



CITY OF COLUMBIA
CITY COUNCIL
CITY COUNCIL MEETING MINUTES
WEDNESDAY, MAY 16, 2007
9:00 A.M.
CITY COUNCIL CHAMBERS
1737 MAIN STREET

The City of Columbia City Council conducted a Meeting and a Zoning Public Hearing on Wednesday, May 16, 2007 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. and the Zoning Public Hearing at 10:04 a.m. The following members of City Council were present: The Honorable E.W. Cromartie, II, The Honorable Anne M. Sinclair, The Honorable Sam Davis and The Honorable Daniel J. Rickenmann. The Honorable Tameika Isaac Devine arrived at 9:04 a.m. and The Honorable Kirkman Finlay III arrived at 9:06 a.m. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

APPROVAL OF MINUTES

1. Minutes of April 18, 2007 and May 2, 2007

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve the Minutes of April 18, 2007 and May 2, 2007 on a single motion and as presented. Mr. Finlay and Ms. Devine were not present.

PRESENTATIONS

2. National Public Works Week Proclamation – Ms. Melissa Gentry, P.E., Public Works Director

Ms. Melissa Gentry, P.E., Public Works Director, announced that Public Works would be kicking off its E-Waste Recycling Program on Monday, May 21, 2007. In recognition of National Public Works Week they will be hosting a series of events to include a Back Hoe Rodeo and a Cookout for their employees. She divided the members of Council into two (2) teams along with a few department heads to play Public Works Jeopardy. The Public Works Department responds to emergencies and weather related disasters for clean up and other assistance as needed.

Mayor Robert D. Coble presented a proclamation declaring May 21-28, 2007 as National Public Works Week in the City of Columbia.

3. Appointment of the Interim City Attorney – The Honorable Mayor Robert D. Coble

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to approve the appointment of Mr. Ken Gaines as the Interim City Attorney.

4. Appointment of the Mayor Pro-Tempore for fiscal year 2007/2008 (The Honorable Tameika Isaac Devine) - The Honorable Mayor Robert D. Coble

Upon motion by Mayor Coble, seconded by Mr. Rickenmann, Council voted unanimously to approve the appointment of Ms. Tameika Isaac Devine as the Mayor Pro-Tempore for fiscal year 2007/2008.

4a. ****Climate Protection Action Committee Proposed Action Plan – Mr. Bob Guild, Committee Member**

Councilor Sinclair explained that the Council passed the Mayor's Climate Protection Resolution that was developed by the US Conference of Mayors. Since then the Council appointed the Climate Protection Action Committee that has been hard at work. She recognized the committee members in attendance. The committee was charged with developing an action plan for the City of Columbia. We want to develop our threshold of emissions, but software is needed to enter the information and to determine a baseline. The software will be installed once the City's computers are updated.

Mr. Bob Guild, Committee Member / State Sierra Club Chair, thanked the City of Columbia for becoming a Cool City and showing the way in setting policies to tackle the increasing threat of climate changes and global warming. The committee met six (6) times and was extensively supported by technical experts and others. He noted that the City of Columbia faces the prospect of non-attainment status. A Climate Protection Action Summit is scheduled for September 24, 2007 at the Convention Center. Senator Lindsay Graham will be the principal speaker during the event and various South Carolina businesses will be highlighted. Mr. Guild presented the Climate Protection Action Plan. He encouraged the City of Columbia to embrace energy efficiency practices in municipal buildings, transportation, recycling and waste, and land use. Additional information on energy efficiency practices can be found at www.cpac.com.

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to endorse the Action Plan as presented by the Climate Protection Action Committee and to direct Mr. Charles P. Austin, Sr., City Manager to implement and/or further explore the recommendations as presented.

CITY COUNCIL DISCUSSION / ACTION

5. **Community Promotions Monthly Funding Recommendations – Ms. Libby Gober, Ombudsman**

Upon motion by Mr. Rickenmann, seconded by Mr. Davis, Council voted unanimously to approve the April 2007 Monthly funding recommendations from the Community Promotions Fund in the total amount of \$11,300. (*Please refer to the chart below.*)

Community Promotions Monthly Funding 2006-2007

Organization	Project Name	Request	Amount Funded
April 2007			
KOBAN Columbia, Inc.	Lights! Camera! KOBAN!	3,308	3,300
SC Shakespeare Company	Twelfth Night	25,000	8,000

- **Council recessed at 9:53 a.m.**
- **Council reconvened the meeting at 10:02 a.m.**

ZONING PUBLIC HEARING

- **Council opened the Zoning Public Hearing at 10:03 a.m.**

ANNEXATIONS WITH MAP AMENDMENTS / REZONINGS – FIRST READING

6. 621 Suber Street, 13708-04-04; annex and rezone from Richland County RG-2 to PUD-R.

Ordinance No.: 2007-035 – Annexing 621 Suber Street, Richland County TMS # 13708-04-04

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

Upon motion by Mr. Rickenmann, seconded by Mr. Davis, Council voted unanimously to give first reading approval on a single motion to the *Annexation with Map Amendment / Rezoning* of 621 Suber Street, TMS# 13708-04-04; annex and rezone from Richland County RG-2 to PUD-R, subject to **(1)** reducing the number of units to 6, **(2)** reconfiguring the parking access lane, and **(3)** review and approval by staff of a revised site plan **and** Ordinance No.: 2007-035 – Annexing 621 Suber Street, Richland County TMS # 13708-04-04. Mr. Cromartie was not present for the vote.

7. 24.97 acres S/S South Beltline Boulevard, 13605-02-01; annex entire parcel, rezone 11.88 acres from Richland County M-2 to M-1, remainder stays M-2.

Ordinance No.: 2007-019 – Annexing 24.97 acres S/S South Beltline Boulevard, Richland County TMS # 13605-02-01

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

Upon motion by Mr. Finlay, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval on a single motion to the *Annexation with Map Amendment / Rezoning* of 24.97 acres S/S South Beltline Boulevard, TMS# 13605-02-01; annex entire parcel, rezone 11.88 acres from Richland County M-2 to M-1, remainder stays M-2 **and** Ordinance No.: 2007-019 – Annexing 24.97 acres S/S South Beltline Boulevard, Richland County TMS # 13605-02-01. Mr. Cromartie was not present for the vote.

8. 9.22 acres, W/S Hazelwood Road, TMS#19102-02-01 and 02; annex and rezone from Richland County RU to RS-1A.

Ordinance No.: 2007-021 – Annexing 9.22 acres W/S Hazelwood Road, Richland County TMS # 19102-02-01 and 19102-02-02

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

Upon motion by Mr. Finlay, seconded by Mr. Davis, Council voted unanimously to give first reading approval on a single motion to the *Annexation with Map Amendment / Rezoning* of 9.22 acres, W/S Hazelwood Road, TMS#19102-02-01 and 02; annex and rezone from Richland County RU to RS-1A **and** Ordinance No.: 2007-021 – Annexing 9.22 acres W/S Hazelwood Road, Richland County TMS # 19102-02-01 and 19102-02-02.

9. 1033 & 1037 Kinley Road, TMS#05000-04-04 and 27; annex and rezone from Richland County C-3 to M-1.

Ordinance No.: 2007-036 – Annexing 1033 Kinley Road and 1037 Kinley Road, Richland County TMS # 05000-04-27 and 05000-04-04

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

Upon motion by Mr. Davis, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval on a single motion to the *Annexation with Map Amendment / Rezoning* of 1033 & 1037 Kinley Road, TMS#05000-04-04 and 27; annex and rezone from Richland County C-3 to M-1 **and** Ordinance No.: 2007-036 – Annexing 1033 Kinley Road and 1037 Kinley Road, Richland County TMS # 05000-04-27 and 05000-04-04. Ms. Devine was not present for the vote.

10. 4900 Block of Garners Ferry Road, TMS#13813-05-01(p); rezone from Richland County C-3 to C-1.

Ordinance 2007-018 – Annexing 1.1 acres S/S Garners Ferry Road, Richland County TMS# 13813-05-01 (portion)

No one appeared in support of or in opposition to the request. (See Item 11.)

MAP AMENDMENTS / REZONINGS – FIRST READING

11. 4900 Block of Garners Ferry Road, TMS#13813-05-01(p), 02(p), 16; rezone from C-3 and D-1 to C-1.

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

Upon motion by Mr. Davis, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval on a single motion to the *Annexation with Map Amendment / Rezoning* of the 4900 Block of Garners Ferry Road, TMS#13813-05-01(p); rezone from Richland County C-3 to C-1; Ordinance 2007-018 – Annexing 1.1 acres S/S Garners Ferry Road, Richland County TMS# 13813-05-01 (portion); **and** a *Map Amendment / Rezoning* of the 4900 Block of Garners Ferry Road, TMS#13813-05-01(p), 02(p), 16; rezone from C-3 and D-1 to C-1.

12. 501 and 503 Beltline Boulevard (Azalea Place), TMS# 13810-01-06 and -07; rezone from amended PUD-C to PUD-R.

Mr. Marc Mylott, Development Services Director, explained that the original intent was to keep the existing duplex and work around it, but the current proposal eliminates the duplex and redevelops the entire parcel as one.

Mr. Brian Boyer, Hallmark Homes International, Inc., explained that the neighborhood recommended that the units be faced inward and they agreed to that. He further explained that there is a 75' right of way on South Beltline and the building will be set back at a minimum of 15' creating 20' of space for landscaping.

Upon motion by Ms. Sinclair, seconded by Mr. Cromartie, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning* of 501 and 503 Beltline Boulevard (Azalea Place), TMS# 13810-01-06 and -07; rezone from amended PUD-C to PUD-R, subject to the applicant meeting with Councilor Sinclair to discuss concerns related to the exterior of the project and the trees prior to second reading consideration and provided: **(1)** Setback from South Beltline Boulevard shall be 15 feet, except for a 3-foot setback along the indented ROW at the intersection; **(2)** Setback from Azalea Drive shall be at least 10 feet; **(3)** Setback from the

north and west lot lines shall be at least 5 feet; **(4)** No internal setbacks are required to ensure that the applicant can create fee-simple lots; and **(5)** Staff and the applicant shall field verify the fence to ensure sight visibility is not compromised.

13. 812 thru 824 Washington Street, 1307 thru 1325 Lincoln Street, and 825 thru 833 Lady Street (City of Columbia - Lincoln Street Parking Garage), TMS#09013-13-03 thru 06 and 09; rezone from M-1, -PD, -DD, C-4, -PD, -DD, M-1, -PD, -DP, -DD to PUD-C, -DD.

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

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning* of 812 thru 824 Washington Street, 1307 thru 1325 Lincoln Street, and 825 thru 833 Lady Street (City of Columbia - Lincoln Street Parking Garage), TMS#09013-13-03 thru 06 and 09; rezone from M-1, -PD, -DD, C-4, -PD, -DD, M-1, -PD, -DP, -DD to PUD-C, -DD.

14. 3005 Devine Street and 3000, 3004, 3012 and 3020 Kirkwood (Incarnation Lutheran Church), TMS# 13804-13-01, -02, -03 and -04; rezone from C-1 and RS-2 to PUD-C. - *First reading consideration of this matter was deferred to allow the Applicant an opportunity to meet with the owner of the Dandy Lion to discuss her concerns.*

Ms. Laurie Krzyston, Owner of the Dandy Lion, Inc. / 3101 Devine Street, appeared before the members of Council in opposition to the request to rezone. She said that her property is currently for sale and if the church decided to purchase it, her concerns would then become mute, but if the Kirkwood Road right of way were closed, her commercial lot would lose its economically advantageous location. She is seeking a resolution that would allow them to execute their vision as long as it's not at the expense of her property.

Mr. Randy Huth, AIA, Principal for The Boudreaux Group, Inc., stated that they are surprised by Ms. Krzyston's concerns since they were inclusive of all neighbors during the meetings. He noted that the church has done a lot for the plan to benefit the entire neighborhood. He said that it was the neighbors' idea to close Kirkwood, which is a minor road.

Ms. Irene Dumas-Tyson, Associate Architect for The Boudreaux Group, Inc., noted that this proposal is a collaborative plan that reduces a lot of the safety concerns in the area. This is very narrow road and creates conflicts with parents dropping off and picking up their children from the childcare program. There will be an attractive parking area and a satellite parking location at 400 Byron Road.

Councilor Sinclair noted that the church has worked diligently with the neighborhood and recommended that the parties further discuss the recent concerns and provide feedback to her prior to June 6, 2007. She added that entering Devine Street from Kirkwood is treacherous.

15. 4001 River Drive (Horizon Landing), TMS# 09102-01-02; rezone from C-3 to PUD-LS.

Mr. Larry Adams, Founder of ACI Architects, explained that access was provided to the water from the far left of the property with a community garden pathway. A lot of housing diversity is being provided with single-family homes, row homes, and multi-family units. This will also include retail along Broad River Road creating a city village environment. This is not a suburban type concept. There will be a mixture of brick, stucco and wood.

- **Mayor Coble left the meeting to greet the visiting Chinese delegation.**
- **Mayor Pro-Tempore Sam Davis is now presiding.**

Councilor Davis challenged the developer to work with the City to creatively develop affordable housing units as part of this project.

Mr. Rick Brown, Horizon Homes USA, Inc., stated that they also have a mortgage company and with that knowledge they are willing to look at every opportunity to make affordable housing a part of the overall plan. The price points are the low \$200,000's for town homes; waterfront homes will be \$400,000; and low \$200,000 for the remaining units. Pricing points will not be finalized until zoning and other matters are approved.

Mr. Bill Manley, Abingdon Road Resident, stated that he met with the group to discuss his concerns regarding egress and ingress. He said that the project is located between two bridges and he is concerned about how residents will get out to Broad River Road.

Councilor Devine concurred with Mr. Manley's concerns and directed the City's Traffic Engineer to send another request to SCDOT for a traffic signal at Lucius Road. She said that we should be proactive in getting traffic control measures in place prior to the development going in.

▪ **Mayor Coble returned to the meeting and is now presiding.**

Upon motion by Mr. Davis, seconded by Mr. Cromartie, Council voted unanimously to give first reading approval, subject to traffic considerations and subject to the following: **(1)** a height restriction of 65 feet above base flood elevation for buildings marked "condo" and "parking garage and condo", and **(2)** reducing the distinction between a major and minor amendment to the PUD, specifically regarding the total number of dwelling units, from 50 dwelling units to 25 dwelling units [a proposal which increases the total number of dwelling units to up to 525 is a minor amendment; a proposal which increases the total number of dwelling units to more than 525 is a major amendment], 7-0 (4/2/07). **(3)** Eliminating the setback requirements for the multi-family residential (apartments and condominiums only), **(4)** Non-residential uses shall conform to the parking requirements of the Zoning Ordinance as it may be amended from time to time, and **(5)** Prior to the issuance of variances authorized by the developer, the developer must notify the Zoning Division of the variance and the cumulative total of all variances granted for the development.

16. 2112 Hampton Street (Allen University Dormitory), TMS#11407-13-03; rezone from C-1, -DP to PUD-R, -DP.

Councilor Cromartie explained that numerous meetings have been conducted between the school and the community. He noted that the school agreed to do everything as requested by the neighborhood residents. Allen University will increase the size of their parking lot to provide additional parking. This lot will be fenced in for security reasons.

Ms. Robin Waites, Executive Director of the Historic Columbia Foundation, stated that the proposed site for the new dormitories is also the historic R.W. Manse House. She said that Mr. Tomlin is working to relocate the structure. She requested that the City assist Mr. Tomlin with doing so. She asked that a historic marker be placed at the site, if it can't be relocated.

Ms. Jennifer Gardner said that she would hate to see the green lot there used for dormitories. She asked why do we keep facilitating cars unless we are big investors in the automotive industry. She added that the hypocrisy is so profound and that this would dramatically increase traffic in the area.

Councilor Sinclair asked how the enforcement of signs prohibiting student parking would work. How would you know that a student is parking on the street? She asked why the on street parking spaces were being removed.

Mr. David Tuttle, Tomlin & Company, explained that the University has instituted a new parking sticker program with penalties such as tickets or towing. This will be a requirement upon registration at the University. He added that the residents requested that the on street parking spaces be removed and recommended that there be additional plantings in this area to keep the street narrow.

Councilor Cromartie noted that Allen University would be primarily responsible for parking enforcement. This will not impact Sunday parking for the area churches.

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning* of 2112 Hampton Street (Allen University Dormitory), TMS#11407-13-03; rezone from C-1, -DP to PUD-R, -DP, subject to letter on Tomlin & Company letterhead dated March 30, 2007 except striking item no. 4 regarding curtains and drapes.

17. Oakwood Court Architectural Conservation District, an area bounded by 720 through 728 Holly Street, 723 through 729 and 716 through 730 Olive Street, 715 through 727 and 808 through 922 Sims Streets, 3000 through 3220 and 3001 through 3221 Amherst Avenue, 811 Eaton Street, 714 Greenwood Road, 3000 through 3020 and 3007 through 3017 Kirkwood Road, TMS# 13804-01-01 through 04, 13804-10-07 through 11, 13804-11-07 through 11, 13804-12-02 through 15, 13804-13-01 through 04, 13804-14-01 through 05 and 11, 13804-18-01 through 05 and 09 through 10, 13901-15-09 through 12, 11316-04-02 through 04 and 10 through 13; rezone from RS-2, RS-3, and RD to RS-2, -DP, RS-3, -DP, and RD, -DP. – *Approved on first reading.*

TEXT AMENDMENTS – FIRST READING

Ordinance No.: 2007-027 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article V, Historic Preservation and Architectural Review, Division 3, Landmarks and Design Protection Districts, Sec. 17-681, Districts identified, (b) Architectural conservation district to add (4) *Amend Section 17-681 to include the Oakwood Court Architectural Conservation District, an area bounded by 720 through 728 Holly Street, 723 through 729 and 716 through 730 Olive Street, 715 through 727 and 808 through 922 Sims Streets, 3000 through 3220 and 3001 through 3221 Amherst Avenue, 811 Eaton Street, 714 Greenwood Road, 3000 through 3020 and 3007 through 3017 Kirkwood Road, TMS# 13804-01-01 through 04, 13804-10-07 through 11, 13804-11-07 through 11, 13804-12-02 through 15, 13804-13-01 through 04, 13804-14-01 through 05 and 11, 13804-18-01 through 05 and 09 through 10, 13901-15-09 through 12, 11316-04-02 through 04 and 10 through 13; rezone from RS-2, RS-3, and RD to RS-2, -DP, RS-3, -DP, and RD, -DP – Approved on first reading.*

- **Mr. Rickenmann left the Chambers during this discussion due to a conflict of interest.**

Ms. Amy Moore, Historic Preservation Planner, introduced the proposed Oakwood Court Architectural Conservation District. The neighborhood began requesting information about the process in 2004. Millwood Avenue and Devine Street to include residential properties on Sims Avenue and extending to Holly Street bound the proposed district. The neighborhood was incorporated into the city eighty- (80) years ago. The Register of Deeds has agreed to have a system in place to cross-reference all new districts with the deeds.

Mr. Ted McClure, President of the Oakwood Court Neighborhood Association, said that there are many threats on the futility of the neighborhood and would love to have this added protection to hold on to the integrity of the neighborhood. He said that Oakwood Court is an asset to the City of Columbia. He recognized the supporters of this proposal. He stated that once this is finalized, they would remind all property owners of what this means.

No one appeared in opposition to the request.

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to give first reading approval on a single motion to the *Map Amendment / Rezoning* of Oakwood Court Architectural Conservation District, an area bounded by 720 through 728 Holly Street, 723 through 729 and 716 through 730 Olive Street, 715 through 727 and 808 through 922 Sims Streets, 3000 through 3220 and 3001 though 3221 Amherst Avenue, 811 Eaton Street, 714 Greenwood Road, 3000 through 3020 and 3007 through 3017 Kirkwood Road, TMS# 13804-01-01 through 04, 13804-10-07 through 11, 13804-11-07 through 11, 13804-12-02 through 15, 13804-13-01 through 04, 13804-14-01 through 05 and 11, 13804-18-01 through 05 and 09 through 10, 13901-15-09 through 12, 11316-04-02 through 04 and 10 through 13; rezone from RS-2, RS-3, and RD to RS-2, -DP, RS-3, -DP, and RD, -DP **and** Ordinance No.: 2007-027 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article V, Historic Preservation and Architectural Review, Division 3, Landmarks and Design Protection Districts, Sec. 17-681, Districts identified, (b) Architectural conservation district to add (4). Mr. Rickenmann abstained from discussing and voting on this matter due to a conflict of interest.

18. Ordinance No.: 2007-015 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning Division 1, Generally, Sec 17-55, Definitions, Restaurant and Restaurant, fast food; Division 7, General Regulations, Sec. 17-258, Table of permitted uses; and Table 1, Division G, Retail Trade (Sec. 17-263), SIC 58, Eating places (except fast food) and to delete SIC 5814 fast food eating places in its entirety

Mr. Marc Mylott, Director of Development Services, proposed that the text of the Zoning Ordinance be amended to eliminate the distinction between a fast food restaurant and a traditional sit down restaurant and to make any facility or establishment that wishes to install a drive thru facility request a special exception from the Board of Zoning Appeals. Staff, the Planning Commission and the Code Enforcement Taskforce is recommending that the distinction be eliminated and that any use wishing to locate a drive thru facility be evaluated against the criteria for a special exception.

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

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2007-015 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning Division 1, Generally, Sec 17-55, Definitions, Restaurant and Restaurant, fast food; Division 7, General Regulations, Sec. 17-258, Table of permitted uses; and Table 1, Division G, Retail Trade (Sec. 17-263), SIC 58, Eating places (except fast food) and to delete SIC 5814 fast food eating places in its entirety.

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to direct the City's Planning and Legal Departments to meet with Richland County's Planning and Legal Departments to explore the changes to the Shop Road, Bluff Road and the South Edisto Court industrial area. It is shifting from industrial to high density residential, because of market forces. She asked that they determine how this matter should be handled and that a report be presented to Council within two (2) weeks.

- **Council adjourned the Zoning Public Hearing at 11:33 a.m.**

PRESENTATIONS

19. Introduction of a Delegation from China – Mr. Jim Gambrell, Director of Economic Development

Mayor Coble met with the delegation from China outside of Council Chambers to avoid interrupting the Zoning Public Hearing.

CONSENT AGENDA

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve the **Consent Agenda Items 20.** through **24.** and **Items 25.** and **26.** on a single motion.

CONSIDERATION OF BIDS AND AGREEMENTS

20. Council is asked to approve the Purchase One (1) Lot of Pre-Formed Thermo Plastic Pavement Markings as requested by Traffic Engineering. Award to Flint Trading the lowest bidder, in the amount of \$14,345.80. This firm is located in Thomasville, NC. *Funding Source: GL 1013204-623300 - Approved*
21. Council is asked to approve the removal and installation of Cabinets at Fire Station #6, located at 1225 Briargate Circle, as requested by the Columbia Fire Department. Award to Lot (1) to Carolina Construction and Lot (2) to First Class Construction, as the low bidders, in the amount of \$15,231.14. The firms are located in Columbia, SC and West Columbia, SC. *Funding Source: 1012303-638100 Fire Suppression - Approved*
22. Council is asked to Pay Difference Agreement for 16" Water Main on Longtown Road for Sandlapper Elementary School, as requested by the Utilities & Engineering Department. Award to M.B. Kahn Construction Co. Inc, the lowest bidder, in the amount of \$40,046.67. *Funding Source: Water Improvement Funds - Approved*

ORDINANCES – SECOND READING

23. Ordinance No.: 2007-029 – Authorizing execution of a Lease Agreement between the City of Columbia and State of South Carolina for 3.98 acres near the State Museum for parking – *Approved on second reading.*
24. Ordinance No.: 2007-030 – Authorizing transfer of a 0.009 (3,939.70 square feet) portion of Richland County TMS# 11306-03-10 on Catawba Street to James S. Bowie – *Approved on second reading.*

CONSIDERATION OF BIDS, AGREEMENTS AND CHANGE ORDERS

25. Council is asked to approve the Purchase of an Asphalt Maintainer/Patcher as requested by the Street Division. Award to Arrow Equipment LLC, the lowest bidder, in the amount of \$90,250.00. This firm is located in Greensboro, NC. *Funding Source: GL 5513202-658500 - Approved*
26. Council is asked to approve a Project for Streetscaping along Sunset Boulevard at the entrance to the Park Central Development, as requested by Construction Management. Award to L-J, Inc, the lowest bidder, in the amount of \$118,301.75. This vendor is located in Columbia, SC. *Funding Source: GL 4139999-638300 and JL 9307000101-638300 - Approved*

EXECUTIVE SESSION

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to go into Executive Session at 11:37 a.m. for the discussion of **Item 27.** as outlined.

27. Receipt of legal advice, which relates to a matter covered by attorney-client privilege
This item was discussed in Executive Session. No action was taken.

- **Council adjourned the Executive Session discussion at 12:01 p.m.**

CITY COUNCIL DISCUSSION / ACTION

28. East Central City Consortium Update – The Honorable Mayor Robert D. Coble

Councilor Rickenmann stated for the record that he is not interested in condemning land. He feels that there is a great opportunity for redevelopment in the area and would like to see us move forward.

- **Councilor Rickenmann left the meeting at 12:03 p.m.**

Mr. Frank McBride, East Central City Consortium / Chairman of the Board of Directors, recognized those board members in attendance. He said that not everyone would speak, but invited some people from the community and the board to speak.

Ms. Vanessa Jumper, 2348 Senate Street, explained that she sent a letter to the members of Council concerning her neighborhood. She can't tolerate the dumping directly in front of her house. She stated that concrete and dirt piled ten feet high is a distraction, a haven for crime, a landfill and a hideous sight. She stated that the trucks have torn down her property. She cares about redevelopment, but doesn't want to be pushed out of her home or her community. She noted that she isn't going anywhere.

Reverend Blakely Neal Scott, First Nazareth Baptist Church, stated that they are supportive of East Central's efforts, noting that they are concerned because of the major investments they have made in the community. He stated that members of his congregation also own property in the area and would like to see the community keep its complexion.

Mr. Durham Carter, East Central City Consortium Board of Directors / President of the Martin Luther King Neighborhood Association, described the property in question as it appeared in the 1940's. He said that the area was a haven for murders and other crimes and it is a sore eye for the City of Columbia. They don't need a vacant lot or a forest in that area, but they do need affordable homes. He asked the Council "Are you for us or against us?"

Dr. Jabari Simama, East Central City Consortium Board of Directors and Benedict College Vice President of Community Development, noted that Benedict College has invested over \$100 million in this area over the past ten (10) years. He stated that the revitalization of this community would compliment Benedict's investment.

Dr. Lonnie Randolph, Jr., State President of the National Association for the Advancement of Color People and Vice President of the Martin Luther King Neighborhood Association, stated that he supports the Jumper family and the members of the First Nazareth Baptist Church for the efforts of trying to avoid the further victimization of the citizens and persons whom visit our community. He stated that part of the victimization is placed on the businesses that take it as a community dump and a part is placed on city officials that allow this dump to exist in this day and time of rules and regulations. He stated that this could not have happened where any of the Council members live. He demanded what was due, just and right for all citizens of Columbia, noting that they are prepared to go to the next level to ensure that justice is afforded to all citizens in the City of Columbia.

Mr. Glenn Caulk, Coordinating Counsel for East Central City Consortium / Nelson Mullins Riley and Scarborough Law Firm, stated that much work has been done; yet little progress has been made. He explained that this lead the ECCC Board of Directors to request that this City Council vote up or down the proposal to initiate its acquisition of the 6-acre site. This site was chosen because of its visibility, marketability, nearby infrastructure connections, the likelihood of future development and financing. He urged the Council to obtain the 6-acres now.

Councilor Devine reminded Mr. Caulk that local governments no longer have the power of eminent domain to acquire properties for economic development initiatives.

Mr. Glenn Caulk, Coordinating Counsel for East Central City Consortium / Nelson Mullins Riley and Scarborough Law Firm, responded that the Redevelopment Statue on which we have relied is still on the books and was not repealed by the recent Constitutional Amendment. The redevelopment area is the 28-acre site and ECCC believes that it does create provisions that constitute a danger to the health and safety of the community.

Councilor Finlay stated that the enabling laws have changed since this process began. He suggested that they not move forward until there is a legal resolution. He supports the concept of anti-dumping legislation. He urged his peers to be very careful.

Mr. Heyward Bannister, Founder of the East Central City Consortium, stated that he has been involved in this effort since its inception with the intent to create partnerships with the public sector and the private sector to reform areas known as East Central. The intent was to reduce blight, to make neighborhoods safer and to increase homeownership in an effort to create a greater tax base for the city. The partnerships have been created to move this project forward. He concluded that this is a very serious issue, but asked the Council to remember that time is neutral. Mr. Bannister asked the members of Council to vote the matter up or down.

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted four (4) to two (2) to initiate the condemnation process by forwarding to Mr. Gregg the appraisal of the property discussed with a letter offering to purchase his property at the appraised value. City staff and the East Central City Consortium were directed to work collaboratively to analyze the proposed land under the new State Constitution Blight Condemnation criteria as amended and ratified on April 27, 2007. Staff was asked to bring the analysis back to Council for consideration. Voting aye were Ms. Devine, Mr. Davis, Mr. Cromartie and Mayor Coble. Voting nay were Mr. Finlay and Ms. Sinclair.

Councilor Cromartie thanked the supporters of this project. He has started the process to have the debris removed near Ms. Jumper's property. He stated that this is bigger than the one piece of land and it includes a process that City Council will move forward with to maintain the integrity of all neighborhoods. He urged his peers to make a commitment to this community by moving forward.

- **Council recessed at 1:16 p.m.**

- **Council reconvened at 1:23 p.m.**

ORDINANCES – FIRST READING

29. Ordinance No.: 2007-017 – Granting encroachment to Gill Creek Baptist Church for placement and maintenance of two directional signs – *Approved on first reading.*

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2007-017 – Granting encroachment to Gill Creek Baptist Church for placement and maintenance of two directional signs, based on the following conditions: **(1)** Submission and on going maintenance of the liability insurance coverage; **(2)** Size and design to be as specified in request (18" x 24"); and **(3)** The signs are mounted close to the ground, so that no part of the sign exceeds 48" in height. Mr. Finlay was not present for the vote.

30. Ordinance No.: 2007-023 – Granting encroachment to Good Times Unit 3, Inc for placement of ten (10) bistro tables, thirty-six (36) chairs, three (3) 2-person benches, six (6) umbrellas with a removable picket fence enclosure for outdoor dining at 805 Harden Street – *Approved on first reading.*

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval to Ordinance No.: 2007-023 – Granting encroachment to Good Times Unit 3, Inc for placement of ten (10) bistro tables, thirty-six (36) chairs, three (3) 2-person benches, six (6) umbrellas with a removable picket fence enclosure for outdoor dining at 805 Harden Street with the following conditions: **(1)** Required liability insurance must be maintained; **(2)** A space no less than 48", without obstructions, must be maintained along the sidewalk; **(3)** Any umbrellas must not intrude into the 48" clear space, must be at least 6' above the sidewalk, have no points at their edge, and must be covered by the liability insurance; and **(4)** Applicant to work with staff for a less obtrusive method of defining dining area, to be incorporated in the Ordinance, such as simple bollards or chain. Mr. Finlay was not present for the vote.

31. Ordinance No.: 2007-024 – Authorizing transfer of 0.38 acres (16.665 square feet), Nursery Road, Lexington County TMS # 001998-02-063 to Barbara E. Vaughn – *Approved on first reading.*

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval to Ordinance No.: 2007-024 – Authorizing transfer of 0.38 acres (16.665 square feet), Nursery Road, Lexington County TMS # 001998-02-063 to Barbara E. Vaughn. Mr. Finlay was not present for the vote.

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval on a single motion to **Items A.** through **D.** as presented. Mr. Finlay was not present for the vote.

- A. Ordinance No.: 2007-031 – Annexing 4111 Beecliff Drive, Richland County TMS # 13809-04-09 – *Approved on first reading.*
- B. Ordinance No.: 2007-032 – Annexing 4653 Broad River Road, Richland County TMS # 06267-02-04 – *Approved on first reading.*
- C. Ordinance No. 2007-033 – Annexing 594 Spears Creek Church Road, Richland County TMS # 28802-01-01 – *Approved on first reading.*
- D. Ordinance No.: 2007-034 – Annexing 1037 Market Street, Richland County TMS # 11206-04-04 – *Approved on first reading.*

- E. Ordinance No.: 2007-037 - To Grant to Sprint-Nextel Communications Company, its Successors and Assigns the Right, Power and Authority to Construct, Install, Maintain and Operate In, Over, Upon and Under the Streets and Public Places of the City of Columbia, its Lines, Poles, Wires, Cables and other Telecommunications Facilities to Render Telecommunications Service to Its Customers in the Limits of the City of Columbia for Such Period as Provided Herein; and to Provide for the Payment of Compensation for the Use of the Streets and Public Places

Upon motion by Ms. Devine, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval to Ordinance No.: 2007-037 - To Grant to Sprint-Nextel Communications Company, its Successors and Assigns the Right, Power and Authority to Construct, Install, Maintain and Operate In, Over, Upon and Under the Streets and Public Places of the City of Columbia, its Lines, Poles, Wires, Cables and other Telecommunications Facilities to Render Telecommunications Service to Its Customers in the Limits of the City of Columbia for Such Period as Provided Herein; and to Provide for the Payment of Compensation for the Use of the Streets and Public Places, subject to City staff developing guidelines that would require contractors and city workforces to put trees, streets and other matter back in place upon completion of a construction project and to perform construction work at night so that it doesn't interfere with the progression of traffic flow.

ORDINANCES – SECOND READING

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted five (5) to one (1) to give second reading approval on a single motion to Ordinance No.: 2006-108 – 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 23-152, Sewer Plant Expansion Fee **and** Ordinance No.: 2006-109 – 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. 23-145, Installation of water meters and cross connection devices. Voting aye were Ms. Devine, Mr. Davis, Ms. Sinclair, Mr. Cromartie and Mayor Coble. Voting nay was Mr. Finlay.

- F. Ordinance No.: 2006-108 – 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 23-152, Sewer Plant Expansion Fee – *Approved on second reading.*
- G. Ordinance No.: 2006-109 – 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. 23-145, Installation of water meters and cross connection devices – *Approved on second reading.*

RESOLUTIONS

- H. Resolution No.: 2007-024 – Authorizing the City Manager to execute a Cooperation Agreement between the Housing Authority of the City of Columbia for development of Celia Saxon II - *Approved*

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve Resolution No.: 2007-024 – Authorizing the City Manager to execute a Cooperation Agreement between the Housing Authority of the City of Columbia for development of Celia Saxon II.

- I. Resolution No.: R-2007-025 – Authorizing consumption of alcoholic beverages and Summer Concert Series in Finlay Park - *Approved*

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve Resolution No.: R-2007-025 – Authorizing consumption of alcoholic beverages and Summer Concert Series in Finlay Park.

- J. **Resolution No.: R-2007-026 – Amending Resolution R-2007-015 Authorizing the City Manager to execute an Office Lease Agreement between First Citizens Bank and Trust Company, Inc. and the City of Columbia for the lease of 1225 Lady Street - *Approved*

Upon motion by Mr. Cromartie, seconded by Mr. Davis, Council voted four (4) to two (2) to approve Resolution No.: R-2007-026 – Amending Resolution R-2007-015 Authorizing the City Manager to execute an Office Lease Agreement between First Citizens Bank and Trust Company, Inc. and the City of Columbia for the lease of 1225 Lady Street. Voting aye were Ms. Devine, Mr. Davis, Mr. Cromartie and Mayor Coble. Voting nay were Mr. Finlay and Ms. Sinclair.

CITY COUNCIL DISCUSSION / ACTION

- K. Sheraton Request for Valet Parking Lane and Leased Parking – Mr. Steve Gantt, Senior Assistant City Manager for Operations - *Consideration of this matter was deferred.*
- L. Columbia Carriage Works Proposed Carriage Park – Mr. Steve Gantt, Senior Assistant City Manager for Operations

Upon motion by Mr. Cromartie, seconded by Mr. Finlay, Council voted unanimously to approve a request to allow Columbia Carriage Works to utilize the old railroad tunnel and entrance at Lincoln Street and Lady Street for the operation/storage of the carriages and temporary daytime boarding of the horses through a license agreement.

- M. Discussion of Policy Development – The Honorable Kirkman Finlay III

Councilor Finlay requested that staff review the Animal Control laws and bring back defined changes that clarify: **(1)** the process for handling a dog after it has bitten someone; **(2)** staffs role in such situations; **(3)** a neighborhood cool off period; **(4)** a process for owners to replace a dog that has been deemed dangerous; and **(5)** all dangerous dog determinations and case resolutions must be signed by an Assistant City Manager. The preliminary recommendations should be provided in writing to the Council by June 20th and an oral report is scheduled for the first meeting in July.

- N. Fiscal Year 2007/2008 Proposed General Fund and Water and Sewer Budgets – Ms. Missy Caughman, Budget Director

There was a consensus of Council to schedule a Budgetary Public Hearing on Wednesday, June 6, 2007 and first reading approval of the budget on June 13, 2007. Both meetings will be held in the evening.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Ms. Gloria Cyprian-Tanner, President and Founder of CBC Consultants, appeared before the members of Council to express her discontent with the City's procurement procedures. Her firm has been on the City's vendor list for two (2) years, but has never been notified of any business opportunity. She specializes in contract management, community relations, Disadvantaged Business Enterprise supportive services, program project management and the facilitation of construction projects. She questioned the selection of firms for similar services and whether or not minority firms have benefited from the awards.

EXECUTIVE SESSION

Upon motion by Mr. Cromartie, seconded by Mr. Davis, Council voted unanimously to go into Executive Session at 2:02 p.m. for the discussion of **Item O.** as amended.

- O. **Discussion of negotiations incident to proposed contractual arrangements
 - Animal Services

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

- **Council adjourned the Executive Session at 3:55 p.m. to reconvene the meeting.**

RESOLUTIONS

- P. **Resolution No.: R-2007-027 – Authorizing the City Manager to negotiate a Contract with Richland County for the co-location of the City of Columbia and Richland County Animal Control Services

Upon motion by Mayor Coble, seconded by Ms. Sinclair, Council voted unanimously to approve Resolution No.: R-2007-027 – Authorizing the City Manager to negotiate a Contract with Richland County for the co-location of the City of Columbia and Richland County Animal Control Services.

- **Council adjourned the meeting at 4:09 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk