



CITY OF COLUMBIA
CITY COUNCIL MINUTES
WEDNESDAY, MAY 5, 2010
9:00 A.M.
COUNCIL CHAMBERS – 3RD FLOOR
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting on Wednesday, May 5, 2010 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Pro-Tempore Kirkman Finlay III called the meeting to order at 9:05 a.m. and the following members of Council were present: The Honorable Tameika Isaac Devine and The Honorable Daniel J. Rickenmann. The Honorable Sam Davis arrived at 9:07 a.m. and The Honorable Belinda F. Gergel arrived at 9:10 a.m. The Honorable Mayor Robert D. Coble was absent. 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.

- **Mr. Davis joined the meeting at 9:07 a.m.**

PRESENTATIONS

1. Update on EdVenture – Ms. Catherine Horne, Executive Director

Ms. Catherine Horne, Executive Director announced plans for the Next Generation Learning Lab at the EdVenture Children’s Museum. This is about creating 21st century learners in Health & Bio-Medical Science; Innovation (Engineering & Technology); Global & Environmental Sustainability; and Financial & Entrepreneurial Literacy.

- **Dr. Gergel joined the meeting at 9:10 a.m.**

2. **National Preservation Month Proclamation – The Honorable Belinda F. Gergel

Ms. Robin Waites, Executive Director of the Historic Columbia Foundation announced “Old is the New Green” as the theme for the 2010 National Preservation Month. She stated that preservation has a significant role to play in fostering development that is more environmentally and economically sustainable.

The members of City Council proclaimed May as National Preservation Month in the City of Columbia.

3. **Municipal Clerks Week Proclamation – Mr. Steven A. Gantt, City Manager

The members of City Council proclaimed the week of May 2-8, 2010 as Municipal Clerks Week in the City of Columbia

APPEARANCE OF PUBLIC HAVING BUSINESS RELATED TO THE AGENDA ITEMS

No one appeared at this time.

MINUTES

4. Minutes of September 15, 2009 – *Approved as presented.*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve the Minutes of September 15, 2009 as presented.

CONSENT AGENDA

Upon a single motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve the **Consent Agenda Items 5. through 18.**

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

5. Council is asked to approve the Purchase of 520 feet of Polymeric Chain, as requested by the Lake Murray Water Plant. Award to Bearing Distributors, the lowest bidder in the amount of \$14,355.12. This vendor is located in Columbia, SC. *Funding Source: GL5529999-851100 JL WM419401-851100 - Approved*
6. Council is asked to approve the Purchase of Two (2) Flygt Submersible Pumps, as requested by the Lake Murray Water Plant. Award to ITT Water & Wastewater USA, as a Sole Source in the amount of \$21,829.07. This vendor is located in Charlotte, NC. *Funding Source: GL5529999-851100 JL WM 419401-851100 - Approved*
7. Council is asked to approve Project #SS7099(18); Purchase of Upper Bearings for Repair of Two (2) Raw Screw Pumps at the Metro Wastewater Treatment Plant, as requested by Utilities and Engineering. Award to Spaans Babcock, as a Sole Source in the amount of \$23,479.01. This vendor is located in Barrie Ontario, Canada. *Funding Source: Sewer Improvement Fund 5529999-SS709918-851200 - Approved*
8. Council is asked to approve the Purchase of a Bar Coding System, as requested by the Police Department. Award to Vision Air, Inc., as a Sole Source in the amount of \$34,616.56. This vendor is located in Castle Hayne, NC. *Funding Source: FY09 JAG Recovery Grant 2609999-638200 RA24110100-638200 - Approved*
9. Council is asked to approve the Purchase of Two (2) Vehicles, as requested by the Police Department. Award to Herndon Chevrolet, using the SC State Contract in the amount of \$35,054.00. This Vendor is located in Lexington, SC. *Funding Source: 2042412-658500 - Approved*
10. Council is asked to approve Project #SS7099(17); Purchase of four (4) Ingersoll-Rand Air Compressors to Replace Existing Air Compressors at the Metro Wastewater Plant. Award to Air Center in the amount of \$44,561.92. This vendor is located in Columbia, SC. *Funding Source: Sewer Improvement Fund 5529999-SS709917-851200 - Approved*
11. ******Council is asked to approve the Project Management Professional Services, as requested by the Information Technology Department. Award to Sungard Bi-Tech, Inc., as a Sole Source in the amount of \$45,000.00. This vendor is located in Chicago, IL. *Funding Source: 1011120-636600 - Approved*
12. Council is asked to approve Project #SS7099 (19); Emergency Valve Repair, Bypass Pumping Set up and Weir Installation at the Metro Wastewater Treatment Plant, as requested by Utilities and Engineering. Award to McClam & Associates, Inc in the amount of \$250,000.00. This vendor is located in Little Mountain, SC. *Funding Source: Sewer Improvement Fund 5529999-SS709919-851200 - Approved*

13. Council is asked to approve Project #SS6790(3), Increase in Project Amount for North Columbia Lift Station By-Pass Pumping and Pump Repair and Replacement, as requested by Utilities and Engineering. Award to McClam & Associates in the amount of \$400,000.00. This vendor is located in Little Mountain, SC. *Funding Source: Sewer Improvement Fund 5529999-SS79003-851200 - Approved*
14. Council is asked to approve Project #SS6785; Sanitary Sewer Main Rehabilitation, as requested by Utilities and Engineering. Award to Improved Technologies Group in the amount of \$2,818,887.00. This vendor is located Knoxville, TN. *Funding Source: SS678501 – This is a Mentor Protégé Program Project - Approved*
15. Council is asked to approve Project #SS7101; Broad River and Mill Creek Pump Stations Improvements, as requested by Utilities and Engineering. Award to M.B. Kahn Construction in the amount of \$5,489,000.00. *This vendor is located in Columbia, SC. Funding Source: SS710101 – This is a Mentor Protégé Program Project – Approved*

ORDINANCES – SECOND READING

16. Ordinance No.: 2010-053 – Granting an encroachment to Café @ Main & Gervais for placement and maintenance of six (6) chairs, two (2) umbrellas and one (1) trash can within the sidewalk right of way of the 1200 block of Gervais Street adjacent to 1200 Main Street, Suite 102 for use by its patrons for outdoor dining during normal business hours – *First reading approval was given on April 21, 2010. – Approved on second reading.*
17. Ordinance No.: 2010-078 – Amending the effective date for annexation of Ordinances 2010-038 Annexing 4032 Rosewood Drive, 4040 Rosewood Drive, 209 South Beltline Boulevard, 223 A-C South Beltline Boulevard and 307 South Beltline Boulevard, Richland County TMS #13805-05-07, 13805-05-09, 13805-05-10, 13805-05-11 and 13805-05-12; 2010-039 Annexing 4126 Beecliff Drive, Richland County TMS #13809-03-13; 2010-040 Annexing 3113 Farrow Road, Richland County TMS #11504-30-16 and 2010-041 Annexing 1804 Gary Street, Richland County TMS #11612-02-04 – *First reading approval was given on April 21, 2010. – Approved on second reading.*
18. **Ordinance No.: 2010-081 – Authorizing the City Manager to execute a Temporary Use Agreement between the City of Columbia and Palmetto Waste Processing, LLC. – *First reading approval was given on April 28, 2010. – Approved on second reading.*

PRESENTATIONS

19. Update on Columbia Green – Ms. Ann Holtsclag, President of Columbia Green

Ms. Ann Holtsclag, President of Columbia Green reminded the Council that 18 months ago, Columbia Green introduced their tree initiative and pledged \$25,000 over five (5) years for planting canopy trees in Columbia. She introduced Mr. John McDuffie of Eagle Creek Nursery. She explained that Mr. McDuffie had 100 trees that he was going to remove to make room for new plantings; however, as a good corporate citizen of Columbia, he gave the 100 trees to Columbia Green. We planted them in the City's parks, schools, recreational facilities and neighborhoods.

20. Earlewood Park Centennial Celebration – Mr. Fred Monk, President of the Earlewood Park Neighborhood Association

Mr. Fred Monk, President of the Earlewood Park Neighborhood Association announced Earlewood Park's Centennial Celebration on Saturday, May 8, 2010 along with the Grand Opening of the NOMA Nature Trail in Earlewood Park at 11:30 a.m. On September 12, 2010 the Earlewood Neighborhood Association will also host the Bungalow Fest, which will showcase homes and gardens with historic character.

21. Keep the Midlands Beautiful 20th Anniversary Sculpture Unveiling – Ms. Heidi Johnson, Executive Director

Ms. Heidi Johnson, Executive Director announced the 20th Anniversary celebration and unveiling of the Eternal Spring sculpture on May 13, 2010 at Riverfront Park at 5:30 p.m.

22. Introduction of the May 2010 Employee of the Month – Mr. John Dooley, Jr., Director of Utilities and Engineering

Ms. Rhonda Rhoden, Supervisor for the Water Division introduced Mr. Michael S. Cook, Water Customer Service Representative as the May 2010 Employee of the Month.

Mayor Pro-Tem Finlay and Mr. Steven A. Gantt, City Manager presented Mr. Cook with a plaque and a token of appreciation for being selected as the May 2010 Employee of the Month.

23. Bike Month Proclamation – Ms. Gerry Lynn Hall, Community Development Liaison

The members of City Council proclaimed May 2010 as Bike Month in the City of Columbia.

24. City Center Partnership's Homeless Outreach Coordinator – Mr. Matt Kennell, Executive Director

Mr. Matt Kennell, Executive Director reported that the City Center Partnership hired Mr. Daniel Long to work specifically with homeless individuals, service providers and the Police Department in downtown Columbia. He also works with the downtown businesses and residents to address their concerns. The Business Improvement District (BID) is bounded by Elmwood Avenue, Gervais Street, Marion Street and Assembly Street; however, Mr. Long works with service providers throughout the City of Columbia.

Mr. Daniel Long, Outreach Coordinator added that his primary charge is to link homeless individuals to the appropriate resources. I work with 10-15 individuals per day with the main goal of getting them off of the streets.

SIDEWALK VENDING PUBLIC HEARING

ORDINANCES – FIRST READING

25. **NE Corner of Main and Lady Streets**

Ordinance No.: 2010-080 – Repealing Ordinance 2010-023 granting a franchise to Chris Hinely d/b/a The Peanut Man for operation of a stationary sidewalk vending cart on the northwest corner of Main Street and Washington Street and granting a franchise to Chris Hinely d/b/a The Peanut Man for operation of a stationary sidewalk vending cart on the northeast corner of Main Street and Lady Street – *Approved on first reading.*

- **Council opened the Sidewalk Vending Public Hearing at 10:09 a.m.**

No one appeared in support of or in opposition to **Item 25.**

- **Council closed the Sidewalk Vending Public Hearing at 10:09 a.m.**

Upon a motion made by Mr. Rickenmann and seconded by Mr. Finlay, Council voted unanimously to give first reading approval to Ordinance No.: 2010-080 – Repealing Ordinance 2010-023 granting a franchise to Chris Hinely d/b/a The Peanut Man for operation of a stationary sidewalk vending cart on the northwest corner of Main Street and Washington Street and granting a franchise to Chris Hinely d/b/a The Peanut Man for operation of a stationary sidewalk vending cart on the northeast corner of Main Street and Lady Street.

PUBLIC HEARING

26. Fiscal Year 2010-2015 Consolidated Plan & Fiscal Year 2010-2011 Annual Action Plan
– Mr. Tony Lawton, Director of Community Development

Mr. Tony Lawton, Director of Community Development reported that they are required by the US Department of Housing and Urban Development (HUD) to provide a five (5) year Consolidated Plan. This plan addresses the three (3) basic goals for the use of formula grant funding. Those goals are to provide decent housing; a suitable living environment; and to expand economic opportunities. The Annual Action Plan for 2010/2011 is based on the foundation of the five (5) year Consolidated Plan for 2010/2014. We conducted four (4) public forums to gather input on the needs assessment and to prepare the draft of the plan. We will be receiving comments through May 13, 2010 and the final report is due to HUD on May 15, 2010. The funding sources are Community Development Block Grant (CDBG) in the amount of \$1,348,864; HOME Investment Partnership Program in the amount of \$901,929; Housing Opportunity for Persons with HIV/AIDS (HOPWA) in the amount of \$1,566,258; and previous year Community Development Block Grant entitlements (Fiscal Years 1997 to 2008) in the amount of \$889,233.

Councilor Gergel asked Mr. Lawton to meet with the Lyon Street community to determine if CDBG funding can be utilized to address their needs.

Councilor Finlay noted that the request from the Epworth Children's Home was not included.

Councilor Gergel asked if CDBG funds were available for the Midlands Housing Alliance.

Councilor-Elect Plaugh requested a personal briefing.

- **Council opened the Public Hearing at 10:33 a.m.**

No one appeared in support of or in opposition to **Item 26.**

- **Council closed the Public Hearing at 10:33 a.m.**

The second Public Hearing is scheduled for Wednesday, May 12, 2010 at 9:00 a.m.

CITY COUNCIL DISCUSSION / ACTION

27. Speed Hump Requests

Upon a motion made by Mr. Rickenmann and seconded by Mr. Finlay, Council voted unanimously to approve the installation of Speed Humps on Nandina Drive and Landgrave Drive.

28. Central Midlands Regional Transit Authority (CMRTA) Bus Transfer Center Renovations
– Mr. David Knoche, General Services Director

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to approve the proposed renovations at the Laurel Street Bus Transfer Center by the Central Midlands Regional Transit Authority, subject to the CMRTA providing plans for completing the renovations at night. Mr. Davis was not present for the vote.

ORDINANCES – FIRST READING

29. Ordinance No.: 2010-025(a) – 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. 8-216, Definitions, to add "Bar", "Cigar Bar" and Cigarette, and to amend "Retail tobacco store"; and Sec. 8-218, Exceptions to amend (4) and to add (8) – *Consideration of this item was deferred.*

Ordinance No.: 2010-25 (b) - 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. 8-216, Definitions, Retail tobacco store – *Consideration of this item was deferred.*

Ordinance No.: 2010-025(c) – Amending the 1998 Code of Ordinance 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. 8-216, Definitions, Retail tobacco store– *Consideration of this item was deferred.*

30. Ordinance No.: 2010-077 – 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. 8-220 Jurisdiction, enforcement and penalties– *Consideration of this item was deferred.*

Upon a single motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2010-082 – An Ordinance Authorizing the City of Columbia, South Carolina, to enter into a Development Agreement with the Mast General Store, Inc.; and other matters relating to the foregoing **and** to approve **Resolution Items 32. through 34.**

31. Ordinance No.: 2010-082 – An Ordinance Authorizing the City of Columbia, South Carolina, to enter into a Development Agreement with the Mast General Store, Inc.; and other matters relating to the foregoing – *Approved on first reading.*

RESOLUTIONS

32. Resolution No.: R-2010-039 – Authorizing consumption of beer and wine within Finlay Park for the SC Pride Festival 2010 - *Approved*
33. Resolution No.: R-2010-043 – Approving the renaming of Canalfront Terrace Building and Park to “Coble Plaza” - *Approved*
34. Resolution No.: R-2010-044 – Amending R-2010-030 Authorizing consumption of beer and wine at Get in the Pink - *Approved*

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

No one appeared at this time.

EXECUTIVE SESSION

Upon a motion made by Mr. Rickenmann and seconded by Mr. Finlay, Council voted unanimously to go into Executive Session for the discussion of **Items 37.** and **38.** as outlined.

- **Council recessed at 10:40 a.m.**
- **Council reconvened the meeting at 10:50 a.m.**

CITY COUNCIL DISCUSSION / ACTION

35. ****Procedure for Investigation of Certain Traffic Offenses**

Councilor Gergel asked the Council to consider a directive to the City Manager that as a matter of procedure the City should seek an independent investigation of any traffic matter involving City Council Members, the City Manager, Assistant City Managers, City Judges, City Attorneys, the Mayor-Elect and any Council member-Elect. While I have full confidence in the Columbia Police Department's ability to conduct traffic investigations, this motion reflects our commitment to an affirmation of public trust, transparency and credibility in matters of investigation of City Officials who have oversight in Columbia Police Department matters. I am asking us to consider a directive to the City Manager that we implement a procedure. I would also ask that we apply this directive to matters currently under investigation and request that the South Carolina Highway Patrol take over the current investigation of the Mayor-Elect at this point. The City Manager should take steps to immediately implement this procedure. I do not believe that an inquiry into the Highway Patrol's handling of this investigation or their taking note of this investigation would in any way compromise the integrity of the investigation.

Mr. Ken E. Gaines, City Attorney said that they have done some research, but did not find anything that would prohibit the City of Columbia from having such a policy. You need to clarify your policy to provide that there's a State Statute, which requires that if one of our Police Officers were involved in an automobile accident, the Highway Patrol would step in and investigate that accident. I don't know if you want to go as far as including routine traffic stops/tickets. I would recommend that it include accidents involving personal injury and driving under the influence. I think you can provide such a policy; however, you cannot direct the Highway Patrol to assist.

Upon a motion made by Mr. Finlay and seconded by Dr. Gergel, Council voted unanimously to schedule a Special Called Meeting on Friday, May 7, 2010 at 8:00 a.m. for the discussion of investigative proceedings.

36. ****H4343 - Creates the Air Service Incentive and Development Fund – Ms. Teresa Wilson Florence, Director of Governmental Affairs**

Ms. Teresa Wilson Florence, Director of Governmental Affairs reported that House Bill 4343 establishes the air services incentive and development fund for the State. The bill received third reading in the House and was sent through the Senate Committee process at which point it was pulled out indicating serious movement on that bill. The bill now resides in the Senate and it's on the calendar for second reading with some objections, which centers on the negotiations to ensure that the Columbia Airport has benefit in some way from this incentive. I don't know the results of the negotiation, but I have not made any direct asks on this piece of legislation. I have been in contact with our delegation members and the lobbyists who are working the bill. At this juncture, the incentive would benefit Charleston and Greenville more, because Southwest

Airlines has expressed interest in those markets as a low cost carrier; however, based upon the objections and the negotiations, our Senate and House Members are acting on behalf of Columbia citizens to see if there is any type of recourse for Columbia. It is safe to say that Mr. Dan Mann, Executive Director of the Columbia Metropolitan Airport has been actively involved and he is comfortable with the numbers that they are currently discussing.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Dr. Marie Faltas appeared before the members of Council to address concerns related to a neighboring property having illegal sewer lines running through her property and the issuance of a building permit for her to construct the first solar home in the area.

There was a consensus of Council to direct the City Attorney to prepare a written response to Dr. Faltas by May 12, 2010 and to deliver the response to Dr. Faltas via US Mail. The same should be provided to the members of Council.

- **Council adjourned the meeting to enter into Executive Session at 11:47 a.m.**

EXECUTIVE SESSION

37. **Discussion of employment of an employee - This item was discussed in Executive Session. No action was taken.
38. **Discussion of negotiations incident to proposed contractual arrangements - This item was discussed in Executive Session. No action was taken.

- **Council adjourned at 12:15 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk