



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
TUESDAY, JUNE 5, 2012
6:00 P.M.
CITY HALL – COUNCIL CHAMBERS
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting and Public Hearings on Tuesday, June 5, 2012 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:11 p.m. 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 and The Honorable Leona K. Plough. The Honorable Brian DeQuincey Newman arrived at 6:12 p.m. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Moore, City Clerk. This meeting was advertised in accordance with the Freedom of Information Act.

PLEDGE OF ALLEGIANCE

INVOCATION

Chaplain Michael Letts, Columbia Police Department offered the Invocation.

ADOPTION OF THE AGENDA

Councilor Plough noted that **Item 31** is a large project valued at \$19 million and it would have been an example of local preference had the local vendor completed the appropriate paperwork. Staff will ensure that local contractors understand how this process works.

Upon a motion made by Mr. Davis and seconded by Dr. Gergel, Council voted unanimously to approve the adoption of the agenda, noting that **Item 4** will be held.

PUBLIC INPUT RELATED TO AGENDA ITEMS

No one appeared at this time.

PRESENTATIONS

1. Introduction of the May 2012 Employee of the Month – Mr. Joey Jaco, Director of Utilities and Engineering

Mr. Clarence Foxx, Meter Reader Supervisor introduced Ms. Linita A. Loyd, Water Account Specialist as the May 2012 Employee of the Month. As her former supervisor, he described her as an outstanding employee that definitely deserves this award.

Ms. Angela Adams, Water Customer Service Administrator says that Ms. Loyd did a wonderful job while working for Mr. Foxx and she will do a better job in the Customer Service Division.

Mayor Benjamin and Mr. Steven A. Gantt, City Manager presented Ms. Linita A. Loyd with a plaque and a token of appreciation for being selected as the May 2012 Employee of the Month.

2. Introduction of the June 2012 Employee of the Month – Major Randy Martin, Columbia Police Department

Mr. Leslie Wisner, Deputy Police Chief introduced Ms. Tamara Kelly, Community Safety Officer as the June 2012 Employee of the Month. He described her as an employee who does the kind of things that make a huge difference in our relationships with the community. She works with the Youth Safe Haven Program at Hammond Village Apartments where she cares for 30 children each day. We are very proud of her.

Mayor Benjamin and Mr. Steven A. Gantt, City Manager presented Ms. Tamara Kelly with a plaque and a token of appreciation for being selected as the June 2012 Employee of the Month.

3. National Homeownership Month Proclamation – Ms. Deborah Livingston, Community Development Director

Ms. Deborah Livingston, Community Development Director said that for years they have recognized their lending partners, but tonight, they will celebrate the Community Development Department. We will celebrate Homeownership Month by hosting a financial literacy seminar on Saturday, June 16th at 1225 Lady Street from 9:00 a.m. 12:00 p.m. On Saturday, June 23rd, we will host the first Ownership, Maintenance and Gardening “OMG” Workshop at Eau Claire High School from 8:30 a.m. to 12:45 p.m. This is a free workshop that will be taught by City staff with Wells Fargo as the sponsor.

Mayor Benjamin and the members of Council proclaimed June 2012 as National Homeownership Month in the City of Columbia.

Ms. Deborah Livingston, Community Development Director recognized the Columbia Housing Development Corporation as a Partner in Excellence. The CHDC has been providing quality affordable housing and rehabilitating neighborhoods for over 32 years. They have provided great homes to more than 250 people.

Councilor Plaugh announced that the Community Development Department won the 2012 John A. Sasso National Community Development Week Award.

4. South Carolina First Responders Remembrance Memorial – Mr. Daniel C. Hennigan, Retired, U.S. Army / Founder & Chairman of the South Carolina First Responders Remembrance Memorial – *This item is scheduled for June 26, 2012.*

5. Fast Forward Update – Ms. Dee Albritton, Executive Director of Fast Forward

Ms. Dee Albritton, Executive Director provided an end of the year report. She stated that 20 youth are in the Youth Arbitration Program in partnership with the Police Department, the Solicitor’s Office and the Sheriff’s Department. We have 35 veterans in higher level technology programs and 25 jobs are lined up with DP Professionals and Blue Cross. We have 50 pre-school students visit weekly. We have 20 people coming from the Babcock Center and 6 people from Alders Gate at the Epworth Center. Over the last two years, we have assessed over 500 Veterans with our Department of Labor grant and 200 were hired with an average wage of \$9.90 per hour. Due to the terms of that grant, we are turning down 5-10 Veterans per week, because the grant isn’t broad enough. We are applying for another grant to serve the young Veterans that are returning. We’ve also had the pleasure to teach over 500 City employees this year.

Upon a motion made by Ms. Plough and seconded by Mr. Rickenmann, Council voted unanimously to request that staff develop recommendations for a program that focuses on employing Veterans at the City of Columbia.

6. EnduringFX: Our Developing Partnership – Mr. S. Allison Baker, Senior Assistant City Manager and Mr. Jim Stritzinger, EnduringFX

Mr. S. Allison Baker, Senior Assistant City Manager noted that **Item 35** is second reading of an ordinance authorizing the City Manager to enter into an agreement with EnduringFX. I was instructed by the City Manager to meet with Ms. Plough to answer questions, but we ran out of time. We are ready and available to answer questions.

Mr. Jim Stritzinger, EnduringFX sought to answer questions regarding the business relationship with the City of Columbia. We intend to take Riverfront Park and the Drew Wellness Center to the next level. Your exercise at the parks will consist of using an RFID chip to track your workouts. When you finish your workout, we will have a flat panel video wall to highlight the positive things you're doing with your workout. We are building a full website to support the whole application. A mobile application goes along with it. In March, we applied for a major innovation contest sponsored by a large pharmaceutical company called Sanofi. Since then, we've attracted a lot of partners including the American Diabetes Association, JDRF our 3 major research universities. Mr. Baker was gracious enough to go with us to New York to make a pitch on our behalf. Based on that presentation, we were selected as one of the top two finalists in the United States out of 100 companies. We have to do a community uptake experiment to show how well the community utilizes what we are building from June 6th to June 24th. We are launching the EFX 500, which is a 500 mile community challenge. We are asking members of the community to work together to walk 500 miles. The winner will be announced on July 16th. If you check out a chip during the upcoming Wellness Weekend on June 8th – 10th you can enter the Wellness Center for free. Our report is due to the judges on June 27th. We have an opportunity to win \$100,000 on July 16th.

Mayor Benjamin recognized representatives of Welvista, which is an organization that has a successful model committed to health and wellness, particularly, helping to meet the needs of the uninsured and uninsured by giving them access to prescription medications. Welvista also deals with pediatric dental issues.

Councilor Plough recalled her suggestion to not take 20% of EnduringFX's profits. A way to offset that would be for you to provide the Wi-Fi connections. That seems straight forward to me.

Mr. Jim Stritzinger, EnduringFX explained that it may be cost prohibitive, because there are no fiber optic cables at Riverfront Park. We were planning on servicing those locations via the 3G or 4G networks.

Mr. S. Allison Baker, Senior Assistant City Manager said that we already have Wi-Fi access at the Wellness Center, but that doesn't mean that Jim can't pay for it.

Councilor Devine asked that the City strongly push this through the Public Relations Department. We know that there is a huge need for this and it goes with the Lets Move! initiative.

7. RICH/AKERU Legacy Council Program – Dr. Germon “Mama G” Miller, Founder

Dr. Germon Miller, Founder of the RICH/AKERU Legacy Council Program thanked Mr. Baker for his support of the program. I met with Mr. Caton and we are looking to continue this program for another year. She said that the new direction is family education. It’s great to be in Columbia and we will always be here to support our City.

Miss Angelica Hill, Graduate of Howard University said that she is here to support Dr. Miller and the AKERU Legacy Council. Without the foundation and support that I received from the program and my family, I don’t think I would be this far in my successes.

Miss Ambre Hill, Howard University Student said that growing up in a strong family and having the support of individuals such as Dr. Miller and organizations such as AKERU have allowed her to overcome obstacles with maturity. It has allowed me to go on to the next phase in my life without any doubt in being content in all areas of my life.

Miss Asaara Hill, Westwood High School Student said that the AKERU Legacy Council, a strong family unit and guidance have been three of the greatest contributions to her success and her musical aspirations.

Mrs. Christian Flynn Hill attested to all of the contributions that “Mama G” has made to the community. She instills discipline in her students. Her expectations are very high and her programs are needed widely in our community. This program is needed widely in the Columbia community.

8. Rocky Branch Watershed Urban Development Impact Study – Ms. Dana Higgins, P.E. LEED AP, City Engineer

Ms. Dana Higgins, P.E., LEED AP, City Engineer introduced Mr. David Brigley, the AMEC consultant that will be presenting the much anticipated Rocky Branch Watershed Urban Study.

Mr. David Brigley, Principal Engineer / AMEC Environmental and Infrastructure, Inc. said that the former studies conducted by PACE and PB Americas were reasonable for their purposes; however, some adjustments were made. He reported that the fill from the site would not cause a rise. He said that the middle of the creek moves a lot of the water and the roadway fill is downstream from that site. Because the site is so far down the watershed, that amount of fill isn’t enough to impact the behavior. Neither the obstruction of flow from the site or the loss of storage in that area had any impacts in the modeling that was done. He said that new problems could be created if precautions aren’t taken. Moving the railway would have some impacts, but there are ways to mitigate it. The key is to do no harm. He explained that water quality cannot be addressed through storage; however, it can be addressed by reducing the Bluff Road railway culvert velocities. The Congaree River is almost 500 feet wide and when it floods it backs up into the Branch. The 100 year event backs up to Olympia Avenue. More frequent events do not extend so far up and at that point it is what you do to inhibit flows. Removing the railway culvert and upgrading Olympia Avenue can improve the watershed from Assembly Street downstream as long as you look at it as a complete stretch. He recommended that the City consider upgrading the downstream crossings, in the right order (downstream and work your way up) and in a phased approach; integrate stream restoration and greenway features to put less pollutants in the Branch; consider alternative upper watershed improvements; adopt green infrastructure techniques; and leverage local watershed support.

Councilor Rickenmann asked about restoration of the creek from Five Points to the Congaree. Should creek restoration be our number one priority in this overall process?

Mr. David Brigley, AMEC representative said definitely. A Greenway doesn't need to be a part of the near term activities, but treat it as a real plan.

Councilor Newman asked the consultant to discuss his interaction with the potential developer in terms of their plans.

Mr. David Brigley, AMEC representative said that they discussed a plan level review of the site with the City staff. We did not get explicit designs, but it was sufficient for us. We noted in the report that there is a design that could mitigate the impact. That needs to be meshed out in the design process. We have a good idea about what's going on. They need to leverage the studies that are out there and prove there are no impacts and how the benefits are appropriate.

Councilor Newman said that if there are any variables based off of changes in design plans, we want to make sure that you all have taken those into account and that there is something that can be put into place to remedy those changes.

Mr. David Brigley, AMEC representative said that there is a stark difference in how the water stops at the choke point. It comes down to what can be handled at Olympia Avenue. I don't know what utilities are under there or how difficult it would be to widen that. That's probably the area I would look at closest. The railway is out of service and you are fortunate that the railway can be modified. I would say that you should look at Olympia Avenue first.

Councilor Gergel inquired about the study done by PACE Engineering in 2011.

Mr. Steven A. Gantt, City Manager explained that the developer had the study done by PACE Engineering.

Councilor Gergel requested a copy of the study. She said that she was left with a lot of questions after reviewing this study. She asked Mr. Brigley to review the recommendations in layman's terms. What do we need to do to address your concern that we may have management issues to mitigate?

Mr. David Brigley, AMEC representative explained that if they encroach further into the floodway that would cause a bigger rise from the fill, which would mean that they would need to improve a downstream crossing to lower it there and that the fill will not back up water onto Assembly Street. They need to look at Olympia Avenue to ensure that they are not moving a problem to Olympia Park. We are affirming that the burden is still on the developer for whatever they do to follow the rules and do no harm in terms of causing a rise upstream or downstream.

Councilor Gergel inquired about the recommendation for another detailed analysis of the detailed plan.

Mr. David Brigley, AMEC representative said that it's not the City's burden. The developer is not allowed to cause impacts to a floodplain.

Councilor Gergel asked what the developer should be required to do.

Mr. David Brigley, AMEC representative explained that they need to affirm with their own models and detailed plans that their design won't cause a problem. There are two steps with floodplain management: What you plan to do and what you actually do.

Councilor Gergel said that there needs to be a plan for how we are going to do this.

Mr. David Brigley, AMEC representative said that in order to reduce flooding, you need move the water quicker. You have done a lot already. The PB report had a lot of capital improvements in it. The creek bends very sharply and inlet modifications can move water quicker, but that requires an analysis. You should pick out the things that provide a benefit starting downstream.

Councilor Gergel inquired about the FEMA maps. Why would we not wait until we have those new maps?

Mr. David Brigley, AMEC representative said that the new maps represent all of the latest modeling information. The PB report from 2006 provided updated models. There may be additional increases.

Mayor Benjamin recalled that one characterization said that going forward with the proposed fill would be like plopping the super carrier of the USS Nimitz in a floodway. What do you think about that characterization?

Mr. David Brigley, AMEC representative said that size wise, it would be two of them. It's a lot of fill, but that's why you model it. Not all parts of the creek are as sensitive to fill as others. This is not affected by that fill, because it is at the bottom of the watershed and it has a dam. You could have significant flooding if you put that amount of fill in another part of the watershed. That's why you run the numbers. It's not what; it's what and where.

Mayor Benjamin clarified that any developer would have to go through our planning and development guidelines. There are issues that staff will have to deal with and make sure they are approved.

Mr. David Brigley, AMEC representative said that laws are in place that goes beyond city regulations over what you can do for flooding downstream and upstream properties.

Mayor Benjamin said that they've heard many concerns about flooding in Five Points. He clarified that this has zero impact on flooding in Five Points.

Mr. David Brigley, AMEC representative stated that it's too far away. A big issue with Five Points is trying to get water into the pipes and into the creek. You can take away all of the flooding in Assembly Street and you still have the rest of the chokepoints. The water can't get into those pipes. The PACE study was concerned about opening up the railway culvert, because they were afraid of the impact of letting all of that water loose on Olympia Avenue. That rule is the same for Five Points. Where would the water go and can that location handle that much more water?

Councilor Rickenmann asked if there needs to be storage to handle the capacity of water in Five Points. You have a lot of water coming from a lot of different directions into what used to be a swamp. We discussed the need for holding points before and after Five Points, almost creating a floodplain.

Mr. David Brigley, AMEC representative said that in looking at the Five Points area, it's going to be tough to hold the water back. One recommendation was peak shaving where you take some water off of the main area and put it into a holding area and that might require a pump. That's where the Technical Committee can help you to scout locations. In some cases, it may be getting it off the streets and into the pipes. It needs to be a coordinated effort.

Councilor Gergel asked if he has contacted the University of South Carolina. They have been looking at some of the storage places where this needs to go.

Mr. David Brigley, AMEC representative said that some of his teammates have attended the Alliance meetings. We know that they've been looking at that.

Councilor Gergel asked if the University is currently engaged in studies of Rocky Branch.

Ms. Dana Higgins, City Engineer said that the Rocky Branch Watershed Alliance has been good about bringing USC, the City of Columbia, Five Points and all affected parties together. They collected all of the studies. I understand that there are current studies of the Branch underway.

Mayor Benjamin said that this doesn't affect flooding in Five Points and it doesn't exasperate flooding anywhere. Help me understand the issues regarding water quality. They can in fact be improved.

Mr. David Brigley, AMEC representative said yes, in stream. Assuming that the site follows all of the regular site regulations for taking care of its own runoff for water quality, it can prevent the stream erosion that's occurring in the Olympia Park and downstream by slowing down the water that's coming out of the culverts. That's the manner in which it can help with water quality.

Mayor Benjamin said that we've tried very hard not to have any influence on the independent third-party consultant. We've allowed staff to deal with him and we've tried our best to stop everyone else from trying to influence your position and results. We needed someone to take a look and give us something to move forward in addressing the various concerns.

Ms. Ryan Nevius, Executive Director / Sustainable Midlands and Member of the Rocky Branch Watershed Alliance said that the point with the Five Points flooding was to look to make sure that the Assembly Street floodplain wasn't the reservoir that was needed as we moved upstream. Hopefully as we move those chokepoints we might have a chance to utilize the existing floodplain where the ballpark is as a reservoir to clean the water and slow it down before it goes to the river. That was our point. Is this going to affect the long term complete solution for flooding in Five Points?

Dr. Lakshmi Venkat, Chair of the Rocky Branch Watershed Alliance said that you are paving over 400,000 square feet of area. From the common conventional hydrology that I know, when you pave over area you increase surface runoff, because you have no infiltration and this decreases the time it takes for rainfall to create a flood; it's a quick response. In table 5, it shows the base flood elevation pre- and post-project as the same. Obviously they have done the studies. From PB America's estimate it was \$30 million for the whole Rocky Branch. It's more money now. If this becomes a chokepoint because of increased flow, then the flow from Five Points will not reach the river.

Dr. Allen James, River Scientist / University of South Carolina said that the study clearly showed that there would be a lowering of stage if the obstructions are removed at Bluff Road and the railroad crossing below. What happens if you remove the restrictions and put the project in after the restrictions are removed? Does it then raise the water stages? That needs to be studied.

Mr. David Brigley, AMEC representative said that they can't add additional runoff which causes an impact. This will be added to the model and if there is a rise they would need to offset it. The runoff and the change of the behavior in the stream need to be studied.

Mayor Benjamin made a motion to authorize the City Manager to execute the previously approved contract for the sale of the Assembly Street property to Bright-Myers, LLC with the appropriate amendments to require the developer to meet all City of Columbia development, engineering and storm water regulations and all applicable county regulations; to financially assist the City in development of the greenway; to provide connectivity with the Rocky Branch Watershed at a level to be approved by the City Manager; to require the developer to make, at the developer's cost and expense, storm water related improvements outside the property boundary necessary to mitigate any possible development impact in the Rocky Branch Watershed, as outlined in the presentation today.

Councilor Plaugh said that she doesn't know what is in the previous agreement.

Mayor Benjamin said that the property was sold for \$1 million.

Councilor Rickenmann said that it is a contract with a due diligence period of 12 months. This allows them to move forward and they will have to produce all of the studies before they are issued a permit. These are questions that they have to answer at their expense, not ours. We are at the stage where the developer needs to bear those costs and he may come back and say that he can't do it.

Councilor Gergel said that the motion is premature. We should be making a motion to rescind the agreement that we made before, because it's not the right one to move forward with. We need a new contract. Why would citizens turn out tomorrow night if we approve the contract? I want to hear from the Rocky Branch Watershed Alliance and Dr. Venkat.

Councilor Devine stated that they had lots of questions regarding the environmental issues. We painstakingly went through the process to retain an independent consultant to give us feedback and we have that. It's not moot to move forward with tomorrow night's meeting. I think that some people have gotten wrapped around what the proposed development is. We needed answers and we received good answers to give us a direction. We're not finished. It's unfair to the developer and the community if we keep going back and forth. There is additional information we can get from the consultants, but it doesn't stop us from moving forward with seeing where this process goes.

Councilor Davis concurred with Ms. Devine. I've looked at the findings and recommendations and we've had lengthy discussions as to whether or not we should consummate the contract. During the deliberations we received a lot of communications and I didn't see 100% disagreement with the development. It gives me the satisfaction I need to not hold this process up. This gives an opportunity for residents in that area to sit down with the developer and discuss their ideas. For the sake of at least of trying to move forward in concluding this, I don't have a problem with this motion.

The motion was amended by Mr. Rickenmann to allow for the use of a portion of the funds to be put back into creek restoration and leveraging those dollars as we move through, however we deem.

Mayor Benjamin accepted the amendment to the motion.

Councilor Plough asked Mr. Gaines to explain the contingencies in the contract. She asked staff to address how the permitting process would work. How will the development proceed?

Councilor Devine asked the City Attorney to address when the due diligence period ends.

Councilor Gergel asked the City Attorney to outline the process for review of the design guidelines.

Mr. Kenneth E. Gaines, City Attorney said that the property must have commercial zoning that would permit the development of a shopping center. The buyer can take the steps necessary to rezone the property. The buyer has to be able to place the adjacent property owned by SCE&G under contract. The buyer has to deliver to the seller a document certifying that these contingencies have been satisfied within 180 days of the effective date or the contract will terminate. The seller retains design control over the development of the property. The buyer agrees to comply with design requirements and procedures in Exhibit B. He outlined a host of design requirements that were written by Planning and Development Services. The seller has the right to lease the ballpark for the 2012 season, which ends soon. We will also add these other conditions that are contained in the Mayor's motion. We will add a provision that they would agree to an action of specific performance, if they did not comply with the provisions of the contract at any time.

Ms. Krista Hampton, Director of Planning and Development Services explained that they will need to annex the portion of the property that is currently in the county and zoned residential. That would generally be processed at the same time when we do the annexation with a map amendment. The adjacent property is M-1, retail would be permitted there. The acreage is large enough to go to C-3 if it was the desire of Council. Both of those permit retail development. Once the annexed parcels are consolidated, it's zoned appropriately and it goes through our permitting process. First, they would need to obtain a land disturbance permit and that's when your storm water utilities and regulations are reviewed. The second permit is a building permit, which is when we review the vertical construction. This is of a size that the Planning Commission would see the site plan for review remembering that it's a technical review and not a discretionary review. If it meets the regulations, the Planning Commission is obligated to approve it prior to the land disturbance permit.

Councilor Devine inquired about the traffic studies.

Ms. Krista Hampton, Director of Planning and Development Services said that traffic impact studies would be submitted for review by the Planning Commission and SCDOT.

Ms. Dana Higgins, City Engineer added that the land disturbance permit is required under the City's storm water ordinance. We would propose opening up downstream and that goes into Richland County where they allow zero foot rise.

Mr. Kenneth E. Gaines, City Attorney noted that the City does not own the railroad trestle. The developer would have to make arrangements to either obtain permission to make the cut or purchase the railroad trestle.

Ms. Dana Higgins, City Engineer explained that AMEC study looked at the feasibility of the proposal, but the developer is required to provide a detailed design of the proposed elevations and how it affects the floodplain.

Councilor Gergel expressed concerns about moving forward without hearing from the public.

Mayor Benjamin asked if there were other offers for alternative uses of this property.

Mr. Steven A. Gantt, City Manager said yes, for student housing.

Mr. Kenneth E. Gaines, City Attorney noted that the buyer can terminate the contract for any reason during the initial 150-days of the contract.

Mayor Benjamin added that the developer is bringing several hundred jobs to a blighted and long neglected community.

Councilor Gergel urged the Council to use all of the proceeds for restoration of Rocky Branch. Mayor Benjamin did not accept Dr. Gergel's amendment.

Upon a motion made by Mayor Benjamin and seconded by Mr. Rickenmann, Council voted six (6) to one (1) to authorize the City Manager to execute the previously approved contract for the sale of the Assembly Street property to Bright-Myers, LLC with the appropriate amendments to require the developer to meet all City of Columbia development, engineering and storm water regulations and any and all applicable county regulations; to financially assist the City in development of the greenway; to provide connectivity within the Rocky Branch Watershed at a level to be approved by the City Manager; to require the developer to make, at the developer's cost and expense, storm water related improvements outside the property boundary necessary to mitigate any possible development impact in the Rocky Branch Watershed, as outlined in the AMEC presentation on June 5, 2012; and at the discretion of the City Manager, use a portion of the proceeds from the sale for watershed restoration. Voting aye were Mr. Newman, Ms. Plough, Mr. Rickenmann, Ms. Devine, Mr. Davis and Mayor Benjamin. Dr. Gergel voted nay.

BUDGET PUBLIC HEARING

Ms. Missy Caughman, Budget Director presented the fiscal year 2012/2013 proposed budget. It addresses funding necessary to operate a clean, safe and financially sound city; focuses on funding for City services; continuation of the capital replacement program; and provides funding for capital improvement and major maintenance projects across all funds. We had increases in State Retirement System contributions for regular and sworn employees, increases in health care costs, and fuel and electricity costs. The departmental budgets include a 2% Cost of Living Adjustment (COLA) as well as the related expenses to the COLA. The Police, Fire and Utility Departments are operating at full staff. This also has an impact on the departments' operating budgets. A lot of the focus throughout the budget is on capital maintenance and repairs. The General Fund and the Water and Sewer Fund make up the majority of the City's operating budgets. All operating budgets combined equal \$350 million. The Hospitality Tax Fund is budgeted at \$9.3 million, which is a 7% increase over the current year. We are using \$895,000 for

the fund balance. Revenue projections for 2012/2013 are in line with previous year actuals. The Hospitality Tax Committee includes an increase in the amount of \$250,000 for a total allocation of \$2.8 million. The transfer to the General Fund is \$2.8 million, which is \$1.8 million over the current year budget, but it is \$500,000 more than the previous year transfer. Debt service is at \$1.3 million, which is a reduction over the previous year based on refinancing and bonds from the current fiscal year. The Accommodations Tax Fund is projected to be at \$1.25 million, which is a 2% increase. Revenue projections continue to be conservative. The allocation to the Conventions and Visitors Bureau is \$1 million and Lake Murray Tourism is \$150,000, which is the same as the current year.

Councilor Rickenmann asked what the increase has been for the Accommodations Tax Fund.

Ms. Missy Caughman, Budget Director said that it has remained steady. We adjusted the projections closer to the actual revenue.

Councilor Rickenmann said that they need to discuss with Mr. Luber and the Visitors Bureau why we aren't getting more heads on beds. It seems like we've had an increase in hotel rooms and beds, but the collection rates aren't increasing. Does this go back to online sales and are we collecting our money for that? These numbers have been the same over four (4) years.

Ms. Missy Caughman, Budget Director said that we receive these funds quarterly from the State and we can compare to it to the collection of other funds.

Mr. Steven A. Gantt, City Manager said that the Tourism Development Fee that is used to pay for the Convention Center is 2% on hotel rooms just like the Accommodations Tax. We can compare those two numbers over the last 3 to 4 years.

Ms. Missy Caughman, Budget Director continued to report that the Parking Fund is \$7.2 million, which is a reduction due to the decline in projections from parking garages and interest earnings. There are no significant changes to the operating budget. The budget includes depreciation. We eliminated that \$1 million transfer to the General Fund. We proposed an increase in parking fines. The Storm Water Fund budget is \$8 million, which is an increase of \$2 million. This comes from an increase in the fee charged for storm water. \$3.3 million will go towards capital improvement and major maintenance projects. The total budget for water and sewer operating and capital improvements is \$202 million. The proposed rate increase is an average of 7.63%. Both programs aim to rehabilitate our system integrity and provide for growth by expanding our water and sewer system. The General Fund budget is \$120 million, which is an increase of 5.6%. We included an increase in fire hydrant fees. The Hospitality Tax Fund is \$9,309,649, a 7% increase and it includes \$895,649 of fund balance. This fee has not increased since it was first established in 1979. We are anticipating \$4 million in revenues from that increase. We are not proposing a property tax increase for the General Fund. Revenues from business licenses, permits and fees are closer in line with what was received for actual collections; otherwise, revenues have remained flat. The General Fund includes \$6.1 million for year 3 of the capital replacement program for vehicles and technology. It also includes \$1.7 million for general capital improvement projects to include major maintenance and renovations to the Police Department and various fire stations. She noted that 41% of budget revenues come from property taxes and public safety expenditures are 46% of the budget. Tonight you will have first reading on the budget and various rate increases.

- **Council opened the Public Hearing at 8:16 p.m.**

No one appeared in support of or in opposition to the proposed budget.

▪ **Council closed the Public Hearing at 8:16 p.m.**

Councilor Plough asked if Council is only approving the General Fund budget.

Mr. Bill Ellis, Finance Director explained that the governmental funds are approved when you approve the budget. When you approve the Water & Sewer Fund, you are approving rates/fees for services rendered. State law requires you to approve governmental funds; it is not required for water and sewer. You approve the fees and charges associated with those funds.

Councilor Plough said that the Capital Improvement Projects for the water, sewer, parking, general and storm water funds haven't been presented. When will those documents become public?

Ms. Missy Caughman, Budget Director said the documents were published on the City's webpage. The year one Capital Improvement Program (CIP) was presented to you.

Mr. Bill Ellis, Finance Director said that each project has to be approved individually. Within the budget itself, you have been previously given the projected CIP amount.

Mayor Benjamin stated that the public has access to everything that Council has.

Councilor Devine noted that it's no different than the General Fund budget approval process and expenditures that are voted on by Council.

Councilor Rickenmann suggested that the Water and Sewer budget be added to the ordinance for adopting the budget.

Councilor Plough said that a great deal of time has been spent talking in-depth about the Cost of Living increase for our employees. That discussion was designed to make sure that all employees who hadn't received an increase over the last 3 years receive one. We are at a point where the 2% COLA will positively impact just about all employees. People on a lower pay scale may or may not benefit in a significant way based on their healthcare plan option. I think that making sure those on the lower income scale receive whatever benefits we have the ability to give out. The reclassification of positions is not done at the entry level position. We haven't done a compensation and classification study. I have asked my colleagues if the staff would bring forth an estimate for what a compensation and classification study would cost us and the dollars to implement the study. I intend to support the 2% COLA. The other issue is about the water and sewer budget. There are many economic development charges in that account that I struggle with tying to a water and sewer activity. On the other hand, the City has been transferring \$4.5 million into the General Fund for 20 years or more. The citizens of this City are entitled to a return on their investment. One of the ways that return on investment has been given to the citizens is that transfer. That is probably small in terms of what a real return on investment should be. I asked the City Manager to ask staff to get with our consultant and do a computation to determine what a reasonable rate of return would be. Then we could make that transfer to the General Fund and decide what to use those dollars for.

ORDINANCES – FIRST READING

9. Ordinance No.: 2012-045 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article VII, Storm water Management, Sec. 23-205 Storm water service charge rates (b) – *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.: 2012-045 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article VII, Storm water Management, Sec. 23-205 Storm water service charge rates (b).

10. Ordinance No.: 2012-050 – 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 rate, Sec. 23-146. Fire Hydrant, fire protection and sprinkler system charges and Sec. 23-149 Sewer services rates, (a) Generally and (b) Consumers using water cooling towers for air conditioning – *Approved on first reading by a vote of six (6) to one (1).*

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted six (6) to one (1) to give first reading approval to Ordinance No.: 2012-050 – 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 rate, Sec. 23-146. Fire Hydrant, fire protection and sprinkler system charges and Sec. 23-149 Sewer services rates, (a) Generally and (b) Consumers using water cooling towers for air conditioning. Voting aye were Mr. Newman, Ms. Plough, Dr. Gergel, Ms. Devine, Mr. Davis and Mayor Benjamin. Mr. Rickenmann voted nay.

11. Ordinance No.: 2012-051 – To Raise Revenue and Adopt the Budget for The City of Columbia, South Carolina, for the Fiscal Year ending June 30, 2013– *Approved on first reading.*

Upon a motion made by Mr. Newman and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2012-051 – To Raise Revenue and Adopt the Budget for The City of Columbia, South Carolina, for the Fiscal Year ending June 30, 2013.

▪ **Council reconvened the Budget Public Hearing at 8:32 p.m.**

Ms. Heidi Chavious appeared before the members of Council on behalf of the Columbia International Festival. It is a wonderful experience to show off the different countries represented in the City of Columbia.

Ms. Grace Collins appeared before the members of Council on behalf of the Columbia International Festival. It educates people that have never been out of South Carolina. We need this event for the good of the City and South Carolina.

Ms. Anita Dubois, Columbia International Festival employee appeared before the members of Council on behalf of the festival. Through my work with the festival it has been my delight to work with the international community.

Mr. Jaehood Choe appeared before the members of Council in support of the Columbia International Festival. He said that America has a diversity of people living here, but where do you go to find these people. We just finished the 17th year of the festival. The first day is not open to the public; it's open to the schools. We need your continued support to grow our festival even bigger next year. Our festival needs to be mature.

Mr. Raj Aluri, Executive Director of the Columbia International Festival said that nothing brings us together as One Columbia or one community more than the Columbia International Festival. Over 100 cultures are represented and the average attendance is 10,000. This event defies Columbia.

Mayor Benjamin said that we need to discuss technology and ways to get those people out of their kitchens and into restaurants to diversify the eateries in Columbia. He urged citizens to attend the event next year.

Ms. Lee Lumpkin, Chairman and Chief Fundraiser for the Columbia Classical Ballet said that she was one of the old timers that fought so hard to have the Hospitality Tax. It has been an amazing learning process. I am grateful and humble to be a recipient. The ballet company is in its 20th year and we have grown. We would love to be a line item in the City's budget.

- **Council closed the Budget Public Hearing at 8:47 p.m.**

SIDEWALK VENDING PUBLIC HEARING

Ms. Brenda Kyzer, Business License Administrator explained that **Item 12** is a Resolution to amend the sidewalk vending locations. We have an applicant that applied for a mid-block pad near 1221 Main Street. This is a brand new location in front of the McNair Law Firm. The applicant also has a renewal application at the corner of Main and Washington Streets.

Councilor Rickenmann expressed concerns about what is put out by vendors. There is a difference between a vending cart and a series of tables.

Ms. Brenda Kyzer, Business License Administrator said that the vendor is using equipment that he was approved for. Occasionally, he might have an extra tall table. He has been clear with his application for this year and it does meet guidelines for pedestrian clearance.

Mayor Benjamin clarified that if **Item 12** is disposed of in the negative, then **Item 14** becomes moot.

Ms. Brenda Kyzer, Business License Administrator said that it would not be granted; we wouldn't be hearing it.

Mayor Benjamin said that he is not inclined to amend the locations and add a midblock pad to 1221 Main Street.

Councilor Devine asked if this location was previously considered as an option for Mr. Roberts, but there was a concern from the business owners, because they wanted a restaurant there.

Councilor Newman said that it wasn't formally submitted, but there were conversations.

Mayor Benjamin said that Council must discuss the amount of private sector investment made on that block. There were serious concerns raised about having sidewalk vending in front of the restaurant. I am not sure why we would consider amending the locations we made.

Councilor Devine asked if the location was posted and if Ms. Kyzer received any feedback.

Ms. Brenda Kyzer, Business License Administrator said yes. There have been a string of e-mails that started with Matt Kennell and Holder Properties.

▪ **Council opened the Sidewalk Vending Public Hearing at 8:56 p.m.**

Mr. Maynard Keyser, Applicant said that he is trying to get out of the kitchen into a restaurant, but he can't afford to right now. He said that he can afford to have these mobile food units. My first one at Main and Washington has been successful and I bought a second unit. The perfect location for that unit happens to be 1221 Main Street. According to franchise regulations that spot can be approved, because it meets all of the standards. It is 50' away from the main entrance of a restaurant. I hope you take that into consideration. I do hope to own a restaurant one day, but this is just a stepping stone.

Ms. Lauren Smith, Holder Properties opposed the midblock pad at 1221 Main Street as well as the northwest corner at Main and Gervais. We do have a restaurant lease that has been signed for the first floor in our building at Main and Gervais. Those construction meetings are underway and there will be outside dining in our plaza. These two (2) locations are in a couple of steps of where people from this restaurant will be dining. We don't want this to interfere with our new tenant that we hope will open by the end of the summer.

Councilor Devine said that the people who walk up to a hotdog stand are different from the people who want to sit down in a restaurant, especially if it is more of an upscale restaurant. Tell me why you feel like these would be in competition or negatively impact your restaurant.

Ms. Lauren Smith, Holder Properties said that she wouldn't want a vendor to take away any business or interfere with the scenery. We would prefer it to go somewhere else.

Councilor Davis asked where.

Ms. Lauren Smith, Holder Properties suggested that they not be at the corner where you enter the restaurant or where people are eating.

Councilor Rickenmann inquired about **Item 21a**.

Ms. Brenda Kyzer, Business License Administrator recalled that Council asked staff to hold that site for one year. It's still on the list.

Councilor Rickenmann said that he would like to visit the site before a decision is made. I can see both arguments, but I am not willing to deny somebody based on competition. I would ask that we hold these two until we have a chance to look at it. If it is denied, I would ask Mr. Keyser to consider a second location.

Ms. Brenda Kyzer, Business License Administrator said that when staff checked the site, they were not aware of the proposed restaurant.

Mr. Maynard Keyser, Applicant clarified that he would be near the entrance of the building that contains the restaurant.

Councilor Davis said that he would like for Council to figure out a way to deal with this. We talked about guys just popping up and doing it. We need to find a way to police that and stop it.

Mr. David Roberts, DER Tacos said that he was a previous applicant and will be submitting another application for a taco stand soon. I am constructing a commercial kitchen that will be for rental to food entrepreneurs. This is a private incubator company that will be operable in July. The ordinances and the setbacks are set. There are bistros, wine shops, restaurants and sidewalk vendors in Charlotte, along Tryon Street. That's the kind of environment we want to create. It's all of us together. It's the draw and you need it.

Councilor Rickenmann said that the corner of Gervais and Main Street is a terrible location from a public safety standpoint.

Councilor Devine said that she would be willing to look at the midblock and see what can be worked out for Mr. Keyser. Go back and check the distance from the pad to the restaurant. It doesn't make any sense to approve something that may be ineligible a month later.

Mayor Benjamin said that we are not talking about competition. We are talking about two (2) different products. The space is under active development and it wouldn't make sense to amend the location. Are there other locations that were previously approved, but aren't occupied?

Ms. Brenda Kyzer, Business License Administrator said yes, there are plenty available.

Councilor Rickenmann asked if there is a space in front of the old NBSC Building.

Ms. Brenda Kyzer, Business License Administrator said no.

RESOLUTIONS

12. Resolution No.: R-2012-055 – Amending Sidewalk Vending Locations and Authorized Merchandise – *Denied by a vote of five (5) to two (2).*

Upon a motion made by Ms. Devine and seconded by Mayor Benjamin, Council voted five (5) to two (2) to disapprove Resolution No.: R-2012-055 – Amending Sidewalk Vending Locations and Authorized Merchandise and to direct Ms. Kyzer to meet with Mr. Keyser to identify another site. Voting aye were Mr. Newman, Ms. Plough, Dr. Gergel, Ms. Devine and Mayor Benjamin. Voting nay were Mr. Rickenmann and Mr. Davis.

ORDINANCES – FIRST READING

13. **Mid-block Pad near 1701 Main Street**

Ordinance No.: 2012-043 – Granting a Franchise to Anthony Garvin d/b/a Taniya’s Fire Grill for operation of a stationary sidewalk vending cart in the mid-block pad near 1701 Main Street – *Approved on first reading.*

Upon a motion made by Ms. Devine and seconded by Ms. Plough, Council voted unanimously to give first reading approval to Ordinance No.: 2012-043 – Granting a Franchise to Anthony Garvin d/b/a Taniya’s Fire Grill for operation of a stationary sidewalk vending cart in the mid-block pad near 1701 Main Street.

14. **Mid-block Pad near 1221 Main Street**

Ordinance No.: 2012-049 – Granting a Franchise to Keyser Concessions, LLC for operation of a stationary sidewalk vending cart in the mid-block pad near 1221 Main Street – *This item was eliminated. Please refer to **Item 12.***

15. **Northwest Corner of Main Street and Washington Street**

Ordinance No.: 2012-047 – Granting a Franchise to Keyser Concession, LLC for operation of a stationary sidewalk vending cart on the northwest corner of Main Street and Washington Street – *Approved on first reading.*

Upon a motion made by Mayor Benjamin and seconded by Mr. Davis, Council voted unanimously to give first reading approval to Ordinance No.: 2012-047 – Granting a Franchise to Keyser Concession, LLC for operation of a stationary sidewalk vending cart on the northwest corner of Main Street and Washington Street.

16. **Northeast Corner of Main Street and Lady Street**

Ordinance No.: 2012-048 – Granting a Franchise to Robert A. Helvey d/b/a Nakama Noodle Bar d/b/a NNB for operation of a stationary sidewalk vending cart on the northeast corner of Main Street and Lady Street – *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.: 2012-048 – Granting a Franchise to Robert A. Helvey d/b/a Nakama Noodle Bar d/b/a NNB for operation of a stationary sidewalk vending cart on the northeast corner of Main Street and Lady Street.

16a. ****NW Corner of Main and Gervais Streets Proposed Continued Operation – Formerly *Item 21a.***

Ms. Brenda Kyzer, Business License Administrator explained that this location was held last year when Mr. Roberts withdrew his application and decided to move down the street. Council asked that we put this location on hold for a year and it was an opportunity to get Fever going and to see what was going to happen with the McNair Building. If you choose to remove it, we will have a Resolution drafted for consideration at the next meeting.

Councilor Rickenmann recommended that Ms. Kyzer bring forth a resolution removing this site from the list of available locations. That corner has safety issues, especially with things progressing on Main Street.

Mr. David Roberts, DER Tacos said that after he went to look at the site, he saw some of the issues that are being discussed. It could be a feasible site, unfortunately where the property lines are, the ideal situation would be for Holder Properties to allow a street vendor to rent space and be further away from the corner. I had conversations with the City Center Partnership about short-term or event leasing of private courtyards.

Upon a motion made by Mr. Rickenmann and seconded by Mayor Benjamin, Council voted unanimously to direct staff to bring back a Resolution removing the site at northwest corner of Main and Gervais Streets from the list of approved sidewalk vending locations.

- **Council closed the Sidewalk Vending Public Hearing at 9:24 p.m.**

OTHER MATTERS

17. Council is asked to approve the appointment of The Honorable Brian DeQuincey Newman as Mayor Pro-Tempore for Fiscal Year 2012/2013.

Upon a motion made by Ms. Devine and seconded by Ms. Plough, Council voted unanimously to approve the appointment of The Honorable Brian DeQuincey Newman as Mayor Pro-Tempore for Fiscal Year 2012/2013.

Mayor Benjamin reflected back on **Item 16a** and asked if the location previously approved by City Council for Mr. Roberts was still available.

Ms. Brenda Kyzer, Business License Administrator said yes.

18. Council is asked to approve for work to begin and reimburse Doctor's Care for cost of up-fit Employee Medical Clinic in the amount of \$255,013.12. *Funding Source: 6048933 - Approved*

Councilor Rickenmann recalled that this was one of the top return on investments recommended in the report provided by Colonial Life earlier today.

Upon a motion made by Mr. Rickenmann and seconded by Mr. Newman, Council voted six (6) to one (1) to approve reimbursement to Doctor's Care for the cost of up-fitting the Employee Medical Clinic in the amount of \$255,013.12. Voting aye were Mr. Newman, Dr. Gergel, Mr. Rickenmann, Ms. Devine, Mr. Davis and Mayor Benjamin. Ms. Plough voted nay.

19. Council is asked to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. This certificate is being awarded to Chikezie R. Onwukanjo doing business as Available Taxi Company at 6 Raintree Court, Hopkins, SC. - *Approved*
20. Council is asked to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. This certificate is being awarded to Isai Sanchez-Arce doing business as Taxi Latino at 1505 Batchelor Street, West Columbia, SC. - *Approved*

Councilor Devine said that the Economic and Community Development Committee discussed this and decided that it is hard to determine that there isn't a need for additional taxis. We don't have regulations that give us something objective to look at. There wasn't anything that would allow us to deny a certificate.

Ms. Brenda Kyzer, Business License Administrator recommended that a committee be formed to review these applications and take them off of Council. My recommendation is to approve these.

Councilor Rickenmann said that we have to consider a different system at some point. We have the ability to regulate the cabs. There has to be a better structure.

Councilor Devine noted that Greenville has a moratorium. She also noted that when new applications come in, existing companies are notified and have the opportunity to protest if there is a saturation of cabs.

Mayor Benjamin said that he is not adverse to a moratorium until a policy is in place. I would not like to see anymore applications until we have a process in place. Are there other applications in the hopper?

Ms. Brenda Kyzer, Business License Administrator said that she has one certificate of convenience and necessity for a limousine and not a taxi.

Councilor Plough urged Council to not move hastily towards a moratorium. We don't want the industry to feel like we have arbitrarily decided that there are too many cab companies. We can review staff recommendations within a reasonable time.

Councilor Rickenmann said that a short moratorium would not make or break anyone. We've had more requests for single cab companies in the last 12 months than we've had in 4 years.

Mayor Benjamin expressed concerns about regulations that are in place and whether or not those regulations are adhered to and policies we have in place to ensure that the rules are followed. I would rather us decide not to take additional applications until this is resolved.

Councilor Davis said that the single cab companies are popping up, because they are leaving the large cab companies.

Ms. Brenda Kyzer, Business License Administrator agreed to have the committee in place in 60 days, but is concerned about having time to develop a policy for the committee to approve applications.

Councilor Plough said that there doesn't seem to be a problem and that some cabs work nights, some work weekends and some work a few days a week. All cabs are not operating at one time.

Mayor Benjamin said that a medallion system is the way to professionalize this.

Councilor Davis said that unless we map out our authority, we will get issues that we shouldn't handle.

Upon a single motion made by Mr. Rickenmann and seconded by Mr. Newman, Council voted unanimously to approve **Items 19** and **20**. Staff was asked to draft a Resolution imposing a moratorium from now until August 2012 on the issuance of taxi cab licenses.

21. Neighborhood Street Lighting Request – Mr. Dave Brewer, Director of Traffic Engineering - *Approved*

Neighborhoods Listed by Priority	Existing Lights	Requested Lights	Current Lease Cost / Annually	Increased Amount	Total Year to Date
Colonial Heights	2	1	\$237.84	\$118.92	\$16,190.76

Upon a motion made by Ms. Devine and seconded by Dr. Gergel, Council voted unanimously to approve the Neighborhood Street Lighting Request for Colonial Heights.

- 21a. ****NW Corner of Main and Gervais Streets Proposed Continued Operation – Please refer to Item 16a.**

CONSENT AGENDA

Upon a single motion made by Mr. Davis and seconded by Mr. Newman, Council voted unanimously to approve the **Consent Agenda Items 22.** through **42.**

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

22. Council is asked to approve the Purchase of One (1) Lot of Office Furniture, as requested by the Parks and Recreation Department. Award to Corporate Concepts, Inc., using the SC State Contract in the amount of \$55,338.01. This vendor is located in Columbia, SC. *Funding Source: GL: 4039999-621010/JL:PK008501-62010; GL: General Capital Projects-Small Office Furniture; JL: New Parks and Recreation Building-Small Office Furniture - Approved*
23. Council is asked to approve the Purchase of Services from an Answering Service Provider to address Water and Sewer related after hours customer service calls, weekends, and on official holidays, as requested by Utilities and Engineering. Award to Answer Carolina, Inc., the only bidder in the amount of \$68,800.00 per year. This vendor is located in Columbia, SC. *Funding Source: Water Maintenance Projects/Special Contract; 5516210/638300 - Approved*
24. Council is asked to approve a Contract for Professional Services to provide a New Long-Range Economic Development Plan, as requested by the Economic Development Department. Award to Strategic Development Group, Inc., in the amount of \$85,000. This vendor is located in Columbia, SC. *Funding Source: (Economic Development Department; 5511301-636600) and (Special Projects Budget; 5518419-638500) - Approved*

25. Council is asked to approve Capital Improvement Project WM4235; Pay Difference Agreement for an additional 902 linear feet of 8" Water Main along Farrow Road, as requested by Utilities and Engineering. Award to Carolina Tap & Bore, Inc., the lowest bidder in the amount of \$105,751.00. This vendor is located in West Columbia, SC. *Funding Source: Water Improvements Fund – **Note:** The original budget amount for the reimbursement was \$100,000. - Approved*
26. Council is asked to approve the Purchase of One (1) Lot of Conveyor Chains and Sprockets, as requested by the Metro Wastewater Treatment Plant. Award to Siemens Industry, as a Sole Source in the amount of \$147,413.90. This vendor is located in Waukesha, WI. *Funding Source: Utilities Metro Wastewater Plant/Small Hand Tools-Other Equipment; GL 5516208-623100 - Approved*
27. Council is asked to approve Mentor Protégé Program and Local Business Enterprise Preference Policy Project SS7070; 8" Rehabilitation along Floyd Drive and Ronald Lane, as requested by Utilities and Engineering. Award to Trussell Bros. Construction, the lowest, responsive and responsible bidder in the amount of \$156,626.70. This vendor is located in Columbia, SC. *Funding Source: Maintenance Fund-Special Contracts, 5516212-638300 – **Note:** The original budget amount is \$152,200.00 - Approved*
28. Council is asked to approve a Two (2) Year Contract Extension to provide Financial Advisory Services. Award to Merchant Capital, LLC, in the annual amount not to exceed \$250,000.00. This vendor is located in Atlanta, GA. *Funding Source: 1011402-636600 - Approved*
29. Council is asked to approve Subcontractor Outreach Program and Local Business Enterprise Preference Program Policy Project WM4221; 8" Water Main Construction along Green Street from Harden to Cherry Streets, as requested by Utilities and Engineering. Award to LAD Corporation of West Columbia, the lowest responsive and responsible bidder in the amount of \$712,117.50. This vendor is located in Swansea, SC. *Funding Source: Water Main Improvement Fund; 5529999-658650/WM422101-658650 – **Note:** The original budgeted amount is \$764,000.00 - Approved*
30. Council is asked to approve Subcontractor Outreach Program and Local Business Enterprise Preference Policy Project SS7148; Rehabilitation at Saluda River Basin #11, as requested by Utilities and Engineering. Award to Trussell Bros. Construction, the lowest, responsive and responsible bidder in the amount of \$989,805.80. This vendor is located in Columbia, SC. *Funding Source: Maintenance Fund-Special Contracts, 5516212-636300 – **Note:** The original budgeted amount is \$2,159,310.00 - Approved*
31. Council is asked to approve Subcontractor Outreach Program and Local Business Enterprise Preference Policy Project SS7116; Saluda River Pumping Station Improvements, as requested by Utilities and Engineering. Award to Adams Robinson Enterprises, Inc., the lowest, responsive and responsible bidder in the amount of \$18,881,000.00. This vendor is located in Dayton, OH. *Funding Source: Sanitary Sewer Improvement Fund, 5529999-658650/SS711601-658650 – **Note:** The original budgeted amount is \$19,250,000.00 - Approved*

ORDINANCES – SECOND READING

32. Ordinance No.: 2012-022 – Granting encroachment to the University of South Carolina for use of the right of way area of the North Side of the 1000 block of College Street adjacent to the USC Public Health Building, Richland County TMS #08916-07-01, for installation and maintenance of asphalt pavement, concrete curb, gutter, landscaping and an irrigation system – *First reading approval was given on May 15, 2012. – Approved on second reading.*
33. Ordinance No.: 2012-024 – Granting encroachment to Womble, Carlyle, Sandridge and Rice, LLP for installation and maintenance of landscaping and irrigation within the right of way area adjacent to 1727 Hampton Street, Richland County TMS #11402-06-02 – *First reading approval was given on May 15, 2012. – Approved on second reading.*
34. Ordinance No.: 2012-028 – Granting an encroachment to Jeffrey A. Guy for installation and maintenance of a deck within the pedestrian right of way area adjacent to 1700 Phelps Street, Richland County TMS #11307-11-01 – *First reading approval was given on May 15, 2012. – Approved on second reading.*
35. Ordinance No.: 2012-039 – Authorizing the City Manager to execute an Agreement between the City of Columbia and EnduringFX, LLC – *First reading approval was given on May 15, 2012. – Approved on second reading.*
36. Ordinance No.: 2012-040 – Authorizing the City Manager to execute an Agreement of Sale and Purchase between the City of Columbia and M and M Main, LLC for the sale of 1620 and 1624 Main Street, Richland County TMS No. 09014-04-17 – *First reading approval was given on May 15, 2012. – Approved on second reading.*
37. Ordinance No.: 2012-041 – Authorizing the City Manager to execute an Agreement of Purchase and Sale between the City of Columbia and the Greater University of South Carolina Alumni Association for the sale of Richland County TMS number R08916-1 0-01 located at the Southeastern corner of the intersection of Senate Street and Lincoln Street and an Agreement for Certain Commitments and Obligations related to the Property for Public Infrastructure as referenced in Ordinance 2012-027 – *First reading approval was given on May 15, 2012. – Approved on second reading.*
38. Ordinance No.: 2012-042 – Authorizing the City Manager to execute an Asset Purchase Agreement between the City of Columbia and Palmetto of Richland County, LLC for the sale of sanitary sewer collector system assets for service to the Long Creek and Extended Area – *First reading approval was given on May 15, 2012. – Approved on second reading.*

ANNEXATION WITH MAP AMENDMENT – SECOND READING

39. **149 Old Camp Road**, TMS# 28906-09-01; request to annex and zone the property PUD-R (Residential Planned Unit Development). The property is zoned PDD (Planned Development) in Richland County. – *First reading approval was given on May 15, 2012. – Approved on second reading.*

Council District: 4
Proposal: Annex and zone property PUD-R
Applicant: Andrei E. and Erin J. Bolshakov
PC Recommendation: Approve, (5-0) 04/02/12
Staff Recommendation: Approve

Ordinance No.: 2012-030 – Annexing 149 Old Camp Road, Richland County TMS 28906-09-01 – *First reading approval was given on May 15, 2012. – Approved on second reading.*

40. **6 lots, N/S Flora Street**, TMS# 11301-04-05 through -10; request to annex and zone the property M-1 (Light Industrial). The property is zoned M-1 (Light Industrial) in Richland County. – *First reading approval was given on May 15, 2012. – Approved on second reading.*

Council District: 2
Proposal: Annex and zone property M-1
Applicant: South Carolina Electric & Gas Company
PC Recommendation: Approve, (5-0) 04/02/12
Staff Recommendation: Approve

Ordinance No. 2012-032 – Annexing 21 Broadway Street, 19 Broadway Street, 17 Broadway Street, 15 Broadway Street, 13 Broadway Street and 11 Broadway Street, Richland County TMS #11301-04-05; 11301-04-06; 11301-04-07; 11301-04-08; 11301-04-09; 11301-04-10 – *First reading approval was given on May 15, 2012. – Approved on second reading.*

41. **2620 Shop Road**, TMS# 13610-01-08; request to annex and zone the property M-2 (Heavy Industrial). The property is zoned HI (Heavy Industrial) in Richland County. – *First reading approval was given on May 15, 2012. – Approved on second reading.*

Council District: 3
Proposal: Annex and zone property M-2
Applicant: Hefner Helms, LLC
PC Recommendation: Approve, (5-0) 04/02/12
Staff Recommendation: Approve

Ordinance No.: 2012-031 – Annexing 2620 Shop Road, Richland County TMS #13610-01-08 – *First reading approval was given on May 15, 2012. – Approved on second reading.*

TEXT AMENDMENTS – SECOND READING

42. **Amend §17-55 Definitions, §17-258 Table of Uses, and §17-321 Private Dormitory** to permit greater densities by special exception and modify parking and spacing requirements. – *First reading approval was given on May 15, 2012.*

Proposal: **Amend §17-55 Definitions, §17-258 Table of Uses, and §17-321 Private Dormitory** to permit greater densities by special exception and modify parking and spacing requirements.

Applicant: Krista M. Hampton, Director of Planning and Development Services

PC Recommendation: Disapprove (4-3) 05/07/12

Staff Recommendation: Approve

Ordinance No.: 2012-026 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article 11/, Zoning, Division 9, Supplementary District Regulations, Sec. 17-321 Private Dormitory and Sec. 17-258 Table of permitted uses SIC 8811.6 - *First reading approval was given on May 15, 2012. – Approved on second reading.*

ORDINANCES – FIRST READING

43. Ordinance No.: 2012-038 – Granting an encroachment to Trinity Episcopal Cathedral Parish for installation and maintenance of a drainage system under the driveway and sidewalk area within the right of way area of the 1100 block of Marion Street adjacent to 1100 Sumter Street, Richland County TMS #11401-12-01– *Approved on first reading.*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Newman, Council voted unanimously to approve Ordinance No.: 2012-038 – Granting an encroachment to Trinity Episcopal Cathedral Parish for installation and maintenance of a drainage system under the driveway and sidewalk area within the right of way area of the 1100 block of Marion Street adjacent to 1100 Sumter Street, Richland County TMS #11401-12-01

44. Ordinance No.: 2012-052 (*Revised*) – An Ordinance to Set an Advisory Referendum (Special Election) on the Question of Changing the Time of Municipal Elections and the Time Newly Elected Officers Qualify to Take Office – *Consideration of this item was deferred.*

Mr. Kenneth E. Gaines, City Attorney said that there are a series of Attorney General’s opinions that confirm that the terms of Council can be shortened or expanded upon a change of date of taking election. This advisory referendum asks the public to vote to change the date of the election to first Tuesday following the first Monday in November of odd years, which would be November 2013. The Council members elected at that time would take office in January 1, 2014 and those expiring on June 30, 2014 would lose six (6) months on their terms. The terms set to expire on June 30, 2016 would expire six (6) months earlier on January 1, 2016. Also, this requires approval by the Justice Department and the special election would be during the November General Election. Upon second reading, we will submit this to the Justice Department for approval. This will go to the Richland County Election Commission by August 15, 2012 for inclusion in the November election.

Councilor Devine inquired about the cost of the special election.

Ms. Erika D. Moore, City Clerk stated that it would cost approximately \$60,000.

Councilor Plaugh asked if Council needed to do an advisory referendum if terms are shortened.

Mr. Kenneth E. Gaines, City Attorney said that it would be Council's decision.

Mayor Benjamin said that the issue of having the election in November has merit. The question is whether or not there are unintended consequences for doing this.

Councilor Gergel asked that an ordinance be drafted to move the elections to November. The ordinance should be presented on June 26th.

Councilor Davis said that he will not vote to extend or shorten terms.

Councilor Rickenmann asked when the change would be effective.

Councilor Devine said that this affects the newly elected members. Let's put it on the agenda in July.

Councilor Davis said that it's not on anyone's agenda.

Mayor Benjamin suggested that this matter be scheduled for the second meeting in July.

Councilor Plaugh requested that another Public Hearing be scheduled.

Councilor Devine suggested that we use survey monkey or other methods to engage citizens.

Councilor Rickenmann said he supports it.

Mayor Benjamin said it's meritorious and we should spend more time discussing it. We can allow citizens to have input between the two meetings. We will consider the ordinance on July 17, 2012.

RESOLUTIONS

45. Resolution No.: R-2012-045 – Authorizing the City Attorney's Office to file a petition in the Richland County Court of Common Pleas to close Pinner Road pursuant to §57-9-10 -
Approved

Ms. Dana Higgins, City Engineer reported that she spoke with Ms. Christie Salvage, President of the Northwood Hills Neighborhood Association and explained to her that it would take six (6) months to a year to complete this process. She said to please move forward.

Councilor Davis asked that the process be expedited, because two (2) serious incidents have occurred in that neighborhood and they are expressing their desire for cameras.

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to approve Resolution No.: R-2012-045 – Authorizing the City Attorney's Office to file a petition in the Richland County Court of Common Pleas to close Pinner Road pursuant to §57-9-10.

46. Resolution No.: R-2012-053 – Authorizing consumption of beer and wine at the USC Pep Rally at Wild Wing Cafe in the Vista - *Approved*

Upon a motion made by Mr. Newman and seconded by Mayor Benjamin, Council voted unanimously to approve Resolution No.: R-2012-053 – Authorizing consumption of beer and wine at the USC Pep Rally at Wild Wing Cafe in the Vista.

47. Resolution No.: R-2012-054 – A Resolution of the City Council of the City of Columbia, South Carolina Approving the Use of Certain Bond Proceeds to (i) Acquire, Construct, Renovate and Equip Certain New Facilities on the Columbia, South Carolina Campus of Benedict College, (ii) to refinance certain prior indebtedness incurred to finance facilities on the Columbia campus of Benedict College, and (iii) to Refund the Richland County, South Carolina Educational Facilities Revenue Bonds, Series 1998 (Benedict College Project), Richland County, South Carolina Educational Facilities Revenue Bonds, Series 1999 (Benedict College Project), and the Educational Facilities Authority for Private Nonprofit Institutions of Higher Learning (South Carolina) Educational Facilities Capital Improvement and Refunding Revenue Bonds, Series 2002 (Benedict College Project) the Proceeds of Which Were Used to Finance and Refinance Certain Improvements to the Columbia, South Carolina Campus of Benedict College – *A Public Hearing was conducted on May 15, 2012. - Approved*

Upon a motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: R-2012-054 – A Resolution of the City Council of the City of Columbia, South Carolina Approving the Use of Certain Bond Proceeds to (i) Acquire, Construct, Renovate and Equip Certain New Facilities on the Columbia, South Carolina Campus of Benedict College, (ii) to refinance certain prior indebtedness incurred to finance facilities on the Columbia campus of Benedict College, and (iii) to Refund the Richland County, South Carolina Educational Facilities Revenue Bonds, Series 1998 (Benedict College Project), Richland County, South Carolina Educational Facilities Revenue Bonds, Series 1999 (Benedict College Project), and the Educational Facilities Authority for Private Nonprofit Institutions of Higher Learning (South Carolina) Educational Facilities Capital Improvement and Refunding Revenue Bonds, Series 2002 (Benedict College Project) the Proceeds of Which Were Used to Finance and Refinance Certain Improvements to the Columbia, South Carolina Campus of Benedict College.

APPEARANCE OF THE PUBLIC

Ms. Jennifer Gardner appeared before the members of Council to express concerns about the International Property Maintenance Code (IPMC). It has been unfairly applied to me and others. I was convicted in Municipal Court for failure to deal with flaking paint and a small dead tree in my yard, which was harming nobody. In February, 3 patrol cars and a property inspector hauled me off to prison in a patty wagon. I want you to look at this code and amend parts of it so that it reflects reality. The code was designed to protect the public's health, safety and general welfare from poorly maintained property. The inspectors have a slightly different opinion of this. In the transcript, the inspectors are not concerned about the intent of the IPMC, which is expressed in the code at least 12 times. She presented photographs of the property in question along with photos of dead trees throughout Columbia. She said that the City should at least make it very clear to property owners that they can be heavily fined and thrown in jail for cosmetic and superficial defects on their buildings. I'm not against the IPMC, it is there to deal with serious maintenance issues. She presented an article from Washington State, which concluded that you cannot criminalize people for messiness.

Mayor Benjamin suggested that Ms. Gardner continue to dialog with staff on recommendations that she has regarding amending the ordinance and communicating with citizens on the requirements of the IPMC.

Upon a motion made by Mr. Rickenmann and seconded by Mr. Newman, Council voted unanimously to refer the review of the bylaws for the Climate Protection Action Committee to the Environment and Infrastructure Committee.

Upon a motion made by Ms. Plough and seconded by Mr. Rickenmann, Council voted unanimously to refer the dumpster issue to the Environment and Infrastructure Committee. She asked that staff provide recommendations on how to address the concerns that have been raised.

Upon a motion made by Mr. Newman and seconded by Dr. Gergel, Council voted unanimously to refer the review of Municipal Court Judges' terms to the Public Safety Committee.

Upon a motion made by Mr. Davis and seconded by Mr. Rickenmann, Council voted unanimously to adjourn the meeting at 10:25 p.m.

Respectfully submitted by:

Erika D. Moore
City Clerk