



The Columbia City Council conducted a Regular Meeting on Wednesday, August 18, 2010 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 9:09 a.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann, The Honorable Belinda F. Gergel, The Honorable Leona K. Plough and The Honorable Brian DeQuincey Newman. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Salley, City Clerk.

### **INVOCATION**

Chaplain Kerry Breen of the Columbia Police Department offered the Invocation.

### **MINUTES**

1. Minutes of February 4, 10, 17 and 24, 2010 – *Approved*

Upon a single motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve the Minutes of February 4, 10, 17 and 24, 2010 as presented.

### **PRESENTATIONS**

2. Recognition of the Columbia Urban League as the 2010 Recipient of the National Urban League's Whitney M. Young, Jr. Leadership Award for Advancing Racial Equality – The Honorable Mayor Steve Benjamin

Mayor Steve Benjamin and the members of Council recognized Mr. J.T. McLawhorn, Executive Director, the Board of Directors and Staff of the Columbia Urban League as the 2010 Recipient of the National Urban League's Whitney M. Young, Jr. Leadership Award for Advancing Racial Equality.

3. 5<sup>th</sup> Annual Sickle Cell Walk – Ms. Peggy Funny-Roane, Chairperson of the Walk Committee / James R. Clark Memorial Sickle Cell Foundation – *This item was withdrawn from the agenda due to a scheduling conflict.*
4. 9<sup>th</sup> Annual Palmetto Capital City Classic – Coach Willie Jeffries, Executive Director of the Palmetto Capital City Classic

Coach Willie Jeffries, Executive Director of the Palmetto Capital City Classic requested the City of Columbia's continued support of the Annual Palmetto Capital City Classic "Battle of the Tigers" Benedict College vs. Morehouse College scheduled for Saturday, August 28, 2010 at 4:00 p.m. at the Charlie W. Johnson Stadium, 2046 Two Notch Road, Columbia, SC.

Ms. Linda Davis-Huggins, Executive Board Member of the Capital City Classic invited everyone to be a part of this classical experience by participating in the events leading up to the Annual Palmetto Capital City Classic starting on Monday, August 23, 2010 and culminating with the Battle of the Tigers on Saturday, August 28, 2010.

5. Quarterly Update on Fast Forward – Ms. Dee Albritton, Executive Director / Fast Forward

Ms. Dee Albritton, Executive Director of Fast Forward reported on the organization's efforts to stay in tune with the technological needs of the community and not to duplicate services. Fast Forward received two Department of Labor grants: one to help homeless veterans transition into employment and one to help homeless female veterans and/or homeless veterans with children transition into employment. Fast Forward is currently providing higher level technology training for dislocated workers, veterans and people with disabilities through scholarships provided by Creating Futures, CompTIA's educational foundation. To date, every person who has passed the test has been offered a job.

6. Minority Business Enterprise Program Development – Mr. Franklin M. Lee, Esquire

Mr. Franklin M. Lee, Esquire said that he has been working with the City of Columbia to ensure that the City's economic revitalization includes all segments of the population. He stated that there have been many starts and stops during the implementation process. Attorney Lee introduced Ms. Helen Grant, Esq. as local co-counsel. He explained that the intent of the Subcontractor Outreach Program is to require all prime contractors to make good faith efforts to engage new subcontractors and the focus of the Mentor Protégé Program is to team up knowledgeable firms with not so knowledgeable firms on public works contracts. He acknowledged that progress had been made in some areas of implementation and added that they needed to set priorities for the programs to include the Centralized Bidder Registration system. Mr. Lee stated that the development of minority business enterprise programs could be completed within one year depended upon the level of public input and Council discussions.

There was an in-depth discussion among the members of Council, staff and Mr. Lee.

A motion made by Ms. Devine and seconded by Mr. Davis to approve an Engagement Agreement to Provide Guidance, Counsel, and Training related to the City's Implementation of Commercial Non-discrimination and Subcontracting Outreach Policies, a Mentor Protégé Program, Establishment of an Automatic Centralized Bidder Registration System and further Policy Development and Implementation design to promote the fair and equitable participation of Minority and Women-owned Businesses in City Contracts, was withdrawn.

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted unanimously to authorize the City Attorney to engage Mr. Franklin Lee, Esquire and Ms. Helen Grant, Esquire at the proposed hourly rate to develop the deliverables of the pending Engagement Letter.

### **CONSENT AGENDA**

Upon a single motion made by Mr. Davis and seconded by Dr. Gergel, Council voted unanimously to approve the **Consent Agenda Items 7. through 14. and 16. through 21. Items 15. and 22.** were approved by separate motions.

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

7. Council is asked to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Elias M. Awghew doing business as Anytime Taxi Company located at 101 Winslow Way, Columbia, SC. - *Approved*

8. Council is asked to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Charles Y. Agishi doing business as Miracle Taxi located at 900 Mottegan Trail, Columbia, SC. - *Approved*
9. Council is asked to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Hisham Mohamed doing business as Columbia Cab located at 1208 Bush River Road, Columbia, SC. - *Approved*
10. Council is asked to approve an Agreement for Department and Division Safety Committee Meetings, as requested by the Utilities and Engineering Department. Award to B.P. Barber & Associates in the amount of \$11,225.00. This vendor is located in Columbia, SC. *Funding Source: Operating Budgets of the Columbia Canal 5516206-638300 and Lake Murray 5516207-638300 – **Note:** The agreement provides for special consulting services on an as needed basis relating to technical safety guidance; This project is not bid. Utilities and Engineering requested this scope of work. - Approved*
11. Council is asked to approve the Purchase of Air Monitoring Services, as requested by the Support Services Division. Award to Kleen Sites Geoservices, Inc., the lowest bidder in the amount of \$12,000.00. This vendor is located in West Columbia, SC. *Funding Source: Capital Projects-Control Account/Professional Services 4039999-658660 – **Note:** This purchase is for the Elevator Repairs at Washington Square. - Approved*
12. Council is asked to approve the Purchase of Fifty (50) Additional Mobility Licenses and Maintenance to include a One (1) Year Maintenance Contract Renewal for the Current Licenses, as requested by the Fleet Services Division. Award to Mobility IT in the amount of \$20,073.45. This vendor is located in Holly Springs, NC. *Funding Source: Capital Replacement Bond/Fleet Services- Computer Equipment 6308972-658600 - Approved*
13. Council is asked to approve the Purchase of Asbestos Removal Services, as requested by the Support Services Division. Award to K2D Environmental, the lowest bidder in the amount of \$33,800.00. This vendor is located in West Columbia, SC. *Funding Source: Capital Projects-Control Account/Professional Services 4039999-658660; Elevator Renovations CP105903-658660 – **Note:** This purchase is for the Elevator Repairs at Washington Square. - Approved*
14. Council is asked to approve Project #WM4092 (2); Water Main Replacement in Lincolnshire Subdivision; Phase 2, as requested by the Utilities and Engineering Department. Award to New Independent Waterworks, the lowest bidder in the amount of \$34,492.38. This vendor is located in Lexington, SC. *Funding Source: Water Main Capital Improvement Fund 5529999-WM409202-658670 - Approved*
15. Council is asked to approve Project #SD8266; Storm Drainage Improvements for 1110 Fuller Avenue, as requested by the Utilities and Engineering Department. Award to Trussell Brothers Construction, the lowest bidder in the amount of \$67,783.50. This vendor is located in Irmo, SC. *Funding Source: SD8266-656200 – This is a Mentor Protégé Program Project - Approved*

Upon a single motion made by Ms. Devine and seconded by Dr. Gergel, Council voted unanimously to approve **Items 15.** and **22.**

16. Council is asked to approve Project #WM4202; 12" & 8" Water Main along Earlewood Drive to Beaufort Street, as requested by the Utilities and Engineering Department. Award to New Independent Waterworks, the lowest bidder in the amount of \$78,222.18. This vendor is located in Lexington, SC. *Funding Source: Water Main Capital Improvement Fund 5529999-WM420201-658500 - Approved*
17. Council is asked to approve the Purchase of Model 2010L Controllers and Model 2010 ECL Conflict Monitors, as requested by the Traffic Engineering Division. Award to Temple, Inc., using the SC State Contract in the amount of \$124,591.87. This vendor is located in Decatur, Alabama. *Funding Source: US Transportation Grant/Traffic Engineering Downtown Upgrade Signal-Electrical & Lighting Supply GL 2649999-623600 JL 9308000102-623600 - Approved*
18. Council is asked to approve Project #SS7146(3); Purchase of Thirty (30) Stainless Steel Pivotal Flights for the Dissolve Air Floatation (DAF) Basin at the Metro Wastewater Treatment Plant, as requested by the Utilities and Engineering Department. Award to Siemens Technologies, as a Sole Source in the amount of \$65,441.20. This vendor is located in Waukesha, WI. *Funding Source: Sewer Maintenance Operating Fund 5516212-658500 Note: The DAF has four (4) basins. Each basin has pivotal flights which skim the sludge off the top of the basins into the wet well. - Approved*
19. Council is asked to approve the Purchase of Road Project Material, as requested by the Street Division. Award to Martin Marietta, the lowest bidder in the amount of \$114,329.50. This vendor is located in Columbia, SC. *Funding Source: GO 2007 Bond/Lawn & Grounds Maintenance, Bower Parkway Improvements/Lawn & Grounds Maintenance GL 4049999-627300 JL SR803001-627300 - Approved*
20. Council is asked to approve the Purchase of Six (6) Vehicles, as requested by the Water Distribution Division. Award to the following bidders, using the SC State Contract in the amount of \$209,304.00. *Funding Source: Utilities Water Distribution and Maintenance-Auto Truck & Heavy Equipment (5516202-658500 \$42,510.00) & (5516203-658500 \$166,794.00) - Approved*
21. Council is asked to approve Project #SS7108; Saluda River Force Main Air Release Valve Replacement, as requested by the Utilities and Engineering Department. Award to Carolina Tap and Bore, the lowest responsive bidder in the amount of \$267,800.00. This vendor is located in West Columbia, SC. *Funding Source: Sanitary Sewer System Additions SS710801-81600 - Approved*
22. Council is asked to approve Projects #WM3084 & WM3848; an Agreement for Water Main Improvements in the Eau Claire Neighborhood, as requested by the Utilities and Engineering Department. Award to Alliance Consulting Engineers, Inc., in the amount of \$270,000.00. This vendor is located in Columbia, SC. *Funding Source: Water Improvements Fund 5529999-WM308401-636600 & 5529999-WM384801-636600 – Note: These improvements are necessary to improve fire protection and water quality in the area. – Approved – Please refer to Item 15.*

## **CITY COUNCIL DISCUSSION / ACTION**

23. Five Points Association's Palmetto Tree Project – Ms. Sara Hollar, Forestry and Beautification Superintendent

Upon a motion made by Dr. Gergel and seconded by Ms. Plough, Council voted unanimously to approve the replacement of the existing Ginkgo trees within the 2000 block of Devine Street with Palmetto Trees. The Five Points Association will be responsible for the cost to purchase the new trees and the City of Columbia will be responsible for the maintenance of the trees.

24. Fiscal Year 2010 / 2011 Follow-up Items – Ms. Missy Caughman, Budget Director

Upon a single motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to approve the following follow-up budgetary items for fiscal year 2010/2011:

Greater Columbia Community Relations Council	\$65,000
Capital Senior Center	\$25,000
Palmetto Project / Challenge Day	\$25,000

25. Economic Development Special Projects Account – Mr. Jim Gambrell, Director of Economic Development

Upon a motion made by Mr. Rickenmann and seconded by Ms. Plough, Council voted unanimously to reaffirm the list of funding allocations from the Economic Development Special Projects Account that was originally approved on June 7, 2010 and to fund a \$10,000 matching grant request to go towards a US Department of Transportation grant in support of the Columbia Metropolitan Airport.

26. Community Promotions Fund / Accommodations Tax Fund / Hospitality Tax Fund Annual Funding Recommendations – Ms. Libby Gober, Council Liaison

Ms. Libby Gober, Council Liaison, Judge Mildred McDuffie, Chair of the Community Promotions Committee and Mr. Richard Burts, Chair of the Hospitality Tax Committee presented their respective recommendations to City Council.

Upon a motion made by Ms. Devine and seconded by Ms. Plough, Council voted unanimously to approve the Fiscal Year 2010/2011 Community Promotions Fund / Accommodations Tax Fund / Hospitality Tax Fund Annual Funding Recommendations as presented.

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to reserve 10% of the fiscal year 2009 / 2010 Accommodations Tax fund balance as a contingency fund and to allocate the remaining balance to the Columbia Metropolitan Conventions and Visitors Bureau and Capital City Lake Murray Country Regional Tourism, respectively.

27. Public Safety Plan & Budget for the Midland Housing Alliance (MHA) Agreement – Mr. Mike King, Assistant City Manager for Public Safety and Interim Police Chief Carl Burke, Columbia Police Department

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted six (6) to one (1) to approve the Public Safety Plan and Budget with the caveat that the Public Safety Taskforce establishes a schedule for reviewing the operations of the plan on a regular basis. Voting aye were Ms. Devine, Mr. Rickenmann, Dr. Gergel, Ms. Plough, Mr. Newman and Mayor Benjamin. Voting nay was Mr. Davis.

28. Federal Transit Administration (FTA) Allocation– Ms. Teresa Wilson, Director of Governmental Affairs

Upon a single motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to endorse the North Columbia Intermodal Transit Facility in lieu of the previous Central Midlands Regional Transit Authority's Bus Barn as the project associated for funding with the FY 2008 \$735,000 appropriation under the Federal Transit Administration 5309 Bus and Bus Facilities Program ; to direct staff to move forward with discussions with the Central Midlands Council of Governments, Congressman Clyburn's Office and the Federal Transit Administration to request obligation of the funds by September 30, 2010 ; to simultaneously request a one (1) year extension of the timeframe for availability of the noted discretionary funding; to request enhancement funding from the Central Midlands Regional Transit Authority to support the completion of the project; to discuss alternative funding sources with the City Manager; and to report back to City Council on September 1, 2010.

- **Ms. Devine left the meeting at 1:09 p.m.**

### **ORDINANCES – FIRST READING**

Upon a single motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to give first reading approval to **Items 29.** and **30.**

29. Ordinance No.: 2010-115 - Granting an encroachment to Mark Schimmoeller and Sabra Smith for installation and maintenance of an a brick and stone veneer fireplace, partial lattice fence and landscaping within the right of way area of the 1900 block of Oceola Street adjacent to 417 S. Edisto Avenue, Richland County TMS #11309-14-11 – *Approved on first reading.*
30. Ordinance No.: 2010-116 – Granting an encroachment to Washington Square, LLC for installation and maintenance of two brick columns with wrought iron fencing within the right of way area adjacent to 701 Santee Avenue, Richland County TMS #11308-08-08 – *Approved on first reading.*

### **RESOLUTIONS**

31. Resolution No.: R-2010-066 – Adopting and incorporating the Local Preference Regulations into the City Procurement Regulations – *Consideration of this item was deferred.*

Upon a single motion made by Mr. Rickenmann and seconded by Ms. Plaugh, Council voted unanimously to approve **Items 32.** and **33.**

32. Resolution No.: R-2010-067 – Authorizing consumption of beer and wine at the USC Pep Rally at Wild Wing Café in the Vista - *Approved*
33. Resolution No.: R-2010-068 – Authorizing consumption of beer and wine and Group Therapy's Annual Chili Cookoff - *Approved*

34. Resolution No.: R-2010-069 – Authorizing the City Manager to execute an Agreement with Richland County School District One to provide School Resource Officers from the Columbia Police Department to various schools

Upon a motion made by Ms. Plaugh and seconded by Mr. Davis, Council voted unanimously to approve Resolution No.: R-2010-069 – Authorizing the City Manager to execute an Agreement with Richland County School District One to provide School Resource Officers from the Columbia Police Department to various schools.

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

Mr. Rusty McClam, McClam & Associates appeared before the members of Council to express concerns about the proposed local preference regulations. McClam & Associates is located in Little Mountain, South Carolina; however, they have been in business for thirty-two (32) years in the local Columbia market and have been awarded hundreds of City of Columbia contracts over those years.

Mr. Willie Hampton appeared before the members of Council to express concerns about community safety. He said that downtown is a lot safer than Two Notch Road and the surrounding areas. He asked that additional Columbia Police Officers and Community Safety Officers be allocated to that area.

Dr. Marie A. Faltas appeared before the members of Council to express concerns related to the environment and integrity. She described an incident that occurred on July 8, 2010 involving the Columbia Police Department, noting that she filed an Internal Affairs complaint on July 9, 2010 and nothing has happened.

### **EXECUTIVE SESSION**

Upon a motion made by Mayor Benjamin and seconded by Ms. Plaugh, Council voted unanimously to go into Executive Session at 1:38 p.m. for the discussion of **Items 35.** through **38.** as amended.

35. Receipt of legal advice which relates to a matter covered by the attorney-client privilege
- Alison Felschow FOIA Request #10-0246
  - E/S Spears Creek Church Road Annexation with Map Amendment
- These items were discussed in Executive Session. No action was taken.*
36. Discussion of negotiations incident to the proposed sale of property
- Little Red School House
- This item was discussed in Executive Session. No action was taken.*
37. Discussion of negotiations incident to proposed contractual arrangements
- Central SC Alliance
- This item was discussed in Executive Session. No action was taken.*
38. \*\*Receipt of legal advice which relates to pending, threatened or potential claim
- This item was discussed in Executive Session. No action was taken.*
- **Council adjourned the Executive Session at 3:16 p.m. and reconvened the regular meeting.**

**CITY COUNCIL DISCUSSION /ACTION**

39. \*\* Minority Business Enterprise Program Development / Engagement Letter

There was an in-depth discussion on the expected outcomes of the Minority Business Enterprise Program Development to include the Mentor Protégé Program, the Subcontracting Outreach Program and the Centralized Bidder Registration system.

There was a consensus of Council to direct that the expected outcomes be refined based on today's conversation and that the Engagement Letter be considered at a later date.

\*\*Upon a motion made by Mr. Davis and seconded by Dr. Gergel, Council voted unanimously to go into Executive Session at 4:45 p.m. for the discussion of negotiations incident to proposed contractual arrangements.

- **Council adjourned the Executive Session at 5:20 p.m. No action was taken.**

Respectfully submitted by:

Erika D. Salley  
City Clerk