



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
WEDNESDAY, SEPTEMBER 3, 2008
9:00 A.M.
CITY HALL – COUNCIL CHAMBERS
1737 MAIN STREET – 3RD FLOOR

The Columbia City Council conducted a Regular Meeting on Wednesday, September 3, 2008 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 9:09 a.m. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann, The Honorable Kirkman Finlay III and The Honorable Belinda F. Gergel. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

MINUTES

1. Minutes of May 13, 2008 – *Approved*

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve the Minutes of May 13, 2008 as presented.

PRESENTATIONS

2. Recognition of Mr. Elron Davis, 911 Supervisor – Mr. Charles P. Austin, Sr., City Manager - *This recognition is included in the City Manager's Report.*
3. Women at Heart Health Forum and Exhibition –Ms. Pat Noble of PJ Noble and Associates

Ms. Pat Noble of PJ Noble and Associates announced that the Women at Heart Health Forum is scheduled for Saturday, September 20, 2008 at the Columbia Convention Center. Councilwoman Tameika Isaac Devine and Mrs. Patricia Pastides serve as co-chairs of the event. She noted that heart disease is the number one killer of all American women and the women of South Carolina. This is an effort to help women in the Midlands take better care of their hearts. There will be numerous expert speakers on stress management, fitness and nutrition along with vendors and lots of information. She requested permission to work with the city's Public Relations Department to distribute additional information about the event.

4. Annual James R. Clark Memorial Sickle Cell Walk – Ms. Yvonne Donald, Assistant Agency Director for the James R. Clark Sickle Cell Foundation

Ms. Yvonne Donald, Assistant Agency Director for the James R. Clark Sickle Cell Foundation invited the members of Council to the 3rd Annual James R. Clark Memorial Sickle Cell Walk on Saturday, September 13, 2008 to raise awareness about Sickle Cell Disease. It is estimated that 5 million individuals worldwide suffer from this crippling and debilitating disease and 2 million individuals in the United States are Sickle Cell trait carriers. She distributed additional information on Sickle Cell Disease and registration packets for the annual walk.

Councilor Rickenmann asked if the James R. Clark Sickle Cell Foundation had ever partnered with the Auntie Karen Foundation.

Ms. Yvonne Donald, Assistant Agency Director for the James R. Clark Sickle Cell Foundation responded that the two (2) foundations partnered on several events to include a retreat at Weston Lake wherein Ms. Alexander presented a puppet show.

PUBLIC HEARING

5. Consolidated Annual Performance Evaluation Report (CAPER) – Mr. Eric Cassell, Community Development Administrator
- **Council opened the Public Hearing at 9:23 a.m.**

Mr. Eric Cassell, Community Development Administrator explained that the City of Columbia is required by the Department of Housing and Urban Development (HUD) to prepare the Consolidated Annual Performance Evaluation Report (CAPER). This report summarizes all of the activities the city has performed with the federal dollars received. This is an opportunity for the public to comment on those activities.

No one appeared before the Council to comment on the City of Columbia Consolidated Annual Performance Evaluation Report. The Consolidated Annual Performance Evaluation Report is due to the Department of Housing and Urban Development by September 30, 2008. No action is required.

- **Council closed the Public Hearing at 9:23 a.m.**

Councilor Devine asked about the Community Development Department's efforts to revamp the loan programs for police officers and teachers.

Mr. Tony Lawton, Director of Community Development explained that they are in the process of talking with several individuals about revamping the loan program. He received a call this morning from a representative of Richland School District One and that individual will be meeting with Ms. Deborah Livingston, Deputy Director of Community Development to discuss how teachers can take advantage of the loan program and possible incentives that will be offered to teachers, police officers and firefighters.

CITY COUNCIL DISCUSSION / ACTION

6. Council is asked to approve a Request for a Certificate of Convenience and Necessity for Roland Smallwood doing business as On Time Shuttle a Subsidiary of Flix-Ride, located at 4112 W. Beltline Boulevard, Columbia, SC 29204. - *Approved*

Councilor Finlay asked if there were any issues with this request.

Mr. Charles P. Austin, Sr., City Manager replied that there are none that we have been able to determine.

Councilor Gergel asked if the requestor is Mr. Roland Smallwood that works for the city.

Mr. Charles P. Austin, Sr., City Manager replied yes it is.

Councilor Cromartie asked if this would have any potential interference with Mr. Smallwood's fulltime job.

Mr. Charles P. Austin, Sr., City Manager replied no, Mr. Smallwood's fulltime job would be with the City of Columbia.

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to approve a Request for a Certificate of Convenience and Necessity for Roland Smallwood doing business as On Time Shuttle a Subsidiary of Flix-Ride, located at 4112 W. Beltline Blvd., Columbia, SC 29204.

7. Council is asked to approve a Request for a Certificate of Convenience and Necessity for Nancy L. Gantt doing business as CMI Limousine Services, located at 118 Jimmy Martin Circle, Gaston SC 29053. - *Approved*

Mr. Charles P. Austin, Sr., City Manager noted for the record that the requestor is in no relation to Mr. Steven Gantt, Senior Assistant City Manager for the City of Columbia.

Upon motion by Ms. Devine, seconded by Mr. Finlay, Council voted unanimously to approve a Request for a Certificate of Convenience and Necessity for Nancy L. Gantt doing business as CMI Limousine Services, located at 118 Jimmy Martin Circle, Gaston SC 29053.

8. Five Points Parking Advisory Committee Update – The Honorable Belinda F. Gergel

Councilor Gergel reported that the Five Points Parking Advisory Committee met last Wednesday and will be meeting again this Wednesday. She encouraged her peers to attend the 5:15 p.m. meeting today at the Capital Senior Center. At last week's meeting they discussed the available data and looked at the need to come up with a reliable number for the immediate parking needs in Five Points. She said that the committee directed Ms. Susan Lake to work with her to come forward to ask City Council to consider a Request for Qualifications (RFQ). She introduced Ms. Susan Lake as the Chair of the Five Points Parking Advisory Committee.

Ms. Susan Lake, Chair of the Five Points Parking Advisory Committee further reported that the 2002 Parking Study is based on 1999 data; none of the studies indicate how many are actually needed; and there is conflicting information about the needs and appropriate options. In order to fulfill their mission the committee requested and voted overwhelmingly to request that the City Council conduct an RFQ for professional services to assist the committee in its mission to identify and evaluate parking solutions for the Five Points area. She said that they are moving very efficiently and quickly to try to resolve these issues and would appreciate the assistance of City Council.

Councilor Gergel clarified that she has spoken with Mr. Rickenmann and he has requested that the committee bring the RFQ back for Council's consideration on September 17, 2008.

Councilor Devine said that a lot of merchants in Five Points are very frustrated with the process and the lack of movement, but she believes that Ms. Susan Lake can bring them together. She asked how the RFQ would be funded. She realizes that the 2002 Parking Study needed to be updated and asked what qualifications we would be looking for in this RFQ. She also asked if there is a need to update the study in regards to Main Street.

Mr. Steve Gantt, Senior Assistant City Manager for Operations said that the city needed to do a study on the entire parking system within the City of Columbia during next year, but due to time constraints he recommends moving forward with a study for the Five Points area. The information obtained would then be incorporated with the overall plan. He reported that a RFQ is currently out for design services for a parking facility in the downtown area, which will complete the 2002 master plan as far as what was identified as a need.

Ms. Susan Lake, Chair of the Five Points Parking Advisory Committee said that as she understands it, funding would come from the Parking Fund. She said that the qualifications should address the committee's mission that the City Council has tasked them with and they want to be very efficient and cost effective.

Councilor Gergel added that the Parking Fund is an appropriate funding source for this matter.

Councilor Devine asked if funds are available in the Parking Fund to do this.

Mr. Steve Gantt, Senior Assistant City Manager for Operations said that a Parking Revenue Bond Issue was done in 2005/2006 and there is money available for an additional garage for downtown and funding was set aside for Five Points. That money was invested and it has generated additional revenue, which is more than sufficient to cover the RFQ and this is an appropriate expense.

Councilor Gergel anticipates that this initiative would save money on the cost of the garage in the long run.

Councilor Finlay requested a total budget for the professional services that are being sought and the balance of funds available in the Parking Fund, because we already pulled \$1 million from the Parking Fund for the General Fund. He would like to see the impact of the new garages on the Parking Fund. How would negative cash flow from any garage impact the entire system? He has a conflict with cutting employee benefits, raising taxes and then constructing garages.

Councilor Rickenmann said that he wants the Council to review the RFQ first so that they understand what's being asked for and to ensure that the timelines fit and that it is an open process. It's not prudent for us to vote on something today that was not on the agenda and it was not presented to the community first. We need a budget, because there is a cost associated with the RFQ.

Councilor Davis said that he is concerned about maintaining the cost of the RFQ. He recalled that some work was done on the engineering and site evaluations and he realizes that additional information is needed, but he is not in favor of breaking the bank on this.

Councilor Gergel said that all of this information to include the RFQ and expenses will come back to the full Council for consideration; no decisions to spend money are being made today. It is critical that they are open and transparent and that they seek an outside person to help restore a great deal of faith in the way we conduct business. She added that they have to be aware of the great needs we have in this city. The committee will come back with ranked options for Council's consideration.

Councilor Finlay reminded the Council that in a previous study one of the tenets was for the city to perform in a business-like manner. We were told that we picked garages based on financial projections, which could not be produced at that meeting. We set criteria, did not do the math and then ranked the proposals. My last experience around this post was not particularly positive in light of that tenet and the stakes are higher now. It's not just the Parking Fund and parking in Five Points, but there are a huge number of issues. It goes back to the whole concept of us, at the City Manager's behest, not finding money. We cannot have negative impacts on the system that begin to impact us on the bottom line in employees' benefits. I want to make sure it is global and factual.

Councilor Gergel said that part of the RFQ is for the consultant to estimate how much this will cost.

Councilor Finlay asked for the amount that can be spent on this RFQ.

Councilor Devine said that she is concerned about putting specific top line figures in the RFQ. She suggested that they be provided with the Parking Fund balance, but not to specify the amount available for consulting services.

Councilor Finlay said that there needs to be a diagnostic of what we can spend on the RFQ.

Councilor Cromartie said that they don't issue RFQ with top line figures, but they should issue the RFQ and if it comes in within the price range then we accept it. He asked if the city has ever

taken funding from the General Fund to pay for parking.

Mr. Charles P. Austin, Sr., City Manager said that the Parking Fund is self perpetuating.

Councilor Cromartie said that the Parking Fund never impacts employee benefits.

Mr. Charles P. Austin, Sr., City Manager explained that the Parking Fund is self perpetuating so the funds are used to support those persons included in the Parking Fund budget.

Mayor Coble suggested that they handle this RFQ just as they do all others.

Upon motion by Dr. Gergel, seconded by Ms. Devine, Council voted unanimously to direct the appropriate staff to prepare a Request for Qualifications (RFQ) for professional services and fees to assist the Five Points Advisory Committee in its mission to identify and evaluate parking solutions in the Five Points area and that the draft RFQ come back for Council review and consideration on September 17, 2008.

Councilor Finlay asked Mr. Gantt if new parking garages generate a positive cash flow.

Mr. Steve Gantt, Senior Assistant City Manager for Operations replied that in most cases they do not.

Councilor Finlay asked if the cash flow became more negative with every new garage built.

Mr. Steve Gantt, Senior Assistant City Manager for Operations said not necessarily, because some parking garages cash flow better than others. It does take a period of time to get full utilization of new garages. He said that revenues also come from some of the garages that have been paid off and no longer have a note.

Councilor Finlay asked if the city had a parking garage that had to be financed in principal and interest payments and operating cost, would it pay for itself.

Mr. Steve Gantt, Senior Assistant City Manager for Operations said that it would not finance itself as a stand alone unit. He explained that when the Parking Revenue Bonds were issued in 2005, they did not incorporate any of the revenue that would be generated from the new garages in our calculations to make sure there were more than sufficient funds to cover operations as well as principal and interest on the outstanding bonds. Any new garages we put on line are going to help that situation to some degree.

Councilor Finlay asked where funds would come from to cover any negative loss in cash flows.

Mr. Steve Gantt, Senior Assistant City Manager for Operations stated that funds would come from parking meters and parking fines.

Councilor Finlay asked when the Lady Street Garage would be completed.

Mr. Steve Gantt, Senior Assistant City Manager for Operations stated that the Lady Street Garage would be up and running in December 2008.

8a. **Trees on Main Street – Mr. Steve Gantt, Senior Assistant City Manager for Operations

Mayor Coble said that he has received a number of e-mails regarding this matter. He said that we can all agree that a tree that is unsafe, poses a danger to those that walk, live and work near it. He noted that trees are the greatest natural asset that we have for the beautification of any area. We need to make sure that everybody is comfortable with information and how we are analyzing whether or not a tree is able to sustain itself and its roots, etcetera. We want to make sure we have all of the information and that we take the time to ensure that we haven't missed

anything.

Mr. Steve Gantt, Senior Assistant City Manager for Operations said that city staff feels just as passionate about the trees in the City of Columbia as the residents. He explained that in July 2008 a tree was blown down at the Museum of Art and they realized that the tree had little or no root system. That caused staff to evaluate two (2) additional Oak Trees in the same area at the Museum of Art. The city's certified Tree Arborist evaluated the trees and felt that those trees had little or no root system as well. It appeared that the trees did not have a sufficient root system to hold themselves up, because all three (3) trees were planted at the same time (30-years ago) and the soil around the trees was compacted and the roots could not penetrate that impacted soil, thus confining the root ball to a very small area. Due to the sensitivity shown whenever a tree is taken down in the city we felt like we needed some outside research to see what was going on. We had two (2) outside tree specialists evaluate the trees and they came to the same conclusion as city staff, which is that there is not a sufficient root system to support the trees. To compound that even more, the trees are top heavy and are leaning towards the street. To go a step further, on last Friday we had an engineering firm come in and do ground penetrating radar analysis around those two (2) trees to determine if there were roots that were not visible from the surface and that radar indicated that there weren't any significant roots under either of the trees. We then concluded that it is in the best interest of the city to remove the two (2) trees. We are doing streetscaping in that area and those two (2) trees will be replaced. We put together a list of indigenous trees and we would like to plant something that has more vertical growth than what is presently there and then have a committee of folks that either work or live in that general area work with staff to determine what trees to plant there.

Mayor Coble suggested that staff, Mr. Michel and Dr. Morris make sure that we have presented this information to the people on the street and let them react to that. He asked Mr. Michel to organize the session along with Mr. Gantt. He further suggested that staff be in a position to receive and evaluate information that we haven't already reviewed.

Mr. Steve Gantt, Senior Assistant City Manager for Operations stated that we would like to move expeditiously, because we have a storm coming in this weekend that may have some strong winds associated with it.

Councilor Devine said that she doesn't like removing trees, but she does understand the safety and liability issues. I am concerned that we are on notice that the trees have these issues and we are also on notice that Tropical Storm Hanna is on the way. Where do we stand if the trees fall and someone gets hurt or the Museum gets damaged? She wants to make sure everyone is involved, but we do have a responsibility. Not everyone will be happy that the trees have to come down, but they need to come down before a tragic event happens. She inquired about the internal process used to notify residents when trees are being removed. We need to ensure that anyone affected by the removal of a tree is aware of the evaluation and removal process prior to the tree coming down.

Councilor Finlay asked the City Attorney to explain what our liability is at this point and the liability limits on our policy.

Mr. Ken Gaines, City Attorney explained that the city has already been put on notice of a defective condition and under the South Carolina Tort Claims Act the city is self-insured and the maximum exposure for each tree is \$600,000. If you had a perfect series of bad events the maximum liability would be \$1.2 million.

Councilor Finlay said that he doesn't think that will happen, but we need to be aware of the risks.

Councilor Davis said that he looked at the trees and they were not healthy. Could the cause be the way we situate trees within encroached areas and they don't have enough room to spread.

Mr. Steve Gantt, Senior Assistant City Manager for Operations explained that we started using a material called structured soil in 2001. It is a special mixture that is used around the trees, under the sidewalk and under the paved area, in some cases. It is a special mixture that encourages root growth in four directions. The soil can also be compacted to hold up sidewalks.

Councilor Davis is also concerned about the root systems that are taking over the sidewalks and curbing. Is that part of the new approach to plantings as well, if not we need to really consider where we plant trees on sidewalks.

Mr. Steve Gantt, Senior Assistant City Manager for Operations said that may be caused by the type of trees we use. We have done a visual inspection of the other trees along Main Street and no other concerns were found.

Councilor Rickenmann said that one point is letting people know about the process. This Council is supportive of beautification and has funded the planting of over 500 trees. I donated to Forever Forest and we are working with the business community to do more. We need to be careful, because we have been sued more than once about trees on Main Street and we have to take that into consideration. We need to get the parties involved today and make a decision before the weekend.

Councilor Gergel asked Mr. Gantt when he intended to remove the trees. Do we have other trees throughout the city that you are also concerned about?

Mr. Steve Gantt, Senior Assistant City Manager for Operations said that the Forestry and Beautification Division is trying to get ahead of the curve by planting new trees before removing the old trees.

Councilor Gergel noted that she lives on a street with very old and beautiful trees, some of which have been lost in storms. The neighbors would be up in arms if you wanted to take one of those trees down. She asked Mr. Gantt if he had time to meet with the group today.

Mr. Steve Gantt, Senior Assistant City Manager for Operations said that most people understood that the issue had to be addressed once he explained the situation to them. We will replace the trees and plant some additional trees in that area. We won't use another 25' to 30' tree, but we will plant trees that will have significant growth within three to four years and provide shade and ambiance for the area as the trees did in the past.

Mr. Kyle Michel said that they are trying to examine every single possibility for saving the trees before we cut them down. He would like to explore some way of sustaining the trees in their current position until those roots grow in the new soil. He suggested that the tree be anchored to a building or the sidewalk until it is stable. This is the only issue that the Main Street residents had when the beautification project began.

Dr. Jim Morris said that the company doing the beautification project is doing a fantastic job. They are trying to balance public benefits and public risks. He said that the tree that fell during the microburst was showing outward signs of distress. It was visibly noticeable that the tree was stressed for a number of years. He said that distressed trees often have branches that protrude above ground, but has no leaves on them. There is a tree on the north side of the Museum that is also showing similar signs of stress. In his opinion, the tree on the south end is very healthy. He said that Oak Trees have tap roots that support the weight of the tree and if there is a problem you will see it in the crown of the tree. He stated that ground penetrating radar is not appropriate technology for the types of soil on Main Street. He believes that the results of that study need to be evaluated further before we accept them. He would like for the city to slow down and not rush into this because of the expected storm. He said that there was a recent

thunderstorm and trees fell down around the city, but no trees were lost on Main Street.

Councilor Finlay said that we are betting on this and he would argue that we are not rushing into this, because we had three (3) studies conducted by professionals.

Dr. Jim Morris said that some arborists have determined that the trees are healthy, so there is a difference of opinion among the experts that were brought in.

Councilor Finlay said that we are jousting at opposite points. We would love to leave them up, but I am worried that health or sickness is not an indication that a tree will come down.

Mr. Kyle Michel said that the Council has to balance whether or not to run this city as an insurance company or as a government of the citizens.

Mayor Coble suggested that staff proceed with the removal of the tree that everyone agrees upon, but as it relates to the other tree staff should take precaution to make sure no one parks underneath the tree and any other measures that can be taken. Are we doing everything we can to protect trees? How we handle trees is a very important component.

Councilor Gergel asked what can be done to protect the tree and the surrounding property this Friday.

Mr. Charles P. Austin, Sr., City Manager recommended that staff be allowed to meet as suggested earlier. He thinks that a decision needs to be made and we are amenable to a meeting this evening or first thing tomorrow morning.

There was a consensus of Council to direct staff to meet with Mr. Kyle Michel, Dr. Morris and impacted residents and business owners to ensure that the information on the trees is understood by the people that live and work nearby. Staff is also asked to explore other options of securing the tree(s) once the meeting has taken place.

Councilor Rickenmann requested a report back on what measures can be taken to secure the tree.

REPORTS AND UPDATES

9. City Manager's Report – Mr. Charles P. Austin, Sr., City Manager

Mr. Charles P. Austin, Sr., City Manager recognized Mr. Elron Davis, 911 Supervisor for being featured by the National Muscular Dystrophy Association (MDA) during this year's MDA Telethon Event over the Labor Day weekend. He has been employed with the City of Columbia since 1999. He described Mr. Davis as a very unique individual and believes that he represented himself and the city well at the telethon.

Mayor Coble and the members of Council presented a Certificate of Recognition to Mr. Elron Davis, 911 Supervisor for Humanitarian Leadership and for demonstrating outstanding citizen participation.

Mr. Elron Davis, 911 Supervisor said that this is a very humbling experience. He said that at the age of five (5) he was diagnosed with Muscular Dystrophy and by the age of twenty (20) he was supposed to be confined to a wheelchair. He thanked God for being able to stand before the Council today to say that it was a privilege and an obligation to be a part of the telethon and he feels that it was a divine purpose by God. He thanked the Council for their support and for recognizing him today.

Mr. Charles P. Austin, Sr., City Manager continued his report by thanking those members of City Council who were able to attend the meeting yesterday. We have a packet for those members of Council who were not able to attend and we are more than happy to take time to go over that information with you. We talked about the census population estimates, institutional populations and annexations and how all of that impacts our public safety manpower allocation. We were able to clarify some information as it relates to what our population estimates are, what the annexations have been and how those annexations have affected us. Of the 135.9 square miles that represent the City of Columbia 88 square miles of that belong to Fort Jackson and then we are spread out with other areas. Chief Carter is in the process of preparing a comprehensive report and when it is brought forward, it will take into consideration a formula that will not only affect annexations, but volumes of calls and we can determine accurately the number of police officers we should have. We have talked about code enforcement and leisure services and how those services affect the need for police manpower resources. He will have that report ready either at the end of October or the first part of November. That report will give all of us a better sense of where we are and where we're going. The authorized strength for the Police Department at this time is 357 officers. You have allocated fourteen (14) positions over the next two (2) fiscal years so we will have 364 next year and 371 the following year. He added that Council identified 375 Police Officers as the goal, but as I told Chief Carter if in fact his review indicates that we need to raise that number then I would strongly recommend that you be open to doing that. We talked yesterday about the 286 Police Officers and what that represents. As a matter of clarification, as Mr. Rickenmann says, that would be the feet on the beat officers. And we are short in that regard so we need to look at what options there are to raise that number. I talked to Chief Carter about hiring beyond the authorized strength to accommodate vacancies created by those on military leave or those unable to perform with the understanding that when officers return we need to be sure that they have positions to return to.

Councilor Finlay said that yesterday's meeting was superb, but we need to use the words authorized and actual. If we have an authorized strength of 356 officers today because of guard duty, light service duty, vacancies and training, the actual number of officers who are able to respond to all day-to-day situations is about 300. We must figure out a way to close the gap of 60 officers, because that doesn't include people out on sick leave or vacation. We also need a breakdown of administrative positions versus feet on the street. Council was saying that we want to see the gap closed from actual to sworn and the percentage moved from heavy administration to heavy feet on the street.

Mayor Coble said that we need to watch the allocation of manpower in terms of feet on the ground. Are we doing everything we can to support the Police Department in terms of retention. It is important to have a goal for a number of officers and we want to make the best use of 375 officers. Should the goal be 400 officers?

Councilor Gergel agreed that the meeting was good. She said that while they agreed on a goal of 375 officers, she is looking to Chief Carter to determine what is needed.

Councilor Finlay said that we can focus on sworn officers, but we need to know the numbers for actual strength. We feel like we are moving, but the Police Department doesn't agree.

Mr. Charles P. Austin, Sr., City Manager said that Chief Carter has been proactive in realizing where we are. The issue isn't the number of officers that you have as much as the number of officers that are deployed. I am looking forward to his report. We had some concerns raised about the situation at Boyd Plaza and I think all of us who have the experience of riding or walking downtown have seen what is being described to us. There was also a situation at the Main Street United Methodist Church. I asked Chief Carter and Harold Reaves to get with other staff to convene a meeting. I intended for there to be one (1) broad meeting, but there were two (2) meetings and that went well, because some people were not available for the first meeting.

One thing that stood out as a result of those meetings is that the concerns are real; people are living in a high state of anxiety about the homeless/transient population; people who are aggressive about panhandling; and people who are in fact intimidating. The meeting at Main Street United Methodist Church involved concerned parents as well as staff and there were some riveting revelations brought forward. One lady talked about having to retreat to the church and locking herself in for fear that she and her daughter were about to be attacked. We talked about some immediate remedies that could be put into place and among those I asked the Police Department and Homeland Security to collaborate, reopen and staff the Police Substation at the corner of Taylor Street and Assembly Street so we will have a high profile presence in the downtown corridor during peak periods of arrival and departure of students. There is an officer that uses a three wheeler to be present, but I believe that we need to strengthen that number.

I have assigned Assistant City Manager Allison Baker to head a team of City staff to meet with staff at the Alvin S. Glenn Detention Center and I will meet with the County Administrator to identify alternatives for prisoner drop-offs. We must eliminate the high number of prisoners that are released at the Sumter Street transfer station and other downtown locations. We need to determine a way to purchase bus tickets for individuals to return to their hometowns after being released from jail. We would need to identify a funding source.

Mayor Coble said that would be particularly important for State drop offs. He asked if we are still experiencing that?

Mr. Charles P. Austin, Sr., City Manager said that the State Inmates typically have tickets.

Councilor Devine said that the Department of Corrections typically takes them to the bus station with a ticket so that's not an issue. She said that there is a long standing rumor that other cities give people tickets to Columbia and she believes its true, but doesn't know how to stop that or how to communicate the concern. Until we address that issue head on we will not be able to address the other issues.

Mr. Charles P. Austin, Sr., City Manager said that it's not a rumor. He has verified that there are individuals that have gravitated to Columbia, because they were told Columbia is a welcoming place.

Councilor Davis reiterated Ms. Devine's point. He has been in two (2) meetings this week where that was brought up and it has a negative impact on the neighborhoods. We need to figure out a way to stop it. I am going to publicly put those cities on notice that we are aware of what they are doing and they should stop it. It is a quality of life impact and we owe the citizens more than to just lie down and take that.

Councilor Rickenmann inquired about the tough love laws that were being discussed, because a lot of service providers believe that is what we need to do. Instead of three (3) meals and a cot, we would put them into a work program and a wet shelter. Without these laws, service providers cannot force individuals to participate in a program. We need to discuss this matter.

Mr. Charles P. Austin, Sr., City Manager said that the chronic homeless are the ones we're dealing with repeatedly, because there is no desire to do anything but survive from day-to-day.

Councilor Gergel said that she hears from her citizens on a daily basis about the city needing to be very proactive in dealing with the issues of homelessness. We have to address this issue in the near future.

Councilor Finlay believes that our kindness is being construed as a weakness. Every time there is a regional discussion on homelessness, no one steps up; because they believe that the city is going to bear the burden. Because we are willing to do that, we end up shouldering an ever growing burden that is unfair to our citizens. This is an issue we need to address.

Mr. Charles P. Austin, Sr., City Manager continued his reported as follows: I have asked staff to contact the Department of Health and Environmental Control to determine what the proper guidelines are for persons or groups that provide food for the homeless/transient population. There is concern about how to control litter after the feeding and whether there is a requirement to provide restroom facilities. We are attempting to find the solutions to eliminate the problem of indecent exposure and human waste at inappropriate places. On August 25th, Staff met with representatives from the BIDS, Vista, and Five Points Association to discuss holiday decorations for downtown, the Vista and Five Points. As a result of a collaborative effort with the Downtown Business District, I am recommending a two year phase in approach to holiday decorations for this year. The BIDS has indicated that it can contribute \$30,000 towards holiday decorations this year. The City would make effort to match the \$30,000 with another \$30,000 towards decorations. In keeping within a budget of \$60,000, staff recommends use of twinkle lights at the four intersection trees combined with use of banner enhancers along the entire Main Street route. Twinkle lights would also be used along Harden Street to complete Phase 1 of the plan for holiday decorations this year. In 2009, Phase 2 would consist of expanding the lighting along Main Street and expanding the project to the Saluda Avenue median in Five Points. I have reviewed the protest from Mainline Contracting, and an update of the Columbia Canal Front Project will be given in Executive Session today. We have received a final report from Ameresco on a pilot project to replace the lighting in all City buildings with energy efficient lighting. Upon completion of the Energy Audit, Ameresco provided a list of nine potential projects, ranging in cost from \$278,773 to \$10,248,455 with paybacks from 8.77 years to 180 years. The average payback for all projects would be 15 years. The total project cost is \$15,918,184. If we were to proceed with performance contracting and finance all suggested projects, the cost for 15 years would be \$25,848,823 with a projected energy saving of \$25,949,589. Rather than the City commit to \$25,848,923 of debt at this time via performance contracting, we can pay Ameresco the Audit cost of \$63,067 and move forward as funding is identified. The Lighting System Improvement Project would provide the highest return by reducing energy use. The total project cost is \$2,140,913. If financed with performance contracting over 10 years, the cost would be \$2,953,211. The projected savings over the 10 year period is \$3,225,721. The difference in savings and cost is a cumulative annual benefit of \$272,510 for the ten years of the performance contract. We can complete the project either by budgeting as CIPs or identifying other funding sources. We could also use the projected savings from each building to fund projects in the future. I have reviewed the requests for vehicle purchases and respectfully ask Council to approve Consent Agenda Item #19. The vehicles noted on the agenda are replacements for the Police Department and other non-hybrid vehicle requests. We are still considering the appropriate options for the purchase of hybrid vehicles. Finally, I would like to remind you of the Audit Committee Training and Orientation that has been scheduled for September 10th at 9:00 am at the Eau Claire Print Building. Ms. Jackie Breland, CPA, will conduct this training. Afterwards, we have scheduled presentations on the Economic Development Special Projects Accounts. A revised schedule of the upcoming meetings has been prepared for your review, along with tentative discussion items for work sessions and audit committee meetings. Please let me know of any revisions or concerns. I would also respectfully request that you submit dates for the proposed Retreat in January.

The report was provided as information. No action was taken.

- **Council recessed at 11:40 a.m.**
- **Council reconvened at 11:47 a.m.**

CONSENT AGENDA

Upon motion by Mr. Rickenmann, seconded by Mr. Davis, Council voted unanimously to approve the **Consent Agenda Items 10.** through **20.** on a single motion.

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

10. Council is asked to approve the Purchase of Four Wheel Drive Tractor, as requested by the Parks and Recreation Department. Award to Fairfield Tractor Company, Inc., the lowest bidder in the amount of \$13,054.00. This vendor is located in Columbia, SC. *Funding Source: 1015103-658400 - Approved*
11. Council is asked to approve the Purchase of Openlink/Microfocus Licenses and Support, as requested by the Information Technology Department. Award to Sungard Bi-Tech, Inc., the lowest bidder in the amount of \$15,180.63. This vendor is located in Chicago, IL. *Funding Source: 6218950-627510 (\$14,097.25) and 6218950-638200 (\$1,083.38) - Approved*
12. Council is asked to approve the Purchase of Ten (10) Radars, as requested by the Police Department. Award to Applied Concepts Inc., the lowest bidder in the amount of \$19,206.50. This vendor is located in Plano, TX. *Funding Source: 1012401-657400 - Approved*
13. Council is asked to approve the Purchase of Leaf Loader, as requested by the Parks and Recreation Department. Award to Dominion Brush Company, the lowest bidder in the amount of \$19,725.45. This vendor is located in Richmond, VA. *Funding Source: 6308972-658500 - Approved*
14. Council is asked to approve the Purchase of thirteen (13) Whelen Blue Light Bars and Accessories, as requested by the Police Department. Award to Dana Safety Supply, the lowest bidder in the amount of \$34,916.78. This vendor is located in Columbia, SC. *Funding Source: 1012403-657300 (\$27,766.50) and 1012411-657300 (\$7,150.28) - Approved*
15. Council is asked to approve Project #SS7066; Emergency Repair of the 8-inch Sanitary Sewer Main at the Intersection of Gadsden and Blanding Streets, as requested by the Engineering Department in the amount of \$38,436.51. This work will be completed by City Forces. *Funding Source: Sewer Improvement Fund; (Milling and Resurfacing \$21,741.33); (Traffic Control \$ 9,000.08); (Flowablefill and Concrete \$3,505.32); (Pipe and Material \$2,915.41); (Manhole and Storm Drain Box \$1,274.37) - Approved*
16. Council is asked to approve the Purchase of Oracle Maintenance, as requested by the Information Technology Department. Award to DLT Solutions, the lowest bidder in the amount of \$66,060.62. This vendor is located in Herndon, VA / Atlanta, GA. *Funding Source: 1011120-638200 - Approved*
17. Council is asked to approve the Purchase of nineteen (19) Mobile Radios, as requested by the Police Department. Award to Motorola C&E, Inc., the lowest bidder in the amount of \$75,029.90. This vendor is located in Sumter, SC. *Funding Source: 1012401-657800 - Approved*
18. Council is asked to approve a Construction Contract for the Rehabilitation of 4061 Water Street, as requested by Community Development. Award to Prominent Homes, Inc. in the amount of \$126,050.00. This firm is located in Irmo, SC. *Funding Source: Community Development Block Grant Funding - Approved*

19. Council is asked to approve the Purchase of Vehicles as requested by Various Departments in the total amount of \$546,895.00. - *Approved*

<u>Department</u>	<u>Account</u>	<u>Vehicle</u>	<u>Qty.</u>	<u>Vendor</u>	<u>Amount</u>
Fire Dept. / Shop Maint.	1012305-658500	Chevy Colorado	2	Herndon Chevrolet	\$31,426.00
General Services**	6308972-658500	Ford Crown Victoria	18	Vic Bailey Ford	\$390,420.00
Development Services	1014101-658500	Ford F-250	1	Vic Bailey ford	\$20,530.00
Utilities / Water Dist. & Maint.	5516203-658500	Ford F-350	2	Benson Ford Mercury	\$51,870.00
Utilities / Water Dist. & Maint.	5516203-658500	Ford F-350	2	Vic Bailey Ford	\$31,978.00
Utilities / Water Dist. & Maint.	5516203-658500	Ford F-250	1	Burns Automotive	\$20,671.00

**Denotes replacement vehicles for the Police Department

Councilor Gergel requested more information on the city's policies and procedures to create a green fleet.

Mr. Charles P. Austin, Sr., City Manager said that we are still in the process of developing that policy.

Mr. David Knoche, Director of General Services explained that the Climate Protection Action Plan was adopted by Council during last year and within that action plan we suggested that we use alternative fuel when possible. The patrol cars on Council's agenda today are the E-85 patrol cars. The city doesn't have a fueling site in its operations for E-85, but we do purchase it from DHEC. In this year's budget packet we listed hybrid vehicles that could be purchased and departments have budgeted from them, but I am trying to determine which is best and if we should go with State contract.

Councilor Davis inquired about the transition from E-85 to other hybrid type vehicles.

Mr. David Knoche, Director of General Services said that the flex fuel vehicles can either burn gas or the E-85.

Councilor Davis asked how many street-worthy vehicles are in stock. How many are up for future replacement not to include tractors and equipment.

Mr. David Knoche, Director of General Services replied that approximately 800 vehicles are registered.

Councilor Devine said that we are getting a little better, because we are now using the alternative fuel. Did CPAC actually develop a policy in regards to purchasing hybrids?

Mr. David Knoche, Director of General Services said that CPAC made a recommendation.

Councilor Devine said that we need to put a policy into place so there is a standard.

Mr. Charles P. Austin, Sr., City Manager said that we will bring back a policy recommendation to Council in the not to distant future.

Councilor Rickenmann inquired about the use of solar panels for lighting.

Mr. David Knoche, Director of General Services said that staff has looked at the use of solar panels in parking garages and fire stations. He noted that solar energy in the southeast is very expensive.

20. Council is asked to approve Project # WM4143; Water Main Rehabilitation Cleaning and Lining, as requested by the Engineering Department. Award to Carolina Tap and Bore, Inc., in the amount of \$3,300,000.00. This vendor is located in West Columbia, SC.
Funding Source: Water Improvement Fund - Approved

**Councilor Finlay asked that a note be added to the consent agenda items or a memo be provided to Council verifying that the money is available in the funds and that it has been verified by senior staff so he will know unequivocally that the money is there.

ORDINANCES – FIRST READING

Upon motion by Ms. Devine, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to **Items 21.** through **23.** and **25.** on a single motion. Consideration of **Item 24.** was deferred.

21. Ordinance No.: 2008-077 – Granting an encroachment to Gretchen Roepke for installation and maintenance of landscaping within the right of way area adjacent to her property at 5100 Holmes Avenue – *Approved on first reading, provided that the height of any shrubs is kept at a point that ensures good visibility at the intersection of Cravens and Holmes and for persons entering or exiting any proximate driveways. The City of Columbia reserves the right to cut/trim the shrubs as needed.*
22. Ordinance No.: 2008-078 – Granting an encroachment to Henry Bracey for installation and maintenance of landscaping and a walkway within the right of way area adjacent to 5012 Colonial Drive – *Approved on first reading, provided that the landscaping assures proper drainage, so as to not form algae or ice on the sidewalks.*
23. Ordinance No.: 2008-080 – Annexing 741 Greenlawn Drive, Richland County TMS #16409-05-21 – *Approved on first reading.*
24. Ordinance No.: 2008-082 – Ordinance Granting Consent to Application for Franchise for Cable Service and Setting Franchise Fee – *First reading consideration of this item was deferred until September 17, 2008.*
25. Ordinance No.: 2008-084 – Authorizing the City Manager to execute a Revised Agreement of Sale for the transfer of 0.96 acres (41,635.67 square feet) of an unopened portion of Wheat Street and 0.62 acres (26,891.50 square feet) of an unopened portion of Rice Street to South Carolina Electric and Gas Company – *Approved on first reading.*

RESOLUTIONS

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to approve **Items 26.** through **31.** on a single motion.

26. Resolution No.: R-2008-005 – Authorizing City Manager to execute a Bottle and Can Vending Agreement between the City of Columbia and Bottling Group, LLC d/b/a The Pepsi Bottling Group - *Approved*

Councilor Devine asked if this was a regular vending machine with sodas. She suggested that we think about healthier selections for the city's vending machines as part of the Employee Wellness Campaign.

Mr. Charles P. Austin, Sr., City Manager said that now would be a good time to have a discussion with the vendors.

Councilor Rickenmann asked if we have water coolers in all city buildings.

Mr. Charles P. Austin, Sr., City Manager asked for an opportunity to get that information.

27. Resolution No.: R-2008-010 – Authorizing consumption of alcoholic beverages at Congaree Vista Grand Prix - *Approved*
28. Resolution No.: R-2008-043 – Authorizing consumption of beer and wine at the Italian Festival at Riverfront Park - *Approved*
29. Resolution No.: R-2008-044 – Authorizing consumption of beer and wine at WNOK / Jillian's Rock the Vote Concert - *Approved*
30. Resolution No.: R-2008-045 – Authorizing consumption of beer and wine, street closing and open container blanket for Five Points Association and T-Mobile Boulevard Introduction and Concert - *Approved*
31. Resolution No.: R-2008-046 - Authorizing the City Manager to Execute a Declaration of Variance from certain restrictions and covenants as they apply to the improvements on property owned by CRW Investment Co., Inc. known as Richland County Tax Map No. 13512-04-08 located in the Columbia Industrial Park - *Approved*

Ms. Merritt McHaffey, Director of the Five Points Association announced that in association with Resolution No.: R-2008-045, T-Mobile and the event sponsors want to leave Five Points in a better condition by purchasing and permanently installing the hardware for vertical light bulb banners for the light poles along Harden Street. She asked if city staff could determine if this hardware is capable of having the Christmas decorations added to it.

APPOINTMENTS

A. Board of Zoning Appeals

Councilor Cromartie said that a board member from his district has resigned and he would like to find a replacement from the business community.

Councilor Gergel is concerned about female representation on the board. Currently there are two (2) females serving and one (1) will resign at the end of this month.

Councilor Cromartie said that he will look for an individual from District Two to fit that requirement.

Councilor Devine said that it's hard for each Council member to have the same amount of appointees, since it is a 7-member board. She said that we need to keep a balance. She reminded her peers of the training requirement and to stay on top of appointments before someone expires, because last year we had an overhaul due to the number of expired terms.

Councilor Gergel said this is a great pool of applicants, but for some reason we only received one (1) new application. Did we post this on the website? We should look at ways to publicize these openings. Should we send the notices out to individual neighborhoods and businesses?

Ms. Erika D. Salley, City Clerk explained that all applications remain on file for two (2) years.

Councilor Finlay said that the Council should thank the people that served on this board due to the contentious meetings that have taken place. He thanked those that served in the past and those that continue to serve. He asked that Mr. Ike McLeese of the Chamber of Commerce be notified of the vacancies.

There was a consensus of Council to direct the City Clerk to re-advertise the vacancies for the land use boards and commissions and to provide Council with a list of current vacancies and applications on file.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Mr. Lee Carroll of Save Our Kids expressed concerns about the city parks, noting that on paper they look good. He asked the members of Council to walk through the parks. He said that violence is rising, because staff is not interacting with the kids. He reported that a kid brought a gun into Lorick Park and the Police found the gun inside the bathroom. He added that Lorick Park is in bad shape. He noted that staff did not contact the Police, but the parents did. He presented a 50-signature petition to the Council.

Councilor Cromartie said that the Council will direct the City Manager to direct Assistant City Manager Allison Baker to look at Lorick Park. He thanked those that attended the meeting.

Councilor Rickenmann requested an update on the PALS in the Park Program.

Mr. Charles P. Austin, Sr., City Manager agreed.

Councilor Devine said that she met with management and she believes that Mr. Baker has ideas on how to pull the various groups and resources together. We should arrange for him to give that report to Council, because people will be very excited to hear about what we are doing with our youth. She suggested that some activities be placed at Lorick Park.

Mr. Charles P. Austin, Sr., City Manager said that as part of the plan that's being developed, Lorick Park is next on the radar for addressing some issues.

Councilor Cromartie asked if the PALS Program would go there.

Mr. Charles P. Austin, Sr., City Manager said yes.

EXECUTIVE SESSION

Upon motion by Mr. Cromartie, seconded by Mr. Finlay, Council voted unanimously to go into Executive Session at 12:17 p.m. for the discussion of **Items B.** through **D.** as amended.

- B. Discussion of negotiations incident to proposed contractual arrangements
- East Central City Consortium – Dr. Jabari Simama
 - State Fire Academy – Mr. Steven Gantt, Senior Assistant City Manager for Operations

These items were discussed in Executive Session. No action was taken.

- Lower Richland Sewer Agreement – Mr. Steven Gantt, Senior Assistant City Manager for Operations

This item was withdrawn from the agenda.

- **Project Columbia Canal Front – Mr. Steven Gantt, Senior Assistant City Manager

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

- C. Receipt of legal advice relating to a pending, threatened or potential claim
- Columbia Ribs Litigation

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

- D. **Discussion of the Employment of an Employee

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

- **Council adjourned the meeting at 2:45 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk