



CITY OF COLUMBIA
DISTRICT II EVENING MEETING MINUTES
TUESDAY, OCTOBER 16, 2012
6:00 P.M.
BURTON-PACK ELEMENTARY
111 GARDEN DRIVE

The Columbia City Council conducted a District II Evening Meeting and a Zoning Public Hearing on Tuesday, October 16, 2012 at Burton-Pack Elementary located at 111 Garden Drive, Columbia South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:22 p.m. The following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Leona K. Plough, The Honorable Brian DeQuincey Newman, The Honorable Cameron Runyan, and The Honorable Moe Baddourah. 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

The Honorable Tameika Isaac Devine offered the invocation.

ADOPTION OF THE AGENDA

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to adopt the agenda, subject to deferring consideration of Item 46, appointments to the Midlands Authority for Conventions, Sports, and Tourism Board.

PUBLIC INPUT RELATED TO AGENDA ITEMS

No one appeared at this time.

APPROVAL OF MINUTES

1. Minutes of October 2, 2012 – *Approved as presented.*

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted six (6) to one (1) to approve the Minutes of October 2, 2012. Voting aye were Mr. Baddourah, Mr. Runyan, Mr. Newman, Ms. Devine, Mr. Davis and Mayor Benjamin. Ms. Plough voted nay.

PRESENTATIONS

2. Welcome Address – The Honorable Brian DeQuincey Newman, District II Representative

Councilor Newman welcomed everyone to the District II Evening Meeting. He recognized residents of the Belvedere Community.

- Burton-Pack Elementary School – Dr. Denise Collier, Principal

Dr. Denise Collier, Principal welcomed everyone to Burton-Pack Elementary School on behalf of the 506 students and 75 staff members. [Handout](#)

Mayor Benjamin stated he had the pleasure of visiting this school numerous times. When DuPont did the STEM program here, the children were all over it. This school has wonderful educators.

Councilor Devine recalled the time that she spent as “Principal for a Day” with Dr. Collier. They have a great childhood obesity program here. They have programs that get parents involved like Muffins for Moms and Donuts for Dads. Some of our city employees volunteer with their children here.

Ms. Racquel Dobbs, President of the Belvedere Community thanked Councilman Newman for bringing the meeting here. She thanked Council for their support, noting that they look forward to moving forward.

Councilor Newman asked the community to keep the family of Joshua Brown in their prayers. They are a part of the TS Martin Community. Young Joshua was fatally hit by Watkins Nance Elementary last Wednesday.

3. [Introduction of the September 2012 Employee of the Month](#) – Ms. Sara Hollar, Superintendent of Forestry and Beautification

Ms. Sara Hollar, Superintendent of Forestry and Beautification introduced Mr. Daniel Wolfe, Tree Trimmer III as the September 2012 Employee of the Month. Mr. Wolfe does more than required and he creates a wonderful environment for all employees. Mr. Wolfe helped to apprehend a robbery suspect in June 2012.

Mayor Benjamin presented Mr. Daniel Wolfe with a plaque and Mr. Steven A. Gantt, City Manager presented Mr. Wolfe with a token of appreciation for being selected as the City of Columbia September 2012 Employee of the Month.

4. [Introduction of the October 2012 Employee of the Month](#) – Mr. Randy Scott, Police Chief

Chief Randy Scott, Columbia Police Department introduced Ms. Brenda Murphy, Administrative Secretary as the October 2012 Employee of the Month. Chief Scott described Ms. Murphy as always being there with a smile on her face. She has been working for the Police department since 1987 in a very diligent way. She is a person on strong action.

Mayor Benjamin presented Ms. Brenda Murphy with a plaque and Mr. Steven A. Gantt, City Manager presented Ms. Murphy with a token of appreciation for being selected as the City of Columbia October 2012 Employee of the Month.

5. Wine, Dine and Design – Ms. Ashley Bailes, Development Associate of The Walker Foundation and Mr. Kenneth Shuler, Owner of Kenneth Shuler School of Cosmetology

Ms. Ashley Bailes, Development Associate of The Walker Foundation introduced their Executive Director, Ms. Ann Akerman.

Ms. Ann Akerman, Executive Director of The Walker Foundation, explained that The Walker Foundation is the fundraising board for the SC School for the Deaf and the Blind. She introduced two of their board members in attendance tonight, Mr. Joel Collins of Collins and Lacy; and Mr. Scott Brawley of Brawley and Associates. The South Carolina School for the Deaf and Blind has the distinctive historical service to children with sensory disabilities in the state. We serve children all over the state in 84 of the state's 85 school districts. We created a fundraising event Wine, Dine and Design. It was a great success last year. [Event Flyer](#)

Mr. Kenneth Shuler, Owner of Kenneth Shuler School of Cosmetology said that over 2,000 students are helped by the SC School for the Deaf and the Blind. He supports the organization and the event, because he knew his funding would stay in the state of South Carolina. He said that they would love to have everyone participate in helping to raise \$100,000.00.

Councilor Davis said that the students at the SC School of the Deaf and the Blind have been leaders in demonstrating the talent of those with disabilities.

Ms. Ann Akerman, Director of The Walker Foundation, Supporting the SC School for the Deaf and the Blind sought council's endorsement and involvement in our event scheduled for March 18, 2013 at the Columbia Convention Center. This year the students will also create artwork during the event.

6. NOMA Bark Park Update – Ms. Rebecca Haynes, Chair

Ms. Rebecca Haynes, Chair of the NOMA Bark Park announced that she is the new President of the Earlewood Neighborhood Association and introduced Ms. Ann McGovern as the new Chair of the NOMA Bark Park.

Ms. Ann McGovern, Chair-Elect of the NOMA Bark Park invited the members of Council to participate in the first annual meeting on Saturday, November 3, 2012 at 10:00 a.m. at the new Parks and Recreation Administration Building.

**Councilor Newman recognized School Board Commissioner Jamie Devine.

7. Home Works of America Update – Mr. Hank Chardos, Founder / Home Works of America, Inc.

Mr. Hank Chardos, Founder / Home Works of America, Inc. announced that eighteen (18) homes will be repaired across Columbia this weekend. One of the homes belongs to Kim Williams, a nearby resident living in a cinder block home that her grandfather owned. It needs various repairs inside and outside. Home Works started in 1996 and 1,867 homes have been repaired, of which 40% are in Columbia. He recognized Councilman Sam Davis for his assistance in the past.

Councilor Devine thanked Mr. Chardos for everything the organization does to meet the needs of our community.

Councilor Davis also thanked Mr. Chardos and Home Works for the work completed in District I. He said that he is helping them to involve more African American males in this work.

Mayor Benjamin asked Mr. Chardos to provide additional information about the organization.

Mr. Hank Chardos, Founder / Home Works of America, Inc. explained that Home Works of America repairs homes of the elderly and the disadvantaged, at no cost. The mission is to involve youth in repairing the homes and to empower a community. He said that everyone in the home must be on a fixed income. There is currently a two (2) year waiting period in Columbia.

Councilor Baddourah requested information on upcoming project schedules.

OTHER MATTERS

8. [Meadowfield Neighborhood Traffic Control Request](#) - *Approved*

Upon a motion made by Mr. Baddourah and seconded by Mr. Newman, Council voted unanimously to approve the Installation of Warning Signs and Three (3) Speed Humps on Galway Lane and Saye Cut Road.

9. Council is asked to approve the [Disposition of Twelve \(12\) Bicycles for Charity](#), as requested by the Police Department's Evidence and Property Unit. Award to Ms. Dee Albritton, the Executive Director of Fast Forward – *Approved*

Upon a motion made by Mr. Baddourah and seconded by Mr. Newman, Council voted unanimously to approve the Disposition of Twelve (12) Bicycles for Charity, as requested by the Police Department's Evidence and Property Unit.

Mr. Steven A. Gantt, City Manager noted that a lot of these bicycles are given to Veterans to help them get to and from work.

10. [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
Shandon Neighborhood	231	27	\$27,470.52	\$3,210.84	\$3,210.84

Upon a motion made by Mr. Baddourah and seconded by Mr. Newman, Council voted unanimously to approve the Neighborhood Street Lighting Request for the Shandon Neighborhood.

- Council recessed at 6:59 p.m.
- Council reconvened at 7:00 p.m.

ZONING PUBLIC HEARING

- Council opened the Zoning Public Hearing at 7:00 p.m.

TEXT AMENDMENT – FIRST READING

11. [Amend Chapter 17, Article III, Division 11, Sec. 17-371 through 17- 17-384](#) Sexually Oriented Businesses to amend purpose, definitions, classification, location standards and add findings – *Approved on first reading.*

Proposal: **Amend Chapter 17, Article III, Division 11, Sec. 17-371 through 17-384** Sexually Oriented Businesses to amend purpose, definitions, classification, and location standards and add findings.

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

PC Recommendation: Approve, (7-0) 08/06/12

Staff Recommendation: Approve

[Ordinance No.: 2012-093](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 11, Sexually Oriented Business – *Approved on first reading.*

No one appeared in support of or in opposition to this matter.

Ms. Krista Hampton, Director of Planning and Development Services explained that the proposed ordinance includes findings for adopting these amendments; improved definitions; modified districts where businesses are currently permitted, excluding M-1 district covered by an overlay; and increases the spacing requirement from 500' to 900' and 1,250' for schools.

Mr. Brian Dykes, Esq., Law Office of Scott D. Bergthold, P.L.L.C. recalled that in late 2011, City Council adopted an ordinance with licensing requirements and other regulations for the operation of sexually oriented businesses. This text amendment to the zoning continues that project by making changes in the zoning. He stated that any law regulating adult entertainment for sexually oriented businesses has to be passed not based on moral opposition to the expression, but rather based on the documented negative secondary effects that are associated with this classified use. The seminal case from the US Supreme Court on this was decided in 1986 in the case of City of Renton Washington vs. Playtime Theaters. The US Supreme Court said that a city can adopt regulations based on the documented experiences of other jurisdictions as long as whatever the City relies upon is reasonably believed to be relevant to the negative secondary effects the city tries to prevent. Late last year, the City Council considered judicial decisions, land use studies and other reports to document those negative secondary effects in conjunction with adopting a licensing ordinance. That same body of evidence is the predicate for the zoning amendments on sexually oriented businesses. He stated for the record that the City Clerk has been given a disc containing those materials. There are a variety of sources of secondary effects evidence: (1) Land Use Reports that were done by large cities like New York City and smaller municipalities like New Hanover County, North Carolina. Planning Departments and Private Planning agencies have conducted these analyses; (2) Crime Impact Reports are police incident reports and other analyses of crime data relevant to the negative secondary effects that Police Departments have documented in jurisdictions across the country; (3) Judicial Opinions: the Supreme Court of the United States said that local governments can rely upon the documented secondary effects that have been discussed in detail in prior judicial decisions; (4) Expert Reports: criminologist and statisticians have done analyses of crime data to document the ambient crime hazards associated with sexually orientated businesses; and (5) Anecdotal Data: an act of violence or stabbing or a fight breaking out. Even though those are not statistical or scientific, the courts have said that local governments can rely upon that type of information. They can rely upon citizens talking about the problems they experience, such as noise, and traffic late at night. Five (5) Types of harmful secondary effects are: (1) negative impacts on surrounding property values. This doesn't just include decreased values of properties, but it also includes litter, noise and the type of urban life that is associated with not only a concentration of adult businesses, but singular adult businesses as well; (2) personal and property crimes and the public safety risks which are crimes such as burglary, auto theft, assaults and batteries on the premises of these types of establishments. These regulations help to prevent those types of activities as well; (3) sexual crimes associated with adult businesses such as lewdness and public indecency like prostitution has been documented not only in cities such as South Carolina but in Georgia, Florida and around the country; (4) illicit drug use and trafficking and not necessarily because of the establishments involved. A lot of times when people seek to move drugs in the community, they go to other locations in the city where people are openly engaged in other vice activities like the sexual orientated business context. The City of Warner Robins, Georgia for example had a strip club which had a significant problem with drugs moving through the club until the DEA and FBI shut it down; and (5) litter and aesthetic impacts. The legislative findings that are identified in this ordinance are that sexual orientated businesses, as a broad category of land uses are associated with a wide range of adverse secondary effects including but not limited to these public and property crimes. There are other cases that we have been involved with that uphold ordinances

that are very similar to the ones before you today. For example, in the *City of Littleton v. Z.J. Gifts* in 2004, we wrote the briefs at the US Supreme Court and a unanimous decision said that cities can employ licensing mechanisms like those laid out in this ordinance for regulated adult businesses to include doing background checks on the establishments. The case *H & A Land Corp. v. City of Kennedale, Texas* upheld hours of operation regulations associated with retail adult bookstores, noting that the Indianapolis and Oklahoma City studies justified the regulations of retail adult bookstores. The case *Independence News, Inc. v. City of Charlotte* from the 4th Circuit Court of Appeals in 2009 is particularly relevant to South Carolina. The Court upheld the regulations with adult bookstores and quote “When cities exercise their power to zone the location of adult establishments, they need not show that each individual adult establishment actually generates the undesired secondary effects.” The case *Richland Bookmart, Inc. v. Knox County, Tennessee* upheld a similar regulation and was litigated to the US Court of Appeals in 2009. The case *East Brooks Books, Inc. v. Shelby County* was an adult bookstore case which had a stringent case in the law in Memphis and the entire Shelby County and City Limits. Some highlighted secondary effects evidence that has been recorded from large and small cities regarding the adverse effects of adult businesses are: Tucson, Arizona; New York City; Garden Grove, California which is a suburb of Los Angeles County; Houston, Texas; and Jackson County, Missouri. The courts looking at regulations in New York, Garden Grove and Houston upheld those regulations on the time, place and manner of these businesses. The Supreme Court says you can’t entirely ban adult businesses from a complete jurisdiction, but you can regulate the time, place and manner of their operations. These are the studies that cities have looked at previously in adopting ordinances. Additional counties that are involved in some litigation are Fulton County, Georgia and Manatee County, Florida. In each case, the city looked at affidavits of illegal activities going on inside the premises and around adult businesses in which judicial reviews upheld. We were counsel in the Hillsborough County, Florida case and the 11th Circuit Court of Appeals upheld their regulations in both cases. Spokane, Washington is also relevant, because that was a case that dealt exclusively with retail only adult bookstores that sold adult materials and off-premises consumption. The court said that the city was justified in rezoning adult bookstores based on the negative secondary effects that have been documented around the country. Experts have found that the findings of secondary effects from sexually orientated businesses are scientifically robust, because it’s being confirmed in a wide variety of data sources over many years. The City of Columbia has a substantial governmental interest in regulating adult businesses to prevent the identified negative secondary effects. In recent years, many industry attorneys and higher experts have done their own studies; usually these have been rejected by the courts as insufficient to cast direct doubt on the legislative predicate for an ordinance like the one before you today. The types of crime associated with a number of these establishments are discovered through very intensive manpower investigations and undercover surveillance. For example, we represented Louisville, Kentucky on an ordinance that was upheld by the Kentucky Supreme Court and as a predicate to that ordinance the city spent \$75,000.00 and conducted an eighteen (18) month investigation to get thirty-one (31) arrests for prostitution in a string of strip clubs. All sub-classes of sexually oriented businesses including retail-only adult bookstores have secondary effects and should be regulated to prevent those secondary effects. There are a number of cases that rejected the industry counter challenges to those establishments. We have been involved in a number of these to include the *Daytona Grand v. Daytona Beach* case. We were also involved in the *High Five Investments v. Floyd County* Case in Georgia, and the *Peek-A-Boo Lounge v. Manatee County* case. The courts have said the legislative records like the documents that have been supplied for your review now and between first and second reading, are an adequate record for adopting regulations that address the negative secondary effects for adult businesses. The cases, studies, all materials that are before the Council and the disc provided are

to be a part of the record for this meeting and they serve as the basis for the zoning text amendment.

Councilor Baddourah inquired about Taboo, asking how long can they stay in business.

Ms. Krista Hampton, Director of Planning and Development Services stated that their business will be amortized by the business license ordinance, which extends through December 2013.

Councilor Devine asked Ms. Hampton to clarify that this doesn't target a specific business. This is policy for us to advance our zoning laws.

Ms. Krista Hampton, Director of Planning and Development Services clarified that when we embarked upon this rewrite it was to guide these businesses to those areas of the city that are less traveled by citizens and that are not adjacent to our retail corridors. This is citywide and not targeted to one business.

Councilor Plough said that this is an important action that puts sexually oriented businesses in an M-1 zoning classification and takes that use away from our major commercial corridors. She said that it is an inappropriate use for general commercial zoning.

Councilor Newman said that this is to keep certain businesses away from our communities and our children.

Councilor Davis said that this addresses concerns from neighborhoods, but we should remain vigilant in the designated areas and remain responsive to complaints and monitoring the negative secondary effects.

Councilor Runyan thanked the members of Council that helped to get this ball moving. He concurred with Mr. Davis, noting that the only tragedy in his heart is that we can't zone them out of the city.

Mayor Benjamin said that this was good work that is long overdue.

Upon a single motion made by Ms. Plough and seconded by Ms. Devine, Council voted unanimously to give first reading approval Ordinance No.: 2012-093 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 11, Sexually Oriented Business.

- **Council closed the Zoning Public Hearing at 7:20 p.m.**

SIDEWALK VENDING PUBLIC HEARING

- **Council opened the Sidewalk Vending Public Hearing at 7:20 p.m.**

12. [Southeast Corner of Assembly and Hampton Streets](#)

[Ordinance No.: 2012-098](#) – Granting a Franchise to Lazarius Leysath d/b/a Ken’s All Star Cart for operation of a stationary sidewalk vending cart at the Southeast corner of Assembly Street and Hampton Street – *Approved on first reading.*

The applicant, Lazarius Leysath appeared in support of this. He will serve beef, turkey and vegetarian hot dogs.

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted unanimously to approve Ordinance No.: 2012-098 – Granting a Franchise to Lazarius Leysath d/b/a Ken’s All Star Cart for operation of a stationary sidewalk vending cart at the Southeast corner of Assembly Street and Hampton Street.

- **Council closed the Sidewalk Vending Public Hearing at 7:21 p.m.**

**Mayor Benjamin recognized Boy Scout Troup 8, who is working on their citizenship badge.

CONSENT AGENDA

Upon a single motion made by Mr. Newman and seconded by Mr. Runyan, Council voted unanimously to approve the **Consent Agenda Items 13 through 36.**

Councilor Plough complimented staff on the job done with Item 19. It is a reflection of the ordinance that was passed regarding local preference and it does work.

Mayor Benjamin added that council has awarded tens of millions of dollars in contracts and have kept them locally. Research shows that local businesses spend 77% or more of their profits locally as opposed to a third of that by out of town businesses.

Councilor Plough highlighted Item 25, which is also using a local firm in Irmo.

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

13. Council is asked to approve the [Purchase of Cabling Services](#), as requested by the Information Technology Department. Award to MD Technologies in the amount of \$45.00 per hour not to exceed \$75,000.00. This vendor is located in Columbia, SC. *Funding Source: 1011201-632100 and 5511219-632100- Approved*

14. Council is asked to approve the [Purchase of Thirty \(30\) Mobile Routers](#) and all the Necessary Equipment for Installation including Antennas and Software for Patrol Cars, as requested by the Fleet Services Division. Award to Utility Associates in the amount of \$59,289.47. This vendor is located in Tucker, GA. *Funding Source: Capital Replacement/Computer/Elect Equip-Capital, 6308972-658600- Approved*
15. Council is asked to approve the [Purchase of Cobol License and Server Pack](#), a Data Management System for the Upgrade of Customer Suite for Utility Billing Systems, as requested by the Information Technology Department. Award to Ventyx in the amount of \$65,985.83. This vendor is located in Atlanta, GA. *Funding Source: General Admin Information Tech/Maintenance and Service Contract, 6218950-638200; \$10,635.80 and General Admin Information Tech/Computer License, 6218950-627510; \$55,350.03- Approved*
16. Council is asked to approve the [Purchase of Thirty \(30\) Laptops, Thirty \(30\) Vehicle Docks / Port Replicators and Thirty \(30\) Chargers](#) for Patrol Cars, as requested by the Fleet Services Division. Award to Computer Marketing Corporation in the amount of \$110,841.30. This vendor is located in Nashville, TN. *Funding Source: Capital Replacement/Computer/Elect Equip Capital, 6308972-658600 – Note: CMC is a GSA approved vendor. - Approved*
17. Council is asked to approve the [Purchase of Thirty \(30\) Cameras](#) for Patrol Cars, as requested by the Fleet Services Division. Award to Coban, using the SC State Contract in the amount of \$158,443.03. This vendor is located in Houston, TX. *Funding Source: Capital Replacement/Computer/Elect Equip Capital, 6308972-658600 – Approved*
18. Council is asked to approve [Capital Improvement Project CP831702](#); Gervais Street Sidewalk Bump Outs, as requested by Utilities and Engineering. Award to AOS Specialty Contractors, the lowest, responsive and responsible in the amount \$179,518.25. This vendor is located in Columbia, SC. *Funding Source: CIP Improvement Fund, CP831702-658650 – Note: The original budgeted amount for this project is \$264,000.00- Approved*
19. Council is asked to approve the [Purchase of One \(1\) Clam Shell Truck](#), as requested by the Fleet Services Division. Award to Shealy's Truck Center, the lowest responsible and responsive bidder based on the Local Business Enterprise Preference Policy in the amount of \$195,043.68. This vendor is located in Columbia, SC. *Funding Source: Capital Replacement/Auto, Truck, Heavy Equip-Capital, 6308972-658500- Approved*

20. Council is asked to approve the [Purchase of Three \(3\) Trash Trucks](#), as requested by the Fleet Services Division. Award to Dick Smith Ford, the lowest responsible and responsive bidder in the amount of \$214,749.00. This vendor is located in Columbia, SC. *Funding Source: Capital Replacement/Auto, Truck, Hvy Equip-Capital, 6308972-658500 - Approved*
21. Council is asked to approve [Capital Improvement Project SS7197](#); Replacement Parts for Train II for a Diffused Air Thickener (DAF) Basins to reduce the amount of organic material in the Primary and Secondary Treatment processes, as requested by Utilities and Engineering. Award to Siemens Industry, as a Sole Source in the amount of \$326,862.53. This vendor is located in Waukesha, WI. *Funding Source: Sanitary Sewer Maintenance Fund, 5516212-623100 – **Note:** The advantage of DAF facilities is their ability to treat a wide range of suspended solids in water at a high rate of solids removal to include wastewater sludge thickening. - Approved*
22. Council is asked to approve the [Purchase of Three \(3\) Tandem Dump Trucks](#) for the Water Distribution and Wastewater Maintenance Divisions, as requested by Utilities and Engineering. Award to Worldwide Equipment, the lowest bidder meeting specifications in the amount of \$392,829.00. This vendor is located in West Columbia, SC. *Funding Source: Utilities Water Distribution/Auto, Trucks, Heavy Equipment-Capital, 5516203-658500; \$130,943.00 and Utilities Wastewater Maintenance/Machinery & Equipment-Capital, 5516205-658300; \$261,886.00- Approved*
23. Council is asked to approve the [Purchase of Two \(2\) Right Hand Steer Side Loaders](#), as requested by the Fleet Services Division. Award to Amick Equipment, the lowest responsible and responsive bidder in the amount of \$480,489.92. This vendor is located in Lexington, SC. *Funding Source: Capital Replacement/Auto, Truck, Hvy Equip-Capital, 6308972-658500- Approved*
24. Council is asked to approve [Capital Improvement Project SS707301](#); Sole Source Procurement for Odor Abatement Downstream areas of the Broad River Sewer Lift Station of Gervais and Gist Streets, as requested by Utilities and Engineering. Award to Carus Corporation Products in the amount of \$500,000.00. This vendor is located in Peru, IL. *Funding Source: Sewer Maintenance Fund, 5516212-SS707301-636600 – **Note:** Carus Corp. is a Female Business Enterprise Firm. The original budgeted amount for this project is \$600,000.00- Approved*

25. Council is asked to approve [Subcontracting Outreach Program Project SS7076](#); Installation of 30” Gravity Sewer Trunk Line along 1-77, as requested by Utilities and Engineering. Award to Rockdale Pipeline, the lowest, responsive and responsible bidder in the amount of \$7,056,919.73. This vendor is located in Conyers, GA. *Funding Source: Sanitary Sewer Capital Improvement Fund, 5529999-6586600 – Note: Rockdale Pipeline achieved a 45% (\$2,970,479.40) subcontractor outreach participation in the bid submittal. The original budgeted amount for this project is \$7,778,749.00 - Approved*

ANNEXATION WITH MAP AMENDMENT – SECOND READING

26. [827 Bush River Road](#), TMS# 05916-04-11; request to annex and zone the property C-3. The property is zoned GC in Richland County. – *First reading approval was given on October 2, 2012- Approved on second reading.*

Council District: 2
Proposal: Annex and zone property C-3
Applicant: Newspring Church, Inc.
PC Recommendation: Approve, (6-0) 08/06/12
Staff Recommendation: Approve

[Ordinance No.: 2012-085](#) – Annexing 827 Bush River Road, Richland County TMS #05916-04-11 – *First reading approval was given on October 2, 2012 – Approved on second reading.*

27. [104 Coopers Nursery Road](#), TMS# 28906-01-10; request to annex and zone the property PUD-R. The property is zoned PDD in Richland County. – *First reading approval was given on October 2, 2012- Approved on second reading.*

Council District: 4
Proposal: Annex and zone property PUD-R
Applicant: Capogrossi Construction, Inc.
PC Recommendation: Approve, (6-0) 08/06/12
Staff Recommendation: Approve

[Ordinance No.: 2012-086](#) – Annexing 104 Coopers Nursery Road, Richland County TMS #28906-01-10 – *First reading approval was given on October 2, 2012- Approved on second reading.*

28. [7341 Garners Ferry Rd](#), TMS# 16409-05-25; request to annex and zone the property C-3. The property is zoned GC in Richland County. – *First reading approval was given on October 2, 2012 - Approved on second reading.*

Council District: 3
Proposal: Annex and zone property C-3
Applicant: Mr. Suds’ Carwash-Garners Ferry, LLC
PC Recommendation: Approve, (5-0) 07/09/12
Staff Recommendation: Approve

[Ordinance No.: 2012-087](#) – Annexing 7341 Garners Ferry Road, Richland County TMS #16409-05-25 – *First reading approval was given on October 2, 2012- Approved on second reading.*

29. [7339 Broad River Rd](#), TMS# 05000-04-28; request to annex and rezone the property C-3. The property is zoned M-1 in Richland County. – *First reading approval was given on October 2, 2012- Approved on second reading.*

Council District: 1
Proposal: Annex and rezone property C-3
Applicant: South Carolina Law Enforcement Officers Foundation
PC Recommendation: Approve, (6-0) 07/09/12
Staff Recommendation: Approve

[Ordinance No.: 2012-088](#) – Annexing 7339 Broad River Road, Richland County TMS #05000-04-28 – *First reading approval was given on October 2, 2012- Approved on second reading.*

MAP AMENDMENT – SECOND READING

30. [709 Woodrow Street](#), TMS# 11316-14-06; request to rezone from PUD-C to C-2. – *First reading approval was given on October 2, 2012- Approved on second reading.*

Council District: 3
Proposal: Rezone property from PUD-C and C-2
Applicant: Judy and Donny Phipps
PC Recommendation: Approve, (6-1) 08/06/12
Staff Recommendation: Approve

31. [Parcel bound by Forest Drive on the South, Old Forest Drive to the north and Hill Street to the east](#), TMS# 28400-01-01(portion); request to rezone from RS-1 to C-3. – *First reading approval was given on October 2, 2012 - Approved on second reading.*

Council District: 4
Proposal: Rezone property from RS-1 to C-3
Applicant: Edward C. Mann
PC Recommendation: Approve, (6-0) 07/09/12
Staff Recommendation: Approve

CASES WITH MAP AND TEXT AMENDMENT – SECOND READING

32. A. **(Map Amendment) 1321 Lady Street**, TMS# 11401-01-05; request to add –DP (Design Preservation) overlay to C-5, DD zoning to designate structure as a Group II Landmark. – *First reading approval was given on October 2, 2012- Approved on second reading.*
- Council District: 2
- Proposal: Rezone to add –DP overlay to designate as a Group II Landmark.
- Applicant: Krista M. Hampton, Director of Planning and Development Services
- PC Recommendation: Approve, (6-0) 08/06/12
- DDRC Recommendation: Approve, (5-0) 06/14/12
- Staff Recommendation: Approve
- B. **(Text Amendment) Amend §17-691(c) Landmarks Buildings and Sites List**, to add **1321 Lady Street**, TMS# 11401-01-05 as a Group II Landmark.
- Proposal: **Amend §17-691(c) Landmarks Buildings and Sites List**, to add **1321 Lady Street**, TMS# 11401-01-05 as a Group II Landmark
- Applicant: Krista M. Hampton, Director of Planning and Development Services
- PC Recommendation: Approve, (6-0) 08/06/12
- DDRC Recommendation: Approve, (5-0) 06/14/12
- Staff Recommendation: Approve

Ordinance No.: 2012-082 – 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 4, Landmarks, Sec. 17-691 Buildings and sites list (c), to add 1321 Lady Street, TMS #11401-01-05 – *First reading approval was given on October 2, 2012 - Approved on second reading.*

TEXT AMENDMENTS – SECOND READING

33. [Amend §17-311 -DD design/development area](#) to permit hotels (SIC 701) in – DD overlay zoning district under specified conditions. – *First reading approval was given on October 2, 2012- Approved on second reading.*

Proposal: **Amend §17-311 -DD design/development area** to permit hotels (SIC 701) in –DD overlay zoning district under specified conditions
Applicant: Krista M. Hampton, Director of Planning and Development Services
PC Recommendation: Approve, (6-0) 08/06/12
Staff Recommendation: Approve

[Ordinance No.: 2012-095](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplementary District Regulations, Sec. 17-311, -DO design/development area – *First reading approval was given on October 2, 2012 - Approved on second reading.*

34. [Amend Chapter 17, Article III, Division 3 to create the Board of Zoning Appeals – FBC \(Form-Based Codes\).](#) – *First reading approval was given on October 2, 2012 – Approved on second reading.*

Proposal: **Amend Chapter 17, Article III, Division 3** to create the Board of Zoning Appeals - FBC (Form-Based Codes)
Applicant: Krista M. Hampton, Director of Planning and Development Services
PC Recommendation: Approve, (8-0) 09/10/12
Staff Recommendation: Approve

[Ordinance No.: 2012-096](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 3, Board of Zoning – *First reading approval was given on October 2, 2012- Approved on second reading.*

35. [Amend 17-321 to permit private dormitories in the Bull Street PUD.](#) – *First reading approval was given on October 2, 2012- Approved on second reading.*

Proposal: **Amend 17-321** to permit private dormitories in the Bull Street PUD.
Applicant: Krista M. Hampton, Director of Planning and Development Services
PC Recommendation: Approve, (8-0) 09/10/12
Staff Recommendation: Approve

[Ordinance No.: 2012-094](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 1 7, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplementary District Regulations, Sec. 17-321 Private Dormitory – *First reading approval was given on October 2, 2012- Approved on second reading.*

ORDINANCES – SECOND READING

36. [Ordinance No.: 2012-099](#) – 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. 23-149 Sewer service rates (a) Generally – *First reading approval was given on October 2, 2012- Approved on second reading.*

MAP AMENDMENT-SECOND READING

37. [823 Gervais Street](#), TMS# 08916-01-04 and 08916-01-19; request to rezone from PUD-C, -DD, -DP to M-1, -DD, -DP. – *First reading approval was given on October 2, 2012 - Approved on second reading. Mayor Benjamin abstained from discussions and voting due to a conflict of interest.*

Council District:	2
Proposal:	Rezone property from PUD-C, -DD, -DP to M-1, -DD, -DP
Applicant:	John Cooper, Noble Investment Group
PC Recommendation:	Approve, (8-0) 09/10/12
Staff Recommendation:	Approve

Mayor Benjamin abstained from discussions and Mayor Pro-Tempore Newman is now presiding.

Councilor Baddourah recommended that the plans be reviewed by the Design Development Review Commission (DDRC) and Planning Commission, since the zoning is changing to M-1.

Councilor Plough asked if this application is being treated the same as others that preceded it with regard to the height standards.

Ms. Krista Hampton, Director of Planning and Development Services explained that the project was previously reviewed by the DDRC and the plans have not changed, so it will not require it to be put forth.

Upon a single motion made by Ms. Devine and seconded by Mr. Runyan, Council voted unanimously to give second reading approval to a Map Amendment for 823 Gervais Street, TMS# 08916-01-04 and 08916-01-19; request to rezone from PUD-C, -DD, -DP to M-1, -DD, -DP. Mayor Benjamin abstained from discussions and voting due to a conflict of interest.

RESOLUTIONS

38. [Resolution No.: R-2012-091](#) – Authorizing consumption of beer and wine at the Main Street Crit in the eastern half-block area of the 1100 block of Taylor Street, the western half-block area of the 1200 block Taylor Street, and the 1500 and 1600 blocks of Main Street excluding Boyd Plaza - *Approved*

Upon a single motion made by Mr. Newman and seconded by Mr. Davis, Council voted unanimously to approve Resolution No.: R-2012-091 – Authorizing consumption of beer and wine at the Main Street Crit in the eastern half-block area of the 1100 block of Taylor Street, the western half-block area of the 1200 block Taylor Street, and the 1500 and 1600 blocks of Main Street excluding Boyd Plaza

39. [Resolution No.: R-2012-093](#) – Authorizing the City Manager and Chief of Police to execute a Mutual Aid Agreement and a Narcotics Enforcement Agreement between the City of Columbia and the City of Columbia Police Department and the Town of Batesburg-Leesville and the Batesburg-Leesville Police Department - *Approved*
40. [Resolution No.: R-2012-094](#) – Authorizing the City Manager and Chief of Police to execute a Mutual Aid Agreement and a Narcotics Enforcement Agreement between the City of Columbia and the City of Columbia Police Department and the City of Florence and the City of Florence Police Department - *Approved*
41. [Resolution No.: R-2012-096](#) – Authorizing the City Manager and Chief of Police to execute a Mutual Aid Agreement and a Narcotics Enforcement Agreement between the City of Columbia and the City of Columbia Police Department, Lancaster County and the Lancaster County Sheriff's Department - *Approved*

Upon a single motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to approve Item 39 Resolution No.: R-2012-093 – Authorizing the City Manager and Chief of Police to execute a Mutual Aid Agreement and a Narcotics Enforcement Agreement between the City of Columbia and the City of Columbia Police Department and the Town of Batesburg-Leesville and the Batesburg-Leesville Police Department; Item 40 Resolution No.: R-2012-094 – Authorizing the City Manager and Chief of Police to execute a Mutual Aid Agreement and a Narcotics Enforcement Agreement between the City of Columbia and the City of Columbia Police Department and the City of Florence and the City of Florence Police Department **and** Item 41 Resolution No.: R-2012-096 – Authorizing the City Manager and Chief of Police to execute a Mutual Aid Agreement and a Narcotics Enforcement Agreement between the City of Columbia and the City of Columbia Police Department, Lancaster County and the Lancaster County Sheriff's Department.

42. [Resolution No.: R-2012-095](#) – Authorizing the City Manager to execute a Confidential Disclosure and Non-solicitation Agreement between the City of Columbia and PredPol, Inc. - *Approved*

Councilor Plaugh noted that this is a non-solicitation agreement that doesn't spell out what we are doing or the costs associated with it.

Mr. Leslie Wisner, Deputy Chief of Police said that it will help us better understand the technical requirements. It will allow us to share information and keep it confidential.

Ms. Elisa Limbaugh, Information Technology consultant, explained the need to share information.

Mr. Leslie Wisner, Deputy Chief of Police added that there are no costs associated with this.

Upon a motion made by Ms. Devine and seconded by Mr. Baddourah, Council voted unanimously to approve Resolution No.: R-2012-095 – Authorizing the City Manager to execute a Confidential Disclosure and Non-solicitation Agreement between the City of Columbia and PredPol, Inc.

43. [Resolution No.: R-2012-097](#) – Authorizing consumption of beer and wine at Vista Lights 2012 - *Approved*

Upon a motion made by Mr. Mr. Newman and seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: R-2012-097 – Authorizing consumption of beer and wine at Vista Lights 2012.

44. [Resolution No.: R-2012-098](#) – Authorizing the City Manager and Chief of the Fire Department to execute an Automatic Aid Agreement between the City of Columbia and the Irmo Fire District for Automatic Assistance for Fires and Other Emergency Incidents - *Approved*

Upon a motion made by Mr. Mr. Baddourah and seconded by Mr. Newman, Council voted unanimously to approve Resolution No.: R-2012-098 – Authorizing the City Manager and Chief of the Fire Department to execute an Automatic Aid Agreement between the City of Columbia and the Irmo Fire District for Automatic Assistance for Fires and Other Emergency Incidents.

45. [Resolution No.: R-2012-099](#) – Adopting City of Columbia Community Development Department Housing Program Rules and Regulations Manual - *Approved*

Upon a motion made by Mr. Baddourah and seconded by Mr. Davis, Council voted unanimously to approve Resolution No.: R-2012-099 – Adopting City of Columbia Community Development Department Housing Program Rules and Regulations Manual, as amended.

Councilor Plough wanted to thank the Community Development staff who worked so hard to put this document together.

APPOINTMENTS

46. [Midlands Authority for Conventions, Sports, and Tourism](#) – *Consideration of this item was deferred.*

Councilor Plough asked that staff review the policy on appointments and make recommendations to Council.

CITY COUNCIL COMMITTEE REPORTS

Councilor Baddourah reported that the Public Safety Committee met last Tuesday to receive the Fire Department Attrition Plan Update. He said that the Fire Chief was asked to find ways to increase wages for some of the firefighters and the department itself. He said that they thanked the Police Department and all agencies who were involved with ensuring a successfully safe weekend in Five Points. We will receive a full update on the Winter Shelter at the next meeting.

Councilor Runyan reported that the Arts and Historic Preservation Committee met last Tuesday to discuss the 40 properties that Historic Columbia pre-qualified and targeted for landmark designation. Robin Waites asked that staff work with her to contact the current property owners to accomplish the designations. He asked Mr. Gantt to direct staff to work with Ms. Waites. There was a spirited discussion on the Palmetto Compress Building and the committee took no action.

Councilor Davis reported that the Economic and Community Development Committee met last Tuesday to review and discuss the Community Development Housing Rules and Regulations. Those rules and regulations were approved today. They will come back with recommendations for targeted areas. On October 30, 2012 staff will present the proposed guidelines for the Business Loan Program.

Councilor Devine said that the Environmental and Infrastructure Committee will meet at 2 p.m. on October 23rd. She said that they are planning a full day on the 7th and a half day on the 8th for a Retreat.

APPEARANCE OF THE PUBLIC

Mr. Norman Goldberg appeared before the Council to express concerns about crime, noting that it's the one thing that all neighborhoods have in common. He said that we have to address the crimes, because there are a lot of older residents living in fear. He urged the Council to find programs to get kids off the streets and to get young kids to work. He urged the Council to not let Five Points take away the patrols from this area. He said that he doesn't see the police presence on the street like he used to prior to the Five Points incidents.

Mayor Benjamin noted that the resources devoted to Five Points have not decreased the resources in other communities. He said that they are working on a strategy to address youth violence.

Councilor Newman thanked the Belvedere community for being here.

Upon a motion made by Mr. Newman and seconded by Mr. Baddourah, Council voted unanimously to adjourn the meeting at 7:50 p.m.

Respectfully submitted by:

Erika D. Moore
City Clerk

Meeting Dates	Type of Meeting	Meeting Times
October 23, 2012	Environment and Infrastructure Committee Meeting <i>Lincoln Street Parking Garage – 820 Washington Street</i>	2:00 p.m.
October 30, 2012	Economic and Community Development Committee Meeting <i>Lincoln Street Parking Garage – 820 Washington Street</i>	9:00 a.m.
November 7-8, 2012	City Council Retreat <i>Location to be determined</i>	TBD
November 13, 2012	Zoning Public Hearing <i>Eau Claire Print Building – 3907 Ensor Avenue</i>	7:00 p.m.

In accordance with Ordinance No.: 2004-094 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 2, Administration, to add VI, Lobbyist, Sec. 2-302. (a) Any person who acts as a lobbyist must within fifteen days of being employed or retained as a lobbyist, register with the city clerk. (b) The registration must be in a form approved by the city council that includes only the name and business address of the lobbyist, the name and business address of the person or entity that compensates the lobbyist and the issue or matter for which the lobbyist has been retained. A separate form shall be submitted for each issue or matter and each person or entity who compensates the lobbyist. (c) Any lobbyist who is employed by the city or has contracts with the city must seek approval by city council to be a lobbyist for other clients so long as he is employed or under contract. To obtain a Lobbyist Registration Form please contact the Office of the City Clerk at (803) 545.3045 or send your request to cityclerk@columbiasc.net.