads similar to the one for water and sewer and other infrastructure. None of these have been submitted for the upcoming budget. She explained that gas tax funds that are used for these projects have been over committed and are now frozen.

Mr. Charles P. Austin, Sr., City Manager explained that staff would begin with the top of the priority list and then fund these projects over a series of budget years.

These reports were received as information. No action was taken.

## **TRAFFIC AND ENGINEERING**

10. Council is asked to approve the Installation of a Four Way Stop at the Intersection of David Street and Juniper Street as requested by Traffic and Engineering on behalf of the Greenview Community. These streets are owned and maintained by the South Carolina Department of Transportation.

Upon motion by Mr. Davis, seconded by Ms. Devine, Council voted unanimously to approve the Installation of a Four Way Stop at the intersection of David Street and Juniper Street, pending approval by the South Carolina Department of Transportation.

## **OTHER MATTERS**

11. Community Promotions Funding Recommendations for March 2008 – The Honorable Judge Mildred McDuffie, Chair of the Community Promotions Advisory Committee

Upon motion by Ms. Sinclair, seconded by Mr. Rickenmann, Council voted unanimously to approve the Community Promotions Advisory Committee's recommendation to deny funding as outlined below.

### **Community Promotions Monthly Funding 2007-2008**

<b>Organization</b>	<b>Project Name</b>	<b>Request</b>	<b>Amount Funded</b>
<b>March 2008</b>			
Cheers R Us <small>*Denied/No funding for Cheerleading groups.</small>	Competitive Cheerleading	2,000	0
Totals		2,000	0

12. Council is asked to approve a Request for a Certificate of Convenience and Necessity for Johnny Pichardo doing business as 2 Guys & A Limo, LLC located at 1149 Brookwood Circle, West Columbia, South Carolina 29169.

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve a Request for a Certificate of Convenience and Necessity for Johnny Pichardo doing business as 2 Guys & A Limo, LLC located at 1149 Brookwood Circle, West Columbia, South Carolina 29169.

## **CITY COUNCIL DISCUSSION / ACTION**

13. Municipal Improvement District – The Honorable Tameika Isaac Devine, The Honorable Sam Davis and The Honorable E.W. Cromartie, II

Councilor Devine explained that there has been a lot of discussion over the years about improving other areas of the city, but that commitment has been few and far in between in terms of funding. It would be appropriate if the city did something similar as they did in the Vista with the Tax Increment Financing (TIF). She presented the concept of a Municipal Improvement District (MID) that would only involve the city's revenue dollars for projects within Council Districts One and Two that require a significant amount of funding to get started. She proposed the implementation of a MID for the North Columbia area.

Councilor Cromartie recalled how Columbia was the first city in South Carolina to implement a TIF and how it helped to revitalize the Vista and the downtown area. He admitted that there has been growth and development in the east and north Columbia areas, but not to the extent that a great difference has been made. He said that the time to change the way our neighborhoods look is now.

Councilor Davis said that everything that's successful starts as an idea. The city can do this and no one can say that these areas don't deserve what's being proposed. Each of the corridors lead to the State Capitol and people coming from each exit on the interstate should like what they see. The neighborhoods in these areas want this MID. It's not a vision, but it's what local government should do. He noted that public input is a part of this process.

Councilor Finlay is supportive of looking at the numbers, because it is the most important thing the city can do. He thinks it will be difficult to backstop bonds for this district with water and sewer funds, noting that the Vista TIF was just defeated. He said that Municipal Improvement Districts could have a way of shifting funding to development and away from basic services. We must understand the impact of bonds and debt coverage ratios. He looks forward to seeing the numbers in a format that helps to understand what can be done and the price that will be paid in the future for doing it.

Councilor Rickenmann suggested that a work session be scheduled to review and discuss the numbers once they are prepared.

Mayor Coble said that we have seen examples where the investments made in communities help to save money on basic services. It's clear that there will be a lot of hard work but we are ready to roll up our sleeves and see what we can do.

Upon motion by Ms. Devine, seconded by Mr. Davis, Council voted unanimously to direct the City Manager to put together a redevelopment plan for North Columbia and the eastern part of the city and to research a Municipal Improvement District as the funding source for the redevelopment. The plan should include, but is not limited to: 1) the boundaries of the area; 2) the specific projects to be funded; and 3) the total amount of the bond and the plan for repayment. Also, we would like an analysis of the impact, if any, that the use of the increment for the specified projects would have on the general fund and the impact, if any; it would have on the water and sewer fund if there is not enough revenue generated through the increment district.

This data should be completed by June 4, 2008.

Council further directed that the financial consultant hired through the Empowerment Zone work with the city's Financial Advisor and Bond Attorney to assist with the analysis of this data.

### **CONSENT AGENDA**

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to approve the **Consent Agenda Items 14.** through **21.** as presented.

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

14. Council is asked to approve Change Order #1 to Agreement for Engineering Services for Project Spider Water Distribution System; CIP WM3928, as requested by Engineering Operations. Award to B.P. Barber and Associates in the amount of \$12,393.00. *Funding Source: Fiscal Year 2007/2008 Capital Improvements Program Budget - Approved*

15. Council is asked to approve Change Order #2 to Agreement for Engineering Services for Project Spider Water Distribution System; CIP WM3871, as requested by Engineering Operations. Award to B.P. Barber and Associates in the amount of \$10,103.00. This firm is located in Columbia, SC. *Funding Source: Fiscal Year 2007/2008 Capital Improvements Program Budget - Approved*
16. Council is asked to approve the Purchase of a Flex Fuel Impala, as requested by the Police Department. Award to Capitol Chevrolet, using the State Contract, in the amount of \$15,170.00. This vendor is located in Columbia, SC. *Funding Source: 1012403-658500 - Approved*
17. Council is asked to approve the Purchase of Three (3) EZ-GO Golf Carts, as requested by the Homeland Security Department. Award to EZ GO Textron, the lowest bidder, in the amount of \$19,885.95. This vendor is located in Ridgeland, SC. *Funding Source: 5512703-657500 - Approved*
18. Council is asked to approve Maintenance at the Metro Wastewater Treatment Plant, as requested by the Utilities and Engineering Department. Award to C & D Specialty Parts, the lowest bidder, in the amount of \$21,280.00. This firm is located in Florence, SC. *Funding Source: 5516208-631800 - Approved*
19. Council is asked to approve Project SD8320; Emergency Storm Drain Repair at 1521 Adger Road, as requested by Engineering Administration. Award to Trussell Brothers Construction, Inc. in the amount of \$22,015.00. This firm is located in Columbia, SC. *Funding Source: Stormwater Improvement Funds CIP# SD8320 - Approved*
20. 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 - Approved*
21. Council is asked to approve a City / County Fire Service Contract Extension for existing fire services through June 2009. - *Approved*

#### ORDINANCES – SECOND READING

Upon motion by Mr. Finlay, seconded by Ms. Sinclair, Council voted unanimously to give second reading approval on a single motion to **Items 22.** through **24.** as presented.

Councilor Finlay insisted that the Council and staff focus on annexing donut holes within the city, rationalizing our boundaries and not taking on projects with a negative cash flow. He is willing to go forth with the following annexations in his District, noting that the Council must set aside time to discuss an annexation policy, because it has a true impact on the cost of the city doing business.

22. Ordinance No.: 2008-018 - Annexing 2712 Atlas Road, 2717 Harlem Street, 2721 Harlem Street, 2725 Harlem Street, 2800 Atlas Road, 2716 Atlas Road, 2504 Atlas Road, 2440 Atlas Road, 2533 Harlem Street, 2603 Harlem Street, 2605 Harlem Street, 2613 Harlem Street, 2617 Harlem Street, 2625 Harlem Street, 2629 Harlem Street, 2628 Atlas Road, 2612 Atlas Road, 2608 Atlas Road, 2604 Atlas Road, 2600 Atlas Road, 2532 Atlas Road, 2528 Atlas Road, 2524 Atlas Road, 2520 Atlas Road, 2440 Atlas Road, 2440 Atlas Road, Atlas Road, 2700 Atlas Road, 2704 Atlas Road, 2708 Atlas Road 2700 Atlas Road, 2440 Atlas Road, Atlas Road, 2440 Atlas Road, 2416 Atlas Road, 2412 Atlas Road, 2408 Atlas Road, 2501 Harlem Street, 2501 Harlem Street, 2505 Harlem Street, 2513 Harlem Street, 2513 Harlem Street, 2517 Harlem Street, 2404 Atlas Road, Atlas Road, 2328 Atlas Road, and 2324 Atlas Road, Richland County TMS # 13509-01-01, 13509-01-05, 13509-01-06, 13509-01-07, 13509-01-17, 13509-01-18, 13510-02-01, 13510-02-02, 13510-02-03, 13510-02-04, 13510-02-05, 13510-02-06, 13510-02-07, 13510-02-08, 13510-02-09, 13510-02-11, 13510-02-12, 13510-02-13, 13510-02-14, 13510-02-15, 13510-02-16, 13510-02-17, 13510-02-18, 13510-02-19, 13510-02-20, 13510-02-21, 13510-02-22, 13510-04-01, 13510-04-02, 13510-04-03, 13510-04-04, 13514-01-01, 13514-01-03, 13514-01-04, 13514-01-05, 13514-01-06, 13514-01-07, 13514-01-08, 13514-01-09, 13514-01-10, 13514-01-11A, 13514-01-11B, 13514-01-12, 13515-06-01, 13515-06-02, 13515-06-03, and 13515-06-36 *First reading approval was given on March 5, 2008. – Approved on second reading.*
23. Ordinance No.: 2008-019 - Annexing Saskatoon Drive, Lingonberry Drive, 161 Saskatoon Drive, 153 Saskatoon Drive, 149 Saskatoon Drive, 145 Saskatoon Drive, 141 Saskatoon Drive, 137 Saskatoon Drive, 133 Saskatoon Drive, 129 Saskatoon Drive, 125 Saskatoon Drive, 121 Saskatoon Drive, 117 Saskatoon Drive, 113 Saskatoon Drive, 109 Saskatoon Drive, 105 Saskatoon Drive, 101 Saskatoon Drive, 114 Saskatoon Drive, 118 Saskatoon Drive, 122 Saskatoon Drive, 126 Saskatoon Drive, 329 Lingonberry Drive, 325 Lingonberry Drive, 321 Lingonberry Drive, 317 Lingonberry Drive, 313 Lingonberry Drive, 309 Lingonberry Drive, 305 Lingonberry Drive, 200 Saskatoon Drive, 204 Saskatoon Drive, 208 Saskatoon Drive, 2 Aronia Court, 6 Aronia Court, 10 Aronia Court, 11 Aronia Court, 9 Aronia Court, 5 Aronia Court, 1 Aronia Court, 222 Saskatoon Drive, 226 Saskatoon Drive, 20 Wishmore Court, 24 Wishmore Court, 28 Wishmore Court, 29 Wishmore Court, 25 Wishmore Court, 21 Wishmore Court, 242 Saskatoon Drive, 241 Saskatoon Drive, 237 Saskatoon Drive, 233 Saskatoon Drive, 229 Saskatoon Drive, 225 Saskatoon Drive, 221 Saskatoon Drive, 217 Saskatoon Drive, 213 Saskatoon Drive, 177 Saskatoon Drive, 173 Saskatoon Drive, 169 Saskatoon Drive, 300 Lingonberry Drive, 178 Saskatoon Drive, 170 Saskatoon Drive, 166 Saskatoon Drive, 162 Saskatoon Drive, 154 Saskatoon Drive, and 144 Saskatoon Drive; Richland County TMS #22016-01-53, 22016-01-43, 22015-01-56, 22016-03-01, 22015-02-09, 22015-02-11, 22015-02-12, 22015-02-13, 22016-01-55, 22016-01-54, 22016-01-52, 22016-01-51, 22016-01-50, 22016-01-49, 22016-01-48, 22016-01-47, 22016-01-46, 22016-01-45, 22016-01-44, 22016-01-42, 22016-01-41, 22016-01-40, 22016-01-39, 22016-01-38, 22016-01-37, 22016-01-36, 22016-01-35, 22016-01-34, 22016-01-33, 22016-01-32, 22016-01-31, 22016-01-30, 22016-01-29, 22016-01-28, 22016-01-27, 22016-01-26, 22016-01-25, 22016-01-24, 22016-01-23, 22016-01-22, 22016-01-21, 22016-01-20, 22016-01-19, 22016-01-18, 22016-01-17, 22016-01-16, 22016-01-15, 22016-01-14, 22016-01-13, 22016-02-01, 22016-02-02, 22016-02-03, 22016-02-04, 22016-02-05, 22016-02-06, 22016-02-07, 22016-02-08, 22015-01-57, 22015-01-58, 22015-01-59, 22015-07-01, 22015-07-02, 22015-07-03, 22015-07-04, 22015-07-05, 22015-07-06, and 22015-07-07 *First reading approval was given on March 5, 2008. – Approved on second reading.*

24. Ordinance No.: 2008-020 - Annexing 144 Island View Circle, 148 Island View Circle, 160 Island View Circle, 164 Island View Circle, 172 Island View Circle, 176 Island View Circle, 180 Island View Circle, 184 Island View Circle, 190 Island View Circle, 179 Island View Circle, 163 Island View Circle, 157 Island View Circle, 147 Island View Circle, 143 Island View Circle, and Island View Circle, Richland County #28907-01-06, 28907-01-07, 28907-01-10, 28912-01-07, 28912-01-05, 28912-01-04, 28912-01-03, 28912-01-02, 28912-01-01, 2808-02-08, 2808-02-11, 2808-02-12, 2808-02-05, 2808-02-06 and 28912-01-08 *First reading approval was given on March 5, 2008. – Approved on second reading.*

### **ORDINANCES – FIRST READING**

25. Ordinance No.: 2008-028 – Annexing 1.5 acres, southwest side of Spears Creek Church Road, Richland County TMS# 28802-01-02 – *Approved on first reading.*

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval to Ordinance No.: 2008-028 – Annexing 1.5 acres, southwest side of Spears Creek Church Road, Richland County TMS# 28802-01-02.

26. Ordinance No.: 2008-034 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article IV, Pollution Control, Division 5, Regulations and Requirements Relating to Smoking of Tobacco Products, Sec. 8-221, Jurisdiction, enforcement and penalties – *Approved on first reading.*

Councilor Devine clarified that she is in favor of a total smoking ban, but she is willing to support this Ordinance.

Councilor Sinclair concurred with Ms. Devine.

Councilor Cromartie requested that the Ordinance be placed online and that restaurant and bar owners review the Ordinance to ensure they understand the penalties. He further requested that the Ordinance be sent to the Restaurant Association, Five Points Association, Two Notch Association and other interested associations.

Upon motion by Ms. Sinclair, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2008-034 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article IV, Pollution Control, Division 5, Regulations and Requirements Relating to Smoking of Tobacco Products, Sec. 8-221, Jurisdiction, enforcement and penalties.

### **RESOLUTIONS**

27. Resolution No.: R-2008-016 – Adopting City of Columbia Police Department Use of Force Policy - *Approved*

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: R-2008-016 – Adopting City of Columbia Police Department Use of Force Policy.

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

Mr. H. Forrester, Parks and Recreation Department, appeared before the members of Council to propose that a monument be placed on the State House grounds with the flags and other statutes. The monument should be made of one base and three heads and labeled **Yawed**, Jesus Christ and the Holy Spirit and the Ten Commandments must be in it. He said that the city has from Passover this year until Passover next year to make this complete. He will come back in July for a response. He stated that the Police Department need our prayers and a law should be made for all employees to pray one minute each day for the Police Officers. He accused the Police Department of being behind drugs. Mr. Forrester reported that a man among our ranks has practiced illegal hiring and having relationships with city employees. He urged the City Council to investigate Mr. S. Allison Baker, noting that he would provide the needed evidence.

Mr. Peter Mayers, Rosewood Community Resident, appeared before the members of Council to ask about the flooding of Gills Creek and the opportunity for the Rosewood neighborhoods to opt in the Interim Measures process.

Mr. Marc Mylott, Director of Development Services, stated that the proposed and preferred procedure would allow the initiation of an area applying for Interim Measures by a map amendment that the Council members would consider. This would allow any of the geographies to apply.

Mayor Coble explained that the proposal would cut through some of the required red tape and simply have it as a map amendment that is drawn up and get away from the hurdles that can be later used in a lawsuit. This would be stronger for the neighborhoods and it comes from the comments made by Mr. Pat Hubbard during the Public Hearing.

Mr. Steve Gantt, Senior Assistant City Manager for Operations reported that the beavers have returned to Gills Creek and that flooding did occur the day after the last big rain. He further reported that staff is walking the creek and will be able to provide a report on the remedy taken.

Mr. Andy Yogherty, Publick House Restaurant on Devine Street appeared before the members of Council to inquire about the Smoking Ban Ordinance. He urged the Council to reconsider their decision, noting that he was required by the State to serve food in order to serve alcohol when he first opened his restaurant 18 years ago. He said that some people come out late to smoke and drink not to eat food. He said that the Ordinance should be across the board to be fair and that all workers should be protected.

- **Council adjourned the meeting at 7:47 p.m.**

Respectfully submitted by:

Erika D. Salley  
City Clerk