



CITY OF COLUMBIA
CITY COUNCIL MEETING **ACTION REPORT**
WEDNESDAY, DECEMBER 2, 2009
9:00 A.M.
CITY COUNCIL CHAMBERS
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting on Wednesday, December 2, 2009 in the City Hall Council Chambers located at 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 9:03 a.m. The following members of City Council were present: The Honorable E.W. Cromartie, The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann and The Honorable Kirkman Finlay III. The Honorable Belinda F. Gergel arrived at 9:06 a.m. Also present were Mr. Steven A. Gantt, Interim City Manager and Ms. Erika D. Salley, City Clerk.

INVOCATION

The Honorable Tameika Isaac Devine offered the Invocation.

APPEARANCE OF PUBLIC HAVING BUSINESS RELATED TO THE AGENDA ITEMS

No one appeared at this time.

MINUTES

1. Minutes of [May 20, 2009](#)
ACTION: APPROVED as presented.

CITY COUNCIL DISCUSSION / ACTION

2. [November 2009 Community Promotions Funding Recommendation](#) –The Honorable Judge Mildred McDuffie, Chair of the Community Promotions Advisory Committee
ACTION: APPROVED as presented.

PRESENTATIONS

3. Recognition of Green Business Members – Ms. Mary Pat Baldauf, Sustainability Facilitator
ACTION: Ms. Mary Pat Baldauf, Sustainability Facilitator introduced eleven (11) new Green Business Members.
4. Columbia Green Check Presentation – Mr. Arthur Strudwick, Assistant Superintendent of Forestry & Beautification
ACTION: Columbia Green’s Board Members presented a Big Check in the amount of \$9,926.00 to the City of Columbia Forestry and Beautification Division for annual plantings.
5. Restaurant Week Columbia – Mr. Tom Sponseller, President/CEO of South Carolina Hospitality Association
ACTION: Upon motion by Mayor Coble, seconded by Mr. Davis, Council voted unanimously to approve a funding request in the amount of \$10,000 from the Hospitality Tax Contingency Fund for Restaurant Week Columbia during January 11-17, 2010. Mr. Rickenmann and Mr. Finlay abstained from voting due to a potential conflict of interest.

6. EdVenture Children's Museum Update – Ms. Katherine Horne, Executive Director
ACTION: Ms. Katherine Horne, Executive Director provided an update on EdVenture Children's Museum.
7. **Funding for Pioneer Bowl – The Honorable E.W. Cromartie, II and Coach Willie Washington, Athletic Director for Benedict College
ACTION: Upon motion by Mr. Cromartie, seconded by Mr. Davis, Council voted unanimously to approve a funding request in the amount of \$10,000 from the Hospitality Tax Contingency Fund for the Pioneer Bowl on Saturday, December 5, 2009 at 2:00 p.m. at Benedict College's Charlie W. Johnson Football Stadium.
- Council recessed at 10:09 a.m.
 - Council reconvened at 10:14 a.m.

CITY COUNCIL DISCUSSION / ACTION

8. Update on Finlay Park Parking Lot – Mr. Allison Baker, Interim Senior Assistant City Manager and Mr. Michael King, Assistant City Manager for Public Safety
ACTION: Upon motion by Mr. Finlay, seconded by Mr. Rickenmann, Council voted six (6) to one (1) to approve the following. Voting aye were Mr. Cromartie, Mr. Davis, Ms. Devine, Mr. Rickenmann, Mr. Finlay and Dr. Gergel. Mayor Coble voted nay.
- Improve lighting throughout Finlay Park;
 - Install gates at both the Laurel and Gadsden Street entrances;
 - Revert back to official hours of operation from 6 a.m. to 9 p.m.;
 - Allow Mr. S. Allison Baker, Interim Senior Assistant City Manager for Community Services and Mr. Mike King, Assistant City Manager for Public Safety to report back to Council on additional concerns and recommendations that may include the permanent closure of the Gadsden Street gate; and
 - The flow of traffic will remain as it is today.
9. Reopening of Engine 9 – Fire Chief Bradley Anderson, Columbia Fire Department
ACTION: Fire Chief Bradley Anderson, Columbia Fire Department announced the reopening of Engine 9, effective today.

- Council recessed at 12:07 p.m.
- Council reconvened at 12:18 p.m.

ZONING PUBLIC HEARING

TEXT AMENDMENT – FIRST READING

- Council opened the Zoning Public Hearing at 12:22 p.m.

The following individuals appeared in opposition to Item 10.

Rev. J. P. Neal
Mr. Cornel Murphy
Dr. Robert Hill, Council of Village Elders

- **Council closed the Zoning Public Hearing at 12:42 p.m.**
- 10. [§17-258, §17-305 \(a\), and create §17-294 \(new\)](#) to amend regulations concerning non-depository personal credit institutions (payday loan and/or title loan establishments).

[Ordinance No.: 2009-109](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, to add Sec. 17-294 Non-depository personal credit institutions (payday loan and/or title loan establishments); and Division 9, Supplementary District Regulations, Sec 17-305 Planned unit developments (a) Generally *The Public Hearing was conducted and this item was deferred on November 18, 2009.*

ACTION: Upon motion by Dr. Gergel, seconded by Mr. Davis, Council voted unanimously to give first reading approval to [Ordinance No.: 2009-109](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, to add Sec. 17-294 Non-depository personal credit institutions (payday loan and/or title loan establishments); and Division 9, Supplementary District Regulations, Sec 17-305 Planned unit developments (a) Generally.

Upon motion by Mr. Rickenmann, seconded by Mr. Cromartie, Council voted five (5) to two (2) to ask the Planning Commission to review the rationale behind the 30,000 square footage requirement and what the appropriate size building would be. Pending ordinance doctrine will remain in place during this time and the Council will consider the recommendations of the Planning Commission on January 20, 2010. Voting aye were Mr. Cromartie, Ms. Devine, Mr. Rickenmann, Mr. Finlay and Mayor Coble. Voting nay were Mr. Davis and Dr. Gergel.

CONSENT AGENDA

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

- 11. Council is asked to approve a [Contract for Vending Machines at the Charles R. Drew Wellness Center](#), as requested by Parks & Recreation Department. Award to South Carolina Commission for the Blind as the assigned vendor.

ACTION: APPROVED

- 12. Council is asked to approve an [Annual Permit Fee for Stormwater National Pollutant Discharge Elimination System \(NPDES\)](#), as requested by Utilities and Engineering. Award to South Carolina Department of Health and Environmental Control (SCDHEC) in the amount of \$15,000.00. *Funding Source: Stormwater Operating Budget 5534201-638500*

ACTION: APPROVED

- 13. Council is asked to approve a [Task Order to provide Geotechnical Engineering Services for the proposed Downtown Parking Deck located at the northwest corner of Taylor and Sumter Streets](#), as requested by the Parking Services Division. Award to Terracon in the amount of \$15,200.00. This vendor is located in Columbia, SC. *Funding Source: 2005 Parking Facilities Revenue Bond Issue PG001101/PG001102*

ACTION: APPROVED

14. Council is asked to approve the [Purchase of MSA Supplies](#), as requested by the Fire Department. Award to Newton's Fire and Safety, the lowest bidder in the amount of \$16,585.00. This vendor is located in Swepsonville, NC. *Funding Source: 2549999-657400 9608000108-657400 Midland Search and Rescue Grant*

ACTION: APPROVED

15. Council is asked to approve the [Purchase of AssetTRAX System](#), as requested by the Homeland Security Department/EMOC. Award to Bridgeway Solutions, as a Sole Source in the amount of \$19,960.85. This vendor is located in Morganton, NC. *Funding Source: MMRS 2008 Homeland Security Grant 2549999-627100 JL 9601000208-62710*

ACTION: This item was withdrawn from the agenda.

16. Council is asked to approve [Project #SS7099\(9\): Repair of Mechanical Aerators at the Metro Wastewater Treatment Plant](#), as requested by Utilities and Engineering. Award to Siemens Water Technologies, Inc., as a Sole Source in the amount of \$24,315.00. This vendor is located Waukesha, WI. *Funding Source: Sewer Improvement Fund 5529999-SS809909-851200*

ACTION: APPROVED

17. Council is asked to approve the [Purchase of eight \(8\) Mobile Radios and Accessories](#), as requested by the Fire Department. Award to Motorola C&E, Inc., using the SC State Contract in the amount of \$24,785.91. This vendor is located in Sumter, SC. *Funding Source: (2549999-657400/JL 9608000108-657400 \$22,084.80) and (2549999-627100/JL 9608000108-627100 \$2,701.11)*

ACTION: APPROVED

18. Council is asked to approve the [Purchase of the Annual Tree Bid](#), as requested by Forestry and Beautification. Award to the lowest bidders of each lot in the amount of \$29,424.49. *Funding Source: 1011216-627300*

Lot 1	Stockhaven Nursery	Springfield, SC	\$3,698.00
Lot 2	Bold Spring Nursery	Hawkinsville, GA	\$7,329.00
Lot 3	John Deere Landscapes	Cleveland, OH	\$4,175.67
Lot 4	Moon's Tree Farm	Loganville, GA	\$5,397.00
Lot 5	GreenSource Direct, Inc	Taylors, SC	\$8,824.82
		Total	\$29,424.49

ACTION: APPROVED

19. Council is asked to approve [Project #SS7111; Wastewater SCADA Improvements at Bible College Elevated Tank](#), as requested by Utilities and Engineering. Award to Lord & Company, Inc., in the amount of \$50,000.00. This vendor is located in Fort Mill, SC. *Funding Source: Sewer Improvement Fund 5529999-SS711101-851600*

ACTION: APPROVED

20. Council is asked to approve [Project #WM4169; Change Order #4; 16" Water Main along Taylor Street](#), as requested by Utilities and Engineering. Award to D.S. Utilities, Inc., in the amount of \$51,442.05. This vendor is located at Little Mountain, SC. *Funding Source: Water Improvement Fund 5529999-WM416901-851500 – This change order is necessary to adjust the entire over runs and under runs in the project final closeout*

ACTION: APPROVED

21. Council is asked to approve the [Agreement for the Five Points Parking Project located at the southwest corner of Devine and Hilton Streets](#), as requested by the Parking Services Division. Award to Cox & Dinkins, Inc., in the amount of \$66,450.00. This vendor is located in Columbia, SC. *Funding Source: 2005 Parking Facilities Revenue Bond Issue PG001107 – This is a Mentor Protégé Program Project*

ACTION: APPROVED

22. Council is asked to approve the [Agreement to provide various Economic Development and related services](#), as requested by the Economic Development Department. Award to the Central SC Alliance (CSCA) in the amount of \$72,000. *Funding Source: Economic Development 5511301 – 636600*

ACTION: This item was deferred until December 9, 2009.

23. Council is asked to approve [Project #SS7099\(8\); Repair of #2, 15 and 18 Primary Basins at the Metro Wastewater Treatment Plant](#), as requested by Utilities and Engineering. Award to Siemens Water Technologies, Inc., as a Sole Source in the amount of \$88,811.00. This vendor is located in Waukesha, WI. *Funding Source: Sewer Improvement Fund 5529999-SS709908-851200*

ACTION: APPROVED

24. Council is asked to approve [Project #SD826401; Agreement for Stabilization of Portions of an Unnamed Tributary that Floods Area Adjacent to Greenview Park](#), as requested by Utilities and Engineering. Award to Brown and Caldwell in the amount of \$182,038. This vendor is located in Columbia, SC. *Funding Source: Stormwater Utility Fund SD5549999-SD826401-636600*

ACTION: APPROVED

25. **Council is asked to approve the Agreement for the Homelessness Prevention Rapid Re-Housing Program (HPRP), as requested by the Community Development Department. Award to Cooperative Ministry in the amount of \$290,942.00.

ACTION: APPROVED

26. Council is asked to approve [Project #WM379104; Pine Branch, Pine Valley, Oak Hill, Satchel Ford 8" and 6" Water Construction](#), as requested by Utilities and Engineering. Award to Shady Grove Construction, the lowest bidder in the amount of \$627,018.50. This vendor is located in Irmo, SC. *Funding Source: WM379104 – This is a Mentor Protégé Program Project*

ACTION: This item was withdrawn from the agenda.

MAP AMENDMENT – SECOND READING

27. [2300 Haskell Avenue](#), TMS# 11408-10-01; rezone from RG-2 (General Residential) to PUD-C (Commercial Planned Unit Development) – *First reading approval was given on November 18, 2009.*

ACTION: APPROVED ON SECOND READING.

28. [1301 Sunset Drive](#), TMS# 09116-02-07; rezone from M-1 (Light Industrial) to C-3 (General Commercial) – *First reading approval was given on November 18, 2009.*

ACTION: APPROVED ON SECOND READING.

ORDINANCES – SECOND READING

29. [Ordinance No.: 2009-114](#) – Amending Ordinance 2004-100 to Kelly’s Deli & Pub to allow for encroachment for installation and maintenance of a concrete patio area within the right of way area adjacent to its property at 1001 Washington Street and to allow placement of six (6) wrought iron table with canvas umbrella and thirty (30) chairs for outdoor dining during normal business hours (*Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval*) – *First reading approval was given on November 18, 2009.*

ACTION: APPROVED ON SECOND READING.

30. [Ordinance No.: 2009-120](#) – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 2, Administration, Article V, Procurement, Sec. 2-204 Competitive sealed bidding required; exceptions – *First reading approval was given on November 18, 2009.*

ACTION: APPROVED ON SECOND READING.

SIDEWALK VENDING PUBLIC HEARING

RESOLUTIONS

31. [Resolution No.: R-2009-093](#) – Amending Sidewalk Vending Locations and Authorized Merchandise

ACTION: APPROVED

ORDINANCES – FIRST READING

32. [Mid-Block Pad near 1423 Main Street](#)

[Ordinance No.: 2009-101](#) – Granting a Franchise to Dale Nunn d/b/a Dale’s Hot Dogs and Gyros for operation of a stationary sidewalk vending cart in the mid-block pad near 1423 Main Street

ACTION: APPROVED ON FIRST READING.

CITY COUNCIL DISCUSSION / ACTION

33. [Historic Designation Procedures Update](#) – Ms. Amy Moore, Preservation Planner

ACTION: This item was deferred until December 16, 2009.

34. [Neighborhood Stabilization Program](#) – Mr. Tony Lawton, Director of Community Development

ACTION: This item was deferred until December 16, 2009.

35. [Neighborhood Street Lighting Requests](#) – Mr. Dave Brewer, Director of Traffic Engineering

Neighborhoods Listed by Priority	Existing Lights	Requested Lights	Current Lease Cost / Annually	Increased Amount
Ashwood Lakes	0	1	\$0.00	\$303.96
Cushman Road	11	15	\$1,308.12	\$2,251.80
Columbia Industrial Park	31	10	\$3,686.52	\$2,125.20
University of South Carolina	6	6	\$1,138.56	\$1,275.12

ACTION: APPROVED

36. Council is asked to approve the [2009 Annual Auction](#) which is scheduled for December 12, 2009 at 8:00 a.m., as requested by the Police Department's Evidence and Property Unit.

ACTION: APPROVED

TEXT AMENDMENTS – SECOND READING

37. [Amend §17-406 Permitted Signs](#) to add provisions for the replacement of sign display area in existing sign structures in design review districts. – *First reading approval was given on November 18, 2009*

[Ordinance No.: 2009-098](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article III, Division 12, Signs, Sec. 17-406 Permitted signs - *The Zoning Public Hearing was conducted on September 16, 2009; First reading approval was given on December 2, 2009*

ACTION: APPROVED ON SECOND READING. Mr. Finlay abstained from voting due to a potential conflict of interest.

ORDINANCES – FIRST READING

38. [Ordinance No.: 2009-115](#) – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 19, Solid Waste Management, Article II, Collection and Disposal Sec. 19-39 Retail and commercial establishments (a)

ACTION: APPROVED ON FIRST READING.

39. [Ordinance No.: 2009-116](#) – Authorizing the Interim City Manager to executed a Third Amendment to Lease Agreement with Branch Banking and Trust Company (BB&T) for 3905 Ensor Avenue (Lutheran Survey Building)

ACTION: APPROVED ON FIRST READING.

40. [Ordinance No.: 2009-123](#) – Approval for Granting a Utility Easement to TW Telecom of South Carolina, LLC for the Broad River Road Bridge Replacement Project along a Portion of City Property identified as Richland County TMS #07316-02-14, TMS #07316-02-01A, TMS #07314-02-05, & TMS #09102-01-02 (Portion); CF #315-11A

ACTION: APPROVED ON FIRST READING.

RESOLUTIONS

41. [Resolution No.: R-2009-074](#) – Authorizing execution of the Written Decision by Columbia City Council Concerning the Business License Appeal of Matrix Scientific

ACTION: APPROVED

42. [Resolution No.: R-2009-092](#) – Approval for Site Acquisition for Killian Road Water Tank Site; CIP Project #WM4113; Richland County TMS #14600-03-59 (Portion); CF #220-313 – [Note: The cost is \\$445,500.00; Funding Source: 5529999-WM411301-639900](#)

ACTION: APPROVED

APPOINTMENTS

43. [Columbia Tree & Appearance Commission](#)

ACTION: Upon motion by Mr. Cromartie, seconded by Mayor Coble, Council voted unanimously to approve the appointment of Mr. Christian Jones for a three year term. The remaining appointments/reappointments will be finalized on December 16, 2009.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

No one appeared at this time.

- **Council voted unanimously at 1:46 p.m. to go into Executive Session after the discussion of Item 44.**
- **Council recessed at 1:46 p.m.**
- **Council reconvened in the Conference Room on the 2nd floor at 1:58 p.m.**

CITY COUNCIL DISCUSSION / ACTION

44. ****Federal & State Legislative Priorities – Ms. Teresa Wilson Florence, Director of Governmental Affairs and Community Relations**

ACTION: Upon motion by Mayor Coble, seconded by Mr., Cromartie, Council voted unanimously to endorse the Federal Priority Projects as presented.

EXECUTIVE SESSION

- **Council went into Executive Session at 3:13 p.m. for the discussion of Items 45. and 46. as outlined.**

45. Discussion of negotiations incident to proposed contractual arrangements

ACTION: This item was discussed in Executive Session. No action was taken.

46. Receipt of legal advice which relates to matter covered by attorney-client privilege.

- Zoning Appeal (Capitol City Center)
- Ordinance No.: 2009-109 (Payday Lending)

ACTION: Items were discussed in Executive Session. No action was taken.

- **Council adjourned the meeting at 3:55 p.m.**