



CITY OF COLUMBIA  
CITY COUNCIL MEETING AND  
ZONING PUBLIC HEARING MINUTES  
WEDNESDAY, NOVEMBER 28, 2007  
9:00 A.M.  
CITY COUNCIL CHAMBERS  
1737 MAIN STREET

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The City of Columbia City Council conducted a meeting on Wednesday, November 28, 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 9:07 a.m. and a Zoning Public Hearing at 10:30 a.m. The following Council members were present: The Honorable E.W. Cromartie, II, The Honorable Anne M. Sinclair, The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann and The Honorable Kirkman Finlay III. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

\*\*Mayor Coble recognized Ms. Wendy Brawley, Chair of the Richland School District One Board and thanked her for being here.

### **APPROVAL OF MINUTES**

1. Minutes of September 18 and 19, 2007

Upon motion by Ms. Sinclair, seconded by Mr. Cromartie, Council voted unanimously to approve the Minutes of September 18 and 19, 2007 on a single motion and as presented.

### **PRESENTATIONS**

2. Introduction of the November 2007 Employee of the Month – Mr. Bradley Anderson, Fire Chief

Mr. Bradley Anderson, Fire Chief introduced Ms. Sigrid Judice, Computer Operator for the Columbia Fire Department as the November 2007 Employee of the Month. She has been employed with the City of Columbia since 1986. She oversees the annual processing of 23,000 incident reports ensuring that the reports are fully and accurately completed and that Captains are performing quality control checks on the reports. He described Ms. Judice as a stickler for details and a hard worker who cares deeply about getting the job done punctually and correctly. She goes well beyond her normal duties to assist firefighters and citizens.

Mayor Coble and Mr. Charles P. Austin, Sr., City Manager presented Ms. Judice with tokens of appreciation for being selected as the November 2007 Employee of the Month.

3. Special Recognition – Mr. Robert Anderson, Deputy Public Works Director

Mr. Robert Anderson recognized Master Andrew Talkish and Mr. Vincent Gallman, Recycling Truck Driver for their partnership and recycling efforts. He explained that this story is about customer service and a great mentoring program for the past two years, which has received national attention through the Ellen DeGeneres Show.

Mayor Coble and Mr. Charles P. Austin, Sr., City Manager presented the pair with tokens of appreciation for being great ambassadors of the City of Columbia Recycling Program.

4. \*\*Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2005/2006– Mr. Bud Addison, Audit Senior Manager, Webster Rogers, LLP

Mr. Bud Addison, Audit Senior Manager / Webster Rogers, LLP, explained that they previously discussed the Management Letter with Council and there have been no significant changes to that so it will not be discussed unless there are specific questions. He stated that with the adoption of GASB34 (several years ago) you have two (2) types of statements now. The entity wide statement is a full accrual basis and the fund statement is a short-term cash basis. The entity wide statement encompasses the capital assets, long-term liability and debts, whereas the fund statement does not. This report will begin with the basic financial statement. In the governmental activities, which encompasses the general fund, special revenue funds and capital projects there was an approximate \$13 million deficit. In the business type activities, which encompasses the enterprise funds, water, sewer, parking, storm water, hydroelectric there was an increase of approximately \$26 million. This indicates that the governmental funds primarily the general fund, special revenue and capital projects operated at a deficit, whereas the enterprise funds generated a surplus. Most of the deficit stemmed from capital projects. The Development Corporations are listed under the component unit column and they are presented individually within the report.

Councilor Finlay suggested that they technically accept the document and then schedule a Work Session to work through the document.

Councilor Devine asked Mr. Addison to explain the changes between the final version and the draft that was e-mailed to the Council.

Mr. Bud Addison, Audit Senior Manager / Webster Rogers, LLP, explained that there were no significant changes, but some things were reclassified.

Councilor Finlay stated that he is frustrated, because they received the rough draft, but this is their first review of the final form and because there is no redline there is no way to know what changes have been made. This is important and we should not do this again. He feels that he is being put in a very difficult position by being asked to accept the document on the same day of receiving it.

Mayor Coble explained that he intended to get it today, receive it and then schedule a time to discuss it, because the staff would like to use this document in a fairly minor bond refinancing. This means that we are receiving it and will set a date to review it and ask questions.

Councilor Finlay stated that we are conducting a bond re-issue on an accepted document that we all have not had time to review.

Councilor Devine stated that we are close to completing this audit, the next audit will be completed and the City Manager has already recommended that once those are done we will have a forensic audit.

Councilor Sinclair clarified that it is very appropriate to spend time talking about it, but our discussion won't change the numbers. It is Mr. Addison's professional audit and numbers and that won't change based on our discussions.

Councilor Finlay added that the audit might change the discussion on the bond issue. We can't affect the audit, but the numbers should affect the way we do business.

Councilor Cromartie requested an accurately numbered copy of the audit along with an executive summary prior to the meeting.

Councilor Davis requested supplemental information or highlights of the report.

Mayor Coble requested that they highlight the changes between the final version and the draft copy.

Mr. Bud Addison, Audit Senior Manager / Webster Rogers, LLP agreed to provide a summary of the CAFR to the members of Council. He said that they would discuss the risks and look at ways to mitigate those risks.

Upon motion by Mr. Finlay, seconded by Mayor Coble, Council voted unanimously to technically accept the fiscal year 2005/2006 Comprehensive Annual Financial Report (CAFR) and to direct the City Manager to schedule a Work Session to review and further discuss the CAFR.

Councilor Finlay announced that he would be hosting a public event wherein the auditing firm will be available and people can ask questions in a forum less formal than this on December 13, 2007 at Doc's Barbeque Restaurant from 5:30 p.m. until 7:30 p.m. He invited members of the public, Council and staff and noted that dinner would be provided.

Mr. Bud Addison, Audit Senior Manager / Webster Rogers, LLP, stated that the audit firm works for the body of Council and not an individual Council member.

Mayor Coble suggested that Council go over the CAFR prior to December 13, 2007 and then vote on the forum.

Councilor Cromartie stated that the forum should be held at City Hall.

Mr. Charles P. Austin, Sr., City Manager stated that the issues identified in the audit letter have been or are being addressed. He urged the members of Council to be very careful to protect the integrity of this audit by not putting the auditor in an untenable position of being in a specific location other than an official venue. He further urged them to be deliberate and careful about this.

5.       \*\*Dr. Lonnie Randolph, Jr., President of the South Carolina State Conference National Association for the Advancement of Colored People (NAACP) and President of the Columbia Branch, NAACP

Dr. Lonnie Randolph, Jr., President of the South Carolina State Conference National Association for the Advancement of Colored People (NAACP) stated that a group of citizens have been meeting and they have some concerns, but they are happy to see the City move in a direction that they should be moving in to address issues in a fair and just manner. He said that personnel issues should be discussed privately and not publicly. He expressed concerns about the exclusion of African American businesses in the procurement and business process. He expressed his support of the City's Subcontracting Outreach Program and the Mentor Protégé Program. He urged the Council to move the processes forward at a better and faster rate than in the past. He applauded the Council for the progress they are making. He said that the leadership in the City Manager's Office has been both helpful and aggressive and asked that the Council take up the same attitude toward the inclusion of African American businesses in this economic empowerment issue.

6.       The Business Spotlight Program – Mr. Tony Lawton, Director of the Office of Business Opportunities

Mr. Tony Lawton, Director of the Office of Business Opportunities, is extremely delighted to stand before the Council to present the first recipient of the Business Spotlight Program. He thanked the community selection panel for their assistance. The program was created to recognize small businesses and to show our appreciation for their excellence and contributions to our local economy.

He recognized IMARA Communications, Inc. as the November Business Spotlight Program Honoree. IMARA Communications, Inc. was established in November 2001 in Columbia, South Carolina and their mission is simply to empower women of color by being a source of inspiration on issues of health, professional development, education, business and family. This business was the first business to be a part of the Benedict College Business Development Center, the incubator and was the first business to graduate from the center as well. They are located at 2731 River Drive and have doubled their staff. They have demonstrated corporate excellence through their contributions to the community and have won several awards for the same. IMARA Communications, Inc. is the first Business Spotlight Program recipient.

Mayor Coble presented Ms. Wendy Brawley, CEO with a proclamation declaring today as IMARA Communications Day in the City of Columbia.

Councilor Rickenmann presented Ms. Wendy Brawley, CEO with a gift certificate for the Business Fast Trac Planning Class.

7. Subcontracting Outreach Program Update – Mr. Tony Lawton, Director of the Office of Business Opportunities

Mr. Tony Lawton, Director of the Office of Business Opportunities, said that this Subcontracting Outreach Program has been in place for two (2) years and after talking with subcontractors and the community they made changes that will enhance the program and help us get closer to where we're trying to get. Mr. Lawton asked that the changes be accepted so they can continue to move forward with the growth and development of our businesses in South Carolina.

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to accept the amendments to the Subcontracting Outreach Program as proposed by staff.

8. Mentor Protégé Program Guidelines and Update - Mr. Tony Lawton, Director of the Office of Business Opportunities

Mr. Tony Lawton, Director of the Office of Business Opportunities, explained that changes were made to the definition of mentor, implementation of the program and the criteria that the protégés must meet. This has been a tasking assignment. He noted that Smith, Curry and Hancock, LLP reviewed the program guidelines and helped the Office of Business Opportunities through this process. He asked that we continue to have the firm work with the city hand in hand to take the imbalance and make it balance. This program will expand the opportunities for the small business community here in Columbia, South Carolina. The protégés will learn the ins and outs of doing business, enabling them to get access to credit, insurance and bonding. There may be additional changes to the guidelines at a later time.

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve the Mentor Protégé Program Guidelines for the Department of Utilities and Engineering Capital Improvement Projects as proposed by staff.

Councilor Devine stated that it has taken us a while to get here, but part of the time was staff's diligence in making sure the attorneys were involved and that this was solid so we can move forward. Hopefully, with the help of Smith, Curry and Hancock, LLP we have a tight Ordinance and a tight program that will be able to withstand challenges and help grow the city. She hopes that we can keep the firm to help us out as we move forward. She noted that Councilor Finlay has some ideas on other programs as well. We should keep going.

Councilor Finlay stated that it is crucial that we figure out a way to help these micro businesses with bonding and insurance if it is financially feasible.

Councilor Davis supports any efforts to make bonding available to small businesses.

9. Fast Forward Quarterly Update – Ms. Dee Albritton, Executive Director

Ms. Dee Albritton, Executive Director provided an update on programs provided and grants received by Fast Forward. She stated that the summer camps are going on at Shandon Presbyterian again this year. Google has a new product called Sketch Up where you design homes and other wonderful things and Fast Forward will do a camp called “It Makes a Village” focusing on what it takes to create a city. Each child in the camp will create a building that represents part of a city. We will receive a \$4,000 grant this summer from US Airways to expand programs for children who learn a little differently. They will have a special education teacher on staff to help with that. This is not something new, but it will be better. We will be offering new classes this year for adults. The programs at St. Lawrence Place are still going on three days a week and the Veterans Program has grown with over 100 Veterans participating. She noted that 50 Veterans signed up for the program in one day, 22 of those individuals have gotten jobs, two (2) are with the City of Columbia, seven (7) have gone back to school; six (6) have pending jobs and the program has been presented at a national conference in San Diego, California and will be presented at other national conferences. They received an \$18,000 grant from AT&T that will be used to add special hardware to our lab and software for the increasing number of disabled people coming into the program. She noted that for every dollar they have received from the city, they have matched it with \$2.50 from other sources.

10. Proposed City Parking Garage – Mr. William S. Durham, Broker In-Charge, William Durham Company, LLC

Mr. William Durham, Broker In-Charge / William Durham Company, LLC appeared before the members of Council representing the old Claussens partnership, which is a partnership that owns the Claussen’s Inn as well as a lot behind the Inn and the air rights above the lot, meaning that there are two (2) parcels behind them, one is owned by the plaza condominium regime and the other is owned by Claussens and they own the air rights by written agreement to build above that. This includes the ability to put in footers or build over the structure. He presented a proposal for the City of Columbia to consider Claussen’s Inn as an alternative site for a parking structure in Five Points. He proposed that the City of Columbia either long-term lease or purchase the air rights and build the structure at their own cost, thus providing 200 brand new spaces with another 100 spaces on the ground lot to be maintained and controlled by Claussen’s Inn and the Plaza. The ground would be owned and operated as it is now. It is estimated that the parking structure could be constructed at a cost of no more than \$20,000 per space including the air rights and the land.

Councilor Devine asked if this would prohibit the other landowner from doing something with their land and if we would have to negotiate with that landowner.

Mr. William Durham, Broker In-Charge / William Durham Company, LLC, said that it would not, because the other land owner can do what they want to with the ground, which is parking, but they can’t do anything other than parking, because they can’t build above it. We own the air rights. He proposed that College Street be the main ingress and egress for the garage. He noted that the other project needed to be looked at on the basis of net parking spaces gained to the city. He said that this alternative is cheaper and disbursts traffic throughout Five Points much more efficiently. Claussens Lane is owned by the railroad, but they would lease that property from them to create a valet parking lane. He further proposed that the pedestrian exit be on the strip between Andy’s Deli and the Plaza with additional lighting and landscaping. He offered to place a police substation within the garage at a favorable rate to the city or at no cost.

Councilor Sinclair asked if any engineering or geotechnical work had been done to determine the construction cost. She asked how the cost was determined.

Mr. William Durham, Broker In-Charge / William Durham Company, LLC responded that a geotechnical study had not been done, but suggested that one could be completed within 30-days if the city is interested in the site and that they are willing to spend engineering money to get it done. Other research has not indicated any problems.

Councilor Devine asked how the Kenny's site was selected and if the Claussens site had been considered at that time as well. She asked why the two (2) sites were being pinned against each other and if both sites were needed.

Mr. Steve Gantt, Senior Assistant City Manager for Operations, explained that in 2003 and 2004 the city released Request for Proposals for parking in Five Points. In 2003 they were looking for small parcels of land to put 30-40 parking spaces throughout Five Points and there were no responses. We subsequently acquired property on Pavilion and built surface parking. In 2004 we received a proposal from Claussens for leasing of the property and a small parcel on Pavilion, but it was not adequate. We even talked to the folks at Food Lion about parking in that area, but we received negative feedback stating that the area was too far from the hub of Five Points. This is an alternative, but it's not staff's prerogative to go with another site once Council has directed us to do something else.

Councilor Finlay asked if Council was made aware of the proposal from Claussens in 2004.

Mr. Steve Gantt, Senior Assistant City Manager for Operations stated that the proposal was given to him from Council.

Councilor Sinclair stated that every study has indicated that the primary place for parking would be the Kenny's lot. That has always been the first choice to look at for parking. She suggested that there be another RFP process so that any other interested party can submit a proposal.

No action was taken.

## **ZONING PUBLIC HEARING**

- **Council began the Zoning Public Hearing at 10:30 a.m.**

### **MAP AMENDMENTS / REZONINGS – FIRST READING**

11. **700 Saluda Avenue, 701 and 709 Santee Avenue (formerly Kenny's Auto), TMS# 11308-08-02, -03, -08 and -09; rezone from C-3 (General Commercial) to PUD-C (Planned Unit Development -Commercial).**

Councilor Sinclair offered to clarify that the issue before us is the request to rezone the property from C-3 to PUD-C, from strictly commercial to a mixed-use development. In terms of the parking component, City Council has talked about this for a period of time and then we received a letter from the developers, Mr. Harpe and Mr. Swinson, asking us to partner with them and City Council voted unanimously to authorize staff to move forward with a Memorandum of Understanding with the developer, which came forward in March and unanimously passed except for Mr. Finlay's conflict of interest. She said that the Council is not considering a contract to build public parking, but they are considering a land use request, a change in zoning.

Mr. Marc Mylott, Director of Development Services further explained that this is a request to rezone the property formerly known as the Kenny's Auto site from C-3 to PUD-C. There are two (2) interesting components to this PUD that are a little unique. We attempted to build in flexibility with either being able to build over the storm drain easement or not building over the easement. There is also language in the text of the descriptive statement that says if in fact the city does not participate in the parking that the height of the building would simply be reduced proportionately and staff would ensure that the architectural character of the development remains.

Councilor Sinclair stated that all of Five Points is currently zoned C-3, which would allow a height of 50 feet up to 75 feet currently and this proposal is for 75 feet.

Councilor Cromartie asked why we would consider building over the storm drains. This is not an alternative for a building of this size.

Councilor Sinclair agreed that she did not understand that option. She suggested that they not muddy the issue, because concept B (not building over the storm drain easement) is being considered.

Mr. Stan Harpe and Mr. Ron Swinson, Applicants, explained that the project would contain a retail component on the first floor, which would include a pharmacy/drug store, bank and 3,000 feet of local retail, levels two and three would be city parking to be owned by the city and the top level would be 26 condominiums under plan B. The total level would be no more than 75 feet; the condominiums on the 4<sup>th</sup> level will be three (3) stories for a total of six (6) levels. He noted that this site is one of the lowest sites in the area and the profile of the building may not be as tall as other buildings. They began by engaging national architects who have done this type of project throughout the country and came out with a plan they felt would be well received. They met with all neighborhood associations to get their feedback and they wanted to include their architect and redesign what they thought was in the flavor of Five Points. We did what they requested and worked with Mr. Quackenbush, who was involved in the Future Five Plan and spent a lot of time meeting with him, our Architects and city staff to get more of the flavor that the residents and merchants felt was necessary for Five Points. This is what we ended up with and we feel like it does reflect the flavor of Five Points. We met extensively with city staff to accommodate the landscaping, façade and other things the Planning Department required. The Council has agreed in principle, if we go forward to purchase the air rights for \$1 million, the land purchase price was over \$4 million and the city is going to occupy at least 1/3 of the building so we are not paying for the full third of what they would otherwise have to do. We are guaranteeing that the price on the balance will be a straight pass through of cost not to exceed \$24,000 per space plus the additional \$1 million. There will be roughly 210 spaces. The current 75 spaces will remain under Yesterday's ownership and there will be a significant number of spaces on the ground to service Walgreens (28), the bank (10) and the retail space. There will be 30 spaces remaining in Yesterday's lot as well.

Councilor Cromartie asked Mr. Steve Gantt how much money would the city ultimately invest in the property.

Mr. Steve Gantt, Senior Assistant City Manager for Operations, replied that approximately \$6 million would be invested from the city and we would own the two (2) levels of parking for a public parking facility for the City of Columbia. The remaining \$5 million will go towards construction of the facility. The money is available through the Parking Revenue Bond sale we did last year when Council directed staff to build four (4) parking facilities within the City of Columbia. A portion of the revenue would go towards amortizing those bonds. We may utilize parking meters as used on the streets instead of gates that could limit the entrance of residents.

Councilor Devine asked if the project would go forward if there is no contract with the city for parking.

Mr. Stan Harpe, co-applicant stated that parking has been an essential part of this from the beginning. He is not sure if the project would go forward in this form without the parking. The PUD is drawn so that parking could be removed, but he doesn't want to commit to that.

Councilor Sinclair asked if the parking did go away can they do something else with the two (2) floors, such as office space.

Mr. Marc Mylott, Director of Development Services stated that they could not do that as of right, but they can amend the PUD.

Councilor Rickenmann asked if they could remove a floor and lower the height of the project.

Mr. Marc Mylott, Director of Development Services said that would be acceptable.

Mayor Coble asked for the timeframe on a contract for the public parking.

Mr. Steve Gantt, Senior Assistant City Manager for Operations, explained that the MOU had certain criteria that the developers had to meet. We can't consummate that until they have the project bid out; get the numbers back that indicate what the actual cost per space is going to be and then we can enter into a contract to move forward.

Mr. Stan Harpe, co-applicant, stated that it would be the first of March 2008.

- **Council opened the Public Hearing at 10:50 a.m.**

Ms. Coles Lawton, Wales Garden Neighborhood Association, appeared before the members of Council in opposition to the project, stating that they are the closest neighborhood to the Kenney's site and they opposed the project by a vote of 74 to 4. They respectfully requested that it not move forward due to the enormous expense, the difficulty and risks in building on unstable soil, the height, the unfairness of considering this project in isolation and before considering the Future Five Master Plan, added congestion and outdated parking studies.

Ms. Ryan Nevius, Hollywood Rosehill Neighborhood Association, appeared before the members of Council in opposition to the project, because all options have not been considered. She applauded the redesign and investment in the community, but there is a difficult traffic pattern at that corner and that traffic and businesses have moved up to the Claussens area. She asked that the city consider allowing the first two hours of parking in garages to be free. She prefers that the garage be placed in the Claussens area.

Mr. Andrew Marion, Wales Garden Neighborhood resident, appeared before the members of Council in opposition to the project as proposed. He feels that a good mixed use of appropriate design would be a terrific addition to Five Points. He has concerns with the building as proposed, because it would tower over all of the buildings in the area. He urged the Council to consider the Claussens proposal, because it would be cheaper and better all around for Five Points.

Councilor Cromartie asked Mr. Marion if he thought that shoppers would park at the Claussens Inn and then walk to the shops.

Mr. Andrew Marion doubts that a parking garage would be used in any event. He questions whether day shoppers would use a parking garage regardless of its location.

Ms. Tina Forstalfer appeared before the members of Council in opposition to the project. She said that the plan for parking at Claussens Inn solves several issues that the Kenny's site fails to address. The alternative proposal would cost about half of that of the Kenny's site and would not impact the fragile environment of that site and it would allow easy entrance and exit. She proposed that the city undertake a comprehensive investigation of all parking options in Five Points and that they seriously consider the alternative proposal.

Thomas Swartout, Wales Garden neighborhood resident / property owner, appeared before the members of Council in opposition to the request to rezone, because the proposed height is excessive, out of scale with existing buildings and in clear conflict with the Five Points Master Plan that was adopted in 2006. He said that the latest study doesn't conclude that a new parking structure is needed. There are several potential solutions to this perceived parking problem that have not been fully investigated. He urged the city to defer further consideration of the Kenny's proposal until all potentially viable parking alternatives have been fully evaluated.

Ms. Susan James appeared before the members of Council in opposition to the project. She appeared before the Planning Commission in July and questioned the need for a parking garage in Five Points as no recent study had been done showing that there was a need. She asked how the city decided to build a garage and how did they determine the cost.

Ms. Caroline Watson appeared before the members of Council in opposition to the project, because it would be a forced fit. She lives five (5) houses down from the Kenny's site and strongly recommends consideration of the Claussen's site, because it is a better financial deal. She asked that city staff be directed to thoroughly examine what the parking needs are and how to resolve them.

Councilor Devine urged all speakers to respond to the zoning of the mixed-use development, because the city may not do the parking.

Ms. Caroline Watson stated that she has no problems with mixed-use development in the area, but she does have a problem with the PUD being presented today and the placement of the 6-story building in the context of the village and on the soupy soil. It will be more of a burden on the environment.

Ms. Tracey Swartout, Wales Garden resident, appeared before the members of Council in opposition to the project, because of the height and other issues. She cited comments from the 2002 Parking Study. She stated that the Future Five Plan was ignored in the current proposal and asked the Council to reconsider, because the alternative is a viable option.

Mr. Joseph Azar, Upstairs Audio and Video, appeared before the members of Council in opposition to the project, because it is too high. It will make his property value go up, but it is out of scale. We want to wait for the Five Points Guidelines before we move forward on this. The Five Points Merchants Association approved this, but not all merchants were contacted and some do oppose the project at this size and scale. He said that the Kenny's site could be constructed without parking and then construct parking at Claussen's Inn. He asked that all proposals be addressed by the city. Some merchants would like to see the City eliminate parking fees between 1 p.m. and 5 p.m.

Mr. Duncan McRae, Five Points Association member / Yesterday's representative, appeared before the Council in support of the project, because there are 110 businesses that need parking now. He would like to see the project expedited and remain where it is proposed. He supports the size, scope and scale of the project.

Mr. Doug Quackenbush, Architect and Author of the Five Points Future Five Plan, appeared before the members of Council in support of the project, because it does meet the major objectives of the Five Points Master Plan. He stated that mixed-use is important, it's innovative and animated with retail on the ground floor, and its character has been refined. He noted for the record that the developers have bent over backwards to try and address the concerns that groups brought forward in refining the design. This is the site that has been identified as the ideal site for public parking in Five Points, it is at the geographic / density center and where it is more likely to get use than any other site we have studied as part of our Master Plan process and previous processes. This project should be 100% supported and because of its assets, it is worthy of being higher than the average project in Five Points.

Councilor Devine asked what was done in response to the public input.

Mr. Doug Quackenbush, Architect and Author of the Five Points Future Five Plan, stated that the Five Points Association in partnership with some surrounding neighborhoods hired him and there was a lot of public input during the master planning process. Some residents felt that the original proposal felt too generic, so we worked on some character issues. There were concerns about how the building met the street in terms of openness and storefront that would be provided at the sidewalk and the character of open space around the tunnels. It has been refined to feel like a public plaza that you can also park on. The scheme being considered today is actually a cleaner edge to the public plaza that fronts the new fountain that's under construction. The developers and their architects made changes to the top of the proposal so that it feels more like it's transitioning the scale at the top, by using recessed roofing elements that weren't in the original scheme. This was done to mediate the height issue. He stated that this is the ideal site for public parking in Five Points, because it is at the center of the more urbanized portion of Five Points and will get the most use. More employees may use the facility instead of parking on the street, which frees up the meters in front of the businesses. A more remote site has diminishing returns and is less ideal than the Kenny's site.

Ms. Judith Roberts, Wales Garden resident, appeared before the members of Council in opposition to this project, because it is unusual to have parking problems during the day. They are already experiencing a lot of traffic and speeding on their street. She will provide a list of retailers that are opposed to the height of this project.

Ms. Sylvie Desau, Waverly Community resident / Wales Garden property owner, appeared before the members of Council in opposition to the project, because it contradicts the master plan. She said that this is the first project to be approved since the approval of the Future Five Plan and that it's ironic that the first project has 6 stories, which contradicts with the plan. She stated that this might not be the best location for this.

Mr. Stan Harpe, co-applicant, stated that a Traffic Study was conducted and submitted to the City's Traffic Engineer and the Department of Transportation, which owns two (2) of the four (4) streets the site fronts on. They have encroachment permits in hand, which allow the curb cuts that have already been approved along with the Traffic Study. They have done extensive geotechnical work and an engineer has been hired to look at it.

Mr. Ron Swinson, co-applicant, added that the city hired a separate structural engineer. He stated that the project was designed in such a way so that the soil won't be an issue and we have done all of the engineering work to know that this won't further burden the storm water system.

Mr. Marc Mylott, Director of Development Services, explained that if the city decided not to participate, the developers could provide public parking within the same space.

Councilor Rickenmann suggested that we look at all proposals that are out there and that other proposals be submitted to staff before a decision is made. He has mixed reviews, but suggested that Council deal with the zoning matter separate from the parking.

Councilor Finlay noted that he has to recuse himself on this issue as he has already done on two (2) occasions due to a potential conflict of interest.

Councilor Devine stated that good points were made today and encouraged citizens to provide further input on this matter. She noted that the city is always looking for parking options and urged the City Manager to consider all options. She wants to know if people are comfortable with the level of input they were able to put in towards the master plan.

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to direct staff to develop a Request for Proposals (RFP) for alternative parking options in Five Points. This RFP should be specific so you can compare apples to apples. They encouraged Claussen's Inn to resubmit their proposal as part of this process. Staff should be sure we have enough information to consider such as cost, location, how it's used, etc. This should be a quick process with responses being due by the middle or towards the end of January 2008. The entire process should be completed by March 2008. The RFP should be sent to the members of Council prior to being advertised to the public.

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to give first reading approval to the Map Amendment / Rezoning of 700 Saluda Avenue, 701 and 709 Santee Avenue (formerly Kenny's Auto), TMS# 11308-08-02, -03, -08 and -09; rezone from C-3 (General Commercial) to PUD-C (Planned Unit Development -Commercial), subject to the following conditions: Mr. Finlay did not vote due to a potential conflict of interest.

1. Development must conform to PUD document as revised on August 28, 2007 with following changes:
  - a. Pg. 13, no. 7 first bullet shall read, "Signage will comply with the city sign ordinances as if the PUD were zoned C-3 except the maximum total area cannot exceed 750 sq. ft."; and
  - b. Pg. 14, VI, revised language in red shall read, "The minimum parking space size shall be 8' x 16' in the garage and 9' x 20' for surface parking." and
2. Building shall include growth on back wall [wall facing Yesterdays], such as fig vine.

## **PRESENTATION**

12. \*\*Presentation on behalf of the University of South Carolina – Mr. Tommy President, Past Study Body President and Mr. Nicholas Payne, Current Student Body President

Mr. Tommy Preston, Past Student Body President of USC, thanked the City of Columbia and the entire community for their support of the University during the tragic deaths of six (6) students as a result of the North Carolina beach house fire on October 28, 2007. We appreciate the open door policy and relationship with the city.

Mr. Nicholas Payne, Current Student Body President of USC, stated that the relationship between the City of Columbia and the USC Student Body continues to grow. He thanked the members of Council and the City Manager for their support.

## CONFIRM ZONING OF PREVIOUSLY ANNEXED PROPERTIES – FIRST READING

13. 7232 Broad River Road, TMS# 05004-02-11; previously zoned C-3 (General Commercial) within Richland County. – *Approved on first reading.*

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

Upon motion by Mr. Davis, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Confirmation of Zoning of Previously Annexed Property* at 7232 Broad River Road, TMS# 05004-02-11; previously zoned C-3 (General Commercial) within Richland County. Ms. Devine was not present for the vote.

### ANNEXATIONS WITH REZONING - FIRST READING

14. N/S Hickory Forest Drive (Canary Woods: portion of Phase II and IV); TMS# 22016-01-07(p), annex and rezone from Richland County RS-HD (Single-Family Residential, RS-2 equivalent) to RS-3 (Single-Family Residential). – *Approved on first reading.*

Ordinance No.: 2007-091 – Annexing 32.038 acres, N/S Hickory Forest Drive Richland County TMS# 22012-01-09; 22109-02-05; 22012-01-03; 22012-01-02; 22012-01-04 and 22016-01-07 – *Approved on first reading.*

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

Councilor Finlay requested an analysis of what the total impact of the dollars would be. We need some sort of offset to understand what the impact would be.

Upon motion by Mr. Finlay, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval on a single motion to the *Rezoning* of N/S Hickory Forest Drive (Canary Woods: portion of Phase II and IV); TMS# 22016-01-07(p), annex and rezone from Richland County RS-HD (Single-Family Residential, RS-2 equivalent) to RS-3 (Single-Family Residential) **and** Ordinance No.: 2007-091 – Annexing 32.038 acres, N/S Hickory Forest Drive Richland County TMS# 22012-01-09; 22109-02-05; 22012-01-03; 22012-01-02; 22012-01-04 and 22016-01-07. Mr. Cromartie and Ms. Devine were not present for the vote.

15. 1080 Shop Road, TMS# 11211-07-06; annex and rezone from M-1 (Light Industrial) to PUD-R (Residential Planned Unit Development). - *The applicant withdrew this request.*

Ordinance No.: 2007-078 – Annexing 1080 Shop Road, Richland County TMS# 11211-07-06 - *The applicant withdrew this request.*

### MAP AMENDMENTS / REZONINGS – FIRST READING

16. 13.09 acres of 24.97-acre parcel S/S South Beltline Boulevard (2150 South Beltline Boulevard—Travel Centers of America), TMS# 13605-02-01(p); rezone from M-2 (Heavy Industrial) to M-1 (Light Industrial). – *Approved on first reading.*

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

Upon motion by Mr. Davis, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning* of 13.09 acres of 24.97-acre parcel S/S South Beltline Boulevard (2150 South Beltline Boulevard—Travel Centers of America), TMS# 13605-02-01(p); rezone from M-2 (Heavy Industrial) to M-1 (Light Industrial). Mr. Cromartie was not present for the vote.

17. 1527 Manning Avenue, TMS# 11412-06-06; rezone from RS-3 (Single Family Residential) to C-3 (General Commercial). – *The applicant withdrew this request.*
18. 1210 Atlas Road, TMS# 16306-07-02; rezone from M-2 (Heavy Industrial) to M-1 (Light Industrial). – *Approved on first reading.*

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

Upon motion by Mr. Finlay, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning* of 1210 Atlas Road, TMS# 16306-07-02; rezone from M-2 (Heavy Industrial) to M-1 (Light Industrial). Mr. Cromartie was not present for the vote.

19. 2314 Pinehurst Road (Pinehurst Village), TMS# 11514-12-22; rezone from RG-2 (General Residential) to RS-2 (Single Family Residential). – *Approved on first reading.*

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

Upon motion by Ms. Sinclair, seconded by Mr. Davis, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning* of 2314 Pinehurst Road (Pinehurst Village), TMS# 11514-12-22; rezone from RG-2 (General Residential) to RS-2 (Single Family Residential). Mr. Cromartie was not present for the vote.

20. Block bounded by Assembly, Whaley, Heyward Streets & CSX RR, (Assembly Station) TMS# 11301-21-01; 11301-03-01 through -9, -11 through -13, -15 through -20; rezone from M-2, -PD (Heavy Industrial, -Planned Development), M-2, -FP (Heavy Industrial, -Flood Plain), C-3, -PD (General Commercial, -Planned Development), and C-3 (General Commercial) to PUD-R, -FP (Residential Planned Unit Development, -Flood Plain). – *Approved on first reading.*

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

Upon motion by Mr. Finlay, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning* of the Block bounded by Assembly, Whaley, Heyward Streets & CSX RR, (Assembly Station) TMS# 11301-21-01; 11301-03-01 through -9, -11 through -13, -15 through -20; rezone from M-2, -PD (Heavy Industrial, -Planned Development), M-2, -FP (Heavy Industrial, -Flood Plain), C-3, -PD (General Commercial, -Planned Development), and C-3 (General Commercial) to PUD-R, -FP (Residential Planned Unit Development, -Flood Plain). Mr. Cromartie was not present for the vote.

21. **4500 Block Jon Wall Court (Katherine Place)**, TMS# 13913-03-23, -24, -25, -26, -27, -28, -29, -30, -31, -32, -33 and -34; rezone from RG-1 (General Residential) to PUD-R (Residential Planned Unit Development). – *Approved on first reading as outlined below.*

Mr. James Caughman, Landgrave Road resident, appeared before the members of Council in support of the project. He is a licensed Real Estate Agent, but is in no way involved with this project, except as a neighbor. They talked to the Developer and the Real Estate Agent and they have seen the plans. The residents of Landgrave Road wholeheartedly support the project. They believe that this project will decrease the density of the site.

Mr. Jay Graham, Realtor and Listing Broker, stated that he grew up on Jon Wall Court and still resides in the area. He presented a petition with over 80 signatures of support from Lake Katherine residents. He noted that this neighborhood has not applied for historic designation.

Mr. Jack Robinson, Resident of Sanford Drive, appeared before the members of Council in support of this project, because it will be a vast improvement.

Mr. David Aiken, Resident of Sanford Drive, appeared before the members of Council in support of the project, because the site is historically bad. He did have issues with the retaining wall, but they agreed to construct a six-foot brick wall surrounding the development.

Christopher Anderson, 4611 Pinegrove Court, appeared before the members of Council in support of the project, because it is a perfect in-fill development taking deteriorating property and improving it. He also believes that it will improve traffic on Brennen Road.

Blake Detreville, Brennen Road Resident, appeared before the members of Council in support of the project, because it will improve the appearance of the neighborhood as a whole.

Mr. Larry Newton, Environmentalists Inc. / Chestnut Hill Plantation Resident, appeared before the members of Council in opposition to the development as proposed. He requested that the density decrease from 24 units to 18. He asked to show a PowerPoint presentation to the members of Council.

Councilor Finlay stated that the density issue was discussed effectively through the Planning Commission.

Mr. Larry Newton, Environmentalists Inc. / Chestnut Hill Plantation Resident, stated that he had not seen any documentation to support the development of 24 units. He doesn't know how Council could approve this plan without more detail. He took the size and scale of the proposed homes in relation to the lots and he doesn't know how on street or off street parking would be addressed. There will be issues with the size of the proposed driveways as well. He started the PowerPoint presentation, noting that he is a licensed Real Estate Agent. He is concerned about the trees, storm water drainage and utilities, the utilization of the lots, narrow roadways, old infrastructure and the setbacks. He recommended that the Developer come back with preliminary sketches on how the houses will be sited, how the issues will be addressed and what the streetscape will look like.

Mr. Rusty Depass appeared before the members of Council in support of this project. He said that the improvements would be worth the loss of some trees.

Mr. Peter Mayers appeared before the members of Council in support of this project, as long as it is a smart build.

Ms. Ruth Thomas appeared before the members of Council in opposition to this project. She has studied this for a long time and suggested that supporters did not know that this project was being divided into 24 lots instead of 12. Some lots are 38' wide. She feels that the whole issue has been distorted by a lot of misinformation. She noted that the houses are nice, but nobody wants to live on top of each other.

Ms. Pamela Greenlawn appeared before the members of Council in opposition to this project. She admitted that the area is blighted. She asked if any of the trees could be retained due to the huge and ongoing ozone problems in Columbia. She asked that we revisit the plans and get something that works.

Mr. William Durham appeared before the members of Council in support of the project, because he has looked at the current state of the site his entire life.

Councilor Devine asked for clarification on the proposed lot sizes.

Mr. Marc Mylott, Director of Development Services, stated that most of the lots are 38' wide.

Councilor Cromartie asked for clarification on the proposed size of the homes.

Mr. Marc Mylott, Director of Development Services, stated that the houses are approximately 23' wide and 2,100 square feet.

Councilor Finlay stated that he is very familiar with the neighborhood. He has received positive feedback from friends and neighbors. He noted that Mr. Gray would work on the tree issues to the best of his ability.

Councilor Devine assured the neighbors that this project will go through every step of the city process and issues on infrastructure and setbacks will be coordinated with city staff. She noted that environmental issues are very important to us and requested that there be a balance between environmental issues and infill development. She further requested that the developer continue to work with neighbors to ensure that the development fits and that environmental issues are considered.

Councilor Cromartie asked for the price points of the proposed homes.

Mr. Billy Gray, Applicant, stated that the houses would cost \$350,000 to \$500,000.

Upon motion by Mr. Finlay, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning* of 4500 Block Jon Wall Court (Katherine Place), TMS# 13913-03-23, -24, -25, -26, -27, -28, -29, -30, -31, -32, -33 and -34; rezone from RG-1 (General Residential) to PUD-R (Residential Planned Unit Development), *subject to the following: 1) Where the PUD is silent, RG-1 zoning shall apply; 2) The applicant shall construct a 6-foot brick wall surrounding the development as shown on the plat labeled "Katherine Place", dated September 24, 2007, and prepared by Baxter Land Surveying Co., Inc. 3) Mr. Gray is asked to continue to work with the neighbors to ensure the development, as it is built, fits with the surroundings and considers all environmental issues; and 4) Lot coverage for the proposed homes shall be in substantial conformance with the PUD as presented, including necessary allowances for any typical accessory structure, and shall not be limited to a particular percentage. Staff will ensure the development is platted and foot printed as proposed by the developer.*

- **Mayor Coble left the meeting at 12:25 p.m.**

- **Mayor Pro-Tem Tameika Isaac Devine is now presiding.**

22. 6430 Norris Street. TMS# 16505-02-05; rezone from M-1 (Light Industrial) to RG-2 (General Residential).

1002 Drake Street, TMS#16408-01-01; rezone from M-1 (Light Industrial) to PUD-R (Residential Planned Unit Development) and RG-2 (General Residential).

Councilor Finlay stated that it is important to understand that we spent time to determine what the neighborhood thought was the best option as far as zoning. They came up with single-family residency on large lots. He is unwilling to push for super high density in this area.

Mr. John Blackmon, Applicant, stated that they came before Council one year ago to change the zoning on the property across the street from this development. He said that concerns were raised because of the warehouse property across the street, so they started to work towards purchasing that land and adding it to their project. We knew there were some hurdles. The property is currently zoned light industrial. They have worked with the Columbia Development Corporation to test the soils of this property, but until the property is clean and safe we won't close on it or build on it.

Councilor Finlay stated that the neighborhood would rather that the property remains as is than move to a more dense zoning. Getting it cleaned is the first step of a long process.

Councilor Rickenmann stated that an overwhelming majority of the residents want residential development, but they are concerned about density, current infrastructure and traffic. He noted that there are too many unanswered questions to deal with this today.

Ms. Dana Turner, Assistant City Manager for Commerce and Development stated that we don't need the zoning changed in order to proceed with the Brownfield's Program.

Mr. Tim Crenshaw, Property Owner, appeared before the members of Council in opposition to the request, because there are other issues to look at. He stated that the environmental assessment is 100% inaccurate. He said that there is an atmosphere of mistrust with the City Council. He asked that City Council request that the revised assessment be given to the residents, that the City Attorney review the revised assessment and explain the results to the residents and that City Council defer this matter until issues are resolved.

Mr. Allen Francis appeared before the members of Council in opposition to the project until the land is cleaned up. He stated that any rezoning should reflect the neighborhood. He noted concerns about increased traffic as well and the fact that Mr. Blackmon has not been honest. He is okay with the property remaining M-1.

Ms. Shelley Francis, 1024 Cedar Terrace / Neighborhood President / Realtor, appeared before the members of Council in opposition to the project, because the neighborhood doesn't support it. She asked that the request be deferred until the land is cleaned up.

Mr. Malcolm Rentz, 1028 Cedar Terrace, appeared before the members of Council in opposition to the request, because he supports maintaining the current M-1 zoning of the property. He said that no information was provided concerning the pollution on the property to be developed. He introduced a document from DHEC that he feels proves the Kahn property is contaminated. He cited the many ailments he, his family and some neighbors feel has been caused by the contaminated site.

Mr. Allan Kahn, MB Kahn / Property Owner, stated that the property owners do not have a problem with observing DHEC requirements. He said that the property was contaminated at no fault of the current owners. He stated that they see no problems with the proposed use of the property and that they are not trying to hurt the neighborhood.

Ms. Margaret Massey appeared before the members of Council in opposition to the project, because the site should not be developed for people to live there. She asked why the current owners hadn't developed the site.

Mr. Jeffrey Braves appeared before the members of Council in opposition to the project, suggesting that some of the acreage be removed and that the density be lowered.

Mr. Tige Watts, former Brandon Acres Cedar Terrace Neighborhood President, appeared before the members of Council in support of this project, because it would give the neighborhood better options for our future. He said that the proposal fits the community character better than warehouses. He admitted that there are overhanging issues of safety.

Upon motion by Mr. Finlay, seconded by Ms. Sinclair, Council voted unanimously to continue the Public Hearing until January 9, 2008 and to direct Ms. Dana Turner, Assistant City Manager of Commerce and Development to provide the status of the site's consideration for the Brownfield's Program, noting that zoning and density are still issues.

- **Mr. Rickenmann left the meeting at 1:12 p.m.**

## CONSENT AGENDA

Upon motion by Ms. Sinclair, seconded by Mr. Cromartie, Council voted unanimously to approve on a single motion the **Consent Agenda Items 23.** through **G.** as amended. Mr. Finlay was not present for the vote.

### CONSIDERATION OF BIDS AND AGREEMENTS

23. Council is asked to approve the Purchase of Two (2) #332 SCDOT Specs Cabinets with Auxiliary Output File, as requested by the Traffic and Engineering Division. Award to J Moore Electrical Contractors, using the SC State Contract, in the amount of \$10,861.04. This vendor is located in Swansea, SC. *Funding Source: 1013204-658600 - Approved*
24. Council is asked to approve the Payment of Past Event Reservations for the Climate Protection Action Committee's (CPAC) "Green is Good for Business Conference" held on September 27, 2007, as requested by the Public Works Director. Award to the Columbia Metropolitan Convention Center in the amount of \$13,731.50. This venue is located in Columbia, SC. *Funding Source: 2118421 - Approved*
25. Council is asked to approve the Purchase of Firefighter Gloves, as requested by the Fire Department. Award to Newton Fire and Safety, the low bidder, in the amount of \$22,389.75. This vendor is located in Swepsonville, NC. *Funding Source: 1012303-625900 (\$11,074.50) and 2082306-625900 (\$11,315.25) - Approved*
26. Council is asked to approve Change Order#1 to the Olympia Lighting Project for Eight (8) Additional Lights, as requested by the Public Works Department. Award to Eddins Electric, in the amount of \$31,596.00. This vendor is located in Columbia, SC. *Funding Source: 2059999-623600 \$ 37,333.37 - Approved*
27. Council is asked to approve Change Order #3 WM3604; Water Main along Dubard Street, Burley Court, Lucille Drive and Paxton Street, as requested by Engineering Administration. Award to Carolina Tap & Bore, Inc. in the amount of \$105,545.00. This firm is located in West Columbia, SC. *Funding Source: Water Improvement Fund - Approved*
28. Council is asked to approve a Temporary Security Officer Security Agreement for the Winter Shelter, as requested by the Commerce and Development Group. Award to Allied Barton Security Services, LLC in an amount not to exceed \$125,000.00. This firm is located in Columbia, SC. *Funding Source: 2144501-638300 - Approved*
29. Council is asked to approve the Purchase of 2,600 Roll Carts, as requested by the Solid Waste Division. Award to Toter, Inc. as a Sole Source in the amount of \$127,693.00. This vendor is located in Statesville, NC. *Funding Source: 1014402-627600 - Approved*
30. Council is asked to approve Asbestos Abatement in the Public Works Building, as requested by General Services. Award to Kleen Sites Geoservices, Inc., the low bidder, in the amount of \$143,941.10. This firm is located in West Columbia, SC. *Funding Source: 6208956-639900 - Approved*

31. Council is asked to approve the Purchase of Vehicles, as requested by Various Departments. Award to the following vendors using the SC State Contract in the total amount of \$263,166.64. - *Approved*

<u>Department</u>	<u>Account</u>	<u>Type Vehicle</u>	<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
Police – Mounted Patrol	1012406-658500	Ford F-350	Benson Ford Mercury	Easley, SC	\$28,999.00
Police – Mounted Patrol	1012406-658500	Ford F-250	Dick Smith Ford Inc.	Columbia, SC	\$23,738.25
Engineering – Storm Water	5534201-658500	Ford F-150	Dick Smith Ford Inc.	Columbia, SC	\$16,745.00
Municipal Court	1011504-658500	Chevy Impala	Capitol Chevrolet	Columbia, SC	\$15,169.95
Parking – Taylor St. Garage	5313107-658500	Ford F-150	Vic Bailey Ford, Inc.	Spartanburg, SC	\$12,569.00
Utilities - WWM	5516205-658500	Ford F-250	Vic Bailey Ford, Inc.	Spartanburg, SC	\$29,089.00
Utilities – WWM	5516205-658500	Ford F-750	Burns Automotive	Rock Hill, SC	\$70,943.22
Utilities – WWM	5516205-658500	Ford F-650	Burns Automotive	Rock Hill, SC	\$65,913.22

- A. Council is asked to approve an Agreement for the Removal of Key Road (S-40-243) from Market Street (S-40-398) to George Rogers Boulevard (S-40-15) from the South Carolina State Highway System to the City of Columbia. - *Approved*

#### ORDINANCES – SECOND READING

- B. Ordinance No.: 2007-073 – Granting encroachment to Matthew Addison, Jr. and Frances J. Addison for installation and maintenance of an irrigation system, landscaping, sidewalk and steps within the right of way area adjacent to 407 Pickens Street and for installation and maintenance of an irrigation system, landscaping and two driveways within the right of way area of Rice Street adjacent to 1509 Rice Street – *Approved on second reading.*
- C. Ordinance No.: 2007-082 – Granting encroachment to the State of South Carolina for installation and maintenance of security gates, security sensors, bollards, landscaping, lighting, retaining walls, signage, and barriers and land and parking configuration within the rights of way areas of Sumter Street, Main Street, Assembly Street, Senate Street and Pendleton Street adjacent to the State Capitol Complex – *Approved on second reading with the following conditions: 1) At Senate Street, the Radio Frequency Identification Device (RFID) sensors are to be relocated approximately 40 feet to the east of their present location to ensure proper clearances from underground water lines; 2) At Pendleton Street and Senate Street, all new construction shall meet ADA accessibility standards; 3) At Pendleton Street, the hydraulic power unit (HPU) at the garage entry shall be located within the confines of the lower planter walls to avoid conflict with existing water lines; 4) At Pendleton Street, the guard booth will be relocated adjacent to the curb line of the street to avoid conflicts with existing water lines; 5) The City of Columbia will provide a hold harmless agreement to be signed by the State of South Carolina; and 6) At Pendleton Street, specific design of the sidewalk bump-out on Pendleton Street shall be coordinated with the City of Columbia. This bump out shall meet or exceed ADA standards for accessibility.*
- D. Ordinance No.: 2007-088 – Annexing 26 Bayleaf Court; 55 Redbay Road; 52 Redbay Road; 15 Redbay court and 12 Redbay court; Richland County TMS# 28812-02-04; 28812-02-06; 28812-02-08; 22812-02-16 and 28808-03-09 – *Approved on second reading.*
- E. Ordinance No.: 2007-089 – Annexing 106.87 acres, N/S Atlas Road, Richland County TMS# 13500-02-04; 13500-02-05 and 13510-01-03 – *Approved on second reading.*
- F. Ordinance No.: 2007-090 – Annexing 36.482 acres, Clemson Frontage Road, Richland County TMS# 25700-02-04 and 25700-02-10 – *Approved on second reading.*

- G. Ordinance No.: 2007-092 – Vacating and closing an unopened portion of Roberts Street and a Forty (40') portion of Calhoun Street for the Winter Shelter – *Approved on second reading.*
- **Council recessed at 1:12 p.m.**
  - **Council reconvened at 1:24 p.m.**

### **UPDATES AND REPORTS**

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

Mr. Charles P. Austin, Sr., City Manager reported on the following matters:

GASB 45, the City's partnership with the Municipal Association of South Carolina, the search for a Police Chief, an update on the Winter Shelter and services for the homeless, the implementation of recording systems in various departments / divisions and the budget kickoff for fiscal year 2008-2009. This was received as information and no action was taken.

I. Staff Reports

- Functional / Organizational Audit – Ms. Melisa Caughman, Budget Director
  - Fire Sprinkler Systems – Mr. John Dooley, Director of Utilities and Engineering
  - Water Division Construction Activity - Mr. Steve Gantt, Senior Assistant City Manager for Operations
  - Land Acquisition Fund – Mr. Steve Gantt, Senior Assistant City Manager for Operations
- **Mr. Finlay left the meeting at 1:54 p.m.**
    - Main Street Phase II - Mr. Steve Gantt, Senior Assistant City Manager for Operations
    - East Gervais Street – Ms. Melissa Gentry, P.E., Director of Public Works
    - Comprehensive Plan Update - Mr. Chip Land, Director of Planning
    - Census 2010 Update - Mr. Chip Land, Director of Planning

These reports were received as information. No action was taken.

- Training Proposal for Land Use Boards and Commissions – Mr. Chip Land, Director of Planning

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve the Training Proposal for Land Use Boards and Commissions as recommended by staff. Some dates may be adjusted to reflect the changes in the Council's meeting schedule.

### **ORDINANCES – FIRST READING**

Upon motion by Mr. Cromartie, seconded by Mr. Davis, Council voted unanimously to give first reading approval on a single motion to **Items J.** through **O.** as presented.

- J. Ordinance No.: 2007-095 - Authorizing transfer of streets in The Village at River's Edge Subdivision to The Village At River's Edge, LLC – *Approved on first reading.*
- K. Ordinance No.: 2007-096 – Annexing 5213, 5243 and 5247 Forest Drive, Richland County TMS# 16706-03-34, 16706-03-35 and 16703-03-36 – *Approved on first reading.*

- L. Ordinance No.: 2007-097 – Annexing 3396 Broad River Road, Richland County TMS# 06114-01-03 – *Approved on first reading.*
- M. Ordinance No.: 2007-098 – Annexing 1055 Berea Road, Richland County TMS# 11206-03-03 – *Approved on first reading.*
- N. Ordinance No.: 2007-099 – Annexing 7655 Garners Ferry Road, Richland County TMS# - 16314-03-21 – *Approved on first reading.*
- O. Ordinance No.: 2007-100 – Authorizing transfer of 100 Gabriel Street, Richland County TMS# 14203-11-06 to Lisa Michelle Caesar – *Approved on first reading.*
- P. Ordinance No.: 2007-101 – Calling for a Referendum and Ballot Question to authorize the South Carolina Department of Revenue to issue temporary permits for Off-Premises Sales of Beer and Wine Sales without regard to the days or hours of sales – *Approved on first reading.*

Upon motion by Ms. Sinclair, seconded by Mr. Cromartie, Council voted unanimously to give first reading approval to Ordinance No.: 2007-101 - Calling for a Referendum and Ballot Question to authorize the South Carolina Department of Revenue to issue temporary permits for Off-Premises Sales of Beer and Wine Sales without regard to the days or hours of sales.

## **RESOLUTIONS**

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve on a single motion **Resolution Items Q.** through **S.** as presented.

- Q. Resolution No.: R-2007-019 – Authorizing Condemnation to obtain a 15' Water Main Easement and Fee Simple Acquisition of 7.18 acres from Richland County TMS#11000-01-02, N/F Columbia Ventures, LLC for CIP Projects #WM3631, #SS6395 and #SS6722 (02); CF# 250-212 & CF# 251-71 - *Approved*
- R. Resolution No.: R2007-064 – Authorizing the City Manager to execute a Lease between the Richland-Lexington Riverbanks Parks District a/k/a The Riverbanks Park Commission and the City of Columbia for the Saluda River Walk portion of the Three Rivers Greenway - *Approved*
- S. Resolution R-2007-065 Authorizing purchase of property known as 4061 Water Street, Richland County TMS #11602-12-07 - *Approved*

## **OTHER MATTERS**

- T. **\*\*Council is asked to approve the Purchase of Trees fro the Northwood Hills Barrier, as requested by Public Works. Award to Apple Tree Landscaping Nursery in the amount of \$28,890.00. This vendor is located in Columbia, SC. *Funding Source: 1011217-636600 - Approved***

Upon motion by Mr. Davis, seconded by Mr. Cromartie, Council voted unanimously to approve the Purchase of Trees for the Northwood Hills Barrier, as requested by Public Works. Award to Apple Tree Landscaping Nursery in the amount of \$28,890.00.

Upon motion by Mr. Cromartie, seconded by Mr. Davis, Council voted unanimously to approve **Items U.** through **Y.** on a single motion.

- U. Council is asked to approve the Destruction of One Hundred Thirty Four (134) Firearms as requested by the Columbia Police Department Evidence / Property Unit. - *Approved*

- V. Council is asked to approve the 2007 Auction, as requested by the Columbia Police Department Property / Evidence Unit. The Auction will be held on Saturday, December 8, 2007 at 8:00 a.m. at the Police Headquarters. - *Approved, subject to prohibiting relatives of active Police Department Personnel from participating in the Auction.*
- W. Council is asked to approve a Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Navpreet Singh doing business as City Taxi, 2300 Airport Boulevard, West Columbia, South Carolina 29170. - *Approved*
- X. Council is asked to approve a Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Jackie and Michael Horger doing business as A Luxury Taxi Service, 1400 Bella Vista Drive, Suite 27, Columbia, South Carolina 29223. - *Approved*
- Y. Council is asked to approve a Lease for Temporary Parking for Employees at the Police Department and Municipal Court, as requested by Parking Services. Award to First Citizens Bank and Trust Company in an amount not to exceed \$12,000.00. *Funding Source: 531636600 – Approved*

### **APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL**

No one appeared before Council at this time.

### **EXECUTIVE SESSION**

Upon motion by Mr. Cromartie, seconded by Mr. Davis, Council voted unanimously to go into Executive Session at 2:31 p.m. for the discussion of **Items Z.** through **Z2.** as amended.

- Z. Receipt of legal advice, which relates to a matter covered by attorney-client privilege  
*Items were discussed in Executive Session. No action was taken.*
- Z1. Discussion of negotiations incident to the proposed sale of property  
*Items were discussed in Executive Session. No action was taken.*
- Z2. **\*\*Discussion of negotiations incident to proposed contractual arrangements**  
*This item was discussed in Executive Session. No action was taken.*

- **Council adjourned the meeting at 3:25 p.m.**

Respectfully submitted by:

Erika D. Salley  
City Clerk