



CITY OF COLUMBIA  
CITY COUNCIL MEETING MINUTES  
WEDNESDAY, MARCH 3, 2010  
9:00 A.M.  
COUNCIL CHAMBERS – 3<sup>RD</sup> FLOOR  
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting on Wednesday, March 3, 2010 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Pro-Tempore Kirkman Finlay III called the meeting to order at 9:01 a.m. and the following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Sam Davis and The Honorable Daniel J. Rickenmann. The Honorable Tameika Isaac Devine arrived at 9:06 a.m.; The Honorable Belinda F. Gergel arrived at 9:15 a.m.; and The Honorable Mayor Robert D. Coble arrived at 10:04 a.m. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Salley, City Clerk.

### **INVOCATION**

Mr. S. Allison Baker, Senior Assistant City Manager offered the Invocation.

### **APPEARANCE OF PUBLIC HAVING BUSINESS RELATED TO THE AGENDA ITEMS**

No one appeared at this time.

### **MINUTES**

1. Minutes of August 19 and 26, 2009 – *Approved as presented.*

Upon a motion made by Mr. Cromartie and seconded by Mr. Finlay, Council voted unanimously to approve the Minutes of August 19 and 26, 2009 with a single motion and as presented.

### **PRESENTATIONS**

2. \*\*Introduction of the Columbia Fire Department Command Staff – Mr. Steven A. Gantt, City Manager

Mr. Steven A. Gantt, City Manager introduced Mr. Aubrey Jenkins, Interim Fire Chief; Mr. Harry Tinsley, Interim Deputy Fire Chief; Ms. Carmen Floyd, Assistant Chief; and Mr. James Helms, Interim Assistant Chief as the new command staff at the Columbia Fire Department.

3. \*\*Salvation Army Update – The Honorable E.W. Cromartie, II

The Honorable E.W. Cromartie, II read the following statement addressing his concerns related to the relocation of the Salvation Army of the Midlands to Farrow Road.

*During last week's meeting, there was a discussion about the Salvation Army and their plans to locate a facility and feeding center on Farrow Road. Many of my constituents from District Two spoke about how it would impact their quality of life, their property values and the livelihood of their businesses. All of these matters caused people to be passionate and as their District Councilman; I too was passionate in seeking answers to these questions. However, I don't want my passionate concerns for my constituents to be seen or perceived as being anti-homeless or anti-Salvation Army. I've known from many years of public service that homelessness affects many people in many parts of our community and I realize that all of us are just one meal away from being homeless.*

*Most or all of the current homeless shelters are located in the district that I am elected from. My concerns are also about the homeless and how they can receive the best possible service and how they can be treated with humanity. One of the programs that I am proud of over my two (2) decades on City Council is the Work Initiative Program. The focus of that program is to provide free job training to persons who have lost their way in society. We did not turn away those who had criminal histories or bouts with drugs and alcohol or those who were homeless, because the program was created to help that particular audience. The bottom line is we need a solution. The homelessness situation must be addressed by finding multiple solutions, because of the differences among men, women and families that are affected by this devastating situation. I had the pleasure and honor of meeting with Salvation Army representatives on yesterday with Mr. S. Allison Baker, Senior Assistant City Manager. Through our discussions we are working together to address their concerns and the needs of the community, but also considering the impact on residents and business owners in the immediate area. Together is a word that must remain as part of all of our discussions as we work to find solutions.*

The Honorable E.W. Cromartie, II also read the following statement from Mr. Steve Anastasion, Chair of the Salvation Army of the Midlands Advisory Board.

*In a meeting of the Executive Committee of the Salvation Army, held on Tuesday, March 2, 2010, it was decided to proceed with planning for the new headquarters, but to remain open to opportunities for partnership with others in organizing a feeding program for the homeless at multiple locations if necessary for central city feeding in the Columbia Metropolitan area.*

The following individuals appeared before the Council in opposition to the relocation of the Salvation Army to the Easter Seals Building on Farrow Road:

Ms. Katheryn Bellfield, President of the Booker Washington Heights Neighborhood Organization  
Mr. Isaiah Davis, Davis & Dingle Family Dentistry  
Dr. Rev. Jamey O. Graham, Sr., Pastor of St. John Baptist Church  
Mr. Joshua McDuffie, President of the Cottontown Neighborhood Association

Upon a motion made by Mr. Cromartie and seconded by Dr. Gergel, Council voted unanimously to form a committee of Council members, the appropriate City staff, residents of downtown neighborhoods and Farrow Road, Farrow Road business owners, representatives of the Salvation Army and representatives of all organizations involved with providing services to the homeless. A meeting should be scheduled as early as next week.

4. Love / Forgive / Please Stop the Violence – Mr. Dentis Shaw, Founder of the Athletes of America Helping Americans, Inc.

Mr. Dentis Shaw, Founder of the Athletes of America Helping Americans, Inc. invited the City Council to participate in the 1<sup>st</sup> Annual Please Stop the Violence Night on April 10, 2010 at 7:00 p.m. during the Charlotte Bobcats basketball game against the Detroit Pistons at the Time Warner Arena in Charlotte, North Carolina.

5. Innovation Center and Knowledge Economy Awards – Mr. Bill Mahoney, CEO / South Carolina Research Authority

Mr. Bill Mahoney, CEO / South Carolina Research Authority presented Mr. Jim Gambrell, Director of Economic Development with a plaque recognizing him as a Knowledge Economist.

Mr. Marvin Davis, Vice President of Property and Asset Management for the South Carolina Research Authority (SCRA) announced that the new Columbia Innovation Center is located at the corner of Catawba Street and Assembly Street and the corporate office of the SCRA will relocate from Lady Street to the Columbia Innovation Center. There is 37,000 sq. ft. of space to be leased and the target tenants are research and light manufacturing firms from the University of South Carolina and the private sector.

6. Environmental Protection Agency's (EPA) Community Action for a Renewed Environment (CARE) Grant – Ms. Teresa Wilson Florence, Director of Governmental Affairs

Ms. Teresa Wilson Florence, Director of Governmental Affairs sought the Council's endorsement of an EPA Community Action for a Renewed Environment Grant. The Central Midlands Council of Governments is applying for the grant to promote and implement an anti-idling and clean air campaign in all public schools within Richland and Lexington Counties.

Upon a motion made by Dr. Gergel and seconded by Mr. Rickenmann, Council voted unanimously to endorse the City of Columbia's partnership with the Central Midlands Council of Governments in applying for the Environmental Protection Agency's Community Action for a Renewed Environment (CARE) Grant.

7. Main Street Church Security Taskforce – Mr. Robert M. Stewart, CEO / Stewart Konduros & Associates, LLC

Mr. Robert M. Stewart, Vice President of the Parish Council for the Holy Trinity Greek Orthodox Church appeared before the Council on behalf of the Holy Trinity Greek Orthodox Church, Main Street Methodist Church and Ebenezer Lutheran Church along with the Downtown Neighborhood Association to discuss safety and security issues in the downtown area and to make a proposal that can serve as an aide to business development in the area. They proposed that the City Center Partnership's Clean and Safety Team be expanded by adding ten (10) employees. He also suggested that another officer is needed to patrol Main Street from mid-afternoon through the late evening. We do not object to the Midlands Housing Alliance operations. We hope that the Alliance makes every effort to prevent dangerous fugitives, violent criminals and sex offenders from becoming involved with their programs.

8. Eau Claire Development Corporation – Mr. S. Allison Baker, Senior Assistant City Manager

Mr. S. Allison Baker, Senior Assistant City Manager provided a briefing on the Eau Claire Development Corporation, which was chartered in 1993 as an urban community based 501(c) 3 committed to grass-roots empowerment, residential housing opportunities and commercial development in North Columbia. He outlined the pros and cons of **A)** dissolving the corporation; **B)** merging the corporation with another existing corporation; or **C)** improving the business model of the existing corporation. Mr. Baker recommended that the operations of the Eau Claire Development Corporation be improved by adopting effective risk analysis processes and procedures; re-examining the current source of funding; scheduling quarterly project briefings to the City Council and Senior Management; and presenting projects to City Council and the City Manager that could potentially become a financial liability, whether it involves City funds or not.

The following individuals appeared before the Council in support of the Eau Claire Development Corporation:

Rev. Richard Dozier, Chair of the Eau Claire Development Corporation  
Mr. Henry Hopkins, Eau Claire Community Council

The following individual appeared before the Council in opposition to the Eau Claire Development Corporation:

Mr. Bill Manley, Eau Claire Community Resident

Upon a motion made by Mr. Davis and seconded by Mr. Cromartie, Council voted unanimously to endorse recommendation C as outlined by Mr. Baker. Staff is directed to present a plan of action on March 24, 2010 on the Eau Claire Development Corporation's accountability issues, financing of projects and communications with Council.

9. \*\*Interim Measures / Community Character Protection – The Honorable Mayor Robert D. Coble

The Honorable Mayor Robert D. Coble reported that the Shandon Neighborhood Council has considered various options for neighborhood protection and would like to have the Interim Measures / Community Character Protection formalized as an overlay category.

Upon a motion made by Mayor Coble and seconded by Dr. Gergel, Council voted unanimously to direct staff to provide recommendations for the designation of Interim Measures for Community Character Protection as a design preservation overlay option for neighborhoods.

### **CONSENT AGENDA**

Mr. Aubrey Jenkins, Interim Fire Chief explained that **Item 10.** is to approve the purchase of special gear for the Urban Search and Rescue Team.

Upon a single motion made by Mr. Finlay and seconded by Mr. Davis, Council voted unanimously to approve the **Consent Agenda Items 10.** through **19.** as presented. Dr. Gergel was not present for the vote.

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

10. Council is asked to approve the Purchase of Morning Pride USAR Gear, Coats and Pants, as requested by the Fire Department. Award to Newton's Fire & Safety Equipment in the amount of \$18,152.55. This vendor is located in Swepsonville, NC. *Funding Source: 254999-627100 Homeland Security Grant Control - Approved*
11. Council is asked to approve the Purchase of a Trailer, as requested by the Homeland Security Division. Award to Custom Trailer Works in the amount of \$18,622.28. This vendor is located in Wren, GA. *Funding Source: 254999-658500 / JL 9601000208-658500 MMRS 2008 Grant - Approved*
12. Council is asked to approve the Purchase of a Ludlum Portable Portal Monitor and Accessories, as requested by the Homeland Security Division. Award to Arrow-Tech, Inc. in the amount of \$20,991.26. This vendor is located in Rolla, ND. *Funding Source: 254999-627100 / JL 9601000208-627100 MMRS Grant - Approved*
13. Council is asked to approve Project SS7056 (30); an Increase in Project Amount for Emergency Rental of Bypass at Longcreek #3 Pump Station, as requested by Engineering Administration. Award to Godwin Pumps of America in the amount of \$26,097.30. This vendor is located in Bridgeport, NJ. *Funding Source: 552999-SS705630-851600 - Approved*

14. Council is asked to approve the Purchase of Three (3) Ford Ranger Vehicles, as requested by the Engineering Department. Award to Vic Bailey Ford in the amount of \$39,804.00. This vendor is located in Spartanburg, SC. *Funding Source: 5516218-658500 - Approved*
15. Council is asked to approve Mentor Protégé Program Project #SS7079; Rehabilitation along Pelham Drive, as requested by the Utilities and Engineering Department. Award to Trussell Brothers Construction in the amount of \$119,480.90. This firm is located in Columbia, SC. *Funding Source: SS707901 - Approved*
16. Council is asked to approve Mentor Protégé Program Project #WM4198; 12" DIP along Rimer Pond Road to Serve Coopers Subdivision, as requested by the Utilities and Engineering Department. Award to McClam and Associates in the amount of \$138,694.50. This firm is located in Little Mountain, SC. *Funding Source: WM419901-Approved*
17. Council is asked to approve Project SS6790 (3); an Increase in Project Amount for North Columbia Lift Station Bypass Pumping and Pump Repair and Replacement, as requested by Engineering Administration. Award to McClam and Associates in the amount of \$435,000.00. This firm is located in Little Mountain, SC. *Funding Source: 5529999-SS679003-851200 Sewer Improvement Fund - Approved*
18. Council is asked to approve Mentor Protégé Program Project #SS7107; Construct 8"; Rehabilitate 12", 15" & 18"; Abandon 8" along Greene, Pavilion and Cherry Streets, as requested by the Utilities and Engineering Department. Award to Trussell Brothers Construction in the amount of \$1,049,903.60. This firm is located in Columbia, SC. *Funding Source: SS710701 - Approved*
19. Council is asked to approve a Water Main Extension Agreement for the Construction of 5,700 linear feet of 12" Water Main along Amicks Ferry Road and Sandbar Road from Firebridge Drive to the City's side of the Meter at the Intersection of Sandbar Road and Bear Creek Drive in Lexington County in the amount of \$600,000 and as requested by Engineering Operations. *Funding Source: 5529999-WM419701-636600 Water Improvements Fund - Approved*

#### **ORDINANCES – FIRST READING**

20. Ordinance No.:2009–106 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 4, Animals, Article II, Livestock - *A Public Hearing was conducted on November 18, 2009. No action was taken. Consideration of this item was deferred on February 17, 2010. Approved on first reading.*

Ms. Marli Drum, Animal Services Superintendent explained that staff met with CLUCK to review the revisions to the ordinance and they developed good compromises to include the following: no roosters; no more than four (4) hens are allowed; the minimum size of the coop depends on the number of birds; concrete was removed from the coop enclosure to ensure that the area is well drained and there is no accumulation of waste; coops must be cleaned regularly so as not to cause odor or attract flies; and coops must be cleared 25 feet of the property line and/or 50 feet of the nearest residence by a solid line of shrubbery or a privacy fence; a certificate of inspection from the Animal Services Division is required and an annual inspection fee of \$5.00 per bird shall be paid.

Councilor Rickenmann asked if there will be an approved structure, because he has seen some of the existing and unlawful hens and some of the coops are very well done. They can't have concrete like a dog kennel; they have to scratch. How are we going to approve the facilities?

Ms. Marli Drum, Animal Services Superintendent stated that the ordinance outlines the minimum square feet per bird that they must have and how tall it must be; it has to be constructed so that it does protect the bird from predators getting in and preventing the bird from coming out.

Councilor Cromartie said that there should be more details. To be honest with you, I don't support this in principle. I am concerned about what the aftermath will be throughout the entire City of Columbia. You must provide the qualifications to include the type of wiring to be used and what it should look like or you will see all variations of it according to the economic ability of the owner. Are there penalties for the hens getting loose?

Ms. Marli Drum, Animal Services Superintendent explained that there is an existing nuisance ordinance that would apply to chickens just as it applies to any other animals. We created a Chicken Coop Clearance Form that will be completed at the time of inspection.

Councilor Rickenmann requested that staff develop standard specifications for the construction of the coops. You don't want owners to use scraps of wood and metal to create a makeshift coop.

Mayor Coble said that this is a green movement that allows people to raise their own food in a manner that makes sense. Those that want to do that will agree to the type of regulations that ensure there are no problems. Let's find the best way of ensuring that the chickens don't get out and that the dogs and cats don't get in.

Councilor Devine asked if an educational requirement is being included.

Ms. Marli Drum, Animal Services Superintendent said that they can't mandate that owners attend a class, but they will provide information on the training provided by CLUCK.

Councilor Devine said that there is a lot of work involved and there has to be an education process for those wanting to acquire a license.

Upon a motion made by Mr. Rickenmann and seconded by Mr. Finlay, Council voted unanimously to give first reading approval to Ordinance No.:2009-106 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 4, Animals, Article II, Livestock, subject to staff providing specifications for the construction of the coops to ensure proper security and aesthetics and subject to staff providing recommendations for mandatory training as part of the licensing process. Dr. Gergel was not present for the vote.

21. Ordinance No.: 2010-046 – Authorizing the City Manager to execute a Lease Agreement between the City of Columbia and the Columbia Metropolitan Convention and Visitors Bureau for lease of the First Floor Retail Space designated as "Retail 3" in the Pendleton Street Parking Garage – *Approved on first reading.*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Cromartie, Council voted unanimously to give first reading approval to Ordinance No.: 2010-046 – Authorizing the City Manager to execute a Lease Agreement between the City of Columbia and the Columbia Metropolitan Convention and Visitors Bureau for lease of the First Floor Retail Space designated as "Retail 3" in the Pendleton Street Parking Garage. Dr. Gergel was not present for the vote.

## **CITY COUNCIL DISCUSSION / ACTION**

22. Ordinance No: 2010-045 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 11, Licenses, Permits and Miscellaneous Business Regulations to add Article XI, Business License Tax Incentives – *First reading approval was deferred.*

Councilor Finlay explained that this incentive would be good for the City, but some are concerned about a constitutional challenge. He suggested that they give the ordinance first reading approval today and then ask the Attorney General for an opinion. He amended the ordinance to abate the taxes at 100% during the first year; 50% during the second year; and the business would pay the full fees in the third year after moving to the City of Columbia.

A motion made by Mr. Finlay to give first reading approval to Ordinance No.: 2010-045, was withdrawn.

There was a consensus of Council to defer first reading approval of the ordinance and to request an opinion from the Attorney General. Council requested the following information from the Business License Division for the past two (2) years: a list of the existing businesses that were annexed into the City of Columbia; a list of new businesses that were annexed into the City of Columbia; the new businesses that have opened in the City of Columbia; what those businesses paid in business license fees; and any businesses that have closed.

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

No one appeared at this time.

## **EXECUTIVE SESSION**

Upon a motion made by Mr. Cromartie and seconded by Mr. Finlay, Council voted unanimously to go into Executive Session at 12:33 p.m. for the discussion of **Items 23.** through **26.** as amended.

23. Discussion of negotiations incident to proposed contractual arrangements
- Richland County
- This item was discussed in Executive Session. No action was taken.*
24. Receipt of legal advice which relates to a matter covered by attorney-client privilege
- This item was discussed in Executive Session. No action was taken.*
25. \*\*Receipt of legal advice which relates to a pending, threatened or potential claim
- Thorn Tree Homeowner's Association
  - HR Developers
- These items were discussed in Executive Session. No action was taken.*
26. \*\*Discussion of appointment of a person to a public body
- This item was discussed in Executive Session. Please refer to **Item 27.***
- **Councilor Finlay left the meeting at 1:36 p.m.**
  - **Council adjourned the Executive Session at 1:39 p.m. to reconvene the meeting.**

27. **\*\*Municipal Election Commission**

Upon a motion made by Mr. Cromartie and seconded by Mr. Rickenmann, Council voted unanimously to approve the appointment of Mr. Hamilton Osborne, Jr. and Mr. Byron Gipson to the Municipal Election Commission for a six (6) year term expiring on July 1, 2016.

- **Council adjourned the meeting at 1:40 p.m.**

Respectfully submitted by:

Erika D. Salley  
City Clerk