



CITY OF COLUMBIA
CITY COUNCIL MEETING MINTUES
TUESDAY, JUNE 7, 2011
6:00 P.M.
CITY HALL – COUNCIL CHAMBERS
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting and a Public Hearing on Tuesday, June 7, 2011 at 7:00 p.m. at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:06 p.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.

PLEDGE OF ALLEGIANCE

INVOCATION

Chaplain Darrell Croft, Columbia Fire Department offered the Invocation.

APPEARANCE OF PUBLIC WITH COMMENTS RELATED TO THE AGENDA ITEMS

No one appeared at this time.

APPROVAL OF MINUTES

1. Work Session Minutes of April 26, 2011 and May 17, 2011 – *Approved*

Upon a single motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve the Work Session Minutes of April 26, 2011 and May 17, 2011, as presented.

2. Council Meeting Minutes of May 17, 2011 and Special Called Meeting Minutes of May 24, 2011 - *Approved*

Upon a single motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to approve the Council Meeting Minutes of May 17, 2011 and the Special Called Meeting Minutes of May 24, 2011, as presented.

PRESENTATIONS

3. Recognition of Loyal Service to the City of Columbia – The Honorable Mayor Stephen K. Benjamin

Mayor Benjamin, the members of City Council and Mr. Steven A. Gantt, City Manager recognized Mrs. Gladys Brown, Assistant City Manger for 31 years of service and Captain Estelle Young for 42 years of service. They were both presented with tokens of appreciation for their outstanding service and leadership to the people of the City of Columbia.

4. Employee Incentive Program Awards – The Honorable Mayor Stephen K. Benjamin

Mr. Bradley Anderson, Special Projects Coordinator introduced an intranet site for employees to submit ways to save money and increase efficiency online. Ten months ago, Mayor Benjamin led by example and pledged half of his salary to create the Mayor's Salary Incentive Program. The following individuals were recognized for their recent ideas:

\$500 Awards: Suggestions projected to save up to \$50,000 over five years

- Precious Cannon, Administrative Secretary in the Fire Department
- Heather Hatcher, Buyer in the Purchasing Division
- Evan McWilliams, Fire Flow Technician in the Fire Department
- Lisa Troop, Senior Administrative Secretary in the Columbia-Richland Communications Center

\$1000 Awards: Suggestions projected to save more than \$50,000 over five years

- Starr Hockett, Administrative Fiscal Resource Coordinator in Administration
- Firefighter Irving Salazar

Mayor Benjamin presented each employee with their incentive award. He announced that these employees and their ideas will be featured on billboards across the City, courtesy of Lamar Outdoor Advertising.

5. Homeownership Month Proclamation – Ms. Tina Herbert, Deputy Director of Community Development

Ms. Tina Herbert, Deputy Director of Community Development announced that the Community Development Department will be hosting housing fairs throughout the month in recognition of National Fair Housing Month. On June 3rd and 10th, fairs will be hosted specifically for City of Columbia employees. On June 17th and 24th, fairs will be hosted for the general public. At these events, we will highlight Community Development programs that promote homeownership along with the Neighborhood Stabilization Program and we will be giving out door prizes and \$50 Lowes gift cards. She recognized the Community Development staff for working so hard.

Ms. Deborah Livingston, Director of the Columbia Housing Development Corporation thanked the many partners that helped to implement the Neighborhood Stabilization Program (NSP) since 2009. She recognized Community Assistance Partners, Inc., which is 100% complete with their portion of NSP; the Columbia Housing Authority for purchasing foreclosed homes along Sunset Drive and is almost complete with their portion of NSP; and the Columbia Housing Development Corporation for purchasing several homes. Over 60 properties in the City of Columbia have been impacted through the Neighborhood Stabilization Program.

Ms. Amanda Staley, NSP Homeowner said that she started dreaming about homeownership 2 years ago and after working with the City's Community Development Department, her dream came to fruition within months. My son and I are now safe and secure in our beautiful home. My advice to any inspiring homeowner is to never give up on your dreams, keep striving and keep pushing and with the help of the City of Columbia, you too, can transform your dreams into reality.

Mayor Benjamin and the members of Council proclaimed June 2011 as National Homeownership Month in the City of Columbia.

6. City of Columbia 225th Birthday Celebration – Ms. Doreen Sullivan, President of Post No Bills and Mr. Gary Goodman, General Manager of The SC State Fair

Mr. Gary Goodman, General Manager of The SC State Fair announced the 142nd SC State Fair scheduled for October 12-23, 2011. Our board agreed to raise our annual contributions for scholarships to students across South Carolina from \$125,000 to \$300,000 annually. We attract 500,000 visitors each year; vendors paid \$70,000 in hospitality taxes in 2010; all vendors are required to purchase a city business license; we disburse \$1 million in payroll and \$69,000 in awards to contest winners; and our annual building rental discounts are in excess of \$100,000 to local not-for-profit organizations. We are working on a master plan for our facilities to include doubling the size of the Cantey Building. We are partnering with Post No Bills to assist us with celebrating the City of Columbia's 225th Birthday. The theme of the 2011 State Fair is "Find Your Happy". We are designating the Ellison Building to exhibits focusing on the City's past and its future; there will be \$225 sweepstakes at all our competitions; we will expend \$200,000 in media advertising, incorporating the City's logo; October 19th will be a free admission day for City of Columbia employees and family; and the theme will be integrated into the SC State Fair Preview Party.

Ms. Doreen Sullivan, President of Post No Bills announced that Mr. Walter Scheib, The American Chef who served as the White House Executive Chef from 1994 to 2005, will be judging the cake contest and other related events from October 18-19, 2011. There are opportunities for the City to highlight its restaurants and other city initiatives; boost economic development; collaborate with the Conventions and Visitors Bureau on package promotions; and overall statewide exposure of the City and its historic birthday celebration. Post No Bills will provide an e-mail template for citywide distribution that will allow Council members to invite its constituents out to the State Fair; combine public relations efforts; utilize the trolley as a shuttle service; and encourage social media cross promotion. She requested advertising cost assistance in a few areas. She also suggested a CMRTA bus wrap and a billboard campaign as means of advertising the 2011 SC State Fair in hopes of increasing attendance.

Councilor Gergel asked that the City obtain the exhibits at the conclusion of the State Fair.

There was a consensus of Council to defer the coordination of staff and Mr. Ric Luber to the City Manager and to consider Hospitality Tax funding to assist with promoting the 2011 SC State Fair.

- 6a. **Presentation of Neighborhoods USA Award Recipients – Ms. Bessie Watson, President of the Columbia Council of Neighborhoods

Ms. Bessie Watson, President of the Columbia Council of Neighborhoods presented an award to Ms. Doris Hildebrand, President of the Historic Waverly Community and its lead partners for the resurgence of the Historic Waverly Neighborhood. They earned 3rd place honors in the Multi-Neighborhood Partnerships category of the Neighborhood of the Year awards program. She also recognized Mr. Henry Hopkins, Executive Director of the Eau Claire Community Council and Ms. Becky Bailey, Editor of The New Survey for receiving the Gold Certificate Award in the Newsletter Competition.

She invited everyone to attend the Columbia Council of Neighborhoods' Annual Awards Ceremony and Banquet on Saturday June 11, 2011, at the Downtown Marriott Hotel from 6:00pm - 8:30pm.

Mr. Tige Watts, NUSA President said that it was a true honor to bring back awards to Columbia. For 37 years NUSA has been educating and empowering neighborhood leaders and this is the first time that the City of Columbia has been awarded.

CITY COUNCIL DISCUSSION / ACTION

7. One-Way Operation Request

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to approve a one-way restriction on Standish Avenue at Arden Elementary School during the hours of 7:00 a.m. to 8:30 a.m. and 2:00 p.m. to 3:00 p.m. to reduce conflicts at the parent drop-off and pick-up drive on school days only.

8. Consideration of placing a Municipal Court Judge on an inactive status

Councilor Newman stated that it has been reported to Council that a Municipal Court Judge is unable to perform the duties of the office for an indefinite period of time; accordingly, the following motion is being made:

Upon a motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to place the Municipal Court Judge on an inactive status and discontinue the salary payments to the Judge during the period of such inactivity; provided that the Judge may continue coverage under the selected group health plan, contingent upon timely payments of the required participant premium. Salary payments shall discontinue seven days from the delivery of written notice of this action to the Judge.

8a. Appointment of Municipal Court Judges

Councilor Newman explained that over the past year we have lost two Municipal Court Judges and the Public Safety Committee has gone through the process of selecting new Judges to our bench. With our efforts to make sure that Columbia is going to be a clean and safe City, we have to assure that we have effective Judges and the appropriate number of judges to effectuate all our needs and concerns, as well as make the appropriate decisions that need to be made in regards to public safety and our quality of life. Over the past four months, the Public Safety Committee, which is chaired by myself and consisting of Councilors Davis and Gergel, we had the opportunity to interview several applicants for Judgeship. We received 24 applications; the majority of which were highly qualified applicants, making this a very daunting task. We approached this effort to ensure that we appointed Judges that had the appropriate temperament as well as the requisite level of legal aptitude to ensure that they do an efficient job.

Upon a single motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to approve the appointment of Mr. Carl L. Solomon as a regular Municipal Court Judge and the appointment of the following individuals as substitute Municipal Court Judges: Ms. Sally W. Speth, Ms. Kristy Grafton-Goldberg and Ms. Michelle M. Hurley.

9. Record of Public Disclosure for Application of HOME dollars to be used for low-income rental housing, as requested by the Community Development Department. Award to Community Assistance Partners, Inc. (CAP) in the amount of \$84,200.00. – *This was provided as information. No action was taken.*

Mr. Kenneth E. Gaines, City Attorney explained that the Vice President of Community Assistance Partners, Inc. is Councilwoman Devine's husband and the Community Development Department will be asking for an exception to a potential conflict of interest. As part of the exception process there has to be a public disclosure of the potential conflict of interest and this is the public forum in which Community Development chooses to make that public disclosure. In 2009, HUD required a letter from my office stating that there was no conflict of interest, as part of the process. And since there is no vote of Council, I am implying to HUD that there is no conflict. I assume that process will go forward now that you've had the public disclosure of potential conflict.

10. Council is asked to approve a Renewal Premium for Workers Compensation Excess of Loss Coverage effective July 1, 2011. - *Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to approve the Renewal of Premiums for Workers Compensation Excess of Loss Coverage effective July 1, 2011. Award to Safety National in the amount of \$103,529.00 for \$800,000 in retention. This vendor is located in St. Louis, MO. *Funding Source: Worker's Compensation Administration 6098939-636200 Insurance and Bonding*

PUBLIC HEARING

11. Ordinance No.: 2011-021 (*Revised*) - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Article IV, Offenses Against the Public Peace and Order, Sec. 14-106 Hours of sale restricted for commercial establishments which allow for on-premises consumption of beer, ale, porter and/or wine - *First reading approval was given on April 26, 2011. Second reading consideration was deferred on May 3, 2011. – Approved on second reading as amended.*

Mr. Kenneth E. Gaines, City Attorney explained that the intent of the penalty section of the Ordinance was for the person with the exemption to obtain security personnel within thirty days notice from the Police Department, after two instances. I would ask that you adopt an amended ordinance that eliminates section (2) d and amends section (2) c.

- **Council opened the Public Hearing at 7:30 p.m.**

Mr. Clark Ellefson, Co-owner of the Art Bar and a member of the Vista Guild appeared before the Council in opposition to the ordinance, stating that they have not contributed to any of the problems and last year we received numerous awards. We feel that we are being targeted.

- **Council closed the Public Hearing at 7:31 p.m.**

Upon a motion made by Dr. Gergel and seconded by Mr. Rickenmann, Council voted unanimously to give second reading approval to Ordinance No.: 2011-021- Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Article IV, Offenses Against the Public Peace and Order, Sec. 14-106 Hours of sale restricted for commercial establishments which allow for on-premises consumption of beer, ale, porter and/or wine, with the following amendments:

- Eliminate section (2) *d. The business shall employ security personnel to exercise security functions at a minimum ratio of 1 per 100 occupancy. All security personnel shall be licensed by the State of South Carolina and be bonded.*
- Amend section (2) *c. For those commercial establishments required to utilize security agency personnel to primarily exercise security functions, as defined by Section 40-18-20, et. seq, of the Code of Laws of South Carolina 1976, as amended from time to time, under subsection 3 such security agency shall be licensed by the State of South Carolina. The security agency shall also be licensed by the City of Columbia.*

Mayor Benjamin encouraged Mr. Ellefson to meet with the City Attorney and others in order to fully understand the nuances of the ordinance. I don't believe that it should affect the Art Bar in any significant way, but I want to make sure that we are all on the same page.

CONSENT AGENDA

Mr. Steven A. Gantt, City Manager asked the Council to approve the Consent Agenda Items omitting **Item 20**. as it is a duplicate of **Item 22**.

Councilor Devine inquired about **Item 14**. noting that City Council passed an ordinance encouraging the purchase of hybrid vehicles. I would think there would be a comparable hybrid in the compact car range. I know that we must save money, but the long term goals of this City are to reach sustainability and in some instances we will have to spend more money.

Mr. David Knoche, Superintendent of Support Services explained that the price range for a Prius is \$22,000.

Mr. Steven A. Gantt, City Manager said that we are purchasing completely electric vehicles with solar power panels on the roof for the Police Department and Parking Services for downtown, the Vista and Five Points.

Councilor Gergel concurred with Ms. Devine and asked that **Item 14**. be held to determine if there is a good price out there on a hybrid. At some point, we will have to note that commitment in every possible way to go with those vehicles that will have a longtime impact on our City. Can we take another look at this one?

Councilor Rickenmann said that a compressed natural gas (C&G) Ford Focus can be purchased under state contract. This is carbon neutral and we have a pumping station on Assembly Street with a gallon gas equivalent (GGE).

Mr. David Knoche, Superintendent of Support Services agreed and added that there are other divisions looking to purchase hybrids next year.

Upon a single motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to approve the **Consent Agenda Items 12., 13., 15. through 19. and 21. through 25.** Staff was directed to identify an alternative fuel vehicle as a replacement for **Item 14.** and **Item 20.** was withdrawn from the agenda, because the purchase is included as part of **Item 22.**

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

12. Council is asked to approve the Purchase of Two (2) Tape Drives for the Symantec Tape Drive and Media Server being used on Washington Street as part of the secondary tape drive for disaster recovery, as requested by the Information Technology Department. Award to Dell Marketing L.P., using the SC State Contract in the amount of \$11,981.86. This vendor is located in Round Rock, TX. *Funding Source: Graphic Information System Computer/Electronic Equipment >\$5,000; 5511121-658600 - Approved*
13. Council is asked to approve the Purchase of Licensing for the New Symantec Tape Drive and Media Server being used in the data center on Washington Street as part of the tape library for disaster recovery, as requested by the Information Technology Department. Award to SHI International, using the SC State Contract in the amount of \$18,900.57. This vendor is located in Piscataway, NJ. *Funding Source: Graphic Information System/Computer License, 5511121-627510 - Approved*
14. Council is asked to approve the Purchase of One (1) Ford Focus, as requested by the Waste Water Maintenance Division. Award to VIC Bailey Ford, Inc., using the SC State Contract in the amount of \$14,824.00. This vendor is located in Spartanburg, SC. *Funding Source: Utilities Waste Water Maintenance-Auto, Trucks, Heavy Equipment > \$5,000; 5516205-658500 – This item was withdrawn from the agenda. Staff was directed to identify an alternative fuel vehicle as an acceptable replacement for the Ford Focus.*
15. Council is asked to approve the Purchase of Signs and Stands, as requested by the Water Distribution Division. Award to Traffix Devices, Inc., the lowest bidder in the amount of \$17,353.17. This vendor is located in San Clemente, CA. *Funding Source: Utilities Water Dist & Maint/ Signs, 5516203-625400 - Approved*
16. Council is asked to approve a Professional Services Contract for conducting development and testing for the promotional ranks of Battalion Chief, Captain and Engineer, as requested by the Fire Department. Award to University of South Carolina (USC) Government Research and Service Institute, as a Sole Source in the amount of \$24,600.00. This vendor is located in Columbia, SC. *Funding Source: (1012304-631200 \$9,100); (1012304-636600 \$3,200); (2082306-631200 \$11,000); (2082306-636600 \$1,300) - Approved*
17. Council is asked to approve Capital Improvement Project #WM3942; 8" Water Main along Barhamville Road near C.A. Johnson, as requested by Utilities and Engineering. Award to Independent Waterworks, the lowest bidder in the amount of \$29,960.12. This vendor is located in Lexington, SC. *Funding Source: Water Capital Improvement Fund; 5529999-WM394201-658300 - Approved*

18. Council is asked to approve the Purchase of Four (4) CPR Machines, Model Life-Stat #1008, as requested by the Emergency Operations Center Division. Award to Michigan Instruments, Inc., as a Sole Source in the amount of \$32,100.00. This vendor is located in Grand Rapids, MI. *Funding Source: GL: Homeland Security Grant Control-Machinery and Equipment Capital, 2549999-658300; JL: Metro Medical Response System-Machinery and Equipment Capital, 9906100101-658300 - Approved*
19. Council is asked to approve the Purchase to Upgrade HP Storage Works which is licensing and Small Form Factor Transceivers and for the Purchase of new Storage Works Equipment to replace obsolete Equipment, as requested by the Information Technology Department. Award to HP Direct, using the SC State Contract in the amount of \$33,586.02. This vendor is located in Omaha, NE. *This will be charged as follows: - Approved*

Account Number	Description	Total
1011120-627500	Information Technology/ Computer Equipment and Hardware	\$5,223.74
1011120-627510	Information Technology/Computer License	\$2,725.50
6218954-627510	Technology Replacement/Computer License	\$9,772.31
6218954-627500	Technology Replacement/Computer Equipment Hardware	\$5,223.74
6218954-627510	Technology Replacement/Computer License	\$8,176.51
6218954-638200	Technology Replacement/Maintenance and Service Contract	\$1,608.21
6218954-636600	Technology Replacement/Professional Services	\$856.00
	Total	\$33,586.02

20. Council is asked to approve the Purchase of Fifty (50) OptiPlex 780 Minitower Base with Dual Core Processor E5800 Computers, as requested by the Information Technology Department. Award to Dell Marketing L.P., using the SC State Contract in the amount of \$51,435.97. This vendor is located in Round Rock, TX. *Funding Source: Technology Replacement/Computer Equipment and Hardware; 6218954-627500 – This item was withdrawn from the agenda, because it is included as part of **Item 22**.*
21. Council is asked to approve a Task Order to provide Chapter 17 Inspections and Materials Testing Services to the City Center Development Project Parking Garage, as requested by the Parking Services Division. Award to Terracon in the amount of \$53,903.20. This vendor is located in Columbia, SC. *Funding Source: 2005 Parking Facilities Revenue Bond Issue; PG001103/PG001104 - Approved*
22. Council is asked to approve the Purchase of One Hundred (100) OptiPlex 780 Minitower Base with Pentium Dual Core Processor E5800 Computers and Twenty-four (24) Dell Latitude E6420 plus Adapters, as requested by the Information Technology Department. Award to Dell Marketing, L.P., using the SC State Contract in the amount of \$147,903.62. This vendor is located in Round Rock, TX. *Funding Source: Technology Replacement/Computer Equipment and Hardware, 6218954-627500 - Approved*
23. Council is asked to approve Project #SS7159(12); Rebuild Centrifugal Blowers #3 and #4 at the Metro Wastewater Treatment Plant, as requested by Utilities and Engineering. Award to Gardner Denver, as a Sole Source in the amount of \$169,115.64. This vendor is located in Peachtree City, GA. *Funding Source: Sanitary Sewer Maintenance Fund; 5516212-623100 - Approved*

24. Council is asked to approve the Purchase of One (1) lot of Equipment to replace IFAS servers, as requested by the Information Technology Department. Award to Dimension Data in the amount of \$189,908.78. This vendor is located in Charlotte, NC. *Funding Source: Technology Replacement Computer/Electrical Equipment > \$5kCPT - Approved*
25. Council is asked to approve Capital Improvement Project #WM421701; Construct 16" Water Main Alpine Road and I-20, as requested by Utilities and Engineering. Award to Trussell Bros. Construction, the lowest, responsive and responsible bidder in the amount of \$441,135.00 with a contingency of \$45,000.00 to be added to the lowest bid for a total amount of \$486,135.00. This vendor is located in Columbia, SC. *Funding Source: Water CIP Special Contracts; WM421701-638300 - Approved*

ORDINANCES – FIRST READING

26. Ordinance No.: 2011-029 – To Raise and Adopt the Budget for the City of Columbia, South Carolina, for the Fiscal Year ending June 30, 2012 – *Approved on first reading.*

Mr. Steven A. Gantt, City Manager requested first reading approval of **Item 26**. He explained that they were directed by Council to develop a General Fund budget that provided for a clean, safe and responsible City. This doesn't have a tax increase. We were able to find another revenue stream through the Hydro Plant Lease and that will help the General Fund for the next 25 years. We did put an additional \$2 million in the Police and Fire Departments and we were able to do that without a tax increase. We still have some reserves and with the exception of a Cost of Living Adjustment for our employees, we are very comfortable with this budget; we're very proud to be able to present you an on average increased budget for the General Fund for this upcoming year.

Councilor Devine made the motion to give first reading approval to **Item 26**.

Mayor Benjamin opened the discussion period.

Councilor Devine commended staff and Mr. Rickenmann as Chair of the Finance, Audit and Budget Committee for doing what was tough this year, but bringing us something that isn't everything we want, but it has everything that we need in it; without sacrificing service or safety for our constituents. If we have a good first quarter in addition to this year's surplus, we will be looking at something for staff. I would also ask if we could look at the monies that we've had in the past for Community Promotions. I know that it was impossible to put it in this budget and certainly I support this budget, but I have been contacted by some of the smaller groups that have relied upon that. They understand where we are, but if one-time monies become available, I would ask that we as a Council consider that. A lot of those groups do great things in our community and they are not eligible for hospitality or accommodations tax money.

Mr. Steven A. Gantt, City Manager said that unallocated reserves is included in the City Manager's budget and that could be used for Community Promotions. After we approve the budgets, we can go back and determine how we would like to use the unallocated reserves.

Councilor Plough also thanked staff, noting that it was a challenging budget process. Councilman Rickenmann and the committee made an exceptional effort, spending lots of time and hours; staff responded very appropriately; and that's why we're here today. But also having looked at ways in which we could tighten, I am still challenged by the needs of infrastructure and I understand that we are going to see what we can do with streets and sidewalks. There are some significant basic needs in this community that are a part of being the kind of City we want this community to be. I am continuing to work with staff as we look at what our costs are for Public Safety, particularly, in the Police Department on a per capita basis. I appreciate the staff's willingness to work with me to ensure that we are comparable in terms of our expenditures on a per capita basis.

Councilor Davis complimented staff and the Finance Committee that was led by Mr. Rickenmann, because we are coming in without a tax increase; that in itself is representative of the efforts and the commitment of everybody to take a long hard look at where we can provide the savings, but keep in focus the primary purpose for everybody's efforts to ensure that the City is clean, safe and on target as far as our general purpose as a municipal government. Moving forward, I applaud the efforts and foresight of all of us to continue to look at how we reach some of those unmet needs, such as sidewalks, streets and potholes. Those are tell-tell signs of how well we treasure this City and do our best to ensure that the quality of life of everybody that travels through it everyday is good. It is a budget that I can live with this year. As a result of everyone's efforts we now have a surplus in the budget again.

Councilor Rickenmann thanked all of the City employees. We came into this budget with a theme to provide a clean and safe city; it was a challenge. We were fortunate to partner with Lockhart Power to take over our Hydro Plant and create a long-term revenue stream, instead of it being in a deficit every year. We don't have everything we need yet. Over the years, we will continue to focus on our infrastructure, public safety and build on the theme of having a clean and safety city. I'm proud of where we are today, but the work is not done.

Upon a motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2011-029 – To Raise and Adopt the Budget for the City of Columbia, South Carolina, for the Fiscal Year ending June 30, 2012. Ms. Devine was not present for the vote.

27. Ordinance No.: 2011-027 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V, Water and Sewer Rates, Sec. 23-143 Water service rates and Sec. 23-149 Sewer service rates, (a) Generally and (b) Consumers using water cooling towers for air conditioning – *Approved on first reading.*

Mr. Steven A. Gantt, City Manager requested first reading approval of Item 27, which is a 5% increase on water and sewer rates to continue to upgrade, improve and repair our aging water and sewer infrastructure within our system. On the sewer side, it's because of the number of sanitary spills we've had over the last three years. We need to make sure that we tighten up and straighten up our sewer system. This increase also allows me to maintain the coverage ratio for the bonds above 130, which is necessary for us to keep our AA rating within our water and sewer bond rating. This also sends a very strong and positive message to an agency that has been looking at our operations for the last couple of years, that we are indeed serious about the improvement of our system and making sure that we meet all of the necessary regulations and requirements. The 5% increase is a nominal amount and it will allow us to continue to move forward

with the improvement of our water and sewer system for not only the residents of the City of Columbia, but for the other 60% of our customers that are outside the City.

Councilor Rickenmann made a motion to give first reading approval to **Item 27**.

Mayor Benjamin opened the discussion period.

Councilor Rickenmann said that nobody wants to raise the rates by 5%; we should be raising it by a smaller percentage every year, because it is a business area and there are costs that are incurred with continued expansion and repairs. There has been a lot of discussion from folks about misgivings and misspending, but over the last five years, we've tried to trim this system and cut out some of the excess fat. We spent a great deal of time with Black & Veatch to commission a study and we've reduced the amount by \$2 million in 2 years. The reality is we are going to have a 5% increase to allow us to bond the capacity to do the maintenance, which is probably going to pay off much more in the long run for the water customer than anything else. The cost of construction and the ability for us to get more work done for a lesser amount of money will equate to a lesser rate increase. This system is vast and a great portion of it stretches from Chapin to Lower Richland. If we continue to move forward with the plans that we have, you will be pleasantly surprised.

Councilor Davis said that it's a hard pill for him to swallow, to support a rate increase. If we do this incrementally, we won't catch up. We asked staff to do a rate comparison over a period of time with similar municipalities and we ranked 2nd or 3rd lowest out of 28 cities. I understand the comments and I do respect the e-mails I received. It's worth it, because we are getting the investment at a better rate, considering where the economy is. It is important if we want to continue to recruit new businesses and people into areas where infrastructure has to be developed. I will reluctantly support this with the understanding that this is going to be it for quite some time in terms of our need to ask the taxpayers to participate and accept a rate increase in water and sewer.

Councilor Gergel said that she is also going to reluctantly support this 5% increase. I have discussed this matter at length with the City Manager, asking him if there were any other options; we don't have good options and I don't know how we can do anything but invest in our present and future needs. The City Manager has expressed to each of us the possibility and the possible consequences of the EPA coming in and taking over our system and that is not something that we want to happen. The sewage spills are unacceptable. I've heard from numerous residents who've expressed to me what impact this increase will have on them. The bottom line is that Mr. Gantt has explained the likelihood of a significant increase occurring if we're taken over. I would ask that we take a close look at the monies that we are taking out of the Water and Sewer Fund; each year we are taking out \$7 to 8 million. I would ask Mr. Rickenmann, as Chair of the Finance, Audit and Budget Committee to begin looking at what we do with the money that we are not putting back into the system. Let's have a healthy discussion about how we continue to invest so that we don't find ourselves in this predicament again.

Councilor Devine concurred with her colleagues; we have no choice. She clarified that when she first became a council member, the transfer out of the Water and Sewer Fund was \$10 million, but over the last several years we have cut it a lot. I want clarity from Mr. Gantt.

Mr. Steven A. Gantt, City Manager explained that approximately \$2 million of the transfer is for direct services that we provide to the utility, such as legal services, payroll, accounting and other matters. If our utility was a separate entity, they would have to pay for those services; they are getting a bargain by receiving those services at a lesser cost. I don't see that as a transfer, I see that as a payment for services. The only other area is the direct transfer of \$4.5 million that we feel is a benefit to the taxpayer residents of the City of Columbia; they own the system; and they should be able to get something back for being able to provide that service outside the corporate limits of the City of Columbia. If we did not have that \$4.5 million coming back into the General Fund, we would have a hard time keeping the level of funding for the Fire and Police Department that you presently have, unless you make reductions in the amount of \$4.5 million, which is basically a 10 mil increase.

Mayor Benjamin said that is a very important point that you make Mr. Gantt and I want to make sure that everyone internalizes this. Almost 70% of our customers are outside the City. The residents of the City of Columbia own the system and it is important that the taxpayers should see some benefit from all of the rate payers. That is a very nuance distinction that is often glossed over in coverage of this issue. No one ever wants to look at a rate increase. I'm not reticent at all about making an unqualified commitment to water quality in this region. The three rivers that birthed this City 225 years ago, it will be the most important aspect of this City, 225 years from now and we need to make sure that we step up and protect the three rivers of this region. If we don't do it now, it's never going to happen.

Councilor Plaugh concurred with her colleagues and the fact that as elected officials they are asked to be good stewards of our dollars and resources and those resources include the water that God has so generously provided our City; all cities aren't provided water as generously as we are. In that regard, I will reiterate that all you need to do is go visit the sewer treatment plant to determine that we have not done what we should be doing. The time has come where we must make these investments. As difficult as this is, we have to protect our environment and there are no alternatives left as far as I can see. We need to study the economic development amounts that we put into water and sewer and ways to minimize that. We need to look at ways of consolidating our economic development efforts to make it more efficient, effective and hopefully the discussions with the County will take us somewhere in that regard. I support this rate increase and I do it with the understanding that I believe that's what the people of this City asked us to do; they asked us to make the tough decisions.

Councilor Gergel asked that they remember that next year we need to be looking at the storm water issues that we are going to have to address as well, including a significant part of District Three.

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2011-027 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V, Water and Sewer Rates, Sec. 23-143 Water service rates and Sec. 23-149 Sewer service rates, (a) Generally and (b) Consumers using water cooling towers for air conditioning.

28. Ordinance No.: 2011-040 – Authorizing the transfer of a 0.003 acre (144 square feet) portion of the northern right of way area of the 700 block of Whaley Street adjacent to 701 Whaley Street, Richland County TMS #08913-17-07 to 701 Whaley Owner, LLC – *Approved on first reading.*

Upon a motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2011-040 – Authorizing the transfer of a 0.003 acre (144 square feet) portion of the northern right of way area of the 700 block of Whaley Street adjacent to 701 Whaley Street, Richland County TMS #08913-17-07 to 701 Whaley Owner, LLC. Mayor Benjamin was not present for the vote.

29. Ordinance No.: 2011-043 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 2, Administration, Article V, Procurement to add Sec. 2-208 Source selection method for procurements related to construction and Sec. 2-209 Design-build project delivery method authorized – *Approved on first reading.*

Upon a motion made by Mr. Newman and seconded by Dr. Gergel, Council voted unanimously to give first reading approval to Ordinance No.: 2011-043 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 2, Administration, Article V, Procurement to add Sec. 2-208 Source selection method for procurements related to construction and Sec. 2-209 Design-build project delivery method authorized.

RESOLUTIONS

30. Resolution No.: R-2011-039 – Authorizing the City Manager to execute an Agreement between the City of Columbia and The Midlands Housing Alliance, Inc. for 2025 Main Street - *Approved*

Councilor Plough said that the document has a first right of refusal, which I think is excellent. The problem is with the way in which it is written; if the agreement expires, the first right of refusal goes away. I hope there's a way that we can sustain that.

Mr. Kenneth E. Gaines, City Attorney said that you can add into the agreement that the right of first refusal would survive any termination of the contract.

Upon a motion made by Ms. Devine and seconded by Mr. Rickenmann, Council voted unanimously to approve Resolution No.: R-2011-039 – Authorizing the City Manager to execute an Agreement between the City of Columbia and The Midlands Housing Alliance, Inc. for 2025 Main Street for fiscal year 2011/2012, with the caveat that such right of first refusal shall survive any termination of this Agreement by either party and be binding upon either party, their respective successors and assigns.

31. Resolution No.: R-2011-040 – Authorizing consumption of beer and wine at the USC Pep Rally at Wild Wing Café in the Vista - *Approved*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Newman, Council voted unanimously to approve Resolution No.: R-2011-040 – Authorizing consumption of beer and wine at the USC Pep Rally at Wild Wing Café in the Vista.

APPOINTMENTS

32. Business Friendly Taskforce – *The consideration of these appointments was deferred.*

33. Central Midlands Council of Government

According to the Central Midlands Council of Government's Creating Agreement, representation is based upon the 2010 census data. The City of Columbia's membership will increase by one (1) member based on population growth.

Upon a single motion made by Ms. Plough and seconded by Mr. Newman, Council voted unanimously to approve the appointment of Mayor Stephen K. Benjamin and the reappointment of Councilman Sam Davis, Ms. Cathy Novinger, Ms. Ellen Cooper and Ms. Teresa Wilson to the Central Midlands Council of Governments.

34. Municipal Court Judges – *Please refer to **Item 8a.***

BUSINESS LICENSE APPEAL

35. The Hardee Law Firm – Ms. Brenda Kyzer, Business License Administrator

Mr. Peter M. Balthazor, Assistant City Attorney stated that they could short circuit this hearing. It was an appeal of a business license penalty. The appeal was brought by Mr. Hardee of The Hardee Law Firm and I do not believe that he is here today. He was noticed to be here.

Mayor Benjamin I call to order the hearing by the City Council on the business license appeal for The Hardee Law Firm. This hearing is part of the procedure for appeal from an assessment of business license taxes and penalties under Chapter 11, Article II of the City Code. He asked the parties and their attorneys to identify themselves and their witnesses for the record.

Pete Balthazor Pete Balthazor, here on behalf of the Business License Division.

Brenda Kyzer Brenda Kyzer, Business License Administrator.

Mayor Benjamin The procedure for the hearing will be as follows:

The attorneys for the parties (or the licensees' representative if the licensees do not have an attorney) have the right to cross-examine any witnesses presented by the other side. The Mayor and any Council members also have the right to ask questions of the witnesses. The court rules and law of evidence will not apply (except as to privileged matters) but may be considered as a guide toward the full and fair development of the facts. The Mayor, as the presiding official, will rule on (sustain or deny) any objections to testimony or evidence. The Council will consider the evidence presented and give it the weight and effect it determines appropriate. Witnesses should be sworn to tell the truth before beginning their testimony. The City Clerk will administer the oath. The Mayor then should ask if the Council, the parties or their attorneys have any questions about the procedure for the hearing. After responding to any questions (or if there are none), the Mayor then should ask the appellant to present his/her case and call her witnesses

to testify. After the appellant's case is concluded, the Mayor should then call on the attorney for the Business License Division (Assistant City Attorney Pete Balthazor) to present its case.

Mayor Benjamin In the absence of Mr. Hardee, is there anyone here who is a representative of Mr. Hardee? Let the record reflect that there is no one here.

Pete Balthazor And Ms. Kyzer did check out in the hallway also.

Mayor Benjamin Let the record reflect Mr. Hardee's representative was not present. Have your witness.

Pete Balthazor Has Ms. Kyzer been sworn?

Erika Salley Ms. Keyzer, do you swear or affirm that the testimony that you are about to give is the truth and nothing but the truth?

Brenda Kyzer I do.

Erika Salley Thank you.

Pete Balthazor Ms. Kyzer, did you receive a notice of appeal of a late penalty fee from The Hardee Law Firm?

Brenda Kyzer I did.

Pete Balthazor Was a hearing scheduled for that appeal?

Brenda Kyzer It was.

Pete Balthazor Was Mr. Hardee of The Hardee Law Firm provided notice of this hearing.

Brenda Kyzer He was. The letter was sent to him on May 24th.

Pete Balthazor Do you have a copy of that letter here with you this evening?

Brenda Kyzer I do.

Pete Balthazor I would move to admit a copy of the letter sent to Mr. Hardee of The Hardee Law Firm.

Mayor Benjamin Alright.

Pete Balthazor I have no further questions for Brenda Kyzer.

Mayor Benjamin Any questions of Council? Mr. Rickenmann?

Mr. Rickenmann Was the letter sent certified mail?

Brenda Kyzer It was not.

Mr. Rickenmann So we don't have a return receipt or anything.

Pete Balthazor We do not. There's no requirement in the ordinance that the letter be sent by certified mail. *(Inaudible)* All that the ordinance requires is that the applicant be given written notice and the applicant was given written notice at the same address as listed on the business license application and the same address as on the letter of the notice of appeal received from The Hardee Law Firm.

Mr. Rickenmann Have you had any response from him, either verbally or in writing since that?

Brenda Kyzer No sir.

Pete Balthazor If I may, I do have a few more questions for Ms. Kyzer. Do you have a copy of the notice of appeal that was sent by Mr. Hardee of The Hardee Law Firm?

Brenda Kyzer I do.

Pete Balthazor I would move to admit that letter as part of the record of these proceedings as well. It indicates The Hardee Law Firm, 2301 Devine Street, Columbia, South Carolina 29205. That's the same address that the notice was sent of this hearing from Ms. Kyzer.

Mayor Benjamin Would you share both of those with Council? Would you pass that around please? Any other questions of Ms. Kyzer? Council, any questions? Is it worthy to ask what the amount in controversy is?

Pete Balthazor It's worth asking, but I don't think we're allowed to discuss that due to a provision dealing with the confidentiality of financial information and that may give some indication or give an *(inaudible)* amount.

Ms. Devine I have a procedural question Mr. Balthazor. If it is dismissed, is that dismissed with prejudice or without?

Pete Balthazor In my opinion, it's to dismiss with prejudice. This is the one hearing. When I make my motion, I will certainly make my motion to dismiss with prejudice, but that can be granted or denied by Council, I would imagine.

Mayor Benjamin Any other questions?

Pete Balthazor If there are no other questions, I would at this time make a motion to dismiss The Hardee Law Firm's appeal with prejudice on the basis that Mr. Hardee was provided notice of this appeal hearing as provided in the ordinance, he failed to appear and lost the appeal at this time.

Mayor Benjamin The argument portion of the hearing is concluded.

Ms. Plough Can you clarify the difference with prejudice and without prejudice?

Pete Balthazor Well, in this regard, I think with prejudice would mean that the appeal could never be brought in. I don't think there is really much distinction here; you have one shot to bring an appeal. I think if you don't show up to prosecute your appeal, under the ordinance, you don't get a successive shot at being able to re-file the appeal.

Ms. Plough Thank you.

Mayor Benjamin At this point with the discussion and deliberation concluded, we have a motion and it must be seconded that the Council grant or deny the appeal either whole or in part and a request for a written decision from both parties.

Upon a motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to deny the appeal.

Mayor Benjamin stated for the record that Council is required to issue a written decision. I would ask the prevailing party to help draft that decision and to do it post haste.

Council closed the Appeal Hearing at 8:20 p.m. with the understanding that the written decision will be approved at the next meeting. The regular meeting was reconvened.

CITY COUNCIL COMMITTEE REPORTS

36. Administrative Policy Committee

Councilor Plough announced that the Administrative Policy Committee is scheduled to meet on June 21, 2011 at 2:00 p.m.

37. **Committee Referrals

Councilor Gergel requested that Council refer the May 20th e-mail from the Commercial Revolving Loan Committee to the appropriate Council Committee for recommendations to Council for reply to the Commercial Revolving Loan Committee.

Upon a single motion made by Mayor Benjamin and seconded by Dr. Gergel, Council voted to send the e-mail query about levels of risk to the Economic and Community Development Committee and the query on staff service on the Committee to the Administrative Policy Committee. Ms. Devine amended the motion to include staff voting service on other committees.

Mayor Benjamin said that there has been a pending lawsuit against the City of Columbia for the last several years out of the issue commonly known as Five Points South, HR Developers versus the City of Columbia. We have settled that matter between the parties; the settlement cost was a \$350,000 payment from the City of Columbia to the developers. It was resolved, it is final and it is over. In the interest of transparency and public disclosure, we wanted to make that clear to the public.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Mr. Bill Manley, Eau Claire Community Resident said that he sent an e-mail to the members of Council on February 3, 2011. I asked you personally, if you would help me with the South Carolina Code of Laws, Chapter 16-1-120, which prevents the citizens of this state from finding out how much, was collected under the 3% franchise fee. Since I haven't heard back from you all, I decided to write Senator Scott and Representative Todd Rutherford and other General Assembly Members. I would ask you all to follow-up on my February 3, 2011 e-mail where I asked for relief from the South Carolina Code Division and direct action by the City Attorney's Office. I'm making that request again, because we need more transparency for the financial documents. There are other questions that the citizens of Columbia need to know about the financial documents. Two weeks ago you all took in 208 homes off of 277 and I am not sure how that 5% franchise fee will affect those homeowners.

Upon a motion made by Mayor Benjamin and seconded by Mr. Davis, Council voted unanimously to adjourn the meeting at 8:46 p.m.

Respectfully submitted by:

Erika D. Salley
City Clerk