



CITY OF COLUMBIA
CITY COUNCIL MEETING &
PUBLIC HEARING MINUTES
WEDNESDAY, JANUARY 28, 2009
9:00 A.M.
CITY COUNCIL CHAMBERS
1737 MAIN STREET

The Columbia City Council conducted a Public Hearing & Regular Meeting on Wednesday, January 28, 2009 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 9:09 a.m. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann, The Honorable Kirkman Finlay III and The Honorable Belinda F. Gergel. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

APPROVAL OF MINUTES

1. Minutes of September 3, 2008 - *Approved*
2. Minutes of January 7, 14 and 16, 2009 - *Approved*

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to approve the Minutes of September 3, 2008 and January 7, 14, and 16, 2009 on a single motion and as presented.

PRESENTATIONS

3. Introduction of the 2008 Employee of the Year (*Mr. Neco L. Green, Recycling Truck Driver III*) – Ms. Melissa Gentry, P.E., Director of Public Works

Mr. Robert Anderson, Deputy Director of Public Works presented Mr. Neco Green, Recycling Truck Driver as the City of Columbia 2008 Employee of the Year. He described Mr. Green as an employee that stands for great leadership; he's career and family minded; he's never late; he greets everyone; dependable; reliable; customer oriented; and he sets a standard for all City of Columbia employees.

Mayor Coble presented Mr. Neco Green with a plaque for being selected as the City of Columbia 2008 Employee of the Year.

Mr. Charles P. Austin, Sr., City Manager presented Mr. Green with tokens of appreciation for being selected as the City of Columbia 2008 Employee of the Year.

4. Columbia Green Presentation – Ms. Kathy Robinson, Board Member / Chair of the 25th Anniversary Committee

Ms. Kathy Robinson, Chair of the 25th Anniversary Committee for Columbia Green announced that 2009 is a big year, because they are turning twenty-five (25) years old. They intend to step up as a volunteer non-profit organization with the purpose of improving neighborhoods throughout the City of Columbia. We partnered with the City of Columbia twenty (20) years ago and expanded our focus from neighborhoods to larger and more visible projects. We targeted major arteries and gateways for beautification with plantings in more than seventeen (17) medians throughout the City of Columbia. They use the funds that they raise to administer a grant program for neighborhoods. To celebrate our 25th Anniversary we will donate \$25,000 to launch a tree initiative throughout the Columbia area. She said that planting trees is also crucial

for the role they play in creating and maintaining a sustainable environment; positive effects on air quality; water conservation; temperature; and many other factors. We want to encourage the planting of as many canopy trees as possible. She added that Columbia Green will administer the grant in \$5,000 increments over five (5) years. She announced that Mayor Coble will plant the first tree tomorrow at the playground at the Charles R. Drew Wellness Center.

Mayor Coble and the members of Council presented a proclamation to Columbia Green declaring 2009 as the Year of the Tree.

5. First Quarter 2009 Business Spotlight Program Honoree ([Granger Owings](#)) – Mr. Angelo McBride, Administrator / Office of Business Opportunities

Mr. Angelo McBride, Administrator for the Office of Business Opportunities introduced Granger Owings as the Business Spotlight Program Honoree for the first quarter of 2009. He described Granger Owings as a men and women's wear specialty retailer that has operated for sixty-two (62) years. The company started with three (3) employees and now they employ seventeen (17) individuals and they even make house calls. Granger Owings offers a unique shopping experience and was voted the best male store in 2006 and runner-up in 2008. They also support many charities such as the March of Dimes.

Mr. John Granger, Jr. of Granger Owings said thank you for everything Columbia does.

PUBLIC HEARING

- **Council opened the Public Hearing at 9:49 a.m.**

6. Ordinance No.: 2008-099 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 11, Licenses, Permits and Miscellaneous Business Regulations, Article II, Business and Professional Licenses, Section 11-32, Definitions, to add Responsible local agent; Section 11-35, Registration of businesses; application for license to add (b) and Section 11-49 Classification rate schedules to add Code H77 ([as recommended by the Code Enforcement Taskforce](#))

Mr. Marc Mylott, Director of Planning and Development Services explained that the Code Enforcement Taskforce was charged with looking at codes and state statutes that may limit staff from doing their jobs as expected and in terms of assuring quality of life. The final recommendations were delivered to Council in August 2008 and a major element of that report was a recommendation for the formation of an absentee landlord registration program. Recognizing the current issues that we have with staffing levels and being sensitive to the notion of creating another level of bureaucracy, the Code Enforcement Taskforce recommended using the existing business license structure to implement this recommendation. Currently, if you are an individual or sole proprietor with five (5) or more rental units, you are required to have a business license. If you are a corporation or a limited liability corporation (LLC) and you have any number of rental units, you are required to have a business license. The recommendation will be that all rental residential units have a business license and that where the owner is not local, that those persons designate a local agent who is responsible for the conditions of the property either in Richland County or the six (6) collar counties. The current and proposed fee is what it is for the current rental units, which is \$11.00 on the first \$250,000 of gross income; this is on the total for an individual not per house.

Councilor Devine inquired about how staff plans to get the word out about this new rule and how is the law enforced when landlords don't comply.

Mr. Marc Mylott, Director of Planning and Development Services said that they utilized Channel 2, public notices and most importantly the Richland County Tax Assessor's Office database to identify any property taxed at 6% and those with bedrooms assigned to them received a copy of the public notice to that property owner even if they were out of state.

Councilor Devine asked how we will notify those that are out of state if this passes.

Mr. Marc Mylott, Director of Planning and Development Services said that we would use the same database, which has been passed on to the Business License Division. The enforcement would be the same as it is for any business license.

Councilor Cromartie asked how much is a business license for five (5) or more properties under the current ordinance.

Mr. Marc Mylott, Director of Planning and Development Services explained that it's \$11.00 on the gross proceeds of \$250,000 or less.

Councilor Cromartie asked what it would be if you have ten (10) properties, but less than \$250,000 in gross income.

Mr. Marc Mylott, Director of Planning and Development Services said that it would be \$11.00.

Councilor Cromartie asked if the fee for a LLC with numerous properties would be \$11.00.

Mr. Marc Mylott, Director of Planning and Development Services said that is correct.

Councilor Cromartie asked what the fee would be for someone renting one (1) room to a boarder. Would that person pay \$11.00?

Mr. Marc Mylott, Director of Planning and Development Services said that as proposed they would have to pay the \$11.00 fee. He noted that there was a discussion amongst some of the Code Enforcement Taskforce members and we believe that was not necessarily the intent. The requirement of this is for people who are outside. If it is the desire of Council, we can grant an exemption for an owner who's renting out a room or an owner that's in one half of a duplex and rents out the other half of the duplex.

Councilor Cromartie asked how long has the present fee been in existence. He is concerned that once the fee is imposed, it will be there forever and it will eventually go higher.

Councilor Devine asked how we keep account of the \$250,000.

Ms. Brenda Kyzer, Business License Administrator reported that the current fee has been in effect for over thirty (30) years with a 10% rate increase in 1988, which was the last rate increase. The tax returns are used to prepare the business license application and it would be used to determine the license fee. The Business License Division has an audit program in place; businesses are audited; and if the revenue is reported incorrectly we would get the additional license fee at that time.

Councilor Cromartie said that the whole purpose of this ordinance is only to be in a position to capture those who are generally out of state, but it's not directly related to those who live in state or live on the property.

Mr. Marc Mylott, Director of Planning and Development Services said that the proposed ordinance does include all of those groups, but those that are in state can be excluded at the direction of Council.

Councilor Cromartie asked how much is collected in revenue each year for rental property.

Ms. Brenda Kyzer, Business License Administrator said I don't know.

Councilor Finlay said that we are attempting to defray the cost of obtaining information on out of state landlords. The problem is that we have no more tools to go after those landlords. There are two (2) bigger issues that would be very helpful to us, but neither of which I think the city has any control over. The first one is the ability for cities and counties to levy against non performing landlords. There are properties all throughout the City that we spend public money on trying to take care of and we can't recoup that money. It is a burden for every citizen in the room and we need some ability to recoup that money through property taxes. The second one is where I think many people in this room could gain greater leverage. He said that anyone that has been in a rental for over one (1) year can declare the property as their legal residence by State law and they can be moved to the 4% tax bracket. There are many low and moderate income people that are in long-term rentals that we are taxing at higher rates than current homeowners. There are a lot of things we can fix here, but we need some ability to deal with out of state people who are in essence shifting the burden to local property owners. How many are opposed to this on a philosophical ground that it shouldn't be a business license and how many are opposed to the \$11.00. He asked if it is the law itself, because it already applies to people with five (5) houses. Or it is it the fee, because the two (2) are not absolutely the same.

Mayor Coble explained that the out of state landlords are an issue, because you have to personally serve the individual who owns the property.

Councilor Devine asked Mr. Mylott to explain the background and rationale for this proposal.

Mr. Marc Mylott, Director of Planning and Development Services explained that the concerns are with the landlords that are out of region; not out of state. We've had instances wherein we have driven more than two (2) hours in state to serve a summons with the assistance of local law enforcement. We can mail notices, but if those notices go ignored then we need to issue a Uniform Ordinance Summons, which has to be served personally by a local law enforcement representative not a process server. He added that it's not logistically sound to send staff so far away to find one (1) person.

Councilor Gergel asked do we presently do that.

Mr. Marc Mylott, Director of Planning and Development Services replied we do.

Councilor Davis said that you can drive through any neighborhood and see where you have landlords that blatantly refuse to maintain the property in terms of owner responsibilities; to hold their tenants responsible, because it's not just about maintenance, it's about the negative impact coming from a residence; and to at least try to comply with existing codes to the point where we don't have to go after them. He would like to see timelines attached to this. We need to add the timelines for allowing these properties to just sit and our ability to put the resources in place to go after those properties and work with others to rehabilitate them; and sell it to a family. Everything is relevant, because it impacts everybody's property.

Rev. Wiley Cooper, Chair of the Code Enforcement Taskforce explained that the Taskforce has no problem with exempting those that live in a residence and rent out space to include a duplex. The problem is the absentee landlords. He said that he polled the members of the Taskforce this morning and they are not opposed to this. Rev. Cooper emphasized the diversity of the Taskforce, noting that the recommendations have already gone through quite a vetting process before it came to Council. This recommendation is an important part of the packet with other parts depending on this.

Councilor Gergel asked if the Taskforce is opposed to exempting those that rent garage apartments, if it's an owner occupied property.

Ms. Catherine Fenner, Code Enforcement Taskforce member recalled discussions about renters that live on the premises or within the contiguous property line, because the owner is there and subletting.

Councilor Finlay asked Mr. Mylott for the percentage of rental property within the city that are in violation at any given time. Is it 5%, 10% or 20% and do you have any idea of the total number of rental properties in the city?

Mr. Marc Mylott, Director of Planning and Development Services said that he doesn't have that information by renter versus owner, but it is estimated that on single and two-family properties, roughly 50% are in violation. He noted that violations range from a hole in a screen to a failing roof.

Councilor Devine asked if this includes vacant homes.

Mr. Marc Mylott, Director of Planning and Development Services said probably not, because no income is being attributed to it as a rental property.

Councilor Devine said that is one of the concerns that a lot of people have and this would not address the issue of vacant/abandoned homes within a neighborhood. We would still have to go through the other means to get those houses brought into compliance. She asked Mr. Mylott to provide an exact scenario of how this would work. She provided an example of Jane Doe who lives in Beaufort, but rents property in Columbia. Jane Doe has a violation and other code issues; Planning and Development Services has sent notice, but Ms. Doe has not complied and now you are trying to bring her into court so you have to travel to Beaufort and personally serve Ms. Doe in order to get her into court.

Mr. Marc Mylott, Director of Planning and Development Services explained that we actually have to have the local law enforcement serve Ms. Doe in our place.

Councilor Devine asked what if Ms. Doe doesn't show up for the scheduled court hearing.

Mr. Marc Mylott, Director of Planning and Development Services said that Ms. Doe can be tried in her absence or the judge can continue the case and notify Ms. Doe.

Councilor Devine asked what mechanism is used to bring a house into compliance once an individual is found guilty.

Mr. Marc Mylott, Director of Planning and Development Services said that we can charge and issue a summons for every violation for every day it exists; while we rarely do that, we can issue as many summons as required.

Councilor Finlay stated that this ordinance will in no way relieve the city of the need to serve a summons; no local person can compel an absentee landlord to appear.

Mr. Marc Mylott, Director of Planning and Development Services explained that the local agent will be deemed responsible for the condition of the property.

Councilor Finlay asked what happens when the person in Beaufort refuses to pay the person locally.

Mr. Marc Mylott, Director of Planning and Development Services said that's a civil matter.

Councilor Finlay asked what happens when a large quantity of rental stock in Columbia can't find an agent to take it on. You are going to see rental fees go up dramatically. How does that work?

Mr. Marc Mylott, Director of Planning and Development Services said that's a market type of dynamic that I can't predict.

Mr. Henry McMaster, Attorney General appeared before the members of Council in opposition to the intrusive nature of the proposed ordinance. He noted that he and his wife own property and this is another tax on people that will become more intrusive with audits of people that you don't want to audit. There will be unintended consequences. He has no objection to the local agent.

Councilor Devine asked Mr. McMaster for alternative solutions on how to bring in the out of state and out of region landlords.

Mr. Henry McMaster, Attorney General said that he hasn't studied this, but there must be a mechanism under the law. He was surprised to hear the existing process.

Councilor Finlay said that many states are going through foreclosure and are allowed to put the cost they incur of abating the problem on the property taxes, which is a long-term problem. Once the property is sold, the city recoups its cost of dealing with the issue, but we don't have that option under state or county law so we end up with 10% of landlords causing us enormous problems.

Mr. Marc Mylott, Director of Planning and Development Services explained that one of the recommendations we are pursuing is to use the provision in state law that allows us to put the fess on the property taxes. He added that a 2002 opinion from the Office of the Attorney General requires personal service of the Uniform Ordinance Summons process.

Ms. Pat Abraham of 4128 Highland Park Drive appeared before the members of Council in opposition to the proposed ordinance, because it is a small number of people causing the problem. This is going to hurt the local, law abiding landlords and the fees will trickle down to the occupants. She applauded the efforts of the Code Enforcement Taskforce.

Mr. Raymon Lark of 6020 Martha's Glen Road appeared before the members of Council in opposition to the proposed ordinance. He agreed that this is an intrusive measure. He said that the public should have the opportunity to see the entire report from the Code Enforcement Taskforce.

Councilor Cromartie encouraged everyone to watch the full process, because this is the first of many changes that will be promulgated to this body. He wants the ordinances and any proposed changes posted on the city's website.

Mr. Femi Olulenu of 1007 Pine Street appeared before the members of Council in opposition to the proposed ordinance, because we already pay taxes for property in the city. He asserted that if the Code Enforcement staff did their jobs correctly then we would not have this problem. He is opposed to the fee.

Mr. Bob Amundson of 964 Laurie Lane / Vice Chair of the Code Enforcement Taskforce appeared before the members of Council in support of the proposed ordinance. He noted that there is a big problem in this city with abandoned property and every property owner is affected by this. He said that the fee is only \$11.00 per year. He reminded the audience that the Columbia Council of Neighborhoods (CCN) represents over ninety (90) neighborhoods and the CCN supports this ordinance.

Mr. Sampson Pringle of 704 Rosedale Arch / President of the Belmont Community appeared before the members of Council in opposition to the proposed ordinance. He said that a compromise is needed. He believes that local landlords should be exempted from the ordinance.

Mr. John Clements of 829 Queen Street appeared before the members of Council in opposition to the proposed ordinance. He suggested that they work on laws to address the landlords that are out of state. He said that rental property owners pay far more taxes than homeowners. There has been a derelict home on Heidt Street for five (5) years and nothing has happened. He said that houses should be rehabilitated, but they are being bulldozed. He suggested that fines go directly to the tenants and not the owners.

Mr. Leon Gantt of 5631 Knightner Street appeared before the members of Council in opposition to the proposed ordinance, because the property taxes continue to rise each year. He said that it's hard to rent the property, maintain it and pay the mortgage on it.

Councilor Finlay asked the City Attorney to prepare a briefing on State legislation dealing with taxes on rental property. In essence, if you have a long-term tenant, you factor the collection of the tax into the rent and pass it on to the tenant, which will agree that it is their legal residence in an effort to reduce the tax to 4%. There are numerous properties throughout the city wherein both the tenant and the landlord are being penalized for not applying the tax properly. It's a vast savings and it will help us relieve an enormously aggressive tax.

Ms. Sonya Hodges of the Shandon Annex Neighborhood Association appeared before the members of Council in support of the proposed ordinance. She has lived in one (1) neighborhood for forty-six (46) years and there are seven (7) absentee landlords that refuse to fix their property. It took the Code Enforcement Division five (5) years to locate one (1) landlord. She urged the Council to crack down on the absentee landlords.

Mr. R. Laine Ligon of 3008 Milwood Avenue appeared before the members of Council in opposition to the proposed ordinance. He has a property management company and they already pay a business tax; is that double taxation? He said that their clients could not understand the notice of this meeting. He added that an attorney had to read this twice to understand it. He asked that any mass communications from the City of Columbia be easy to understand. It seems like we are using an elephant gun to kill a rabbit. This is another level of bureaucracy and a burden for the taxpayers. We are having a hard time keeping up with the accounting now at the City of Columbia. He suggested that the city go after the bullies that are creating the problem and leave the rest of us alone.

Mr. Fritz Waidner of Irmo, South Carolina appeared before the members of Council in opposition to the proposed ordinance. He is proud that this many people showed up. He reiterated the statement that 50% of the houses are in violation. He insisted that people with 4% properties have more violations than he does with his property. He has neighbors whose junk cars aren't being moved. There are abandoned houses that are in estate, because someone died or someone is ill. He thinks that the proposal is a travesty and an intrusion. It would be an expense on the city to implement this. He said that landlords may help the city find a solution to the situation.

Ms. Gretchen Roepke of 5100 Holmes Avenue / College Place Community appeared before the members of Council in support of the proposed ordinance. She is very much in favor of the present form of the proposal or if it is tweaked, because they have a lot of empty homes with absentee landlords. She added that squatters move into the houses and destroy them. On behalf of the College Place Community she said that they are very much in favor of this.

Councilor Rickenmann asked if the empty houses are rental homes or heir properties, because that seems to be a big distinction that they've been hearing.

Councilor Davis said there's a combination.

Ms. Gretchen Roepke of 5100 Holmes Avenue / College Place Community described a lot with two (2) houses on it wherein the people in the front house were renting from the people in the smaller house in the rear of them. The residents of the smaller unit turned out to be squatters and for years the renters paid money to the squatters. The squatters moved out and now their former renters are now squatting in the smaller house. These are rental houses.

Ms. Doris Caldwell of 5729 Colonial Drive appeared before the members of Council in opposition to the proposed ordinance. She can't see why a business license is needed, noting that landlords have a hard enough time as it is. You have to go through an act of Congress to evict tenants; then you have to clean up and make repairs. We let the tenants know in the lease that it's their responsibility to upkeep the yard. She stated that Judge Samuel Peay of the Upper Township Magistrate is one of the best in Columbia, because he will tell the landlords in advance, what they can and cannot do. In closing, she said that the landlords are not getting rich off of these properties; we pay a lot for taxes and insurance.

Ms. Ernestine Myers of 124 Midhurst Court, Irmo, South Carolina appeared before the members of Council in opposition to the proposed ordinance, because she only owns one (1) property. She is concerned with the tenants; all the damage they cause; and bills that are left behind.

Mr. Jamie Lane of 107 Dutch Point, Chapin, South Carolina / Capital City Real Estate Developers appeared before the members of Council in opposition to the proposed ordinance. She trains investors on how to make investments and how to maintain their property. They are extremely concerned about this proposal, because it is intrusive. This has nothing to do with the money, but it is about control. She built a brand new home on Pine Street, but there are derelict properties all around. She suggested that the city put liens on the property for repairs. She said that you can only get a discount on taxes when you deed the property to the tenant. She added that she can obtain thousands of signatures against this proposal.

Councilor Cromartie urged Ms. Lane to look at the entire eighty (80) page report, because it may be more intrusive than she realizes. It is important for you to see the proposed provisions that are going to have a direct affect on all of the homeowners and those that own property in the City of Columbia.

Mayor Coble encouraged everyone to read the report, because it is an excellent effort to try and make our neighborhoods more livable. We have to work through each recommendation and we have already implemented a number of the recommendations on issues that caused severe problems in neighborhoods.

Councilor Davis explained that everything being proposed is a result of input; it's all about taking a look at this city and what the negative and positive impacts are. The intent is to help everybody get involved in creating a better quality of life, not to be punitive or in control. I am hoping that we can go through the process with an open mind.

Councilor Devine concurred with Mr. Davis. She is very encouraged by the number of people here. She urged the property owners to also talk to their State and County representatives. She said that the City of Columbia Municipal Court has prohibitions on what can be done, but the Circuit Court may be able to do some other things. We may have to work with State representatives to amend legislation. She said that it takes the city 4-5 years to be able to demolish a piece of property that has been an eye sore in the neighborhood. We don't want to take people's property, but we have to respect the rights of the neighborhood. She inquired about Ms. Roepke's problems with squatters.

Councilor Finlay has received more e-mails about squatters, trespassing and aggressive trespassers. He asked the Police Chief and the Legal Department to help Council understand what can be done as a Council and as a city to stop this. He asked the Attorney General to help us with this.

Mr. William Cantey of 821 Albion Road appeared before the members of Council in opposition to the proposed ordinance. He is a property manager and feels that this is an added burden. He feels that it's intrusive. He asked where owners would find someone to be a representative for them. He agrees that we need to find a way to go after absentee landlords, but there has to be a better way.

Mr. Andrew Pepper of the Earlewood Park Community appeared before the members of Council in opposition to the proposed ordinance. He insisted that it is not about the \$11. He suggested that the Council make rules and regulations for the people that are out of town; find them; and tax them. It's so hard on the landlords to collect rent and get the tenants to do what's their responsibility such as picking up trash.

Mr. James Hiott appeared before the members of Council in opposition to the proposed ordinance. His family has owned property in the City of Columbia for 100 years and they are offended at the things the city has done. You haven't treated property owners well. For example, the backflow prevention device costs \$1,000 and owners must pay \$100 per year to get the device checked, thus increasing his costs. He said that he receives nasty grams when somebody puts graffiti on his building. He said that the city deals heavy handed with property owners. He urged the Council to not punish the choir for the sins of a few.

Ms. Laura Nichols of 1516 Richland Street / Property Manager appeared before the members of Council in opposition to the proposed ordinance. How do you propose to find out who the management company is? She said that the violators that are not maintaining the property will probably not pay this tax either and it will be a burden on those of us that try hard. We are already in the red; we can't get investors to buy in Columbia, because of property taxes; we can't borrow money to fix up the properties; and we can't pass on another fee to our residents. She already pays a business license, because she manages close to 500 properties. This proposal doesn't benefit the tenants or the owners.

Mr. Ronnie Davis of 1403 Jaret Court / Southern Development appeared before the members of Council in opposition to the proposed ordinance. He manages multi-family properties and they concur with having a designated agent. He also manages affordable housing and they operate under similar rules as the Housing Authority and their properties are inspected by HUD through the Real Estate Assessment Center (REAC), which is more thorough than the City of Columbia inspectors. He noted that the rent is also controlled by HUD and we cannot pass the cost along to the resident. He would like to see the affordable housing properties fall under the same standards as the Housing Authority properties.

Councilor Davis asked Mr. Davis what other states do you manage in.

Mr. Ronnie Davis of 1403 Jaret Court / Southern Development listed Georgia, North Carolina and South Carolina. He has managed in 35 states in the past.

Councilor Davis asked Mr. Davis what he's doing in other states that would be contrary to what is being proposed, but helps to arrive at the same intent.

Mr. Ronnie Davis of 1403 Jaret Court / Southern Development explained that currently in Georgia and North Carolina there is not an ordinance requiring what you are implementing here.

Mr. Marc Mylott, Director of Planning and Development Services said that Mr. Davis would not be exempt and the Code Enforcement Taskforce did include an exemption for the Housing Authority.

Councilor Cromartie stated that the Bethel Bishop Apartments are also required to have REAC inspections and they are managed by the Columbia Housing Development Corporation. He asked if those units would be applicable to the same exemption as the Housing Authority.

Councilor Devine said that this ordinance doesn't apply to him unless he is managing a property owned by an individual; we are only talking about people that own four or less single family units.

Councilor Cromartie asked if REAC properties would be exempted or would the proposal apply.

Mr. Marc Mylott, Director of Planning and Development Services said that it would apply.

Councilor Cromartie asked how this would apply if the Development Corporation did not own the Bethel Bishop Apartments or Ensor Forest.

Mr. Marc Mylott, Director of Planning and Development Services explained that the intent was that if the city or one of the Development Corporations were directly responsible, we would know how to get in touch with the city. He further explained that if Bethel Bishop or Ensor Forest was not owned by someone in Richland County or one of the collar counties, then they would have to designate someone to be locally responsible.

Mr. Ronnie Davis of 1403 Jaret Court / Southern Development said that they have no problem with the designation; it's the cost.

Councilor Gergel asked Mr. Davis if he objects to the fee.

Mr. Ronnie Davis of 1403 Jaret Court / Property Manager that's correct.

Mr. John G. McMaster of 120 W. Springs Road appeared before the members of Council in opposition to the proposed ordinance. He doesn't have a problem with having out of state landlords clean up their property and do whatever is necessary. I take care of my property and it worries me when someone next to me has junky property. I have been doing this for 35 years. He asked how many fools will sign to take responsibility of rental property for somebody who lives in California. He said that he would gladly contribute another \$100 in taxes even though he is taxed to death. He said that the legislature passed a law that reduces the taxes only on the first 4%, but not on the last 2%, which is taxed at the full rate. Anybody that owns rental property knows what it's like to get a \$200 water bill and the tenants don't take responsibility. I had a \$700 water bill and I called the city to read the meter, but they had read the wrong meter, because my meter was beneath two (2) feet of dirt and hadn't been read in a long time. I don't want to take part in this. I replaced a hot water heater and put it on Greene Street with other debris, but everything was picked up except my heater and I was told that I have to have a permit to have it picked up.

Ms. Naomi Dreher of 3614 Oscar Street appeared before the members of Council to ask a question about the proposed ordinance. She received six (6) notices of this public hearing, because she owns several properties. She explained that her children were given the property and she is the lessee. Will she have to pay \$11.00 per property?

Mayor Coble explained that it's based on the names the properties are in. For example, if you own five (5) properties, then you will pay one (1) fee up to \$250,000 of rental income, but if they are owned separately then it depends on whose name it's in.

Ms. Naomi Dreher of 3614 Oscar Street said that there are several names on each. Councilor Rickenmann said that nothing has passed yet.

Ms. Naomi Dreher of 3614 Oscar Street has no objection to the fee.

Dr. Albert Reid, M.D. of 428 Easter Street appeared before the members of Council in respectful opposition to the proposed ordinance. He said that it's not just the fee, but they are concerned about the principle of the proposal. He is concerned about the growing massive well of red tape; increasing administrative cost; and unfriendly employees. The letter excludes the fact that it pertains to all properties to include the moms and pops that paid taxes and left the properties for inheritance; investment purposes; and supplemental income. He said that the annual taxes are three or four times the amount of taxes paid on owner occupied homes in this city and all landlords must carry landlord insurance. He suggested that the Council consider reassessing these properties more fairly and at the same rates as owner occupied residences. A city that fails to offer incentives to all socioeconomic classes loses the sense of value and will soon succumb to the yields of the neglected inter-cities all over this nation.

Ms. Mary Currey of 1850 Atlantic Drive #423 appeared before the members of Council in opposition to the proposed ordinance. She has a unique situation, because she lives in a condo complex and she owns two (2) units; she lives in one (1) unit and her 88-year old mother lives in the other. I don't mind paying my fair share of the tax burden, but my taxes were less than \$600 dollars this year and my mother's unit was almost \$2,000. How do you address the issue of condo complexes where there is already a property manager and residents pay a regime fee? There isn't a quick fix for people who habitually ignore the rules and laws of the city. This ordinance will not prevent what's going on. The law has to be changed and there has to be a way to enforce the law. She was shocked about the requirement for landlords to provide access to the rental unit for the purpose of making any and all inspections as necessary. This is an issue between the landlord and the tenant and this is a violation of my freedom as an individual. She said that property values are affected by what's outside a unit and that's what we should be addressing.

Ms. Alice Holt of 2220 Adams Street appeared before the members of Council in opposition to the proposed ordinance. She said that the proposal stiffens the entrepreneur's spirit and takes away the freedoms of an individual. She owns eight (8) pieces of property, but she was never notified that she needed a license.

Mr. Willie Bethea of 630 Sallie Baxter Road appeared before the members of Council in opposition to the proposed ordinance. He doesn't think the proposal will solve the problem. He suggested that the city check the Richland County database to determine which landlords live in Richland County and then determine a way to exempt those landlords. He suggested that they figure out a way to get to those landlords that live outside of Richland County.

Mr. J.E. Lawrence appeared before the members of Council in opposition to the proposed ordinance. He urged the Council to keep it simple and go after the people that are causing the problem. What have you done to go after the absentee landlords? He is worried that the Council is going to rush through this. He said that the problems of the city stem from problems in state government. He suggested that the Council go after the State government as a group and tell them what is needed to change the laws.

Mr. Richard Best appeared before the members of Council in opposition to the ordinance. He said that our tax system has gone haywire and that rental properties pay 400% more in taxes. He insisted that \$11.00 will not cover the costs. You are affecting the poor property owners. He said that with one click of the mouse he can find every owner in the city; if they pay taxes you can contact them or sell the house. He stated that this is the worst recession in twenty-five (25) years and that 60% of empty houses are in some form of foreclosure. This is taxation without representation.

Ms. Cheryl Myrick of 910 Aiken Street appeared before the members of Council in opposition to the proposed ordinance. It seems to be a two-edged sword. When property changes hands the taxing entity goes in and reassesses the property as if it was sold. I had to appeal a situation like that. If you rent property through the Columbia Housing Authority, would that property be a part of the exclusion? Would I have to file a business income tax instead of a personal income tax?

Councilor Cromartie said that she would have to pay the fee, because she owns the property.

Councilor Devine asked about owners that do not collect rent, like Ms. Currey whose mother lives in the second unit and doesn't pay rent.

Ms. David Welsford of 4108 Rosewood Drive appeared before the members of Council in opposition to the proposed ordinance. He owned a property management company and managed hundreds of properties in Columbia until he sold the business. He said that there aren't any numbers such as how many houses are in Columbia and how many houses are rentals.

Mayor Coble said that we have to come up with a compromise to get this done.

Mr. Lyman Munson of 4003 Lamar Street / Vice President of the Hyatt Park Neighborhood Association appeared before the members of Council in support of the proposed ordinance. He is a rental property owner; he lives next to a rental property; and he knows there is a huge problem. There are properties without screening; there's garbage in the backyard and I think that's what this ordinance is attempting to address. I think the ones that didn't show up today, are the ones that we have a problem with. How do we separate the two? We need the ability to deal with properties that are substandard. He asked if boarding houses and rooming houses are exempt and noted that there is some wording that needs to be worked out.

Councilor Cromartie said that we need to change language in the ordinance so it's not so intrusive.

Mr. Lyman Munson of 4003 Lamar Street / Vice President of the Hyatt Park Neighborhood Association said that the intrusive nature is such that the people who live next to these properties have the right to a better quality of life; I don't see this as being intrusive.

Councilor Davis asked Mr. Munson to speak as a previous member of the Board of Zoning Appeals as well. The intent is to locate the folks that don't want to comply as landlords. What would be your recommendation on how to get there?

Mr. Lyman Munson of 4003 Lamar Street / Vice President of the Hyatt Park Neighborhood Association said that many times post office boxes are used. He doesn't agree that all property owners can be easily found. He currently serves as the Chair of the Property Maintenance Board for the City of Columbia and he knows that the city struggles to find the legal owners of properties. He suggested that the city require property owners to provide the address for their legal residence instead of a mailing address.

Councilor Finlay suggested that we simply ask people to have a registered agent.

Councilor Davis said that you send a message by being more stringent with what's on the books.

Ms. Carolyn Taylor appeared before the members of Council in opposition to the proposed ordinance. What is the purpose of the ordinance? Why go through an ordinance when the property owner is the person that is responsible. The International Property Maintenance Code already addresses getting to the property owner. She urged the Council to properly implement

the ordinances that currently exist and she insisted that there is no need to require a business license. The purpose of an ordinance is to be implemented and administered to the maximum. What does it cost to administer a new ordinance? She insisted that the problem is not the landlord. She said that the City of Columbia needs to move into the 21st century and effectively administer current ordinances. She said that it's unconstitutional to require someone to designate a local agent. She said that it is unlawful to implement the International Property Maintenance Code beyond its scope, because it was intended for existing buildings and structures and you cannot tell a citizen to move their car under this code or any other State law. She noted that a car is not abandoned or derelict when it's parked in a yard.

Mr. Suber appeared before the members of Council in opposition to the proposed ordinance. He urged the Council to consider every alternative that can be used to meet their objective. Most of our purchasers are out of state and we are asking people to pay a management fee. Property managers don't want to do this although they can gain income from this. People will not invest in this town under these circumstances. Think of some way to do this; we cannot run off investors.

Mr. Swan Whitfield of 111 Howell Road appeared before the members of Council in opposition to the proposed ordinance. He served on the Winnsboro City Council and as an owner of rental units, through a partnership; they are not operating as a retail or commercial business in the city. We would not receive any new services by having this license; we already pay property taxes to Richland County and the City of Columbia receives a portion of the revenue; this amount will grow expeditiously in future years; it will not encourage investment in the city; it will be another cost handed down to renters; and it will not benefit owners or tenants. He suggested that the City of Columbia propose a condemnation ordinance to track down bad owners just as the Town of Winnsboro did. He urged the Council to deny this ordinance.

Ms. Dawn Stoner of 5516 Colonial Drive / President of the College Place Community Council appeared before the members of Council in support of the proposed ordinance. She said that we are holding landlords accountable and if you are a good landlord, the only opposition should be the fee. She said that residents have rights too and landlords should choose their tenants more wisely. She said that landlords oppose this ordinance, but residents support it.

Ms. Jennifer Gardner appeared before the members of Council in opposition to the proposed ordinance. She said that the difficulties are with landlords that don't behave. I may be one of those, but I can be contacted easily. She asked if the city is going by the tax map number. Where do I fit if I own multifamily dwellings? Would I now be a business? How do I define my gross income? She suggested that the ordinance reference Title 26 Sec 61 of the Internal Revenue Service code, because it lists the types of income that should be calculated. Do I include income earned from outside the City of Columbia? Do you have to have a business name? Would you consider hiring me as a bounty hunter to find landlords?

Mayor Coble asked Ms. Gardner to send the Council any questions she has.

Councilor Rickenmann asked Ms. Gardner to leave him a list of her questions today.

Ms. Tiffany Hubble, Vice President of the College Place Community Council appeared before the members of Council in support of the proposed ordinance. She said that it is easy to joke and laugh about this when you are not directly affected. We have 40% rentals in our neighborhood and our problem with improving our community is in finding absentee landlords. When they are found they find excuses. I am hearing good arguments for and against this. We spend a lot of time and money locating these landlords and there needs to be a stiff penalty for not registering. She insisted that if you rent property you should consider yourself a business person and should anticipate certain expenses.

Ms. Carol Ann Beard appeared before the members of Council in opposition to the proposed ordinance. She is a property owner, but she inherited the house and it has been empty since February 2001, because it is hard to find good tenants. She decided to never rent the house again. I pay my taxes; yard maintenance; and other damages. I check on the house often and I would like to keep the property in my family. I am opposed to both the ordinance and the fee.

Councilor Cromartie asked if her property is rental property.

Mr. Marc Mylott, Director of Planning and Development Services said yes sir.

Councilor Cromartie told Ms. Beard that she doesn't have to worry about the property as long as it meets the code and as long as she is not earning revenue.

Ms. Carol Ann Beard said that it's great to have codes and she urged the Council to put something in place to help owners be sure that the tenants take care of the properties. She inquired about a loan program for assistance.

Councilor Cromartie said that we've never done that in the City of Columbia and he would advocate for that.

Mr. Josh Mckee appeared before the members of Council in opposition to the proposed ordinance. He asked what would be the requirements for someone to be a local agent and how would the local agent recoup costs from the owner.

Councilor Davis said that there are no certification requirements.

Councilor Devine explained that there are no certification requirements; the local agent would be the person noticed about the issue. We are concerned if the agent would be willing and able to address issues on behalf of the owners.

Mr. Josh Mckee asked if the landlord could be the local agent.

Councilor Rickenmann said yes.

Councilor Finlay said that no one is going to take this liability on for free.

Mr. Josh McKee asked how we can be sure that the hard to reach landlords will abide by this.

Mayor Coble explained that the city would enforce the business license code as it normally does; if there is not a business license then we could shut someone down for operating a business without a license.

Councilor Finlay asked what would happen if there is no business license, but a tenant is living there. How are we going to evict the tenant?

Mayor Coble said that is one reason why the business license makes sense. It is another enforcement opportunity.

Councilor Devine asked if the city would evict a tenant that is paying rent to live there.

Councilor Davis said that we should not go that route, because then we would be functioning as a landlord.

An unidentified female appeared before the members of Council in opposition to the proposed ordinance. She confirmed that there is no money in the landlord business today; we are assessed more on our water bills; we pay \$17.99 for irrigation meters whether we use them or not; and we suffer from many injustices in Columbia. I don't mind the fee. As she understands it, any landlord, not just an absentee landlord would be responsible to operate their rental unit in compliance with all applicable city ordinances and provide access to the unit for the purpose of making any and all inspections necessary to ensure compliance of applicable city ordinances. What does this mean? What kind of code violations are we talking about? How much would I be fined?

Mr. Marc Mylott, Director of Planning and Development Services explained that the provision only talks about providing access to the property and/or the structure as it would the owner; if we need to enter we would contact the owner and this provision changes the contact to the local agent. We are not changing the rules we have on the books now. We are talking about the gamut of all violations.

Councilor Devine asked how we handle reported violations. Do you have the right to inspect properties now?

Mr. Marc Mylott, Director of Planning and Development Services said that we contact the owner and let them know that we have cause for concern and then we would submit to Municipal Court as to why we believe there are concerns.

Councilor Finlay said that you would not have to do that anymore with this ordinance, because they are not in compliance if they don't let you in.

Councilor Cromartie said that this ordinance gives you permission to enter a house.

Mr. Marc Mylott, Director of Planning and Development Services said that I understand where you are coming from with your questions, but as I understand, the intent is to assign the same degree of responsibility to the agent as we do the owner. He will follow up on that at a later time.

Councilor Finlay asked if they don't give you access, can you revoke the business license. He reiterated that the law of unintended consequences is spiraling from this ordinance.

Councilor Davis asked what we do when there's a complaint about a piece of property.

Mr. Marc Mylott, Director of Planning and Development Services said that we request to enter the property.

Councilor Davis asked what you do when the owner refuses to comply with that request. He said that everything is relative; it is a matter of getting to where we need to be without being intrusive. We have to consider whether or not the fee makes sense; what we consider to be the responsibilities of the local agent; and who will define the responsibilities of the agent?

Mr. Marc Mylott, Director of Planning and Development Services said that they obtain a search warrant.

Councilor Gergel said that we are looking at the law of unintended consequences right now as we look at the headaches of many neighbors and the cost to our city. There are models out there. Tell us about how these issues played out in those communities.

Mr. Marc Mylott, Director of Planning and Development Services explained that they looked at Clemson and other municipalities and the degree of requirements vary.

Mr. Don Weaver, Licensed Real Estate Manager for ReMax on Devine Street appeared before the members of Council in opposition to the proposed ordinance. The fee is a concern and there is a question of access. He owns property on Heidt Street and was told by Code Enforcement that windows were broken out and he had to board them up. I boarded them up then I was told there was a drug problem. What was I to do? Then copper was stolen and I sold the property. I did all that I was asked to do. He noted that the neighborhood association found vacant property owners, because they used law firms to find owners that are late on homeowner association fees.

Mr. Jackie Mitchell appeared before the members of Council in opposition to the proposed ordinance. He is a long-time resident of Columbia and he participated in the Martin Luther King area. Over the years, I have learned some things: I have learned how to listen; how to pay attention; and how to lead more intently. I am surprised by what I have seen and heard here today, because you all have the potential to do right by people. I came here today to whip you all a new hip, but I can't do that. I am going to do what I was instructed to do; I am going to give Mr. Austin this letter. I know what I can do and I am not afraid to do it. I am ticked off because I have to do this and I should not have to do this, because this is what you all are elected for, to represent and protect me. I haven't been protected. He returned a plaque that the city gave him many years ago, because it was not mounted correctly. I won't accept anything in distress. I want you all to do the right thing.

Ms. Kathryn Bellfield appeared before the members of Council to ask questions about the proposed ordinance. She owns a house at 2604 Booker Street. After renting it several times, I decided not to rent it anymore. The lights and water were turned on and I live next door. I put my nephew in that house and he pays no rent. Do I have to have a business license to let him live in that house?

Councilor Cromartie replied no; as long as you are not collecting rent.

Ms. Kathryn Bellfield said that when she looked out her door Monday morning she saw a Fire Inspector inspecting a house that has been vacant for forty (40) years. I was told it was commercial property. Also, the house next to it has been vacant for sixty (60) years and the windows are broken out of it; we can't get it cleaned up; I am referred to the Fire Department. There is a house across the street that was formerly owned by Mr. Langley and it has been vacant for twenty (20) years or more. She added that Mr. Randy Martin of the Homeland Security Department comes every time he's called.

Councilor Cromartie responded that no one can live in the house, because the exception for the variance has changed; it is a duplex; and one side can be rented, but the other side can't.

Ms. Kathryn Bellfield said that the house across from her has been vacant for years and they still break the windows out of it.

Mr. Frank Barco appeared before the members of Council in support of the proposed ordinance. He owns three (3) pieces of commercial property in Five Points and there are rats in the neighboring building. He was told that City Council won't deal with those ladies, because the city is afraid of them. He added that the property has been like that for the last fifteen (15) years and it is an eyesore in Five Points.

Councilor Cromartie acknowledged that he has spoken with the ladies on a couple of occasions and what Mr. Barco is saying is absolutely correct.

Mr. Bill Manley appeared before the members of Council in support of the proposed ordinance. He asked the Council to remember that this is what's important to the neighborhoods. We have a problem with absentee landlords and we have to clean up our community. He noted that he had a side bar conversation with the Attorney General about having a mutual agreement with the other states to extradite someone back to Columbia. Ask the lobbyists to look at state law, because we can't allow this to continue. He said that the Council should change the ordinance a little bit, but don't get rid of it, because we have to hold the absentee landlords responsible.

▪ **Council closed the Public Hearing at 12:49 p.m.**

Mayor Coble suggested that they talk about how to proceed. He asked Mr. Marc Mylott, Director of Planning and Development Services to look at the registration process and the ideas heard here today.

Mr. Marc Mylott, Director of Planning and Development Services requested that he be allowed to meet with Mr. Ken Gaines, City Attorney and Ms. Brenda Kyzer, Administrator for the Business License Division to answer the questions asked here today.

Councilor Cromartie asked staff to reconsider the requirement for tax returns.

Councilor Rickenmann asked staff to look at another way to register without the business license aspect.

Councilor Gergel asked staff to consider exempting owners that reside on the same lot as the rental unit.

Councilor Cromartie asked staff to consider an exclusion wherein the owners are present. We also need to look at how the recertification of the property as a business impacts the taxes. We want to understand all unintended consequences. To what extent can the city impose liability upon a local agent as it relates to absentee landlords?

Councilor Davis added that the liability would be based on the responsibilities they have. They must understand what their role is and I don't envision that being complicated. He asked for a side-by-side comparison of the proposed ordinance to existing laws. How do we move forward without duplication? We impose citations now, but if we can't put our hands on a local owner how do we go about enforcing the citation.

Councilor Devine asked if a property owner would need a business license if the rental property is rented through a property management company. Is the owner required to have a business license since the property management company has one? We have a lot of problems in the older neighborhoods that don't have covenants and restrictions. Would we require the same for newer neighborhoods, such as Woodcreek Farms that already have regime fees, covenants and restrictions? We can't say that we will exclude people that live in Richland County, because we have problems with local landlords as well. We need to think through what we are trying to accomplish. We have to reiterate to people that abandoned and vacant properties are not covered by this. We may need to deal with the vacant and abandoned properties first or at the same time, because those concerns were raised the most. She doesn't want to give any false expectations.

Mr. Marc Mylott, Director of Planning and Development Services said there are other conversations that must occur; this is not the end all, be all. Another recommendation is to require the designation of a local agent for the property owners that do not live locally.

Councilor Cromartie said that he is greatly concerned that the full Code Enforcement Taskforce Report is not available, because it has a lot of limitations on the utilization of property by owners that they are not aware of. There are more intrusive elements that the public should be made aware of. He asked that we distribute the report to every neighborhood association and Property Management Company / investors.

Mr. Marc Mylott, Director of Planning and Development Services said that we may not be in a position to produce 8,200 copies of the 80-page report.

Councilor Cromartie said that a lot of investors came today and should be given a copy of the report along with every neighborhood association in Columbia.

Mr. Marc Mylott, Director of Planning and Development Services reminded the Council that one underlying reason for the various appointments to the Taskforce was to ensure that you had a sampling of diversity.

Councilor Davis believes we can still achieve the intent of the Taskforce. He said that you take stock of what you see. It may be systemic in that our laws don't have teeth. We get the results when we have to threaten to move forward with demolition, but it's strange that when you reach that mode you get the call from the owner that wants to discuss it and you have to ask where the landlord has been and why they haven't responded to the communication. We need to do more. Unless you live in an area where you experience the negative impacts of a house that has been sitting or a house that has been boarded up, then you have no idea what the people are talking about that are supporting the intent of the recommendation. The ordinance is subject to tweaking. They would like to live in an area where people are maintaining their property; it doesn't represent a health hazard; and it doesn't represent a safety hazard for women and children. The key is to put your hands on that person; hold them accountable; and give them a specific timeframe to correct the problem. That's all the supporters are asking for.

Councilor Finlay asked Mr. Mylott to define quiet enjoyment and aesthetically pleasing, because he is not certain we are not setting an unreasonable expectation. I don't know if we can ensure that people are going to have aesthetically pleasing neighbors. In other words, there are going to be points where boarded up houses are within code. He wants to make sure we don't set a hurdle that we cannot clear. We have to fix the problems in the code.

Councilor Rickenmann said that the reality is that we have a problem that we must address and fix without passing a burden to the majority of the people who aren't the problem.

Mayor Coble said that the residents of North Columbia and Rosewood always talk about violence and apartments at their neighborhood meetings and we are trying to find common ground to get solutions to that. The other issue is absentee landlords. We have to stay on task to find a compromise that gets to the problem and we should do this unanimously.

Councilor Finlay doesn't want to set an expectation that we can't meet. He realizes that this is difficult, but as a municipality in South Carolina we also have certain limitations.

Mayor Coble clarified that all we are talking about is the ability to serve absentee landlords so we can enforce the law.

Mr. Marc Mylott, Director of Planning and Development Services said that the Taskforce will be preparing suggestions on codes that need to be updated.

Councilor Cromartie noted that the Taskforce doesn't represent the opinion of the City of Columbia, no matter how diverse. We can't take their recommendation as the gospel.

There was a consensus of Council to direct staff to consider the exemptions and registration process as discussed today to determine if we can develop other alternatives. A follow-up report is scheduled for March 4, 2009.

Mr. Charles P. Austin, Sr., City Manager reported that detailed financial statements are ready and will be distributed to the members of Council downstairs.

- **Council recessed at 1:14 p.m.**
- **Council reconvened at 1:55 p.m.**

REPORTS AND UPDATES

7. City Manager's Report – Mr. Charles P. Austin, Sr., City Manager - *This item was deferred until February 4, 2009.*
8. Community Service Project – LTC. Christopher Richardson, 187th Ordnance Battalion / Fort Jackson - *This item was deferred until February 4, 2009.*
9. Comprehensive Plan Part II – Mr. Tandy Carter, Chief of the Columbia Police Department - *This item was deferred until February 4, 2009.*
- 9a. ****Neighborhood Stabilization Program (NSP) – Mr. Tony Lawton, Director of Community Development**

Mr. Tony Lawton, Director of Community Development announced that the Community Development Department will submit an application in response to a Request for Allocations (RFA) to the South Carolina Housing Finance Development Authority on Monday, February 2, 2009 for funding to acquire, rehabilitate, demolish and redevelop foreclosed and abandoned residential properties. The application is being submitted by a team composed of the Development Corporations; community assistance providers; the Columbia Housing Authority; and the Development Services Departments of the City of Columbia and Richland County. He provided a breakdown of the number of foreclosed properties by zip code: 29201 (5); 29203 (37); 29204 (28); 29205 (7); and 29223 (8). We will target these homes as part of this program. Our team members are experienced with working with State Housing and we are on track and comfortable with the submission. A decision will be made by State Housing in March 2009, but he is not sure when money will be available. There are two (2) tiers and no county can receive more than \$10 million for tier one and no county can receive more than \$5 million under tier two, which is for low income rental housing.

Councilor Devine asked if the \$2 million is a direct allocation for Richland County.

Mr. Tony Lawton, Director of Community Development replied yes and we will receive \$144,000 directly from Richland County.

Councilor Devine explained that Richland County received a direct allocation, but the City of Columbia did not; therefore, we have to apply through State Housing. She noted that there may be some overlap.

Mr. Tony Lawton, Director of Community Development Richland County will start their Request for Proposal (RFP) process and they are one (1) of our partners. They received a direct allocation of \$2 million and they made \$1 million available for non-profit agencies.

Councilor Cromartie asked if residents of Richland County serve on the committee.

Mr. Tony Lawton, Director of Community Development said no, the group consisted of city staff and other partners. The committee will be the executive director of State Housing and one other individual. Mr. Louis Levy, a former State Housing employee is working with us as part of the team, also.

Councilor Cromartie noted that the 29201, 29203 and 29204 zip codes have 70 foreclosures. He asked if Richland County would assist with those areas since they received a direct allocation.

Mr. Tony Lawton, Director of Community Development said that Richland County will provide funding to its partners, but that doesn't preclude us from being able to address those areas.

Councilor Cromartie asked how the city would identify those individuals within those zip codes so they will know that there is a possibility for help to occur.

Mr. Tony Lawton, Director of Community Development said that the NSP is for abandoned and foreclosed property; therefore, we already have the list of information.

Councilor Davis asked if people are waiting for the City Loan Program.

Mr. Tony Lawton, Director of Community Development explained that they are working to coordinate a home buying seminar for those that may be interested in the foreclosed properties. We will acquire the property, set aside a certain amount of money for renovations and then we will add the financing component to the process as well.

Councilor Gergel asked if all of the identified foreclosed properties will be a part of the application that is being submitted on February 2, 2009.

Mr. Tony Lawton, Director of Community Development explained that they had to identify those properties as part of the process and that a lot of work is being done on the front end of the whole process so that once we are given the allocation we can move quickly to acquire property.

Councilor Gergel asked if she can assume that the seven (7) properties within the 29205 zip code are part of the proposal.

Mr. Tony Lawton, Director of Community Development replied yes.

Councilor Cromartie asked Mr. Lawton to identify the homes within the 29203 and 29204 zip codes that have been foreclosed.

Councilor Gergel requested the same information for 29205.

Councilor Davis requested a copy.

Councilor Cromartie asked how much money the city will ultimately receive.

Mr. Tony Lawton, Director of Community Development said that we don't what formula is being used to determine the amount of the allocation.

Mayor Coble said that the Stimulus Bill has a significant amount of money in it for the Neighborhood Stabilization Program. How are we going to plan to benefit from the Stimulus Bill?

Mr. Tony Lawton, Director of Community Development said that they will use the vehicles that are already in place; those dollars will be entitled to us as they were before; and if we get any extra funding, it will be added to what we're already getting and we can create programs from that standpoint.

Councilor Devine asked if there's anything we can do to position ourselves knowing that additional monies will come to the Neighborhood Stabilization Program.

Mr. Tony Lawton, Director of Community Development said that we've done a great job of combing the Columbia area to identify abandoned properties; we continue to ride through neighborhoods to identify vacant/derelict properties; we have already gone over our \$10 million amount and may have to back down. We will be in a position to take advantage of additional monies.

9b. **Update on the Disparity Study Recommendations – Mr. Tony Lawton, Director of Community Development and Mr. Vincent Simonowicz, Director of Information Technology

Mr. Tony Lawton, Director of Community Development explained that Mr. Franklin Lee, Esquire arrived in Columbia last night and he is meeting with staff to discuss a couple of items. We are looking at the programs and planning events that we are talking to him about. We are also looking at the recommendations of the Disparity Study to make sure we have done what we need to do as it relates to those recommendations.

Councilor Cromartie said that he has received information, which leads him to believe that job training is a big part of the stimulus package, also. The city had a good program with good results which gives us a foundation to put a request forward. The National League of Cities has indicated that that is a priority and they called a national board meeting to talk about this. This is something we could utilize in the process of training our constituency, so when this recession is bottom out, there will be capable people to go after the jobs in the community. I am concerned about the type of job training program we will be in a position to exercise.

Mr. Tony Lawton, Director of Community Development said that this is something for us to explore. We will have to wait and see what dollars are available for job training.

Councilor Davis said that we should also focus on the area of retraining in terms of technology in order to move forward with the economy. When people lose jobs, what other direction can they take? We know the skill set they are looking for at Innovista. On the northern part of the city we have a new Midlands Technical College campus and that is an option.

Mr. Tony Lawton, Director of Community Development said that we must ask ourselves do we want to be in the training business. We can collaborate with Midlands Technical College, Vocational Rehabilitation (Voc Rehab) and those that do a great job at this.

Councilor Rickenmann asked Mr. Lawton if he is prepared to give an update on where we are since Mr. Lee is here. He said that any information he gives to you about where we are on the Disparity Study should be shared with Council.

Mr. Tony Lawton, Director of Community Development said that Mr. Lee will be here in 10 minutes. We have made great strides with the Disparity Study, but I would yield to him.

Councilor Gergel said that she would hope that the City Manager is looking at ways to make sure our city is poised and ready to go after every possible project. We don't want to do everything but we can collaborate with others.

Mr. Charles P. Austin, Sr., City Manager said that we are moving forward with the Subcontracting Outreach Program; the Mentor Protégé Program is in place; we are now in the testing phase for Bid Online; and we are taking steps toward the Centralized Bidder Registration process.

Councilor Finlay asked if they will have a chance to ask questions on the financials that were provided today.

Mr. Charles P. Austin, Sr., City Manager said that we can arrange that.

Mr. Vincent Simonowicz, Director of Information Technology explained that staff met with Mr. Lee in November 2008 to review the Online Bidder Registration application. To date we have approximately seventy (70) vendors that have registered.

Councilor Devine asked how vendors were notified about the registration process.

Mr. Vincent Simonowicz, Director of Information Technology said that we notified vendors during a Council meeting and we sent out a notice internally, but nothing has gone out officially to vendors. No mass mailing went out. We plan to go live on March 4, 2009 with the full application. No bids are being put on the system until March 4th, but vendors can register now. He said that the application is fully functional for use by the Purchasing Department.

Mr. Ken Wiggins, Director of Procurement further explained that once it is fully tested and working properly we can put the bids out there.

Councilor Cromartie suggested that staff test the application before March 4th.

Mr. Vincent Simonowicz, Director of Information Technology said that we are doing that now.

Mr. Ken Wiggins, Director of Procurement said that he has to know that it was fully tested and operational first.

Mr. Charles P. Austin, Sr., City Manager insisted that the system will be ready on March 4th and the testing process is underway; all that will be completed come March 4th.

Councilor Devine asked that they arrange a time for Public Relations to interview Franklin Lee for Channel 2; that staff distribute flyers at the Minority Business Symposium on February 3, 2009 at the Hilton, which is being organized by Ms. Cynthia Hardy of On Point Media; and that we notify all companies that have done business with the City of Columbia within the last twelve (12) months.

Councilor Cromartie said that the Minority Business Enterprise should be contacted with the information via e-mail. When we tell them March 4th as indicated here, we would anticipate that there are no glitches.

9c. **Financial Inquiries – Mr. Bill Ellis, Deputy Finance Director

Councilor Finlay told Mr. Bill Ellis, Deputy Finance Director that he has been flipping through the financials and he needs help connecting a few dots. On page 24, the audit states that the fund balance for the General Fund as of June 30, 2007 was \$23,725,000. When I look at your projections that you provided today, you projected a fund balance of \$12,980,000 as of June 30, 2008 compiled as of January 21, 2009. That means that we burned approximately \$11 million of reserves.

Mr. Bill Ellis, Deputy Finance Director said yes sir.

Councilor Finlay asked are we burning reserves at the same rate today.

Mr. Bill Ellis, Deputy Finance Director asked Mr. Finlay to look at the September statements that were included and the monthly projections through December. We are right on the edge of burning \$3 million of the \$12 million.

Councilor Finlay said that would put us at \$10 million reserves as of November.

Mr. Bill Ellis, Deputy Finance Director said that is correct. He said that we are projecting out as of June 30, 2009.

Councilor Finlay asked if it is reasonable to assume that we could go through another \$3 million in reserves in the last seven (7) months.

Mr. Bill Ellis, Deputy Finance Director replied no sir, that is an annual projection.

Councilor Finlay asked if he is projecting that we will burn \$3 million in reserves in fiscal year 2008/2009.

Mr. Bill Ellis, Deputy Finance Director said that is correct; we are projecting out through June 30, 2009, if we hit budget. We are projecting that we can hit budget, but it is close.

Councilor Cromartie asked Mr. Ellis what he meant by that.

Mr. Bill Ellis, Deputy Finance Director said that it's too close to determine if we are going to hit budget or not.

Councilor Cromartie asked if it is Mr. Ellis' job to make sure we hit budget.

Councilor Finlay said no, not if we spend it.

Councilor Cromartie said that we need to get directions in terms of where we are in terms of what we are spending so we will know in advance what we are doing. We can make good decisions with the right information.

Mr. Bill Ellis, Deputy Finance Director said that the projection is that we are close.

Councilor Finlay said that's why he wanted to stop what we were doing and look at the information, because staff has very clearly told us in draft form that in budget year 2007/2008, we burned \$11 million of our \$23 million reserves. They are now telling us very clearly that we may burn another \$3 million in 2008/2009, which would take us to about \$10 million of Rainy Day Reserves, which puts us below our 10% Rainy Day Reserves.

Mayor Coble suggested that staff give a report before next week on what we need to do in terms of cost savings and how we will address these issues.

Councilor Rickenmann asked that we schedule a Work Session.

Councilor Cromartie expects to hear the alternatives on what can be done from the City Manager and the Finance Director. We need accurate and complete information.

Mr. Charles P. Austin, Sr., City Manager said that they will present the alternatives in writing.

Councilor Devine concurred with scheduling a Work Session. She reiterated Mr. Cromartie's point stating that they make the best decisions they can make based on the information they are provided. This has always been something that I have not quite understood. Each year we continue to use the fund balance to create our budgets; we raised that as not being a good accounting process; and it continues. We need a Work Session on how to read these

statements; where are the numbers coming from; and how the numbers are reported. This is a good report, but it's different from our budget report and we need some consistency.

Councilor Finlay disagreed, saying that our Auditor came to Council in May 2008 and said that we were dramatically burning through our reserves. We've known that this issue has been going on. We are starting to see the trend; we are tracking 1 to 1.5 points behind on revenue. That can be caught up dramatically, but we are in a very tight situation. That \$3 million operating deficit could go to \$5 million. Council must heed what they've told us, meaning that we must dramatically contemplate what to spend over the next five (5) months. If revenues start falling now, they could fall well into next year and this does not bode well for fiscal year 2009/2010.

Mayor Coble said that we have up-to-date numbers and information we can act on, but we are also in a national recession that is going to impact revenues. We need to know what steps to take in this year's budget and next year's budget.

Councilor Finlay added that this is the single most crippling issue we've faced and other things will have to stop to get our arms around this.

Councilor Rickenmann said that this is exactly what they talked about 60 days ago "we need to pull back; it's coming" and "oh no, we're fine for this year; you all don't worry about it; we don't need to make any cuts; we are going to be fine; and we have plenty of revenue" and that's not the case. We were chastised and we have to set aside the time. We are on the edge and we need a lot of information before February.

Mr. Bill Ellis, Deputy Finance Director said that if you look at your reports, we are on budget. Today, I believe that revenue projections are good, but what scares me are the expenses.

Councilor Davis said we are in a better position now in terms of information. That helps to make the kind of decisions that we need to make. I agree with Ms. Devine in terms of what the fundamental arguments were over a period of time. The arguments now, in terms of discovery is about systemic issues with the budget; how things are calculated; and what was being identified and reviewed. We have done a good job moving forward. We need to move forward from being close to meeting revenues. He asked Mr. Ellis to methodically walk the Council through the reports and show them what he means by close as it relates to the budget.

Mr. Bill Ellis, Deputy Finance Director explained that we are between \$300,000 and \$400,000 over budget; we have initiated some cost savings measures that should reduce those expenditures. If that occurs, then we will meet budget.

Councilor Cromartie said that he hears the concerns of his peers adding that we should be greatly concerned. He stated that the City of Columbia has had budget concerns over the 20 years that he's been here and the only difference was we did not have accurate information. When we get accurate and on time information, this Council can make the cuts necessary based upon the recommendation of staff.

Councilor Finlay disagreed with Mr. Cromartie noting that while we may have had budget issues in the past, we always had a very large reserve in previous financial situations. Before I came on this Council, the previous audit reflected \$35 or \$38 million in reserves and now a lot of those reserves are gone.

There was a consensus of Council to schedule a Work Session to discuss the financial reports and how they relate to the budgeting process.

CONSENT AGENDA

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

10. Council is asked to Authorize Contract Negotiations for a Response to the Request for Proposals for a Pavement Management Study of City Owned Streets, as requested by the Public Works Department. Award to Wilbur Smith & Associates of Columbia, SC as recommended by the Selection Committee. *Funding Source: 4079999-636600 - Consideration of this item was deferred until February 4, 2009.*

Councilor Davis said that he is noticing that there is not a dollar amount on **Item 10**.

Ms. Melissa Gentry, P.E., Director of Public Works explained that this is a request to negotiate with a vendor for an amount not to exceed \$80,000. The decision to recommend Wilbur Smith & Associates was not based on cost, but it was based on qualifications. This is a Request for Qualifications (RFQ) for professional services. She offered to defer the matter until next week.

Councilor Cromartie said that he wants more information on how we derived at this decision; we need the numbers that were used. No disrespect to the committee, but the accountability process needs to be at a higher level and we need to be in a position to understand that.

Mr. Charles P. Austin, Sr., City Manager said that we would hold this item and bring a report back to the Council next week.

11. Council is asked to approve the Purchase of Two-thousand (2,000) copies of Charley's Columbia Backyard as part of the Together We Can Initiative. Award to B.A Reader Publishing Company in the amount of \$12,000.00. This vendor is located in Columbia, SC. *Funding Source: Together We Can - Approved*

Councilor Devine explained that **Item 11**. is the purchase of the books for the literacy programs as part of the Together We Can initiative. These are for third graders in Richland One and City Council members along with other guest readers we will go into the schools and read them. The books will be provided at cost and the funding source is the Together We Can budget. She thanked the author, Ms. Caroline Bennett.

12. Council is asked to approve the Purchase of One (1) Lot of IFAS Update Services for 7i Servers, as requested by the Information Technology Department. Award to Sungard in the amount of \$15,500.00. This vendor is located in Chicago, IL. *Funding Source: 6218950-638200 - Approved*

Councilor Devine said that the City Manager has had some challenges with IFAS and I want to make sure this purchase is to keep the system up.

Mr. Charles P. Austin, Sr., City Manager explained that this is being done to provide the necessary support for upgrades to the accounting system and Bid Online.

Councilor Devine asked if there are safeguards in place to make sure everything is working as it should in the system. I would hope that our consultants could tell us whether everything is working as it is supposed to.

Mr. Charles P. Austin, Sr., City Manager said that our Information Technology Department is more intimately involved with the process.

Mr. Vincent Simonowicz, Director of Information Technology said that the consultant is here to fine tune our operations and make sure IFAS is working properly. A consultant comes in 3 weeks per month to fix glitches and work with different departments. Councilor Cromartie asked how much longer this will occur.

Mr. Vincent Simonowicz, Director of Information Technology replied through the end of March 2009.

Mr. Charles P. Austin, Sr., City Manager reported that we will come back with an extension contact to help with the restructuring of the Finance Department.

Mr. Vincent Simonowicz, Director of Information Technology added that this will help us with getting the bank reconciliation process and other processes.

Councilor Cromartie asked if the bank reconciliation process is completely updated.

Mr. Charles P. Austin, Sr., City Manager said that it has not been completed. He believes that we are now working on 2008. I will provide a specific date of completion.

Councilor Cromartie said that in order for that to work effectively there has to be seamless coordination between Information Technology and the Finance Department.

Mr. Charles P. Austin, Sr., City Manager said that the coordination is there. He agreed to provide the detailed schedule on February 4, 2009.

Councilor Rickenmann asked how much more needed to be done with IFAS. I can't begin to calculate the amount of money we've spent in the last nine (9) months on IFAS. How much more do we need to do to ensure we have all of the upgrades? At a certain point you have to decide to cut your loss and move on, because all we're doing is spending on this system.

Mr. Charles P. Austin, Sr., City Manager said that we will have a comprehensive report for Council next week.

13. Council is asked to approve the Purchase of an Overland Tape Library for Data Backup, Archive and Disaster Recovery, as requested by the Information Technology Department. Award to CDW Government, using the GSA Contract in the amount of \$35,239.40. This vendor is located in Vernon Hills, IL. *Funding Source: (1011120-658600 \$27,340.04); (1011120-636600 \$1,008.56); (1011120-638200 \$6,890.80) - Approved*
14. Council is asked to approve the Professional Services Contract for conducting development and testing for the promotional ranks of Battalion Chief, Captain and Engineer in March 2009, as requested by the Fire Department. Award to University of South Carolina, as a Sole Source in the amount of \$42,250.00. This vendor is located in Columbia, SC. *Funding Source: (1012301-636600 \$1,100.00); (2082306-636600 \$20,025.00); (1012304-636600 \$21,125.00) - Approved*

Councilor Rickenmann asked for an explanation.

Councilor Finlay wants to understand what this contract will do and how are we going to get more inspectors on the job to decrease the current back log.

Mr. Bradley Anderson, Fire Chief explained that a proposal was presented to phase in additional Deputy Fire Marshalls over a two (2) year period by budgeting for three (3) additional Deputy Fire Marshalls in the current year and two (2) in the following year.

Councilor Finlay said that there isn't going to be much money and this prevention is worth a lot of cure; these inspectors are going to be paramount. He urged Chief Anderson not to depend on new money for the additional Deputy Fire Marshalls.

Mr. Charles P. Austin, Sr., City Manager said that the Fire Chief has provided three (3) options: hire them all at once; hire three (3) in one (1) year and two (2) the next year; or phase in the personnel over a three (3) year period.

Councilor Finlay stated that even in a tight year, there is a way to find more inspectors.

Mr. Bradley Anderson, Fire Chief further explained that the promotional process begins every two (2) years for the ranks of Engineer, Captain and Battalion Chief. We develop a listing as vacancies occur and promote from this list. This year we are in a revision process starting with the task analysis, which is done every six (6) years and USC is evaluating current jobs to determine what people do and then base the promotional testing on the incumbent's responses to their current job duties. These tests are developed around the job duties and are balanced mathematically to accurately reflect exactly what incumbents do. This involves a lot of technical input. A firm in Atlanta helped us put this process together in 1996. We have been using the University of South Carolina over the last year and they have been wonderful in working with us. Councilor Rickenmann asked if this would be a reoccurring expense every two (2) years.

Mr. Bradley Anderson, Fire Chief said that \$25,000 will be needed in the next two (2) years.

Councilor Davis asked if the task analysis is for the purpose of highlighting the basic skill requirements per position.

Mr. Bradley Anderson, Fire Chief said that the task analysis has already been done. This contract is to develop the test procedure and questions; to administer the test; and to score the test and develop the results.

Councilor Davis asked what the baseline skill requirements are for an Engineer.

Mr. Rick Dunn, Assistant Fire Chief for Fire Protection Services said that USC helped to develop a questionnaire and 70% of the incumbents in that position responded then we identified those critical skills. In this process, that new job analysis identified the areas that we were not testing in order to identify the skill competency areas that were critical to the position. This is for internal candidates moving through the ranks of the operation.

15. Council is asked to approve Project # WM4178; Water Main Relocation on U.S. Hwy. 176, as requested by Utilities and Engineering. Award to New Independent Waterworks, the lowest bidder in the amount of \$52,426.04. This vendor is located in West Columbia, SC. *Funding Source: Water Improvement Fund WM417801-851500* **Note:** *The work is being completed by City Forces. - Approved*
16. Council is asked to approve the Purchase of Twenty-Six Hundred (2600) Roll Carts, as requested by the Solid Waste Division. Award to Toter Incorporated, as the Sole Source in the amount of \$127,693.80. This vendor is located in Statesville, NC. *Funding Source: 1014401-627600 - Approved*
17. Council is asked to approve Capital Project 104901; Restoration of Martha's Glen Road, as requested by the Utilities and Engineering in the amount of \$172,168.99. Also, work is being done by City Forces. *Funding Source: Capital Projects Fund 4039999-CP104901-658670. Note: On July 10, 2002, Council awarded Cherokee, Inc., the project in the amount of \$247,212.25. The Contract is being terminated. All quotations for material are outlined below. - Approved*

Vendor	Material	Cost
REA Contracting	Asphalt Binder	\$58,344
Vulcan	Three (3) types of Stone	\$69,290
Seaco, Inc.	800 Gallons of Asphalt Emulsion	\$2,600
Southeastern Concrete Product Co.	Three (3) Cubes of Brick & Fifteen (15) Bags of Cement	\$670.89
Hardaway Concrete	3000 PSI #57 Stone w/ash	\$2,011.60
Capital Supply	Leash Type for French Drain	\$4,252.50
Waste Management	Tipping Fees	\$35,000.00
	Total	\$172,168.99

18. Council is asked to Purchase Vehicles, as requested by the Various Departments, using the State Contract in the amount of \$210,096.00. *This will be charged as follows: - Approved*

Vendor	Quantity	Type	Department	Account	Total
Butler Chrysler Dodge Jeep	2 Each	Dodge Avenger (Flex Fuel)	Police Investigations	1012407-658500	\$32,696.00
Herndon Chevrolet	2 Each	Impala LS (Flex Fuel)	Police Investigations	1012407-658500	\$34,156.00
Saturn of Columbia	1 Each	Saturn Vue (Hybrid)	Fire Shop Maintenance	1012305-658500	\$27,299.00
Fred Anderson Toyota	1 Each	Toyota Prius (Hybrid)	Fleet Services	6308971-658500	\$23,189.00
Fred Anderson Toyota	1 Each	Toyota Prius (Hybrid)	Parking Enforcement	5312413-658500	\$23,189.00
Fred Anderson Toyota	1 Each	Toyota Prius (Hybrid)	Utilities Columbia Canal WTP	5516206-658500	\$23,189.00
Fred Anderson Toyota	1 Each	Toyota Prius (Hybrid)	Utilities Lake Murray WTP	5516207-658500	\$23,189.00
Fred Anderson Toyota	1 Each	Toyota Prius (Hybrid)	Development Services	1014101-658500	\$23,189.00
			Total		\$210,096.00

19. Council is asked to approve Project #SS7081; Emergency Repairs at the Broad River Lift Station, as requested by Utilities and Engineering in the amount of \$600,000. Award to Carolina Tap and Bore of West Columbia, SC and McClam & Associates of Little Mountain, SC. *Funding Source: Sewer Improvement Fund **Note:** The anticipated charges for emergency repairs: Carolina Tap and Bore in the amount of \$100,000.00 & McClam & Associates in the amount of \$500,000.00 - Approved*

ORDINANCES – SECOND READING

20. Ordinance No.: 2008-068 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, Article VIII, Abandoned Refrigerators and Other Hazardous Containers (*Recommended by the Code Enforcement Taskforce*) - *First reading approval was given on January 7, 2009. – Approved on second reading.*
21. Ordinance No.: 2008-104 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Provisions to add Article X, Sexual Offender Residency Restrictions – *First reading approval was given on January 7, 2009. – Second reading consideration was deferred.*

CERTIFICATE OF CONVENIENCE AND NECESSITY

22. Council is asked to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. Award to David L. Jones doing business as Luxor Limousine Services located at 2204 Pinewood Road, Sumter, SC. - *Approved*

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to approve the **Consent Agenda Items 11.** through **20.** and **22.** on a single motion. Consideration of **Items 10.** and **21.** was deferred.

ORDINANCES – FIRST READING

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to **Items 24., 25.** and **27.** on a single motion. The consideration of **Items 23.** and **26.** were deferred until February 4, 2009.

23. Ordinance No.: 2008-048 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina Chapter 2, Administration, Article III, Officers and Employees, Sec. 2-120 through Sec. 2-131 and Article IV, Departments, Sec. Sec. 2-151, Departments created; department heads; administrative regulations and procedures, (a)

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First reading consideration of this item was deferred until February 4, 2009.

24. Ordinance No.: 2008-109 – Granting an encroachment to Governors Hill Home Owners Association for installation and maintenance of an irrigation system, landscaping and electrical boring within the right of way area adjacent to 13 Governors Hill (*Mr. Chip Land, Long Range Planner: Recommends approval*) – *Approved on first reading.*

25. Ordinance No.: 2008-110 – Granting an encroachment to Steve Moon for installation and maintenance of two stone entry columns and a walkway within the Heyward Street right of way, and two concrete steps, a walkway and two stone wing walls within the right of way area of the 100 block of South Saluda adjacent to 1842 Heyward Street (*Mr. Chip Land, Long Range Planner: Recommends approval*) – *Approved on first reading.*

26. Ordinance No.: 2009-002 Granting an encroachment to the University Hill Neighborhood Association for landscaping within the rights of way areas of the southeast corner of Pendleton Street and Pickens Streets and Southwest corner of Gervais Street and Gregg Street (*Mr. Chip Land, Long Range Planner: Recommends approval*) - *First reading consideration of this item was deferred until February 4, 2009.*

27. Ordinance No.: 2009-003 – Granting an encroachment to Steve McKelvey and Tracy McKelvey for installation and maintenance of a driveway within the right of way area of the 400 block of Princess Street adjacent to their property at 2401 Wilmot Avenue (*Mr. Chip Land, Long Range Planner: Recommends approval*) – *Approved on first reading.*

RESOLUTIONS

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve **Items 28.** and **29.** on a single motion.

28. Resolution No.: R-2009-003 – Authorizing consumption of beer and wine at Viva la Vista - *Approved*

29. Resolution No.: R-2009-004 – Authorizing consumption of beer and wine at Vista Lights - *Approved*

APPOINTMENTS

30. Board of Zoning Appeals

Upon motion by Mr. Davis, seconded by Mr. Cromartie, Council voted unanimously to approve the appointment of Mr. Darrell T. Black to the Board of Zoning Appeals for a five (5) year term as a replacement for Mr. Alvin Hinkle.

OTHER MATTERS

30a. **City Manager Search Process – The Honorable Mayor Robert D. Coble

Mayor Coble said that they need to consider if they want someone to be in charge of the gathering of resumes and things of that nature. Last time, Mr. Miles Hadley was in charge of the process itself, but he was not operating as a recruitment firm. Secondly, do we want to have some type of search firm? If we do, we should consult with the National League of Cities and the Municipal Association of South Carolina.

Councilor Devine said that the process worked well last time, but a national search firm would best serve us at this time.

Councilor Cromartie said that he did contact NLC to obtain references. He said that the Council would have to be actively involved in the process to include reviewing the applications.

Councilor Gergel concurred with Mr. Cromartie.

Mayor Coble asked if the Council wanted Mr. Hadley to assist with organizing the process.

Councilor Devine asked if the search firm would do the same thing.

Mayor Coble asked that staff draft a Request for Qualifications and that Council reach out to search firms that have been successful before.

Councilor Gergel offered to work with her peers to move this process forward.

Councilor Finlay suggested that they discuss this at the Retreat.

Councilor Devine suggested that this be done prior to the Retreat since it is scheduled for the end of February. She further suggested that they circulate the list of firms by Monday.

Councilor Finlay suggested that they verify references of the search firm and their fee structures.

Councilor Cromartie said that we decided not to use Mr. Hadley, because that is expensive. We can work together to get this done.

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to compile a listing of at least three (3) executive search firms through the National League of Cities (NLC), the Municipal Association of South Carolina and other resources. Those names are to be sent to Mayor Coble for distribution on Monday for further discussion on February 4, 2009.

30b. **Internal Auditor Request for Qualifications – The Honorable Mayor Robert D. Coble

Mayor Coble noted that they have received the Internal Auditor Request for Qualifications. He asked the City Attorney to e-mail the clean document with his changes to the Council for discussion next week.

Councilor Finlay said that the RFQ needs to be vetted with an outside source, because he is not qualified to understand an RFQ for an Internal Auditor. He thinks that this Council also needs to consider the potential of hiring an outside consultant to review the Police Department. We have a definitive report from Chief Justice Finney that is 18 months old and our turnover issues continue; although we raised pay the issues continue. This is beyond our skill set and we need a set of eyes outside the Police Department to look in and tell us how we can make changes; the matrix; and what we should be looking at.

Mayor Coble suggested that they discuss this during the presentation of the Comprehensive Plan for the Police Department.

30c. **Challenge Day – Mr. Charles P. Austin, Sr., City Manager

Mr. Charles P. Austin, Sr., City Manager reported that Palmetto Project has requested payment for Challenge Day in the amount of \$26,000.

Councilor Rickenmann suggested that funding come from the Council Contingency Account from last year, but he can't stand by the reported number.

Councilor Devine asked for the dates for Challenge Day.

Mr. Charles P. Austin, Sr., City Manager said that if Council authorizes staff, they can come back with the funding from 2-3 accounts. He said that he would bring the dates back to Council.

A motion by Mr. Cromartie, seconded by Mr. Rickenmann to approve the funding allocation was not voted upon.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

No one appeared at this time.

EXECUTIVE SESSION

Upon motion by Mr. Davis, seconded by Mr. Cromartie, Council voted unanimously to go into Executive Session at 3:22 p.m. for the discussion of **Items 31.** and **A.** as outlined below.

31. Receipt of legal advice which relates to a matter covered by attorney-client privilege
- Ordinance No.: 2008-108 - 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. 8-218 to add (8); and to delete Sec. 8-219 and renumber subsequent section
- This item was not discussed in Executive Session.*

- A. Discussion of negotiations incident to proposed contractual arrangements
- Richland School District One (1) School Resource Officer (SRO) Contracts
This item was not discussed in Executive Session.

 - **Village at River's Edge
 - **Metro Water Treatment Plan
 - **External / Internal Auditor
 - Disparity Study
These items were discussed in Executive Session. No action was taken.
-
- **Ms. Devine left the meeting at 4:18 p.m.**

 - **Mr. Davis left the meeting at 4:58 p.m.**
 - Audit Functions
This item was discussed in Executive Session. No action was taken.

 - **Council adjourned the meeting at 6:23 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk