



CITY OF COLUMBIA
CITY COUNCIL
DISTRICT III EVENING MEETING MINUTES
TUESDAY, APRIL 19, 2011
6:00 P.M.
CAPITAL SENIOR CENTER
1650 PARK CIRCLE

The Columbia City Council conducted a District III Evening Meeting on Tuesday, April 19, 2011 at the Capital Senior Center, 1650 Park Circle, Columbia, South Carolina. The Honorable Stephen K. Benjamin called the meeting to order at 6:03 p.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Belinda F. Gergel, The Honorable Leona K. Plaugh and The Honorable Brian DeQuincey Newman. The Honorable Tameika Isaac Devine arrived at 6:06 p.m. and The Honorable Daniel J. Rickenmann was absent. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Salley, City Clerk.

PLEDGE OF ALLEGIANCE

INVOCATION

Chaplain Darrell Croft, Columbia Fire Department offered the Invocation.

APPROVAL OF MINUTES

Upon a single motion made by Dr. Gergel and seconded by Ms. Plaugh, Council voted unanimously to approve the Minutes of March 29, 2011 and April 5, 2011, as presented.

1. Minutes of March 29, 2011 – *Approved*
2. Minutes of April 5, 2011 - *Approved*

PRESENTATIONS

3. Welcome Address – The Honorable Belinda F. Gergel, District III Representative

The Honorable Belinda F. Gergel, District III Representative welcomed everyone to the District III Evening Meeting at the wonderful and newly renovated Capital Senior Center. She recognized many neighborhood and organization leaders that were in attendance.

4. National Community Development Week - Mr. Tony Lawton, Community Development Director

Mr. Tony Lawton, Community Development Director announced the 25th Anniversary of National Community Development Week, which is being celebrated during April 25-30, 2011. The purpose of this week is to educate citizens on the importance of the Community Development Block Grant and HOME Funds and how funding impacts the lives of low to moderate income families. April is also recognized as National Fair Housing Month. The Community Development Department and its partners will host several events throughout the week. On Monday, April 25th, we will kick off the week with the raising of the flag, a press and the reading of the proclamation. On Tuesday, April 26th we will host a foreclosure and fair housing event along with part one of the

Community Development Block Grant bus tour of our neighborhoods. On Thursday, April 28th from 10 a.m. to 1 p.m. we will conduct part two of the Community Development Block Grant bus tour. We will be looking at the projects completed over the past seven (7) years. We will end the week by joining Richland and Lexington Counties for an Energy Expo and Fair Housing Event at Saluda Shoals.

5. Resolution No.: R-2011-034 – Forming a Sister City Relationship with Accra, Ghana - The Honorable Mayor Stephen K. Benjamin

The Honorable Mayor Stephen K. Benjamin explained that Dr. Alfred Venderpuije was a former school principal in the Midlands and has since repatriated to his home country and elected as Mayor of Accra, Ghana. We are renewing this Sister City Relationship with Accra, Ghana and I see this as an opportunity to establish economic and cultural ties with a natural partner. I also see this as an opportunity to establish several of these relationships. Hopefully through our economic development cultural efforts these relationships will begin to lever up to the benefit of the people of Columbia and the Midlands. In closing, Mayor Benjamin recognized the delegation from Accra, Ghana.

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: R-2011-034 – Forming a Sister City Relationship with Accra, Ghana.

- 5a. **Veterans Employment Program Update – Ms. Dee Albritton, Executive Director of Fast Forward

Ms. Dee Albritton, Executive Director of Fast Forward announced that through a grant awarded by the Department of Labor, she has helped 53 veterans transition into employment. She recognized all veterans and those that gained employment through the program. One of the veterans was recently hired to drive a city bus. These veterans are also working in manufacturing companies; grocery stores; department stores; offices; Veterans Affairs; and the City's Municipal Court as a Violations Clerk. She recognized Mr. Bobby Wofford who runs Angel House, which is the only residence for women veterans. Over the last six (6) years we've worked with over 300 veterans and we have 60 veterans that are currently seeking employment. One veteran is purchasing a home in the Rosewood Community. Many of them have been able to proceed in their training by using scholarships and online classes that are being provided by Creating Futures and Impact Learning. For the third year in a row Creating Futures will be here to film success stories in Columbia. The Hiring Heroes Program is coming to Columbia. The one in Chicago hired 200 veterans in a day. The Business and Professional Women's Foundation is interested in hosting a woman's veterans' conference. We are 18th in the country for the number of veterans with over 410,000 veterans in South Carolina. We have trained over 250 city employees and we have 85 people registered for our next session. We are offering internet safety training at city parks. On April 30th at Woodlands Park; May 7th at Sims Park; May 14th King Park; May 21st Hyatt Park; and if those go well, we will go to the other parks and anywhere in this community. Contrary to Forbes Magazine, Columbia is not the lowest in employment; we can have anybody employed here.

6. Columbia Writers Alliance – Ms. Jerlean Noble, President and Ms. Ida Thompson, Board Member

Councilor Gergel said that the Columbia Writers Alliance hosted the first program for One Book, One Columbia at the Eau Claire Print Building.

Ms. Jerlean Noble, President of the Columbia Writers Alliance said that their mission is to build bridges between aspiring writers, published authors and the community. We believe that writing is empowering; stories are hidden within the glad spirit, confines of a broken heart or in quiet tongue; and the importance of writing improves individuals and the community. We are a non-profit community organization committed to nurturing literary development in aspiring writers and within the community.

Ms. Ida Thompson, Board Member for the Columbia Writers Alliance said that it has been a great pleasure for them to embrace this wonderful literacy activity. From my work in Richland School District One heading the Instructional Technology Services Department, I cannot tell you how important reading and literacy is to the success of our students and to the success to our community as a whole.

Miss Jasmine Jacobs, Poetess and Teenage Board Member for the Columbia Writers Alliance introduced herself as a 15 year old freshman student. She cited an original work entitled “The Soul of Music”, which is based on her perspective that music has lost its soul in terms of how it was back in the day.

Mr. Al Black, Poet and Board Member for the Columbia Writers Alliance introduced himself as a social activist from Indiana. When I moved here my first obligation was to see what I could become a part of and I joined the Columbia Writers Alliance. I didn’t see a venue for poets and singers/songwriters so I started a bi-monthly venue called Mind Gravy at the Artsy Fartsy Art Gallery and Coffee Bar, which doesn’t serve alcohol. Next month I will host three sessions, because one night will be devoted to youth. He cited an original work entitled “The Sisters”.

****Representative James Smith** said that he is delighted to be here. He expressed his support of Ms. Albritton’s efforts and endorsed the Hiring Heroes Program, as a veteran himself.

7. Capital Senior Center Update - Dr. Mary Kessler, Executive Director

Dr. Mary Kessler, Executive Director of the Capital Senior Center welcomed everyone to the Center on behalf of the Board of Directors, Staff and the Members of the Capital Senior Center. The matching funds that were allocated by the City to help with our renovations were invaluable in securing the Office on Aging Grant. This allowed us to complete our project. Your allocation was well spent. We were able to repair and paint all of the walls; replace all of the ceiling tiles, flooring, carpeting, two (2) water fountains, and the water heater; redesign the receptionist desk; and add six (6) new bathrooms. I am pleased to report that all of this was completed on time and on budget, thanks to the contractor. The result is a brighter and more inviting facility that is worthy of our board members and the community. The renovations will also enhance our ability to rent out the facility, which will generate more income to help with expenses. We are hosting a tea and a discussion group as part of the One Book One Columbia initiative.

8. Maxcy Gregg Park Centennial Committee Report - Dr. John Stucker, Chairman

Councilor Gergel reminded the Council that over a year ago they appointed a Maxcy Gregg Park Centennial Committee with the charge to plan a wonderful celebration commemorating the centennial of this park. Dr. John Stucker agreed to chair the commission and I asked him to bring us an update on the plans.

Dr. John Stucker, Chairman of the Maxcy Gregg Park Centennial Celebration Committee reported that the committee has been working hard to prepare events and activities to celebrate the centennial of one of the most historic parks in our city. We have a goal of reconnecting this park with the surrounding urban environment and in turn connecting the residents of the surrounding area to the park itself. Most of the activities will be oriented towards Sunday, October 9, 2011. We will also have a number of leading activities that include a 5k Run/Walk and a Student Safety Night Out.

We set the following six (6) objectives for the restoration of this park.

- Safety, during the day and at night
- Access for seniors to the Park and the Capital Senior Center
- Fitness opportunities with expanded walking trails, in and out of the Park
- Links to the Rocky Branch urban trail system
- Mitigation of storm water impact through environmentally sensitive restoration including “rain garden” features
- Music and the arts in the Park, a longstanding tradition

9. Vibrations Dance Company – Mr. Terrance Henderson, Artistic Director

Ms. Evie Belton, Founder/Executive Director of the Vibrations Dance Company said that the Company was founded in 1997, but they did their first full concert in 2000. This year, we will be celebrating ten years. The purpose of the company is to have a place for African American and contemporary dancers to work and express their art. Mr. Terrance Henderson is our Artistic Director; he’s a graduate of the University of South Carolina; he has been with the company since 2001; and his work has been recognized both nationally and internationally.

Mr. Jonathan Jackson, Board Member for the Vibrations Dance Company said that his favorite part is the Dimensions: South Carolina Contemporary Dance Festival, which is a two-day event where we bring in national and international faculty to Columbia, SC and we hold classes and workshops for middle and high school dance students. We will be at AC Flora High School this Friday and Saturday, April 21-22, 2011. Our gala performance will be on Saturday, April 22, 2011 at 7 p.m. at AC Flora High School.

10. EngenuitySC Report - Mr. Neil McLean, Executive Director

Mr. Neil McLean, Executive Director of EngenuitySC stated that EngenuitySC was formed seven (7) years ago to help grow Columbia’s knowledge economy. To do that we have been promoting knowledge creation, attracting and retaining the talent it takes to make that happen and finding areas where we have a competitive advantage. This week we announced the formation of NuHub. The purpose of NuHub is to serve as a nuclear research, demonstration, education and economic development catalyst for nuclear activity. The \$100,000 provided by the City of Columbia each year is leveraged 10 times. This year, with the \$3.6 million fuel cell grant from the Defense Advanced Research Projects Agency (DARPAR), we’ve leveraged the city’s allocation 36 times.

11. An Overview of the City of Columbia's History - Dr. Warner Montgomery

Dr. Warner Montgomery said that Columbia was founded in 1786 and it was the first city in North America to be named after Columbus as well as the first planned city in the United States. In commemoration of the bicentennial of the City of Columbia, the Chamber of Commerce and my uncle Al Montgomery, who was the Editor of the Columbia Record Newspaper, decided it was time to write a comprehensive history of the city. In 2011, the City of Columbia is in its 225th year and the Historic Columbia Foundation is celebrating its 50th anniversary. For both occasions, we thought it would be appropriate for us to republish John A. Montgomery's History of Columbia. It has been updated somewhat and it's hot off the press. As a token of appreciation, he presented each Councilmember with a copy, which has been dedicated to the Historic Columbia Foundation.

Ms. Robin Waites said that the book can be purchased at the Historic Columbia Foundation's Gift Shop.

Mr. Al Montgomery said that his dad wrote this book after he retired from the Columbia Record and he was proud of the book, but he was disappointed, because the pages were jumbled in the index. Warner added parts to this version that will add value and my two daughters, Charlie and Jean completely redid the index from scratch. He noted that the index in this book is completely usable with the original publication.

11a. **Earth Day Challenge – Ms. Ryan Nevius, Executive Director of Sustainable Midlands

Ms. Ryan Nevius, Executive Director of Sustainable Midlands announced that this Friday, April 22, 2011 is Earth Day, a day set aside each year since 1970 to recommit to stewardship of our natural resources and to plan for new actions. Many cities, universities and businesses have committed to a goal of Zero Waste, a concept that says that waste from one process is a resource for another process. It is a concept that creates jobs, saves energy and reduces greenhouse gases. Ms. Nevius extended an Earth Day challenge to the City of Columbia to join with Sustainable Midlands to lead the way in the Midlands and to make a commitment to develop a Zero Waste plan.

Upon a motion made by Dr. Gergel and seconded by Ms. Devine, Council voted unanimously to direct the Climate Protection Action Committee to develop a plan for a Zero Waste policy in conjunction with Sustainable Midlands and to refer the development of a Zero Waste Policy to the Environment and Infrastructure Committee.

11b. **Columbia Council of Neighborhoods Annual Banquet and Awards Ceremony – Ms. Bessie Watson, President of the Columbia Council of Neighborhoods (CCN)

Ms. Bessie Watson, President of the Columbia Council of Neighborhoods announced that CCN's Annual Awards Ceremony and Banquet is scheduled for Saturday, June 11, 2011 at the downtown Marriott Hotel from 6:00 p.m. until 8:30 p.m. CCN will present the winners of the 2011 Columbia Neighborhood Hall of Fame, the Neighborhood Volunteer of the Year, Friend of the Year and other special recognitions. There will be a One Book One Columbia presentation on May 7, 2011 at the Cecil Tillis Center from 10:00 a.m. until 1:00 p.m. I will be making a presentation on the Waverly Community at the 36th

Annual Neighborhoods USA (NUSA) Conference on Neighborhood Concerns, to be held May 25–28, 2011 in Anchorage, Alaska.

CITY COUNCIL DISCUSSION / ACTION

12. Le Café Jazz at the Top of Finlay Park - Mr. S. Allison Baker, Senior Assistant City Manager

Mr. S. Allison Baker, Senior Assistant City Manager explained that through the city's normal renting process, the Skipp Pearson Foundation has used the facility at the top of Finlay Park, since November for as a jazz café. Ms. Shirley Fields Martin and Mr. Skipp Pearson are passionate about the arts and their work. The Foundation requests that the City of Columbia invest in the public arts education project, Le Café Jazz by allowing the Foundation to use the building, terrace and balcony areas through a 12-month lease with the first option to renew for an additional 12 month lease. The lease would be at no charge for the first 12 month period. The Skipp Pearson Foundation is a non-profit, 501 (c) 3 music preservation organization with the primary mission of fostering a greater appreciation for live jazz music performances. He stated that the Foundation's activities at this facility have helped to reduce loitering. The Foundation has requested the continued and uninterrupted use of the facility and all adjacent areas until a lease can be drawn up. A letter of support has been received from Mr. Cliff Span as the President of the Arsenal Hill Neighborhood Association. He said that this proposal is a deviation from the rental policy and it's outside the delegated authority given to the Director of Parks and Recreation; therefore, it requires City Council approval.

Ms. Shirley Fields Martin, Executive Director of the Skipp Pearson Foundation announced that April is National Jazz Appreciation Month. She stated that the Skipp Pearson Foundation is honored around the nation for its work in keeping live jazz music alive. We developed a project that is from the 1930's, where Parisian citizens would meet at cafes and coffeehouses. With your help we could have tourists coming from everywhere to Le Café Jazz.

Upon a motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to authorize the City Manager to execute a lease agreement with the Skipp Pearson Foundation for the use of the Café at the top of Finlay Park, as proposed. Staff is to ensure that Council's questions about insurance and liability are addressed and that all surrounding neighborhood associations are notified.

13. Orchard Program Proposal – Mr. S. Allison Baker, Senior Assistant City Manager

Mr. S. Allison Baker, Senior Assistant City Manager explained that the City of Columbia has been asked to partner with the Corporation of Economic Opportunity in a grant application for a fruit tree orchard. If successful, the Corporation will plant and cultivate the orchard and the produce will be used to the benefit of the community at no charge. The orchard must be placed in a city park or on other city-owned land. This is a commitment of 15 to 20 years; however, the granting authority understands that the orchard would go away if another use for that city property arises. We are asking for approval to continue this application process. We see this as part of our *Let's Move!* Community Gardens Program.

Upon a motion made by Dr. Gergel and seconded by Ms. Devine, Council voted unanimously to endorse the Orchard Program Proposal as presented, with the caveat that the location for the orchard be disclosed to the members of Council at the appropriate time.

14. Neighborhood Street Lighting Request – Mr. Dave Brewer, Director of Traffic Engineering

Neighborhoods Listed by Priority	Existing Lights	Requested Lights	Current Lease Cost / Annually	Increased Amount
Greenview	2	1	\$237.84	\$118.92

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to approve an additional neighborhood street light, as requested by the Greenview Community.

15. Council is asked to approve an Application for Certificate of Convenience and Necessity for the Operation of a Pedicab Business, as requested by the Business License Division. Award to Scott Fulmer doing business as Capital Pedicab at 607 Hemphill Street, Columbia, SC.

Upon a motion made by Ms. Devine and seconded by Dr. Gergel, Council voted unanimously to approve an Application for Certificate of Convenience and Necessity for the Operation of a Pedicab Business, as requested by the Business License Division. Award to Scott Fulmer doing business as Capital Pedicab at 607 Hemphill Street, Columbia, SC.

16. Columbia Urban League Summer Work Experience Leadership Program

Mr. Steven A. Gantt, City Manager explained that last year, the City Council authorized the collection of donations through the water bills for youth employment, which is handled by the Urban League on behalf of the City. You don't need to authorize an annual appropriation to the Columbia Urban League. Until further notice by this Council, we will continue to collect funds through our water bills and that money will be distributed to the Columbia Urban League on a quarterly basis for their summer employment program.

Mr. James T. McLawhorn, President and Chief Executive Officer of the Columbia Urban League reported that they advertise the programs through the schools and they normally receive 1,400 applications. The Urban League is an equal opportunity organization and the Summer Work Experience Leadership Program (SWELP) is nationally recognized. SWELP provides 250-275 youth ages 14-19 with valuable work experience that helps to foster a strong work ethic and self-esteem. The City's funding is used as a local match for funding received from the SC Department of Social Services for the employment of 250 foster care children. We have a Youth Development Academy that provides 200 youth ages 10-13 with pre-employment skills, exposure to careers, and life skills training.

Councilor Plaugh inquired about the outreach efforts. She asked that the Urban League ensure that all of the city's school districts know about these employment opportunities.

Councilor Devine directed the City Manager to publicize this service through the Public Relations Department on a quarterly basis by running announcements on Channel 2 and the website as a reminder to citizens that they can fund this program through their water bills.

17. Bull Street Committee Directives

Councilor Gergel said that expertise is needed to review storm water issues as needed.

Mr. Steven A. Gantt, City Manager assured the Council that the committee will have access to any department in the City that has the expertise that is needed.

Councilor Davis asked that the City be expeditious in providing responses.

Councilor Plough said that meeting attendees were very concerned about the deterioration of the buildings that have been left open; this will make it more difficult to preserve the buildings.

Councilor Gergel asked if they are willing to meet with the Historic Columbia Foundation to discuss inexpensive, stop-gap measures.

Upon a motion made by Mr. Davis and seconded by Ms. Plough, Council voted unanimously to approve the Bull Street Committee Directives with the understanding that the committee has access to City departments as needed. Mr. Steven A. Gantt, City Manager will organize a meeting with Mayor Benjamin and Mr. John Magill, State Director of the Department of Mental Health as soon as possible to determine if there

18. Marketing Columbia to the Palmetto Open Source Software Conference (POSSCON) Attendees – Mr. Jim Gambrell, Director of Economic Development – *This item was withdrawn from the agenda. As a cost saving measure, the conference will be marketed through electronic mail instead of US Mail.*

18a. ****Additional Funding for 225th Birthday Celebration**

Upon a motion made by Dr. Gergel and seconded by Mr. Newman, Council voted unanimously to authorize the City Manager to allocate an additional \$1,117.70 from the Hospitality Tax Fund to cover the additional expenses for the City of Columbia's 225th Birthday Celebration.

CONSENT AGENDA

Upon a single motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to approve the **Consent Agenda Items 19.** through **26.** as amended.

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

19. Council is asked to approve the Annual Renewal of the Unisys Hardware Maintenance Contract, as requested by the Information Technology Department. Award to Unisys Corporation as a sole source in the amount of \$14,591.77. This vendor is located in Farmington, NY. *Funding Source: Information Technology/Maintenance & Service Contracts; 1011120/638200 – This is for hardware maintenance that supports both Municipal Court and Business License. - Approved*
20. Council is asked to approve Project #WM4208 and SS7134; an Agreement for Civil and Structural Engineering Evaluation of Bridge over Spillway at the Canal at Riverfront Park, as requested by the Utilities and Engineering Department. Award to Chao and Associates, in the amount of \$20,290.00. This vendor is located in Columbia, SC. *Funding Source: 5516210-636600 - Approved*
21. Council is asked to approve the Purchase of an Overland Neo Package, as requested by the Information Technology Department. Award to CDW-Government in the amount of \$21,384.05. This vendor is located in Vernon Hills, IL. *Funding Source: Information Technology/Computer/Elect Equip >\$5000; 1011120/658600 (\$15,831.66) and Information Technology/Maintenance/ Service Contracts; 1011120/638200 (\$5,552.39) – This is an automated tape library backup system, which includes maintenance. - Approved*
22. Council is asked to approve Capital Improvement Project SS7159; the Purchase of Four (4) Pressurized Water Pumps for the Metro Wastewater Treatment Plant, as requested by the Utilities and Engineering Department. This project is being awarded to Heyward, Inc. as a sole source in the amount of \$30,816.00. This vendor is located in Charlotte, NC. *Funding Source: Sanitary Sewer Maintenance Fund 5516212-657500 - Approved*
23. Council is asked to approve the Annual Renewal of the Enterprise Security Suite/Trend Micro Maintenance Agreement, as requested by the Information Technology Department. Award to SHI International in the amount of \$39,310.05. This vendor is located in Piscataway, NJ. *Funding Source: Information Technology/Maintenance & Service Contracts; 1011120/638200 – This software maintains IT security and antivirus issues. - Approved*

24. Council is asked to approve Change Order #1 for Project #SS711701; New 12' Asphalt Roads at the Metro Wastewater Treatment Plant, as requested by the Utilities and Engineering Department. Award to McClam and Associates in the amount of \$100,300.00. This vendor is located in Little Mountain, SC. *Funding Source: Sewer Improvements Fund SS711701-851200 – This change order was requested by the City to compensate the contractor for the supply and installation of a section of concrete roadway with aggregate roadway metallic topping. This was not included in the original bid amount submitted for Council's approval. It also extends the contract to June 10, 2011. - Approved*
- 24a. ******Council is asked to approve the Purchase of MSA M7 Head-Up Display, as requested by the Fire Department. Award this purchase to Newton's Fire & Safety, as the low bidder meeting specifications in the amount of \$120,642.50. This vendor is located in Swepsonville, NC. *Funding Source: General Fund Fire Suppression Special Departmental Supplies 1012303-627100 (10%) \$12,064.25; County Services County Fire 2082306-627100 (10%) \$12,064.25; and Homeland Security / EPA Grants Control Account Special Departmental Supplies 2549999-627100 (80%) \$96,514.00 - Approved*
25. Council is asked to approve the Purchase of a Rear Loader Garbage Truck, as requested by Fleet Services Division. This purchase is awarded to Shealy Truck Center as the low bidder meeting specifications in the amount of \$165,300.00. This vendor is located in Columbia, SC. *Funding Source: Capital Replacement/Auto, Trucks, Heavy Equip > \$5000; 6308972/658500 - Approved*
26. Council is asked to approve the Purchase of a Pull Behind Air Compressor, as requested by the Utilities and Engineering Department. This purchase is awarded to Blanchard Machinery as the low bidder meeting specifications in the amount of \$14,363.68. This vendor is located in Columbia, SC. *Funding Source: Sewer Maintenance Projects/Auto, Trucks, Heavy Equipment > \$5,000; 5516212-658500 – Note: The lowest bidder didn't meet the criteria of the Local Preference Policy. - Approved*

Councilor Plough questioned the procurement process for information technology purchases. She said that state procurement gives an exemption to any information technology purchase. I'm not sure that our ordinance gives the same exemption.

Mr. Ken E. Gaines, City Attorney stated that we don't follow state procurement. Under the State statutes, Title 11, we are to simply have a competitive procurement process. Our procurement ordinance does have an exemption for information technology.

Councilor Plough asked that we review the ordinance; I don't understand why we would have an exemption.

ORDINANCES – FIRST READING

27. Ordinance No.: 2011-020 - Authorizing the City Manager to execute an Agreement of Purchase and Sale between the City and St. John, LLC for the purchase of a 0.1764 acre (approximately 7,683.2 sq. ft) portion of 1613 Sumter Street known as Richland County TMS #09104-04-05 for development of the City Center Garage; authorizing the City Manager to execute a Real Estate Agreement between the City and St. John, LLC placing commitments and obligations upon the 0.1764 acre (approximately 7,683.2 sq. ft) portion of 1613 Sumter Street known as Richland County TMS #09104-04-05; and dedication of a 0.0056 acre (approximately 243.1 sq. ft) portion of 1620 Main Street, Richland County TMS #09104-04-17 for public use – *Approved on first reading.*

Upon a motion made by Ms. Plough and seconded by Mr. Davis, Council voted unanimously to give first reading approval to Ordinance No.: 2011-020 - Authorizing the City Manager to execute an Agreement of Purchase and Sale between the City and St. John, LLC for the purchase of a 0.1764 acre (approximately 7,683.2 sq. ft) portion of 1613 Sumter Street known as Richland County TMS #09104-04-05 for development of the City Center Garage; authorizing the City Manager to execute a Real Estate Agreement between the City and St. John, LLC placing commitments and obligations upon the 0.1764 acre (approximately 7,683.2 sq. ft) portion of 1613 Sumter Street known as Richland County TMS #09104-04-05; and dedication of a 0.0056 acre (approximately 243.1 sq. ft) portion of 1620 Main Street, Richland County TMS #09104-04-17 for public use.

RESOLUTIONS

28. Resolution No.: R-2011-033 - Suspension of Municipal Court Judges' Compensation - *Approved*

Upon a motion made by Mr. Newman and seconded by Mr. Davis, Council voted unanimously to approve Resolution No.: R-2011-033 - Suspension of Municipal Court Judges' Compensation.

SIDEWALK VENDING ORDINANCES – FIRST READING

29. **NW Corner of Main and Gervais Streets**

Ordinance No.: 2011-018 – Granting a Franchise to David Roberts d/b/a Der Tacos, LLC for operation of a stationary sidewalk vending cart on the northwest corner of Main Street and Gervais Street – *On March 24, 2010, the Sidewalk Vending Public Hearing was deferred to March 2011. On March 29, 2011, City Council voted unanimously to close the Public Hearing on this matter and to defer first reading consideration to April 19, 2011. - This item was withdrawn from the agenda.*

ORDINANCE – SECOND READING

30. Ordinance No.: 2011-011 – *(Revised)* Approving the creation and administration of the Central Midlands Regional Housing Trust Fund – *This item was given first reading approval on April 5, 2011. – Approved on second reading.*

Mayor Benjamin said that he attended a meeting with the Mayors of West Columbia, Lexington, Arcadia Lakes and Camden and they offered universal support of the Central Midlands Regional Housing Trust Fund.

Councilor Plough said that she supports us having a regional housing trust fund, but she is concerned with the way the language is written in the ordinance; that we could have a regional housing trust fund with only one government.

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted five (5) to one (1) to give second reading approval to revised Ordinance No.: 2011-011 – Approving the creation and administration of the Central Midlands Regional Housing Trust Fund. Not later than *June 30th* of each year the City of Columbia may annually, subject to the availability of funds as Columbia City Council may determine in its discretion, appropriate funds to the Central Midlands Regional Housing Trust Fund. Voting aye were Mr. Davis, Ms. Devine, Dr. Gergel, Mr. Newman and Mayor Benjamin. Ms. Plough voted nay.

APPOINTMENTS

31. Accommodations Tax Advisory Committee

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to approve the reappointment of Mr. Bill Ellen, Ms. Wendy Nance, Ms. Dianne Light, Mr. Tony Tam, Mr. Ken May and Mr. Jim Masek and the appointment of Ms. Nancy Wagner as a representative of the hospitality industry.

32. Commercial Revolving Loan Review Board

Upon a motion made by Dr. Gergel and seconded by Ms. Devine, Council voted unanimously to approve the appointment of Ms. Caroline Watson as an attorney representative with business/corporate experience to the Commercial Revolving Loan Review Board.

A motion made by Ms. Plough to appoint Mr. Jim Daniel as a community leader from the designated commercial loan area, was withdrawn.

Upon a motion made by Dr. Gergel and seconded by Ms. Plough, Council voted unanimously to approve the appointment of Ms. Jennifer Bishop as a community leader from the designated commercial loan area; Mr. Jim Daniel and Mr. Rich Schedler as small businesspersons; and Mr. John Stackhouse as a community bank representative.

Mayor Benjamin stated that as the City complies with the new state statute on boards and commissions, that may free up additional appointments and we should reconsider these applicants. We should also recognize the long-standing members for their service.

33. Hospitality Tax Advisory Committee

Upon a motion made by Dr. Gergel and seconded by Ms. Devine, Council voted unanimously to approve the reappointment of Mr. Bill Murphy, Ms. Cynthia Hardy, Mr. John Whitehead, Mr. Marlin Fludd, Ms. Kelly Glynn, Mr. Steve McDougall, Mr. Bobby Williams, Ms. Susan Douglas, Mr. David Martin and Mr. Rob Schoolmeester and the appointment of Mr. Moe Baddourah to the Hospitality Tax Advisory Committee. The City Attorney is asked to determine if City Council has the purview to expand the board composition, if so, Councilor Plaugh is encouraged to reach out to Mr. Zachary Snead as a possible appointee and Councilor Davis is asked to nominate someone as well. A letter is to be drafted expressing Council's appreciation for Mr. Burt's service.

CITY COUNCIL COMMITTEE REPORTS

34. The Economic and Community Development Committee recommends that City Council endorse Ordinance No.: 2010-119 – Amending the 1998 Code of Ordinances, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 1, Generally, Sec. 17-55 Definitions to add Temporary vendor and Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258 Table of permitted uses to add (7). *This ordinance must be reconsidered by the Planning Commission and brought back to City Council for consideration as part of a Zoning Public Hearing.*

Ms. Krista Hampton, Director of Development Services explained that the current draft of the ordinance maintains the exemptions that were in the previous ordinance. It allows temporary vendors to be permitted on private property with the owner's consent. This is not related to sidewalk vendors. It will not require a building or restrooms. It will require a zoning permit. They will be allowed to operate for 10 consecutive hours within a 24-hour period. The vendor will have to remove all materials when they leave the site. The merchandise being sold must be allowed within that zoning classification. Temporary vending is allowed every day and all year long. This does not impact garage sales, which currently require a permit and are limited to two (2) per year. This is a text amendment and it will be advertised in the newspaper. This matter will be on the Planning Commission's June agenda and the City Council's July Zoning Public Hearing agenda.

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to forward the Ordinance No.: 2010-119 in its current form to the Planning Commission for consideration.

35. The Arts and Historic Preservation Committee recommends that the City discontinue the use of staff and resources in conducting neighborhood polls for any zoning matter while continuing to welcome neighborhood consensus, recognizing that there may be differing opinions. The standard zoning procedures allow for substantial public input into the decision making process.

Councilor Gergel explained that the Committee met to discuss our current procedures for designation in historic areas and for –CC1. We talked at length with our staff and we all recognize that in many ways, this designation process has become a campaign of itself and that city staff are put in the position of being election officials. We felt that this is a decision Council must make; we cannot have zoning by referendum. We have come

back with a recommendation to eliminate staff involvement in any sort of polling, vote, election, if you will. That we handle these matters as we would any other zoning matters. Ms. Hampton informed us that 30-days notice is given to surrounding property owners. Clearly, there is a role for staff to play in working with the neighborhood in providing educational programs, but this is where the decision must be made. We must step up to the plate and say that we are tired of seeing these campaigns divide neighborhoods and they haven't been productive. Our committee felt like this was a move that we needed to take.

Ms. Krista Hampton, Director of Development Services explained that Council would be amending the current policy, eliminating any reference to city sponsored activities related to a vote.

Mr. Ken E. Gaines, City Attorney said that you do need to vote and it would moot the current lawsuit.

Councilor Plough asked if this means that we wouldn't have meetings in the community.

Councilor Gergel said that is not our intent, by any means.

Ms. Amy Moore, Preservation Planner stated that we would continue to have all of the meetings that we need to have for neighborhoods in order to fully explain the impact of historic designation or the overlays.

Councilor Gergel said that we would continue to take the following things into consideration: the opportunity to hear from residents; the comprehensive plan; staff recommendations; historic studies that have been done of the area; all of those things that would normally enter our decision making, remain.

Upon a motion made by Dr. Gergel and seconded by Mr. Newman, Council voted unanimously to discontinue the use of staff and resources in conducting neighborhood polls for any zoning matter while continuing to welcome neighborhood consensus, recognizing that there may be differing opinions. The standard zoning procedures allow for substantial public input into the decision making process.

36. The Arts and Historic Preservation Committee is asking Council to refer the consideration of an ordinance addressing the demolition of historic structures by neglect to the Arts and Historic Preservation Committee.

Councilor Gergel said that given our discussion earlier about the need to look at ways we might address challenges with the Bull Street properties, this is an important tool that many cities have used to make sure that neglect doesn't end up resulting in the need to demolish historic structures. Our staff has been looking at this for a couple of years and I would like to request that the consideration of an ordinance be referred to our committee.

Mayor Benjamin encouraged staff and the committee to be judicious in its approach.

Councilor Plough asked that the committee not only focus on Bull Street, but look at how this affects redevelopment in the city.

Upon a motion made by Dr. Gergel and seconded by Ms. Devine, Council voted unanimously to refer the consideration of an ordinance addressing the demolition of historic structures by neglect to the Arts and Historic Preservation Committee.

37. **Central Midlands Regional Transit Authority

Councilor Plough said that time continues to tick on as it relates to public transit. My concern is that an RFP isn't out to bid to make sure we have a competitive process for an operator. This Council needs a session to discuss this matter and see how we want to proceed and do things to make sure that the taxpayers' dollars are effectively utilized.

Mayor Benjamin explained that he had conversations with the Chairwoman of the RTA and Ms. Frannie Heizer, Esq., making clear the priorities of our Council as we move forward. I think they are looking for our comments back on the Intergovernmental Agreement (IGA). The areas that I made clear, based on our previous conversations as a Council, were that the financial commitment from the City would be limited to funds generated from the increase in the franchise fee and not the additional \$1 million articulated in the 2002 agreement; provisions for financial transparency with a prospective private operator; if it's the current operator or a new operator, that would be articulated in any Request For Proposals that would be developed by the RTA, not necessarily governed by the IGA; and that our participation was in fact contingent upon the private operator contract being bid competitively and being bid competitively and immediately, this year. They ensured me that they have the component parts in place to have an RFP on the street by the end of May or June.

Councilor Plough said that a group has volunteered to look at financials and yet financials have not been provided.

Councilor Gergel said that the current IGA expires June 30th. I would ask that we set aside some time as a Council to talk about the elements that we would like to see in the IGA. It may be a different governing structure in addition to the things that you have mentioned. We may look at when we would need to know something about alternative funding.

Mayor Benjamin stated that we should let them know that there may be additional parts of the deal that we may want to articulate in the not too distant future. We should send them something that represents the next step of the process. Sometimes we have to look at different organizations, different governing structures, and we have that latitude under the agreement and statute. I will say this though, for those of you who are paying close attention to this; the leadership that's being provided by the University by way of Derrick Huggins has been nothing short of exceptional and phenomenal. He has done everything we've asked of him, he's done a fantastic job and I hope and pray that we find some way to keep him actively engaged after his tour of duty at the CMRTA is over.

Councilor Gergel requested that Mr. Huggins brief Council on where he sees the opportunities and challenges in the immediate future for the CMRTA.

There was a consensus of Council to schedule a Work Session on May 3, 2011 for a discussion on economic development and the Central Midlands Regional Transit Authority.

38. **Public Safety Committee Report – The Honorable Brian DeQuincey Newman

Councilor Newman provided the following report from the Public Safety Committee held on Thursday, April 14, 2011. The most pressing issue is the appointment of our Municipal Court Judges. We have received all applications; we are currently going through the screening process; the interviews with the Public Safety Committee will take place during the second week in May; and we should be prepared to make recommendations to this Council by June 6, 2011. We looked into a potential ordinance to help deter the recent copper thefts. From our research and from discussions with city staff, we don't believe that there are any dealers who are actually purchasing this stolen property within the city. We asked our Legislative Liaison to maintain contact with our Delegation to track the status of them passing increased penalties on the dealers. If not, she will also look into coordinating with Richland County, being that some of the potential dealers are located in the county and outside of the city limits. In regards to our Diversionary Programs, there are two programs that we're working on to provide penalties without interfering with our misguided youth, once they commit a crime. One is regarding youth arbitration and the second is a diversionary program that will convert our penalties into community service. Both of those efforts are being coordinated with Solicitor Dan Johnson. There will be a press conference within the next week in regards to youth arbitration and we are still coordinating with staff in regards to the community service diversionary program. We did look into the prisoner drop-off issue and the safety of our surrounding neighborhoods. Our Police Chief developed a 5-step plan to ensure the safety of our residents that live near these drop-off locations. We believe that this will provide additional security to protect the business owners and neighbors while our Council continues to explore other options to include changing locations. We requested that he provide an update to the committee at our May meeting. We had a lengthily discussion about the youth curfew; several members from the Hospitality Taskforce were present; and the Police Chief participated in the dialogue as well. The recommendation is that we look into enforcing a youth curfew in our hospitality districts, similar to the Greenville ordinance. This recommendation comes in the form of a directive for our City Manager and City Attorney to continue to look into the possibilities of creating this ordinance. We request that the matter be looked into and that you provide some recourse in terms of our possibilities and get that information to the Council members.

Councilor Davis indicated that he agreed to the youth curfew recommendation with the stipulations stated, but I do have some concerns as to where we are with the statistics we are going to use to fashion that into a policy ordinance that fits the criteria. I am still uncomfortable with whether or not it is viable to do this in one area or citywide. I am not comfortable with the amount of input we are getting from other parts of the city as to whether or not a curfew would be appropriate in the City of Columbia. We will see what our latitude, the potential impact and the legal aspects will be.

Councilor Plough reminded the Council that the Administrative Policy Committee is still trying to coordinate the meeting on unified services with Richland County.

Upon a motion made by Dr. Gergel and seconded by Mr. Newman, Council voted unanimously to refer the creation of a special law enforcement team for the Hospitality Districts within the Columbia Police Department to the Public Safety Committee.

Upon a motion made by Dr. Gergel and seconded by Mr. Newman, Council voted unanimously to refer a review of how we manage, take care of and access the City's records to the Arts and Historic Preservation Committee.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Mr. Bill Manley, Eau Claire Community Resident appeared before the members of Council to express concerns about the franchise fee increase for the 4th time. He said that members of the AARP Chapter 753 and citizens of Columbia signed a petition. He stated that the City of Columbia received \$71 million in December 2001; \$32 million in 2002; and \$39 million in land, buildings and buses from SCANA. In February 2002, City Council passed a 3% franchise. Now you are asking for another 2% that I estimated at \$4.5 million. That is \$10 million a year on franchise fees. You don't need the 2%. He insisted that the members of Council rescind Ordinance 2010-160, immediately.

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to adjourn the meeting at 9:24 p.m.

Respectfully submitted by:

Erika D. Salley
City Clerk