



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
TUESDAY, NOVEMBER 13, 2012
6:30 P.M.
EAU CLAIRE PRINT BUILDING
3907 ENSOR AVENUE

The Columbia City Council conducted a Regular Meeting and a Zoning Public Hearing on Tuesday, November 13, 2012 at the Eau Claire Print Building, 3907 Ensor Avenue, Columbia, South Carolina. The Honorable Mayor Pro-Tem Brian DeQuincey Newman called the meeting to order at 6:34 p.m. The following members of Council were present: The Honorable Sam Davis, The Honorable Leona K. Plough, The Honorable Cameron Runyan and The Honorable Moe Baddourah. The Honorable Mayor Stephen K. Benjamin and The Honorable Tameika Isaac Devine were absent. 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 Byron Powers, Columbia Police Department offered the invocation.

ADOPTION OF THE AGENDA

Upon a single motion made by Mr. Baddourah and seconded by Mr. Davis, Council voted unanimously to adopt the agenda as presented.

PUBLIC INPUT RELATED TO AGENDA ITEMS

No one appeared at this time.

APPROVAL OF MINUTES

1. Minutes of October [16](#), 2012 – *Consideration of this item was deferred.*

CONSENT AGENDA

Upon a single motion made by Mr. Runyan and seconded by Mr. Baddourah, council voted unanimously to approve the **Consent Agenda Items 2 through 21.**

2. 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 Police Chief Randy Scott's Charity for Disadvantaged Children and Youth. - *Approved*
3. Council is asked to approve the [2012 Annual Police Auction on Saturday](#), December 8, 2012, as requested by the Police Department's Evidence and Property Unit. - *Approved*

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

4. Council is asked to approve the [Resurfacing of Williams Street](#), as requested by the Street Division. Award to the Lane Construction Corporation, a SCDOT certified paving contractor and the lowest bidder meeting specifications in the amount of \$58,957.05. This vendor is located in West Columbia, SC. *Funding Source: Streets Street & Sidewalk Repair/Paving & Asphalt Supplies; 1013201-623500 Note: Funding for this project was provided by the University of South Carolina , funding for plantings provided by the University of South Carolina Foundation and the City of Columbia installed the sidewalks- Approved*
5. Council is asked to approve a [Purchase Order Increase for Hauling, Container Rental and Disposal of Sludge, Screenings and Grit](#), as requested by the Metro Wastewater Treatment Plant Division. Award to Pascon, LLC, in the amount of \$63,856.12. This vendor is located in Lexington, SC. *Funding Source: Utilities Metro Wastewater Plant/Special Projects, 5516208-638500 – **Note:** The original approved amount was \$210,000.00 - Approved*
6. Council is asked to approve the [Purchase of a Bucket Truck](#) for the Forestry and Beautification Division, as requested by the Fleet Services Division. Award to Altec Industries, Inc., the lowest bidder meeting specifications in the amount of \$90,094.00. This vendor is located in Elizabethtown, KY. *Funding Source: Capital Replacement/Autos, Truck, Heavy Equipment-Capital; 6308972-658500 - Approved*

Councilor Plough noted that this could have been an opportunity for a local vendor to receive this bid, but the local vendor did not submit the required paperwork. I know staff will do what they can to work with local vendors to make sure we are able to recognize local preference.

7. Council is asked to approve an [Agreement for Playground Equipment at Earlewood Park](#), as requested by Utilities and Engineering. Award to Churchich Recreation and Design (Bluffton, SC) in the amount of \$64,733.20, which will provide rocks, ropes, swing set, a boarder and engineered wood fiber mulch for the entire play area and Cunningham Recreation (Charlotte, NC) in the amount of \$36,161.85, which will provide a play set for the park. The total amount for the project is \$100,895.05. *Funding Source: Governmental Funds established for the Parks and Recreation Administration Building Project in the amount of \$100,000.00 and the remainder will come from the Parks and Recreation Operating Budget 1015101 in the amount of \$895.05. - Approved*
8. Council is asked to approve the Purchase of a [Wheel Loader for the Wastewater Treatment Plant](#), as requested by the Wastewater Maintenance Division. Award to Blanchard Machinery Company, a certified LBE and the lowest bidder meeting specifications in the amount of \$128,591.00. This vendor is located in West Columbia, SC. *Funding Source: Utilities Wastewater Maintenance/Machinery & Equipment-Capital; 5516205-658300- Approved*
9. Council is asked to approve the [Purchase of three \(3\) Wheel Loaders](#), as requested by the Solid Waste Division. Award to Blanchard Machinery Company, a certified LBE and the lowest bidder meeting specifications in the amount of \$381,261.00. This vendor is located in West Columbia, SC. *Funding Source: Capital Replacement/Auto, Trucks, Heavy Equipment-Capital; 6308972-658500- Approved*

10. Council is asked to approve [Capital Improvement Project SS7210](#); An Agreement for Engineering Services to Perform an Equipment Assessment and Implement a Computerized Maintenance Management System at the Metro Wastewater Treatment Plant, as requested by Utilities and Engineering. Award to GHD, Inc., in the amount of \$399,552.00. This vendor is located in Charlotte, NC. *Funding Source: Sewer Capital Fund, 5529999-SS721001-658660 – **Note:** Florence & Hutchenson, Inc. (Columbia, SC) will be utilized for this project in the following capacities: CMMS Implementation Pilot, Business Process Mapping, Preventive Maintenance Program, and Value Exercising Program at \$30,000.00 or 7.51% of the total contract value. The original budgeted amount for this project is \$400,000.00 - Approved*

11. Council is asked to approve the [Environmental Protection Agency Brownfields Coalition Grant](#) in the amount of \$600,000.00, as requested by the Columbia Development Corporation Department – **Note:** *The grant will create a regional cooperative agreement with the City of Columbia as the lead coalition member along with Richland County, City of Cayce, City of West Columbia and the Town of Springdale- Approved*

12. Council is asked to approve [Change Order #2 for Capital Improvement Project SS6871](#); Metro Wastewater Treatment Plant Final Clarifiers, as requested by Utilities and Engineering. Award to M.B. Kahn Construction Co., in the amount of \$749,250.33. This vendor is located in Columbia, SC. *Funding Source: Sewer Improvements Fund – **Note:** This project was initiated by the City for additional work needed for clarifiers 1 through 10. This change order extends the contract completion date until October 9, 2013- Approved*

TEXT AMENDMENT – SECOND READING

13. [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. – *First reading approval was given on October 16, 2012. - Approved on second reading.*

<p>Proposal:</p> <p>Applicant:</p> <p>PC Recommendation:</p> <p>Staff Recommendation:</p>	<p>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.</p> <p>Krista M. Hampton, Director of Planning and Development Services</p> <p>Approve, (7-0) 08/06/12</p> <p>Approve</p>
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[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 – *First reading approval was given on October 16, 2012 – Approved on second reading.*

ORDINANCE – SECOND READING

14. [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 – *First reading approval was given on October 16, 2012 – Approved on second reading.*

ORDINANCES – FIRST READING

15. [Ordinance No.: 2012-102](#) – Granting an encroachment to Baker Office Buildings, LLC for installation and maintenance of a brick paver walkway with concrete edging, landscaping and an irrigation system in the right of way area adjacent to 1400 Pickens Street, Richland County TMS #11402-11-20A – *Approved on first reading.*
16. [Ordinance No.: 2012-107](#) – Repealing encroachment ordinance 85-46 granted to Adriana’s Gelateria, Inc. for tables and chairs for outdoor dining at 721 Saluda Avenue – *Approved on first reading.*
17. [Ordinance No.: 2012-108](#) – Repealing encroachment ordinance 88-29 granted to B.O. Brooker for tables and chairs for outdoor dining at The Cotton Club and Tavern on the Green at 638 Harden Street– *Approved on first reading.*
18. [Ordinance No.: 2012-109](#) – Repealing encroachment ordinance 95-020 granted to My Potter for four (4) café style tables and chairs for outdoor dining at 631 Harden Street– *Approved on first reading.*
19. [Ordinance No.: 2012-111](#) – Authorizing consumption of beer and wine beverages **only** at the 2012 Famously Hot New Year Event– *Approved on first reading.*

RESOLUTIONS

20. [Resolution No.: R-2012-100](#) – Authorizing consumption of beer and wine beverages only at Winter Fest at City Roots - *Approved*
21. [Resolution No.: R-2012-104](#) – Release and Abandonment of a Portion of the City’s Existing 15’ Sanitary Sewer Easement along Richland County TMS#16200-04-26 (Portion); XPEDEX; CF#263-11a - *Approved*

APPEARANCE OF THE PUBLIC

Mr. Brian Thomas, Pastor of Northstar Christian Center appeared before the members of Council to express concerns about their water bills, which have increased up to \$1,000 over the past several months without changes in consumption.

Councilor Newman said that meetings are being conducted in order to find the proper resolution. He asked the City Manager to verify that Mr. Thomas is not having any other problems.

Mr. Casey Corbin recited a letter from the Columbia Police Department to Mr. Lee Carroll regarding a complaint against an officer. The letter stated that the act of the officer was justified and lawful and would not require further action.

Mr. Justin Garton recited a letter from Ernest Lee Carroll to Mayor Benjamin in response to Chief Randy Scott’s letter. He requested that an investigation be conducted by an outside agency with an unbiased view such as the FBI or SLED.

Mr. Lee Carroll, Save Our Kids described the events that led up to the incident referenced in the two (2) letters. He urged Council to stop the Pro-Active Community Enforcement (PACE) unit before someone gets hurt.

Councilor Newman stated that this doesn't indicate the city's appreciation for Mr. Carroll's work in this community and Save Our Kids. He asked that this matter be reviewed by City Council along with the letters of record. He said that we are proud of the Columbia Police Department, but if these allegations are true, we need to get down to the bottom of it.

Councilor Plough concurs with looking into this matter. She said that PACE Team has done exceptional work and she prays that this is a very unusual situation.

Mr. Carmell Washington said that he has been harassed by City Police and the Richland County Sheriff's Department over the last fifteen (15) years. He said that his house has been torn down and they tried to entrap him with a teenager.

Councilor Newman encouraged Mr. Washington to file a complaint that would specify these incidents. He also asked Mr. Gantt to provide Mr. Washington with Chief Wisner's contact information for further investigation.

COMMITTEE REPORTS

Councilor Davis reported that the Economic and Community Development Committee met today to discuss revisions to the Code for the Façade Improvement Program and the Commercial Revolving Loan Review Board. The committee is recommending that the Façade Program fund security cameras that would be positioned at the front of the buildings. He said that other states allow security cameras to be funded under the program. The committee also endorses the language as recommended.

Councilor Plough clarified that the cameras must be a part of the façade improvement and not a single item under the program. She said that staff was asked to look at the documentation that has been used to determine what hospitality tax revenue is being generated within the Garners Ferry/Devine Street corridor to determine if it is appropriate to designate this as a hospitality district.

Staff will include the language in the final document for consideration by City Council on December 4, 2012.

ZONING PUBLIC HEARING

- **Council opened the Zoning Public Hearing at 7:02 p.m.**

MAP AMENDMENT – FIRST READING

22. [1027 Barnwell Street](#), TMS# 11405-18-06; request to rezone from PUD-C, -DP to C-1, -DP. – *Approved on first reading.*

Council District:	3
Proposal:	Rezone property from PUD-C, -DP to C-1, -DP
Applicant:	Steven A. Gantt on behalf of City Council
PC Recommendation:	Approve, (7-2) 09/10/12
Staff Recommendation:	Denial

Ms. Krista Hampton, Director of Planning and Development Services explained that the PUD was exclusively written for use by the South Carolina School Board Association. They are trying to divest themselves of the property and this zoning limits future use. It was determined that C-1 is the less intensive use. There have been discussions among the parties.

Mr. Robert F. Fuller, Esq. appeared on behalf of the SC School Board Association in favor of the map amendment. He stated that agreements have been settled. They agreed that the C-1 zoning move forward and the parties reached an agreement that will be memorialized to limit uses on the property that will be consistent with C-1 zoning and restrictions that protect the needs of the community and future owners. It is the consensus of all parties that by December 4, 2012, a written documentation will be available

Mr. Marcos Manos, Esq., University Hill Neighborhood President said that the neighborhood wanted a zoning restriction, but they have come up with deed restrictions through a compromise; however, they will need to work out certain language. He said that the Foundation will be good neighbors for them.

Ms. Kathryn Fenner, University Hill resident asked that Council hold the Public Hearing open until negotiations are finalized.

Councilor Newman agreed to hear additional comments on December 4, 2012, if necessary.

Mr. Jerry Odom, Executive Director of the University Foundations agreed that their meetings have been productive. He said that the two (2) boards will need to approve the negotiations. He stated that they plan to remain at this site forever. He noted that they do not have any problems with the restrictions; they just need to wordsmith the language.

Councilor Baddourah said that the relationships that have been formed are a perfect example of government and agency partnerships.

Councilor Runyan thanked the three (3) parties for working together to grind out a solution that will bear lots of fruit for the University and the University Hill Neighborhood.

Upon a single motion made by Mr. Baddourah and seconded by Mr. Runyan, council voted unanimously to give first reading approval for the Map amendment for 1027 Barnwell Street, TMS# 11405-18-06; request to rezone from PUD-C, -DP to C-1, -DP.

MAJOR AMENDMENT TO A PUD-C – FIRST READING

23. W/S 300, 400, 500 block of Williams Street and N/S 300 block of Catawba Street, TMS# 08909-01-01, -07, -08; request major amendment to a PUD-C to convert single-family residential area to parking – *Approved on first reading.*

Council District:	2
Proposal:	Major amendment to a PUD-C to convert single-family residential area to parking.
Applicant:	Gilbert Walker, Columbia Housing Authority University of South Carolina
PC Recommendation:	Approve, (9-0) 09/10/12
Staff Recommendation:	Approve

Ms. Krista Hampton, Director of Planning and Development Services explained that this request is to amend the PUD to eliminate the residential zoning and create parking.

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

Councilor Plough stated that she hadn't heard from anyone on this matter. She asked which neighborhood association covers this area.

Ms. Krista Hampton, Director of Planning and Development Services replied Granby Mills. Mr. Guild, the president was at the planning meeting and has been in contact with all parties so a buffer and sidewalk were included.

Upon a motion made by Mr. Baddourah and seconded by Mr. Newman, Council voted unanimously to give first reading approval to the Major Amendment for a PUD-C for W/S 300, 400, 500 block of Williams Street and N/S 300 block of Catawba Street, TMS# 08909-01-01, -07, -08; request major amendment to a PUD-C to convert single-family residential area to parking.

- **Council closed the Zoning Public Hearing at 7:17 p.m.**

EXECUTIVE SESSION

Upon a motion made by Mr. Davis and seconded by Mr. Runyan, Council voted unanimously to go into Executive Session at 7:17 p.m.

24. Receipt of legal advice which relates to pending, threatened or potential claim – *This item was discussed in Executive Session. No action was taken.*
25. ****Discussion of negotiations incident to proposed contractual arrangements – *This item was discussed in Executive Session. No action was taken.***

- **Council adjourned the meeting at 7:42 p.m.**

Respectfully submitted by:

Erika D. Moore
City Clerk