



CITY OF COLUMBIA  
CITY COUNCIL MEETING  
SIDEWALK VENDING PUBLIC HEARING  
ZONING PUBLIC HEARING MINUTES  
TUESDAY, MARCH 29, 2011  
6:00 P.M.  
COUNCIL CHAMBERS – 3<sup>RD</sup> FLOOR

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On Tuesday, March 29, 2011, the Columbia City Council conducted a Sidewalk Vending Public Hearing; a Zoning Public Hearing; and a Regular Meeting in the City Council Chambers located at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:13 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 Michael Letts, Columbia Police Department offered the Invocation.

### **PRESENTATIONS**

1. Introduction of the February 2011 Employee of the Month – Mr. Joe Glenn, Assistant Superintendent for the Street Division

Mr. Joe Glenn, Assistant Superintendent/Street Division introduced Ms. Amanda Gunter, Senior Office Assistant as the February 2011 Employee of the Month. He described her as an outstanding 14-year employee that is always courteous and professional.

Mayor Benjamin and Mr. Steven A. Gantt, City Manager presented Ms. Gunter with a plaque and tokens of appreciation for being selected as the February 2011 Employee of the Month.

2. Recognition of the Mayor's Blue Chip Investment Program Winners – The Honorable Mayor Stephen K. Benjamin

Mayor Benjamin recognized the following students from Alcorn Middle School as the winners of the Mayor's Blue Chip Investment Program. Each student was given \$50 as a congratulatory token.

Miss Zaire Landon  
Miss Deandra Scott  
Miss Alexis Belton

Master Justin Dwayne Keenon  
Miss Angel De'Asia Quattlebaum  
Master Rashad Myers

3. Best Old House Neighborhoods 2011: The South – ([Melrose Heights Historic District](#)) – The Honorable Belinda F. Gergel

Councilor Gergel recognized the Melrose Heights Neighborhood for being highlighted in the Best Old House Magazine, which is a national publication for those that are interested in preservation. We appreciate the fact that great neighborhoods make a great city.

Mr. John Sherrer, Melrose Heights Neighborhood Association said that this is a great honor for everyone involved.

4. City Center Partnership Public Art Exhibition – Mr. Henry Roe

Mr. Henry Roe explained that in 2010 the City Center Partnership started a public art initiative to explore the installation of public art in our city center, primarily focused on Main Street. The goal is to foster collaboration between public and private spaces to identify and install high quality permanent art as well as temporary art exhibitions. We have formed an advisory board to assist us with selecting the art and creating a budget. We worked with the City's Planning and Development Services Department to identify the appropriate sites for installation. We will present to City Council this summer, once we have identified the pieces and the sites they will go on.

5. \*\*Let's Move! Columbia & Kids Day Columbia

Mayor Benjamin stated that childhood obesity has more than tripled in the past 30-years in America. This is an issue that we must come together to address. This initiative is about giving parents and caregivers the tools that they need to make healthy choices and also making sure that healthy food is both affordable and accessible across the Midlands. This will require partnerships among governments, businesses and communities.

Resolution No.: R-2011-029 - Expressing The Council's Intent To Participate In First Lady Michelle Obama's *Let's Move!* Initiative And Directing The Mayor And City Manager To Take Steps To Establish The City Of Columbia, South Carolina As A *Let's Move! City* – *Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to approve Resolution No.: R-2011-029 - Expressing The Council's Intent To Participate In First Lady Michelle Obama's *Let's Move!* Initiative And Directing The Mayor And City Manager To Take Steps To Establish The City Of Columbia, South Carolina As A *Let's Move! City*.

First Lady DeAndrea Gist Benjamin outlined the four pillars of the *Let's Move!* Initiative, which are helping parents make healthy family choices; improving the health of our schools; increasing physical activity opportunities; and making healthy food affordable and accessible. She announced *Let's Move! Kids Day* on Saturday, April 2, 2011 from 8:00 a.m. until 6:00 p.m. at Finlay Park, which will kick-off with a family walk around the pond and include amusement rides, live entertainment and many people powered activities.

Mayor Benjamin recognized the stakeholders that attended the meeting in support of *Let's Move! Columbia* and *Let's Move! Kids Day*.

## **SIDEWALK VENDING PUBLIC HEARING**

- **Council opened the Sidewalk Vending Public Hearing at 6:44 p.m.**

### **RESOLUTION**

6. Resolution No.: R-2011-028 – Amending Sidewalk Vending Locations and Authorized Merchandise - *Approved*

No one appeared in support of or in opposition to **Item 6**.

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: R-2011-028 – Amending Sidewalk Vending Locations and Authorized Merchandise.

### **ORDINANCES – FIRST READING**

7. **NW Corner of Main and Washington Streets**

Ordinance No.: 2011-016 – Granting a Franchise to Keyser Concessions, LLC for operation of a stationary sidewalk vending cart on the northwest corner of Main Street and Washington Street – *Approved on first reading.*

No one appeared in support of or in opposition to **Item 7**.

Upon a motion made by Mr. Rickenmann and seconded by Mr. Newman, Council voted unanimously to give first reading approval to Ordinance No.: 2011-016 - Granting a Franchise to Keyser Concessions, LLC for operation of a stationary sidewalk vending cart on the northwest corner of Main Street and Washington Street.

8. **SE Corner of Hampton and Assembly Streets**

Ordinance No.: 2011-017 – Granting a Franchise to Doggie Dogs NY Style Hot Dogs for operation of a stationary sidewalk vending cart on the southeast corner of Hampton Street and Assembly Street – *Approved on first reading.*

No one appeared in support of or in opposition to **Item 8**.

Upon a motion made by Mr. Davis and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2011-017 – Granting a Franchise to Doggie Dogs NY Style Hot Dogs for operation of a stationary sidewalk vending cart on the southeast corner of Hampton Street and Assembly Street.

9. **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, this Sidewalk Vending Public Hearing was deferred to March 2011. – First reading approval was deferred to April 19, 2011.*

Mr. David Roberts, Applicant recalled that he first applied for the franchise in the fall of 2009 and that the location has been on a pre-approved list since 2004. The City Council deferred any action for one-year, because a restaurateur was in the middle of closing a deal in the adjacent property and had a proposal for a restaurant selling tacos. He stated that the Council just approved a hotdog stand that's located less than a football field from another hotdog stand. I own a building located at 2501 Main Street and I run a consulting firm. We want to change the use and install a commercial kitchen for the operation and preparation of fresh food for DER Tacos.

Ms. Ellyn Season, Co-owner of Tacorita Fever appeared in opposition to **Item 9**. due to the similarities of their menus. I renovated a 75 year old building and hired consultants in order to bring something unique to Columbia. The parking situation is very difficult so much of our daytime traffic will be walking traffic and we will have to invest more money into advertising in order to bring more people to downtown in the evenings. Our competition will be across the street from us and competing against us at our highest volume of day. Our seating area is approximately 1,200 square feet and we anticipate that a lot of our traffic will be to-go traffic. When we located this space there was a dirt lot across the street. We will be opening at the end of April and if I would have known that this was a possibility, I might have continued looking for a space. If he was selling peanuts, I would be fine. I have been renovating this space since April 2010. She stated that she has invested \$400,000 into the space in comparison to the \$475,000 the landlord paid for the entire 3-story building.

Mr. J.P. Scurry said that he represented Ms. Season in her lease transaction and site selection, but we did not envision this. If you're going to lease space, you will have to deal with competition. With today's technology you can cook almost anything; move it; and carry it around to different places. You are going to continue to have the issue of competition and you will have to address that at some point. That site was approved in 2004 before the building was built and to my knowledge there hasn't been a reassessment of the vendor locations. Ms. Season has invested in bricks and mortar, but Mr. Roberts will cook at his place and move his product up the street and will affect the economics in which they can both be profitable.

Mr. Green said that he is concerned by what's going on here, because the requestor could have been up and running a year ago; he has every right to make money. Multiple businesses could be working out of his kitchen and revitalizing this city. I work for a bar around the corner, we sell tacos and we don't feel threatened.

Ms. Brenda Kyzer, Business License Administrator explained that there are currently four (4) available locations at the northeast corner of Main and Lady Streets; the southwest corner of Assembly and Laurel Streets; the north corner of Lincoln Street at Finlay Park; and the northwest corner of Sumter and Greene Streets.

Upon a motion made by Ms. Devine and seconded by Ms. Plough, Council voted unanimously to close the Public Hearing on **Item 9**; to defer first reading consideration to April 19, 2011; and to authorize Ms. Devine to schedule a meeting with Mr. Newman, staff, the applicant and other interested parties in order to explore a palatable solution.

- **Council closed the Sidewalk Vending Public Hearing at 7:42 p.m.**

## REQUESTS FOR CERTIFICATES OF CONVENIENCE AND NECESSITY

Upon a single motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to approve **Items 10.** and **11.**

10. Council is asked to approve a Request for a Certificate of Convenience and Necessity for the Operation of a Taxi Cab. Award to Rabiah Oweis doing business as Salam America Cab Taxi. This service is located at 176 White Cedar Way, Lexington, SC 29073. - *Approved*
11. Council is asked to approve a Request for a Certificate of Convenience and Necessity for the Operation of a Taxi Cab. Award to Jontia Chambers doing business as Wicky Wicky Taxi. This service is located at 1312 Lucas Street, Cayce, SC 29033. - *Approved*

## ZONING PUBLIC HEARING

- Council opened the Zoning Public Hearing at 7:47 p.m.

### MAP AMENDMENTS – FIRST READING

12. **2307, 2311, 2315, 2317, 2319, 2321, 2325 Laurel Street, 1820 Oak Street, 2310, 2312 Richland Street, 2300, 2308, 2316, 2318, 2324, 2328 Haskell Avenue, 1600, 1613, 1615, 1619 Heidt Street**, TMS# 11408-07-04, -05, -13, -14, -15, -16, -17, -18, -19, -20; 11408-10-01, -02, -04, -05, -06, -07, -08, -09, -10, -11; Request to rezone from RG-2 (General Residential) and PUD-C (Planned Unit Development) to C-1 (Office and Institutional). – *Approved on first reading.*

No one appeared in support of or in opposition to **Item 12.**

Upon a motion made by Mr. Newman and seconded by Mr. Davis, Council voted unanimously to approve a Map Amendment for **2307, 2311, 2315, 2317, 2319, 2321, 2325 Laurel Street, 1820 Oak Street, 2310, 2312 Richland Street, 2300, 2308, 2316, 2318, 2324, 2328 Haskell Avenue, 1600, 1613, 1615, 1619 Heidt Street**, TMS# 11408-07-04, -05, -13, -14, -15, -16, -17, -18, -19, -20; 11408-10-01, -02, -04, -05, -06, -07, -08, -09, -10, -11; Request to rezone from RG-2 (General Residential) and PUD-C (Planned Unit Development) to C-1 (Office and Institutional). Ms. Devine was not present for the vote.

13. **1125 Pope Street** , TMS# 09109-10-23; Request to rezone from C-1 (Office and Institutional) to MX-1, NC (Mixed-Use, North Main Corridor). – *Approved on first reading.*

No one appeared in support of or in opposition to **Item 13.**

Upon a motion made by Mr. Davis and seconded by Mr. Newman, Council voted unanimously to approve a Map Amendment for **1125 Pope Street**, TMS# 09109-10-23; Request to rezone from C-1 (Office and Institutional) to MX-1, NC (Mixed-Use, North Main Corridor). Ms. Devine was not present for the vote.

14. **5610 Farrow Road – Bendale Court**, TMS# 11775-01-01 through -21, -23 through -45, -48, and -49. Request to rezone from RG-2 (General Residential) to C-1 (Office and Institutional). – *Approved on first reading.*

No one appeared in support of or in opposition to **Item 14.**

Upon a motion made by Mr. Davis and seconded by Ms. Plough, Council voted unanimously to give first reading approval to a Map Amendment for **5610 Farrow Road – Bendale Court**, TMS# 11775-01-01 through -21, -23 through -45, -48, and -49. Request to rezone from RG-2 (General Residential) to C-1 (Office and Institutional).

15. **80.22 ± acres north side of Saluda River aka Riverbanks Zoo and Gardens**, TMS# 07215-02-09, -10, -11; Request to rezone from RS-1 (Single-Family Residential) to C-3 (General Commercial). – *Approved on first reading.*

No one appeared in support of or in opposition to **Item 15.**

Upon a motion made by Ms. Plough and seconded by Dr. Geregel, Council voted unanimously to give first reading approval to a Map Amendment for **80.22 ± acres north side of Saluda River aka Riverbanks Zoo and Gardens**, TMS# 07215-02-09, -10, -11; Request to rezone from RS-1 (Single-Family Residential) to C-3 (General Commercial).

16. **301 Gervais Street**, TMS# 08912-02-01, -02, 03, 08912-14-01; Request to rezone from M-2 (Heavy Industrial) –DP (Design Preservation) to C-1 (Office and Institutional) –DP (Design Preservation). – *Approved on first reading.*

No one appeared in support of or in opposition to **Item 16.**

Upon a motion made by Ms. Plough and seconded by Dr. Gergel, Council voted unanimously to give first reading approval to a Map Amendment for **301 Gervais Street**, TMS# 08912-02-01, -02, 03, 08912-14-01; Request to rezone from M-2 (Heavy Industrial) –DP (Design Preservation) to C-1 (Office and Institutional) –DP (Design Preservation).

#### ANNEXATION WITH MAP AMENDMENT – FIRST READING

17. **602 Deerwood Street**, TMS# 13708-06-02; Request to annex and zone property RS-2 (Single Family Residential). The property is zoned RS-MD in Richland County. – *Approved on first reading.*

Ordinance No.: 2011-012 – Annexing 602 Deerwood Street, Richland County TMS# 13708-06-02 – *Approved on first reading.*

No one appeared in support of or in opposition to **Item 17.**

Upon a single motion made by Dr. Gergel and seconded by Mr. Newman, Council voted unanimously to give first reading approval to a Map Amendment for **602 Deerwood Street**, TMS# 13708-06-02; Request to annex and zone property RS-2 (Single Family Residential). The property is zoned RS-MD in Richland County **and** Ordinance No.: 2011-012 – Annexing 602 Deerwood Street, Richland County TMS# 13708-06-02.

TEXT AMENDMENT – FIRST READING

18. **Amend DP Ordinance – Chapter 17 - Article V – Historic Preservation and Architectural Review**

Ordinance No.: 2011-010 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article V, Historic Preservation and Architectural Review, Division 1, Sec. 17-652 Definitions to add Contributing and Non-contributing; Sec. 17-653 Design and Development Review Commission (b)(9) to add –DP and –NC; Sec. 17-654 Designation of historic preservation classifications (b) Procedures for designation; Sec. 17-655 Administration, and Division 2 Preservation Standards for Landmarks and Design Protection Districts, Sec. 17-674 Review process – *First reading consideration of this item was deferred to May 19, 2011.*

- **Council adjourned the Zoning Public Hearing at 7:55 p.m.**

**APPROVAL OF MINUTES**

19. Minutes of March 1, 2011 – *Approved as presented.*

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to approve the Minutes of March 1, 2011.

**CONSENT AGENDA**

Upon a single motion made by Mr. Newman and seconded by Dr. Gergel, Council voted unanimously to approve the **Consent Agenda Items 20.** through **42.**

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

20. Council is asked to approve the Purchase of Fifteen (15) Each Caliber Semi Automatic Pistols, Sig Model P220 with Night Sights, as requested by the Columbia Police Department. Award to Lawmen’s Safety Supply Inc. using the SC State Contract in the amount of \$10,263.17. This vendor is located in Columbia, SC. *Funding Source: 1012402-627100 - Approved*
21. Council is asked to approve the Purchase of Two (2) Enclosed Cargo Trailers, as requested by Utilities and Engineering. Award to Carolina Trailers and Equipment, the lowest bidder meeting specifications in the amount of \$11,459.70. This vendor is located in Landrum, SC. *Funding Source: Sewer Maintenance Projects/Auto, Trucks, Heavy Equipment >\$5,000 / 5516212-658500 - Approved*
22. Council is asked to approve the Replacement and Repair of Sculptures, as requested by the Parks and Recreation Department. Award to Bronzarts, as a sole source in the amount of \$11,502.50. This vendor is located in Frisco, TX. *Funding Source: 1015101-638500 - Approved*

23. Council is asked to approve Project SS7159(6); Purchase of an additional 148 Wear Shoes for the Grit Chambers at the Metro Wastewater Treatment Plant, as requested by the Engineering Administration Division. Award to WSG & Solutions, as a sole source, in the amount of \$11,576.12. This vendor is located in Montgomery, PA. *Funding Source: 5516212-638300 - Approved*
24. Council is asked to approve the Purchase of WaterGEMS Modeling Platform Software Upgrade and WaterGEMS SELECT Subscription, as requested by the Engineering Administration Division. Award to Bentley Systems as a sole source in the amount of \$11,877.00. This vendor is located in Exton, PA. *Funding Source: 5516220-627510, 5516221-627510 and 5534202-627510 - Approved*
25. Council is asked to approve the Annual Safety Inspections for Fire Trucks and Bucket Trucks, as requested by the Fleet Services Division. Award to American Test Center, the low bidder meeting specifications in the amount of \$15,761.10. This vendor is located in River Falls, WI. *Funding Source: Equipment Services Fuel Parts & Repair-Vehicle Repair/Service Supply / 6308970-631700 - Approved*
26. Council is asked to approve the Renewal of Leads Online Reporting Software, as requested by the Columbia Police Department's Investigation Division. Award to Leads Online, LLC as a sole source in the amount of \$16,546.00. This vendor is located in Dallas, TX. *Funding Source: Police Support Systems – Maintenance and Service Contracts / 1012405-638200 - Approved*
27. Council is asked to approve the Purchase of Two (2) 332A Cabinets and Two (2) 2070L Controllers, as requested by the Traffic Engineering Division. Award to Temple, Inc. using the SC State Contract, in the amount of \$20,439.14. This vendor is located in Decatur, AL. *Funding Source: Traffic Operations/Computers/Elect Equipment > \$5,000 1013204-658600 - Approved*
28. Council is asked to approve the Purchase of One (1) 4 x 4 Heavy Duty Pick Up Truck, as requested by the Street Division. Award to Benson Ford Mercury using the SC State Contract in the amount of \$20,982.00. This vendor is located in Easley, SC. *Funding Source: Streets and Sidewalk Repair/Other Equipment < \$5,000 / 1013201-658400 - Approved*
29. Council is asked to approve the Purchase of One (1) Ford Escape 4x4, as requested by the Utilities and Engineering Department. Award to VIC Bailey Ford, Inc., using the SC State Contract in the amount of \$21,078.00. This vendor is located in Spartanburg, SC. *Funding Source: Eng-Water System Improv/Auto, Trucks, Heavy Equipment >\$5,000 / 5516220-658500. - Approved*
30. Council is asked to approve the Purchase of Eighteen (18) each of the HeartStart FRx Defibrillator and Accessories, as requested by Emergency Operations. Award to One Beat CPR, the lowest bidder meeting specifications in the amount of \$22,168.26. This vendor is located in Fort Lauderdale, FL. *Funding Source: GL: Homeland Security Grant Control – Special Departmental Supplies/ JL: MMRS 2008 Grant – Homeland Security-Special Departmental Supplies; GL2549999-627100/JL9601000208-62710 - Approved*

31. Council is asked to approve the Purchase of Dress Uniforms, as requested by the Fire Department. Award to Wright Johnston Uniforms, the lowest bidder meeting specifications in the amount of \$22,497.82. This vendor is located in Columbia, SC. *Funding Source: City Fire Suppression-Uniforms and Clothing 1012303-624100 (\$11,248.91) and County Fire Administration-Uniforms and Clothing 2082306-624100 (\$11,248.91) - Approved*
32. Council is asked to approve a Full Document Audit of Dependents, as requested by the Human Resources Department. Award to Blue Cross Blue Shield of South Carolina in an amount not to exceed \$24,863. *Funding Source: Risk Management Fund / 6048933-636600 – This is a sole source procurement. - Approved*
33. Council is asked to approve the Purchase of Sixteen (16) Mobile Radios and Accessories, as requested by the Wastewater Maintenance Division. Award to Motorola, Inc., using the SC State Contract in the amount of \$26,060.28. This vendor is located in Sumter, SC. *Funding Source: Utilities Wastewater Maintenance/Other Equipment over \$5,000.00; 5516205-658400 - Approved*
34. Council is asked to approve Software and Maintenance Agreement and a License Agreement for a Desk Officer Online Reporting, as requested by the Police Department. Award to Coplogic, Inc., in the amount of \$26,400.00. This vendor is located in San Ramon, CA. *Funding Source: Police Dept. / Administrative Services / USDOJ FY 09 Recovery Act JAG - Maintenance & Service Contract RA24110100–638200 **Note:** This software enables the Police Department to collect reports from citizens online. - Approved*
35. Council is asked to approve the Purchase of Ten (10) Steel Plates for Covering Road Excavations or Cuts, as requested by the Wastewater Maintenance Division. Award to Metro Machine Works in the amount of \$31,886.00. This vendor is located in West Columbia, SC. *Funding Source: Utilities Wastewater Maintenance/Iron Castings & Structure Steel / 5516205-625500 - Approved*
36. Council is asked to approve Project SS7174 & SD8355; Mitigation Banking Services to Prepare a Prospectus, as requested by the Utilities and Engineering Department. Award to Environmental Permitting Consultants in the amount of \$35,000.00. This firm is located in Greenville, SC. *Funding Source: Sanitary Sewer Improvement Fund 5529999-636600 & Storm Drain Fund 5549999-636600 **Note:** The prospectus will outline specific areas the City plans to generate stream and wetland restoration, enhancement and preservation credits. - Approved*
37. Council is asked to approve the Installation of Fencing, as requested by the General Services Division. Award to All American Fence Services in the amount of \$37,910.00. This vendor is located in Columbia, SC. *Funding Source: Remaining balance in the Economic Development Contingency Fund and the Office of Economic Development Operating Budget - **Note:** Fencing will be installed on the East Side of the Industrial Park. - Approved*

38. Council is asked to approve the Purchase of Sixteen (16) Mobile Radios and Accessories, as requested by the Columbia Police Department. Award to Motorola Inc., using the SC State Contract in the amount of \$51,103.20. This vendor is located in Sumter, SC. *Funding Source: GL: US Justice Grants Control/Radio Equipment and Car Phone <\$5,000; GL: 2659999/657800 and JL: FY10 JAG Asst Grant/Radio Equipment and Car Phone <\$5,000; JL9211000104-657800 - Approved*
39. Council is asked to approve Change Order #1 for Project #WM4207; Replacement of Water Meters at Fort Jackson, as requested by the Engineering Administration Division. Award to Carolina Tap and Bore, Inc., in the amount of \$122,400.00. This vendor is located in West Columbia, SC. *Funding Source: Water Maintenance Fund – **Note:** This change order was requested by the City to compensate the contractor for performing additional work to remove and replace existing damaged meter houses, construct new meter houses and piping rehabilitation. - Approved*
40. Council is asked to approve Project SD8343; Storm Drain Relocation from Senate Street and Laurens Street to Constan Carwash Property, as requested by the Utilities and Engineering Department. Award to LAD Corporation in the amount of \$143,687.00. This firm is located in West Columbia, South Carolina. *Funding Source: Stormwater/Special Contracts 5534210-638300 – **Note:** This is a Mentor Protégé Program Project. AOS Specialty Contractors of Swansea, SC is the Protégé and their contract amount is \$15,811.00. - Approved*
41. Council is asked to approve the Purchase of Two (2) Side Loader Garbage Trucks, as requested by the Fleet Services Division. Award to Columbia Truck Center, the lowest bidder meeting specifications in the amount of \$456,034.00. This vendor is located in Columbia, SC. *Funding Source: Capital Replacement/Auto, Trucks, Hvy Equip.>\$5,000 / 6308972-658500 - Approved*

#### ORDINANCES – SECOND READING

42. Ordinance 2010-158 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 12, Motor Vehicles and Traffic, Article I, In General is amended to add Sec. 12-19 E-mailing or text messaging on mobile device while operating a motor vehicle – *First reading approval was given on March 1, 2011. – Approved on second reading.*

#### ORDINANCES – FIRST READING

43. Ordinance No.: 2011-006 – Granting encroachment to the University of South Carolina for construction and maintenance of two (2) handicap parking spaces west of Sims Hall adjacent to 614 Bull Street, Richland County TMS No. 11303-07-01 – *Approved on first reading.*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Newman, Council voted unanimously to give first reading approval to Ordinance No.: 2011-006 – Granting encroachment to the University of South Carolina for construction and maintenance of two (2) handicap parking spaces west of Sims Hall adjacent to 614 Bull Street, Richland County TMS No. 11303-07-01.

44. Ordinance No.: 2011-014 – Authorizing the transfer of a 0.02 acre (934.23 square feet) portion of Richland County TMS #09010-10-01 adjacent to 719 Blanding Street to David M. Graves – *Approved on first reading.*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to give first reading approval to Ordinance No.: 2011-014 – Authorizing the transfer of a 0.02 acre (934.23 square feet) portion of Richland County TMS #09010-10-01 adjacent to 719 Blanding Street to David M. Graves. *Dr. Gergel announced that she would abstain from voting due to a potential conflict of interest and she left the room.*

**RESOLUTION**

45. Resolution No.: R-2011-003 – Authorizing consumption of beer and wine within Finlay Park for the SC Pride Festival 2011 - *Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to approve Resolution No.: R-2011-003 – Authorizing consumption of beer and wine within Finlay Park for the SC Pride Festival 2011. Dr. Gergel was not present for the vote.

46. Resolution No.: R-2011-029 - Expressing The Council's Intent To Participate In First Lady Michelle Obama's *Let's Move!* Initiative And Directing The Mayor And City Manager To Take Steps To Establish The City Of Columbia, South Carolina As A *Let's Move!* City – *This item was approved under Presentations. Please refer to Item 5.*

**CITY COUNCIL DISCUSSION / ACTION**

47. Speed Hump Request - *Approved*

Upon a motion made by Ms. Devine and seconded by Ms. Plough, Council voted unanimously to approve the Installation of Two (2) Speed Humps on Crowson Road.

48. Street Lighting Requests – Mr. Dave Brewer, Director of Traffic Engineering - *Approved*

Location	Existing Lights	Requested Lights	Current Lease	Additional Lease	Total Annual Lease
600- 800 Catawba Street	5	5	\$1,062.60	\$1,062.60	\$2,125.20
First Presbyterian Church	4	2	\$475.68	\$237.84	\$713.52

Upon a motion made by Dr. Gergel and seconded by Mr. Newman, Council voted unanimously to approve the street lighting requests as presented.

49. Council is asked to approve the Donation of Ten (10) Street Benches to the Midlands Housing Alliance. These benches are currently in storage and are not being utilized by the City of Columbia. - *Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to approve the Donation of Ten (10) Street Benches to the Midlands Housing Alliance.

50. Council is asked for Authorization to Enter into Contract Negotiations with Penn Credit of Harrisburg, PA for Collection Services as requested by the Parking Services, Collections and Water Divisions. Negotiations will be based on an 18% recovery fee of collected outstanding revenue. *(Request for Proposal #0003-10-11) Funding Source: Collected Outstanding Revenue - Approved*

Upon a motion made by Ms. Plough and seconded by Dr. Gergel, Council voted unanimously to authorize staff to enter into Contract Negotiations with Penn Credit of Harrisburg, PA for Collection Services, as requested by the Parking Services, Collections and Water Divisions. Negotiations will be based on an 18% recovery fee of collected outstanding revenue.

51. Council is asked for Authorization to Enter into Contract Negotiations with the Pollock Company of West Columbia, SC for the City Wide Copier Contract, as requested by the General Services Division. Per copy pricing shall include the cost of paper, copier supplies and maintenance along with fax and scan capabilities in an amount not to exceed \$165,432.72 per year. *Funding Source: 6208951-627200 - Approved*

Upon a motion made by Ms. Devine and seconded by Dr. Gergel, Council voted unanimously to authorize staff to enter into contract negotiations with the Pollock Company of West Columbia, SC for the City Wide Copier Contract, as requested by the General Services Division. Per copy pricing shall include the cost of paper, copier supplies and maintenance along with fax and scan capabilities in an amount not to exceed \$165,432.72 per year.

52. Council is asked to approve a Sub-Recipient Agreement between the City of Columbia and the Columbia Development Corporation for Professional and Planning Services in the total amount of \$40,000.00. *Funding Source: Community Development Block Grant Fund – This item was not discussed during the Work Session. This item was withdrawn from the regular agenda.*

53. Council is asked to approve an Amendment to the Homeless Prevention Rapid Re-Housing Program Agreement between the City of Columbia and The Cooperative Ministries in the total amount of \$83,893.00. *Funding Source: Homeless Prevention Fund – This item was approved during the March 29, 2011 Work Session. Please refer to Item 7.*

54. Council is asked to approve Requests for the Use of Funds from the General Fund Revolving Fund. – *This item was discussed during the Work Session.*
- Community Development Block Grant Public Service Cap Overage for Fiscal Year 2009/2010
  - Public Service Activities for Fiscal Year 2010/2011
  - Community Gardens
  - Midlands Housing Alliance

Upon a motion made by Dr. Gergel and seconded by Mr. Rickenmann, Council voted unanimously to direct staff to postpone the Commercial Revolving Loan Review Board Meeting that is scheduled for Wednesday, March 30, 2011 until such time that City Council has to understand the full implication of the funding options that we have to address the money that must be paid back to HUD and that this matter be discussed on April 6, 2011 during the Budget Workshop, instead of April 5, 2011.

55. Council is asked to approve a Budget Transfer Request in the amount of \$44,993.00 from PK006601 Rosewood South Edisto Park to an account to be established by the Finance Department for the installation of chemical controls at our city pools and other capital improvements within the park system. - *Approved*

Mr. S. Allison Baker, Senior Assistant City Manager explained that the other capital improvements include the Drew Park Splash Pad and the chemical system for the pool at Maxcy Gregg Park. These funds were remaining from the construction of the South Edisto Park once we did all that we planned to do.

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to approve a Budget Transfer Request in the amount of \$44,993.00 from PK006601 Rosewood South Edisto Park to an account to be established by the Finance Department for the installation of chemical controls at our city pools and other capital improvements within the park system.

### **APPOINTMENTS**

56. Citizens Advisory Committee for Community Development

Upon a motion made by Ms. Plough and seconded by Mr. Rickenmann, Council voted unanimously to approve the appointment of Mr. David Jackson (*Mayor Benjamin*); Ms. Christie Savage (*Mr. Davis*); Mr. Cecil Hannibal (*Ms. Devine*); and Mr. Tige Watts (*Ms. Plough*) to the Citizens Advisory Committee for a four (4) year term.

Dr. Gergel will submit an appointment for District III at a later date.

57. Climate Protection Action Committee

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve the reappointment of Mr. Bob Guild (District Two) for one year and the appointment of Mr. Derek Riley (At-Large) and Dr. Bruce Coull (Staff Designee).

Councilors Davis and Plough are asked to make appointments to the Climate Protection Action Committee.

58. Columbia Housing Authority Board of Commissioners – *The consideration of this item was deferred.*

59. Maxcy Gregg Park Centennial Celebration Committee

Upon a motion made by Dr. Gergel and seconded by Ms. Plough, Council voted unanimously to approve the appointment of Mr. Howard Duvall (*Ms. Plough*) and Mr. Durham Carter (*Mr. Newman*) to serve on the Maxcy Gregg Park Centennial Celebration Committee.

60. Richland County Board of Assessment Control – *The consideration of this item was deferred to April 5, 2011.*

## **CITY COUNCIL COMMITTEE REPORTS**

Upon a single motion made by Mr. Rickenmann and seconded by Ms. Plaugh, Council voted unanimously to approve **Items 61.** through **63.**

61. Council is asked to refer the Findings from the Professional Assessments on City-Owned Buildings Managed by the Historic Columbia Foundation and other Preservation Matters to the Arts and Historic Preservation Committee, as requested by The Honorable Belinda F. Gergel. - *Approved*
62. Council is asked to refer the Stormwater Assessment on Shandon to the Environment and Infrastructure Committee, as requested by The Honorable Belinda F. Gergel. - *Approved*
63. Council is asked to refer the consideration of Remote Meter Reading and the option of performance contracting to the Environment and Infrastructure Committee, as requested by The Honorable Tameika Isaac Devine. - *Approved*

Upon a motion made by Dr. Gergel and seconded by Ms. Devine, Council voted unanimously to refer the consideration of a youth curfew for the Hospitality Districts to the Public Safety Committee.

Mr. Ken E. Gaines, City Attorney reported that the committee has been considering an ordinance creating a Central Midlands Regional Housing Trust Fund that can be administered by a non-profit organization. The ordinance would be effective upon City Council dedicating a funding source. We will have it for consideration on April 5, 2011.

As Chair of the Economic and Community Development Committee, Councilor Davis recommended that the City of Columbia move forward and allow the United Way to function in the role of administration of the Central Midlands Regional Trust Fund. He asked Council to consider awarding \$10,000 from the Columbia Housing Development Corporation.

Councilor Plaugh said that the Columbia Housing Development Corporation would work closely with the Trust Fund. Should the National Housing Trust Fund be funded, then the objective would be to have us in line to receive additional resources that we otherwise would not receive. It would be helpful to know if there is any hope of the National Housing Trust Fund being funded since we are moving in the position of creating another sub unit. It would also allow us to form a Community Development Financial Institution (CDFI), where private funds can help capitalize and do housing activities, particularly in the area of rental housing.

Councilor Rickenmann asked why we would take money out of one of our existing corporations to establish something that we can do within that corporation.

Councilor Devine said that it is the ability to obtain other dollars.

Councilor Plaugh said to be regional.

Councilor Davis said that staff did some preliminary research on what is out there now within the state; how they are structured; how they operate; and where the funding comes from. This is the recommendation that we are presenting. Given the dynamics of this, next time we will be prepared to give full consideration as to the need for an ordinance; the structure; and the recommendation for funding.

Councilor Plough, as Chair of the Administrative Policy Committee, reminded the Council that they needed to complete the City Manager and City Attorney evaluations. We also need to carve out objectives for the City Manager. She added that the committee stands ready to meet with Richland County to discuss unified services.

Upon a motion made by Dr. Gergel and seconded by Ms. Plough, Council voted unanimously to refer the matter of inmate drop-offs at the Central Midlands Regional Transit Authority and to ask Mr. Mike King, Assistant City Manager for Public Safety and others that have been gathering information to be prepared to share at our next meeting. Mr. Newman amended the motion to refer the research of the expiration of any ordinance that possibly affects copper left in the city limits to the Public Safety Committee.

Mayor Benjamin invited everyone to participate in the Cyber Summit on Thursday, March 31, 2011 from 8:00 a.m. until 4:15 p.m. at IT-ology1301 Gervais Street, in the First Floor Theater.

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

Ms. Lisa Henderson, 1924 Boyer Drive and Ms. Carmen Bowie, 3119 Harrison Road appeared jointly before the members of Council to express concerns with their properties flooding whenever it rains. As a result, the runoff has eroded the foundation of our houses. At the advice of Joey Jaco, City Engineer, we filed a claim with Companion to repair damages to our homes. The City has been repairing the storm drainage line since January. As of Friday, a cave in on the sewer line was discovered after running dye into the storm line. In October 2010, the determination was made that it was not a sewer issue. According to Joey Jaco and Robert Sweatt, it was a storm drainage issue; the lines were inadequate to handle the flow; and Companion told us that the city was not liable and to file a claim with DOT. We have been met with delay, confusion and rudeness by Companion. We are wondering why we are still dealing with this after the city has accepted responsibility. We are here, because we are looking for answers.

Councilor Gergel asked the City Manager for the best way to proceed. I want to make sure that the city is communicating everything to our insurance company about the need to move forward in addressing this as quickly as possible.

Mr. Vincent Taitague of the Miss Oceana Taitague Education Foundation appeared before the Council to address concerns related to the permitting process for the solicitation of funds on public property. He asked the City Council to grant him a permit that would allow him to solicit funds on the sidewalk for his non-profit organization. I am soliciting funds for my daughter's academic achievement. She will be going to Washington, DC and I want to send her and other children in the future that earn this achievement. The tuition is \$1,500 and we have an account set up at RBC on Gervais Street.

Councilor Rickenmann suggested that Mr. Taitague seek other means of raising funds, because there is no way for us to allow you to solicit in the right-of-way versus somebody else.

Mr. Ken E. Gaines, City Attorney explained that sidewalks and streets are conjoined; he can solicit funds on private property.

Mr. Keith Seymour appeared before the members of Council to address homelessness. He stressed the importance of all governments supporting organizations that assist the homeless. He noticed that the taxis that were approved are based in Lexington County. This concerns me, because Lexington County is one of the reasons why the City of Columbia and Richland County spent so much time and money in working with the CMRTA to fund the bus service. He asked Dr. Gergel, in her role as Vice Chair of the CMRTA Board of Directors, to mention this to the board.

Mr. Bill Manley appeared before the Council to express concerns about the increased SCE&G franchise fee. He said that this is his 3<sup>rd</sup> time speaking on the franchise fee. He said that on December 13, 2001, the City came to an agreement with SCANA to take over the bus system for \$71 million. He said that SCANA has already given the City of Columbia \$2,375,000 per year for the last ten (10) years. On February 20, 2002, SCE&G agreed that we would pay a 3% franchise fee and now the city is getting \$6 million per year from that 3%. On February 15, 2011 you all decided that we have to give you another 2% which will be about \$4,500,000. Why should the city homeowners, business people and non-profits have to pay this? He presented a petition urging the City Council to rescind Ordinance 2010-160, immediately.

Upon a motion made by Ms. Plaugh and seconded by Mr. Davis, Council voted unanimously to adjourn the meeting at 9:37 p.m.

Respectfully submitted by:

Erika D. Salley  
City Clerk