



CITY OF COLUMBIA
CITY COUNCIL MEETING &
ZONING PUBLIC HEARING MINUTES
WEDNESDAY, JULY 16, 2008
9:00 A.M.
CITY HALL – 1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting and a Zoning Public Hearing on Wednesday, July 16, 2008 in the City Hall Council Chambers 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 9:06 a.m. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann, The Honorable Kirkman Finlay III and The Honorable Belinda Gergel. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

MINUTES

1. Minutes of May 5, 2008

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve the Minutes of May 5, 2008 as presented.

PRESENTATIONS

1a. **Introduction of Intern – The Honorable E.W. Cromartie

Councilor Cromartie introduced Miss Doniece Allen as one of his 2008 summer interns that also volunteers for Fast Forward.

Miss Doniece Allen said that she is a fourteen year old that will be attending Spring Valley High School. She said that she is also a volunteer at the Fast Forward Technology Center where she started out as a camper four (4) years ago through a scholarship. She had a great time attending camps and serving as a volunteer. The skills learned in those camps can be shared at home and at school. She said that Fast Forward is great for adults as well.

2. Introduction of the July 2008 Employee of the Month (*Mr. Nathaniel K. Brown, Communications Training Officer*) – Mr. Michael A. King, Telecommunications Director

Mr. Michael A. King, Telecommunications Director introduced Mr. Nathaniel Ken Brown, Communications Training Officer as the July 2008 Employee of the Month. He said that Mr. Brown was nominated by many of the personnel in the Telecommunications Center. He was described by his peers as someone that is there when you need them; he always has a smile and a kind word for everyone; he is a model employee that does what is needed to get the job done; and most importantly he motivates others. He said that Mr. Brown is a true leader that leads by example.

Mayor Robert D. Coble and Mr. Charles P. Austin, Sr., City Manager presented Mr. Brown with a plaque and tokens of appreciation for being selected as the July 2008 Employee of the Month.

3. Introduction of the July 2008 Business Spotlight Program Honoree (*Miyos Restaurant*) – Mr. Angelo McBride, Administrator for the Office of Business Opportunities

Mr. Angelo McBride, Administrator for the Office of Business Opportunities introduced Miyos Restaurant as the Business Spotlight Program Honoree for July 2008. He said that Miyos Gourmet Group is an accomplished family owned Chinese restaurant that has been based in Columbia since 1996. They have five (5) restaurants in Columbia in the following areas: Main Street, Sumter Street, Lady Street, Harbison and Forest Drive and they plan to open two (2) more restaurants in 2009. They currently have over 200 employees from diverse backgrounds and they are noted as one of the few restaurants that employ many college students. Miyos is committed to the Columbia community by serving the Columbia City Ballet as well as the USC School of Music and the State Museum.

The members of Council presented a Proclamation to Ms. Michelle Wong as the Owner of Miyos Restaurant for being selected as the July 2008 Business Spotlight Honoree.

4. Palmetto Open Source Software Conference - Mr. Todd Lewis, Business Development for the Technical Services Division / TM Floyd and Company

Mr. Todd Lewis, Business Development for the Technical Services Division / TM Floyd and Company announced the upcoming Palmetto Open Source Software Conference on Wednesday, July 30, 2008 at 9:00 a.m. at the University of South Carolina / Swearingin Engineering Center. Open Source Software is an emerging technology wherein you are given access to the software source code and then you can customize it to fit your business / industry. He said that cities across the country are looking at this technology. He encouraged the city's Information Technology representative to attend the one-day conference.

REPORTS AND UPDATES

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

Mr. Charles P. Austin, Sr., City Manager provided the following report: I want to talk to you about a couple of matters; one involving public safety issues and the other are technology related matters. Recently we've had a number of high profile incidents to occur in some of our neighborhoods throughout this city and I had some discussions with the Police Chief. Since we've had those discussions we also talked about their analysis of incident reports and the intelligence information that they've collected from various sources. As a result of that, the Chief and I have agreed that he will develop a comprehensive strategy to institute his concept of community policing and that will be ready for him to bring forward at a future meeting; I would anticipate no later than the October meeting. We realize there are a number of things that need to be factored into that in terms of resources and ensuring that the information is accurate, but at the latest I would anticipate the first meeting in October will be when he brings forth that comprehensive strategy.

Councilor Davis asked if the Police Chief could consider something that will be done in North Columbia. There is a pilot approach that will be of assistance to the Police Department when it comes to a community policing concept and connecting with a citizen's group that is already in place.

Mr. Charles P. Austin, Sr., City Manager asked Mr. Davis if they could schedule a meeting so that he can pass this first hand information along to the Police Chief, noting that this is the kind of thing that Chief Carter is venturing to do right now, to connect with as many people as possible. He will set up a time for the meeting.

Councilor Finlay requested that the Council have numbers related to the Chief's plan at the Retreat in August; otherwise the Chief will bring them a program in October that can't be funded without amending the budget again or until the following year. It's going to be resources driven.

Mr. Charles P. Austin, Sr., City Manager said that we will certainly factor that into what we are doing. The second issue involves a rash of auto break-ins that occurred in various parking garages downtown. Once we reviewed the reports regarding those break-ins, we then developed a strategy for addressing those concerns. The first thing in that strategy was to sign a contract with the International Security Management Group, Inc. (ISMG) and along with our Police Officers and Parking Services staff we implemented a high visibility/high frequency security patrol. Again, that was coordinated through the Police Department, ISMG and Parking Services and the goal was to provide the highest level of security and cleanliness in our parking garages and to achieve this goal our strategies included reducing auto break-ins to the lowest possible level. We implemented a zero tolerance policy for loitering, vagrancy, littering, trespassing and panhandling. We are in the process of implementing a security education program to caution citizens about leaving valuables in open view. The results to date, since June 2, 2008 has been that no auto break-ins have been reported in the city's parking garages, we have a situation of improved cleanliness and safety and improved parking customer satisfaction. Now I want to emphasize that I am talking about city parking garages and not private parking garages, but we will be expanding this and of course as we expand it we will also take into consideration the need to include some private parking garages.

Councilor Rickenmann asked that they look at and discuss putting our parking garages out for an RFP, noting that Charleston has done that and part of their package had everything the City Manager just described, but they also managed the system and have been able to see more profits and better care of their facilities. Three other cities have requested copies of their RFP, because of the success they had. He said that it is great to secure the parking garages, but it must be the same group behind the rash of break-ins in the neighborhoods.

Mr. Charles P. Austin, Sr., City Manager said that he will take both of Mr. Rickenmann's thoughts into consideration, especially the idea of possibly outsourcing.

Councilor Rickenmann suggested that they consider the creation of an authority after the next retreat.

Mr. Charles P. Austin, Sr., City Manager wanted the Council to understand that given the nature of the auto break-ins we were experiencing there was a high level of anxiety so this was an emergency response.

Councilor Rickenmann said that he definitely won't criticize the response, but for future plans we need a long-term fix.

Mr. Charles P. Austin, Sr., City Manager said that air conditioners are being stolen also and it is really appalling to have people stealing \$10,000 air conditioning units to get \$200 worth of copper. It is unfair to those persons who are the victims of those crimes, so the Chief is incorporating all of that into his strategy, but that's going to be on a more short-term basis and that's something we need to respond to more immediately, because certainly we don't have persons who can continue to replace \$10,000 air conditioning units.

Councilor Rickenmann noted that the other latest crime spree is siphoning gas from other people's tanks so they don't have to go to the pumps.

Councilor Finlay reiterated the point that crime is moving into the neighborhoods with cars being stolen out of driveways. It is not necessarily violent crimes at this point, but it is an issue that is going to require more officers. I am glad to see the city acknowledge that we need more officers in parking garages; it's unfortunate that we have to go outside the city to hire them, but I think it is also a very clear indicator of what we are going to have to do on our streets too. We're going to have to have more feet on the streets for protection.

Mr. Charles P. Austin, Sr., City Manager said that he can't think of anything more disconcerting than to have somebody violate the sanctity of your private residence or that place from which you do business. Those are issues that we need to continue to place a major focus on and we're committed to doing that. He continued with the City Manager's Report as follows: There are two items on the agenda for which I solicit your support and approval and as I go through the report I have with us our Director of Information Technology Vince Simonowicz who will be available to offer an explanation of any technical questions that you might have about those issues. One of them involves our continued work on the Disparity Study and as you very well know our consultant, Mr. Franklin Lee has recommended that we adopt a centralized bidder process and while our staff is working on that matter and believes they will be able to get that task performed we wanted to offer a contingency in the event that we have some disruption or need further assistance. We are offering this item and encouraging you to support it, because it is critical to the overall process as it relates to implementing the centralized bidder process. The second item, item 15 is a contract addendum with Sungard Bi-Tech for professional services needed for consulting and project management. As you very well know our focus is on improving our financial reporting capabilities and implementing best practices. These services will assist us with system set up changes, training and the business review process. The project will compliment the work that we are currently doing with the Municipal Association of South Carolina and it is critical for improving our financial reporting capabilities. When I look at and consider both items, I can't over stress to you the importance; we are at a critical point in improving our financial reporting capabilities. We have identified the crux of a major problem and in order for us to fix this problem and go forward as it relates to reconciling our cash intake this is going to be a critical part of that. One affects the continued work on the Disparity Study and the other affects our ability to perform the cash reconciliations.

Mayor Coble said that it might be a good idea to have a briefing as soon as possible on the reorganization of the Finance Department to catch everybody up, particularly after the auditing for 2007.

Mr. Charles P. Austin, Sr., City Manager said that beginning this Friday he will hold weekly meetings with the Finance Department staff along with the Municipal Association team. He invited the Council members to come to those meetings so that they might not only get the most updated information but a time to ask questions while the entire team is assembled. In fact, he is going to move a portion of his office to Washington Square so that he is physically there on a more regular basis and have a more interactive role in terms of monitoring this project as it goes forward. They will be meeting every Friday at 10:00 a.m. and he encouraged the members of Council to attend those meetings as their schedules might permit.

Councilor Rickenmann reminded the City Manager of Council's request to have regularly scheduled meetings for the Audit Committee and the Budget Committee.

Mr. Charles P. Austin, Sr., City Manager said that the next two Wednesdays are open for meetings, noting that he has postponed his trip to Virginia, because his presence is more needed here at this time so we can continue to move this process forward.

There was a consensus of Council to send the dates that they are available in July to the Mayor for the scheduling of upcoming work sessions.

Mr. Charles P. Austin, Sr., City Manager asked the members of Council to consider having a regular meeting during the morning of August 20, 2008 and a retreat during the afternoon of August 20, 2008 and continuing on August 21, 2008, because we do have some items to bring to your attention. He closed his report as follows: The final item I want to bring to your attention involves our on-going work with Blue Cross Blue Shield. We met with the Blue Cross Blue Shield representatives on Monday, July 14, 2008 and you might recall that I talked with you at our last meeting about the Healthcare Management Program that we've worked out with Blue Cross Blue Shield and I told you at that time that it would cost us \$41,000 for that program. Well, I am back today to tell you that during our discussions in the spirit of a good corporate citizen, Blue Cross Blue Shield has agreed to waive the \$41,000 fee so that we might go forward.

Councilor Rickenmann stated that last Wednesday they asked staff to schedule the Economic Development Contingency Budget.

Mr. Charles P. Austin, Sr., City Manager said that he has the information for the members of Council today, but he wasn't sure if they wanted to discuss it or if they just wanted the reports.

There was a consensus of Council to receive the report today and to schedule the matter for discussion on the next meeting agenda.

Mr. Charles P. Austin, Sr., City Manager told the members of Council that staff will provide a report during the August 6, 2008 meeting regarding the Citywide Wellness Campaign and at that time we will be able to connect the Healthcare Management Program with the Citywide Wellness Plan and how we will expand that to ensure that we not only have a healthy workforce, but how it will also work to help us build a healthier city lifestyle.

Councilor Finlay asked how much more is the city going to spend to get our financial picture clarified, because now we are in a new year and he doesn't know if the dollars were appropriated in the budget, but again it's the same issue with the Police where we will be looking at a budget in August. We need firm numbers prior to amending the budget.

Mr. Charles P. Austin, Sr., City Manager said that we also need to provide timelines to support the requests.

6. Staff Reports

- The Columbia Plan – Mr. Jeff Crick, City Planner / Planning and Development Services

Mr. Jeff Crick, City Planner / Planning and Development Services reported that the timeline remains on track for the Planning Commission to provide a recommendation on the plan and to begin the Public Hearing process. The final results from the public input sessions have been posted on the Planning and Development Services website. He reported that over six (6) months of input was gathered through twelve (12) input events throughout the city, 1,590 vote responses and 748 collected surveys.

Councilor Davis asked if the schedule included feedback to the districts and neighborhoods before it is finalized. He feels that it would be to the taxpayers advantage if we went back and showed them the results and received final input prior to coming up with the final document.

Mr. Jeff Crick, City Planner / Planning and Development Services responded that they have not included sessions to take the results back to the communities; however, during the second set of meetings staff did report back on the results of the first meetings.

Councilor Gergel asked Mr. Crick to elaborate on the desire to develop incentives for the reuse of existing buildings and structures that exemplified design guidelines and energy efficient /

“green” construction.

Mr. Jeff Crick, City Planner / Planning and Development Services explained that they met with various organizations to discuss the things that would make business a little bit easier and things that are environmentally friendly. These matters scored well in the surveys; were heard about often during the input meetings; and it is supported by some Planning Commission members.

CONSENT AGENDA

Upon motion by Mayor Coble, seconded by Mr. Rickenmann, Council voted unanimously to approve the **Consent Agenda Items 7.** through **9.** and **11.** through **22.** on a single motion. **Item 10.** was approved by a separate motion.

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

7. Council is asked to approve an Agreement for Safety Consulting Services, as requested by the Department of Utilities and Engineering. Award to B.P. Barber & Associates, Inc. in an amount not to exceed \$10,800.00. This firm is located in Columbia, SC. *Funding Source: Columbia Canal and Lake Murray Water Treatment Plants Operating Budgets for 2008/2009 - Approved*

8. Council is asked to approve the Purchase of the 2008 Cool Season Annuals Plant Materials, as requested by the Forestry & Beautification Division. Award to the lowest bidder of each lot in the total amount of \$10,829.46. *Funding Source: 2111223-663800 - \$4,477.48, 2111222-627300 - \$759.79; and 1011217-627300 - \$5,592.19 - Approved*

Lots 1, 2, 3, 4, 5 and 9	Rebekah’s Gardens	Columbia, SC	\$9,092.85
Lots 6 and 8	Marlboro Bulb Company	Greenwood, SC	\$261.00
Lot 7	Golden Pines Gardens, Inc.	Lamar, SC	\$567.00

9. Council is asked to approve an Agreement for Engineering Services for Design and Construction Services in Connection with the Reconstruction of existing Gravity Sanitary Sewer Lines in the vicinity of Bosworth Field Court near Irmo, SC, as requested by Engineering Operations. Award to Chao and Associates in an amount not to exceed \$13,190.00. This is an MBE firm located in Columbia, SC. *Funding Source: 2008/2009 Capital Improvements Program Budget - Approved*

10. Council is asked to approve the Purchase of a Satellite System for the Command Trailer, as requested by Homeland Security. Award to the lowest bidder, Mobile Satellite Technologies in the amount of \$21,006.80. This vendor is located in Chesapeake, VA. *Funding Source: 2059999-658600 / JL9601000107-658600 - Approved*

Councilor Rickenmann asked if this would be a reimbursable expense under Homeland Security. He asked that the items be labeled to reflect that in the future.

Mr. Harold Reaves, Director of Homeland Security stated that this is a MMRS reimbursable item that the committee voted to purchase.

Councilor Finlay wants to ensure that we understand which reimbursements may be held up, because the city can’t provide a clean audit at this point.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve the Purchase of a Satellite System for the Command Trailer, as requested by Homeland Security. Award to the lowest bidder, Mobile Satellite Technologies in the amount of \$21,006.80. This vendor is located in Chesapeake, VA. *Funding Source: 2059999-658600 / JL9601000107-658600*

11. Council is asked to approve the Purchase of Safety Shoes and Boots for City Employees, as requested by the Public Works Department. Award to the lowest bidder, Lehigh Safety Shoe Company in the amount of \$66,607.50. This mobile vendor is located in Columbia, SC. *Funding Source: 6208956-625900 - Approved*
12. Council is asked to approve an Agreement for Engineering Services for the Redesign of a Proposed 48-inch Water Line from Interstate 77 to Rimer Pond Road; CIP WM4020, as requested by Engineering Operations. Award to B.P. Barber & Associates, Inc. in an amount not to exceed \$86,115.00. This firm is located in Columbia, SC. *Funding Source: 2008/2009 Capital Improvements Program Budget - Approved*
13. Council is asked to approve the Purchase of Recapped Tires, as requested by the Fleet Services Division. Award to the lowest bidder of each lot in the total amount of \$268,806.63. Both vendors are located in Columbia, SC. *Funding Source: 6308970-672500 - Approved*

Lots 1, 2, 6 and 7	Frasier Tire Service Inc.	\$217,995.25
Lots 3, 4 and 5	Snider Tire Inc.	33,225.40

14. Council is asked to approve a Contract Addendum for Software License and Implementation Services of Bid On-Line, as requested by the Finance and Information Technology Departments. Award to Sungard Public Sector Bi-Tech, LLC in the total amount of \$152,377.00. This vendor is located in Chico, CA. *Funding Source: Integrated Software Budget 6218950 - Approved*
15. Council is asked to approve a Contract Addendum for Professional Services related to Consulting, Project Management and Process Re-Engineering of the City's Financial Software IFAS, as requested by the Finance, Water Administration and Information Technology Departments. Award to Sungard Public Sector Bi-Tech, LLC in the total amount of \$258,400.00. This vendor is located in Chico, CA. *Funding Source: Accounting (1011401), Finance (1011402), Water Administration (5511409) and Information Technology (1011120) FY 08/09 Budgets - Approved*

ORDINANCES – SECOND READING

16. Ordinance No.: 2007-077 – Annexing 410 Harbison Boulevard, Richland County TMS# 04908-01-10 – *First reading approval was given on October 3, 2007. – Approved on second reading.*
17. Ordinance No.: 2008-037 – Granting an encroachment to the St. Thomas More Catholic Student Center for installation and maintenance of brick pavers and landscaping adjacent to its building at 1610 Greene Street - *Approved on second reading, subject to all Americans with Disabilities Act (ADA) requirements being met and the minimum width for ADA being maintained.*
18. Ordinance No.: 2008-041 – Granting encroachment to Main & Gervais, LLC for its building at 1221 Main Street for installation and maintenance of a driveway, water and sewer utility lines, parking spaces and building overhang – *Approved on second reading.*
19. Ordinance No.: 2008-052 – Granting an encroachment to The Blue Marlin for installation and maintenance of a flower bed within the right of way area of the 1200 block of Lincoln Street adjacent to its building – *Approved on second reading.*

20. Ordinance No.: 2008-056 – Annexing 101 Powell Road, Richland County, TMS # 14500-02-24 – *Approved on second reading.*
21. Ordinance No.: 2008-058 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 13, Municipal Court – *Approved on second reading.*
22. Ordinance No.: 2008-060 – Allowing for hospitality cabinets (mini-bars) in qualified facilities within the City limits of the City of Columbia – *Approved on second reading.*

- **Council recessed at 9:53 a.m.**
- **Council reconvened at 10:00 a.m.**

**Councilor Finlay reported that he has been having problems with the Department of Transportation over the permit for the sidewalk on Atlas Road and he would like to go and visit with Mr. Brunson of SCDOT along with Ms. Melissa Gentry, Director of Public Works to see if they can free this up post-haste. He recalled seeing two citizens in wheelchairs riding along Atlas Road last week and he is sure SCDOT just doesn't understand the magnitude of the issue. The permit application was submitted 3-4 months ago.

Mr. Charles P. Austin, Sr., City Manager said that the meeting would be scheduled and that either he or Mr. Gantt would accompany them to the meeting.

SIDEWALK VENDING PUBLIC HEARING

- **Council opened the Public Hearings at 10:01 a.m.**

ORDINANCE - FIRST READING

23. **Mid-block pad along the west side of Main Street, adjacent to 1701 Main Street (Richland County Judicial Center)**

Ordinance No.: 2008-059 – Granting a Franchise to Robert Spencer for operation of a stationary sidewalk vending cart on the west side of the 1700 block of Main Street – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that this item is the renewal of a sidewalk vending application in the mid-block pad of the west side of Main Street adjacent to the Richland County Judicial Center. He added that staff recommends approval.

No one appeared in support of or in opposition to **Item 23.**

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2008-059 – Granting a Franchise to Robert Spencer for operation of a stationary sidewalk vending cart on the west side of the 1700 block of Main Street.

ZONING PUBLIC HEARING

CONFIRM ZONING OF PREVIOUSLY ANNEXED PROPERTIES – FIRST READING

No one appeared in support of or in opposition to **Items 24.** through **26.**

Upon motion by Mr. Finlay, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval on a single motion to the *Confirmation of Zoning of Previously Annexed Properties* as outlined in **Items 24., 25. and 26.**

24. **Bible Way Church of Atlas Road and associated parcels;** TMS# 13509-01-01, 05, 06, 07, 17, 18; 13510-02-01, 02, 03, 04, 05, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22; 13510-04-01, 02, 03, 04; 13514-01-01, 03, 04, 05, 06, 07, 08, 09, 10, 11A, 11B, 12; 13515-06-01, 02, 03, 06, and 36; confirm D-1, RS-3, C-1 zoning. – *Approved on first reading.*
25. **Canary Woods – Phase 1,** TMS# 22015-01-56, 57, 58, 59; 22015-02-09, 10, 11, 12, 13; 22015-07-01, 02, 03, 04, 05, 06, 07; 22016-01-13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55; 22016-02-01, 02, 03, 04, 05, 06, 07, 08; and 22016-03-01; confirm RS-2 zoning. – *Approved on first reading.*
26. **144 Island View Circle, 148 Island View Circle, 160 Island View Circle, 164 Island View Circle, 172 Island View Circle, 176 Island View Circle, 180 Island View Circle, 184 Island View Circle, 190 Island View Circle, 179 Island View Circle, 163 Island View Circle, 157 Island View Circle, 147 Island View Circle, 143 Island View Circle, and Island View Circle,** TMS #28907-01-06, 28907-01-07, 28907-01-10, 28912-01-07, 28912-01-05, 28912-01-04, 28912-01-03, 28912-01-02, 28912-01-01, 2808-02-08, 2808-02-11, 2808-02-12, 2808-02-05, 2808-02-06 and 28912-01-08; confirm PUD-R zoning. – *Approved on first reading.*

ANNEXATION WITH REZONING – FIRST READING

27. **4120 River Drive,** TMS# 07315-01-01, -02; annex and rezone from Richland County GC (General Commercial) to City of Columbia RS-3. – *Approved on first reading. Staff was directed to meet with the adjacent property owner and their attorney to discuss the future use of their property and buffering between the parcels.*

Ordinance No.: 2008-057 – Annexing 4120 River Drive and R4120 River Drive, Richland County TMS #07315-01-01 and 07315-01-02 – *Approved on first reading.*

Mr. Marty and Joyce Jewel 1131 Broad River Road appeared before the members of Council as adjacent property owners to ensure that this development doesn't affect their property, at all, in regards to boundaries and to ensure that if privacy or a buffer zone is to be established around their property, it is done at the cost of the developer and not them. They purchased the property to construct warehouses for their business.

Mayor Coble asked Mr. Mylott to respond to the Jewels' concerns and to schedule a meeting with them along with their attorney to answer questions prior to second reading.

Councilor Rickenmann asked that they include information on the construction of the warehouses so they can review the buffer zone from all sides.

Councilor Finlay noted that he knows the developer and believes that he is a reasonable guy that will sit down and amicably work through any issues.

Upon motion by Mr. Davis, seconded by Ms. Devine, Council voted unanimously to give first reading approval on a single motion to the *Annexation and Rezoning* of 4120 River Drive, TMS# 07315-01-01, -02; annex and rezone from Richland County GC (General Commercial) to City of Columbia RS-3 **and** Ordinance No.: 2008-057 – Annexing 4120 River Drive and R4120 River Drive, Richland County TMS #07315-01-01 and 07315-01-02, subject to staff meeting with the

adjacent property owner and their attorney to discuss the future use of their property and buffering between the parcels.

Councilor Finlay inquired about the cost analysis provided by the Police Department and asked that the Legal Department draft a proposal or language for review at the upcoming retreat such that he can put a motion on the table that as we annex property and it begins to accrue expenses to the various departments that we automatically incur those expenses at a deferred rate, either at a third a year or a quarter a year into future budgets, because there is a cost of annexing that we need to put into the Police Department, Fire Department, water and other departments' budgets as we go. Otherwise, it becomes a very difficult issue to deal with going forward, because of cost. It is obvious that this property's cost will not become \$250,000 on day one, but 5-10 years from now it very well may be. Departments need to provide a cost that can be built into future year's budget so we can understand what the costs may look like down the road.

Mr. Charles P. Austin, Sr., City Manager said that he has not been pleased with the manner in which we have gone about making estimates for annexations in the past and he asked Mr. Mylott to develop a formula that will allow us to evaluate properties. For example, if one property sits directly across the street from another property that is already in this city then resources are already allocated to that area and I have some question as to the request for additional resources when we are going to be right across the street anyway. I want to be sure that we aren't asking for additional resources for the sake of asking and that we are in fact going to have to hire or deploy additional resources to an area removed from a current property.

Councilor Davis said that is in terms of areas that are not contiguous to incorporated lines. Instances such as this would not cost that much, because we are already in that area.

Councilor Finlay said that we have annexed some significant quantities of property over the last few years. He requested a realistic estimate of what it has cost us and an automatic funding mechanism.

Councilor Devine said that we need to stay on top of the traffic and ingress and egress of that area. In the past the city requested a stop light for that area, but it was denied because the demand was not there. There have been 2-3 new residential developments since then and we need to stay on top of this to ensure that we don't have 500 people living there and end up with a traffic nightmare.

Councilor Davis said that these two developments are a reality and there is a potential for another dense development across the street. He believes that SCDOT will consider that and work with us in advance.

28. **808 Heyward Street**, TMS# 08816-01-18; annex and rezone from Richland County M-1 to City of Columbia RS-3. – *Approved on first reading.*

Ordinance No.: 2008-046 – Annexing 808 Heyward Street, Richland County TMS# 08816-01-18 – *Approved on first reading.*

Ms. Carol Culbertson, Applicant said that she and her parents have owned this property for over 25 years and applied for annexation to get lower water and sewer rates for the tenancy.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to give first reading approval on a single motion to the *Annexation and Rezoning* of 808 Heyward Street, TMS# 08816-01-18; annex and rezone from Richland County M-1 to City of Columbia RS-3 **and** Ordinance No.: 2008-046 – Annexing 808 Heyward Street, Richland County TMS# 08816-01-

18.

HISTORIC AND / OR DESIGN PRESERVATION DESIGNATION (MAP AMENDMENT / REZONING & TEXT AMENDMENT)

29. **301 Elmwood Avenue**, TMS# 09007-01-01; rezone from RG-2 -DD to RG-2 -DD -DP.

Ordinance No.: 2008-047 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article V, Historic Preservation and Architectural Review, Division 4, Landmarks, Sec. 17-691, Buildings and site list, (b) Group I – *Approved on first reading.*

Ms. Amy Moore, Historic Preservation Planner explained that Randolph Cemetery is a significant cemetery, because it is the final resting place for ten (10) black Reconstruction Era legislators and it is perhaps the only cemetery in this country with this distinction. She noted that we are very fortunate to have it here. It's named for B.F. Randolph, who was a highly respected African American leader that served as a State Senator from Orangeburg County. He was elected in 1868 and was assassinated in 1871 after a very short tenure. The cemetery was put into place three (3) years later as a memorial by friends and family members.

No one appeared in support of or in opposition to **Item 29**.

Upon motion by Mr. Davis, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval on a single motion to the *Map Amendment / Rezoning* for 301 Elmwood Avenue, TMS# 09007-01-01; rezone from RG-2 -DD to RG-2 -DD -DP **and** Ordinance No.: 2008-047 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article V, Historic Preservation and Architectural Review, Division 4, Landmarks, Sec. 17-691, Buildings and site list, (b) Group I – Randolph Cemetery.

TEXT AMENDMENTS – FIRST READING

30. **Amend Chapter 17, Article 3, Division 1, §17-55 and Division 8, §17-258 - Commercial Vehicle Parking in Residential Districts.**

Ordinance No.: 2008-049 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article -III, Zoning, Division 1, Sec. 17-55, Definitions to add Commercial vehicle, and Division 9, Supplementary District Regulations, Sec. 17-317, Home occupations (3) – *Approved on first reading.*

Ordinance No.: 2008-051 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258, Table of permitted uses (3) – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that this item is a result of the tours of the neighborhoods in Mr. Cromartie's district, wherein they found several tractor trailers parked in residential neighborhoods. There was a problem with the way the zoning Ordinance was written and this amendment will clarify that any vehicle requiring a CDL is not permitted within residential neighborhoods.

Councilor Rickenmann asked Mr. Mylott if he considered the fact that a CDL permit is required for a ½ ton or a ton pick up truck if they are carrying oxygen for delivery. He asked what the consequence would be for repeat offenders. He asked that staff look at the current fines and step it up if possible. He said that this is a reoccurring problem, especially on Marstellar Court.

Mr. Marc Mylott, Director of Planning and Development Services stated that the first violation would receive a notice of violation and the second violation would allow them to issue a summons. The intent is not to include pick up trucks.

Councilor Finlay stated that we have a no parking in front yard ordinance that is barely constitutional and he would like for the City Attorney to provide an opinion on the constitutionality of this ordinance. He understands the amount of damage that 18-wheelers can cause, but he wants to make sure this can be upheld.

Councilor Davis said that he receives calls on weekends and it becomes a shell game. This relates back to the wear and tear and damage to curbs, gutters and sidewalks that becomes expensive to the city. We need to listen to the taxpayers due to the impact on property values.

Councilor Cromartie said that he had a similar ordinance passed and it is currently on the books. That Ordinance says that you can't have the large trucks with the attached trailers. The trucks belong in commercial areas. He believes that people have not been ticketed as they should. He noted that this ordinance has not been challenged.

No one appeared in support of or in opposition to **Item 30**.

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval on a single motion to Ordinance No.: 2008-049 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article -III, Zoning, Division 1, Sec. 17-55, Definitions to add Commercial vehicle, and Division 9, Supplementary District Regulations, Sec. 17-317, Home occupations (3) **and** Ordinance No.: 2008-051 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258, Table of permitted uses (3).

31. Amend Chapter 17, Article III, Division 9, §17-322.

Ordinance No.: 2008-001 – Amending the Code of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplemental District Regulations to add a new Sec. 17-322, Interim Measures for Community Character Protection - *The Zoning Public Hearing was conducted on January 23, 2008. On May 7, 2008 this Ordinance was remanded to the Planning Commission for consideration and a recommendation. – Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that this is the fourth amendment to the text that would create interim measures to address concerns raised to the Council in March about the neighborhood boundaries and relying upon those as a way to simply amend the text. This current version takes the application through a text and map amendment process, which at the same time addresses concerns that were raised in a letter from Pat Hubbard about unlawful delegations of authority. It also addresses the concerns raised by the Rosewood Community Council about umbrella organizations. This Ordinance applies to the text only and the following Items A through F. would put the overlay onto particular geographies.

Ms. Alice Appleby, 1208 Confederate Avenue appeared before the Council in opposition to the text amendment, because she bought a house in Cottontown sixteen (16) years ago and it is zoned commercial. This text impacts property that is zoned residentially and used residentially. She lives at this address, but initially purchased it in hopes of starting a business. She thinks that this overlay would be a limiting factor on what she can do with her property and doesn't want this. She attended three (3) of the four (4) meetings, noting that the Planning Commission did not support this. She said that free enterprise is better than enforcing governmental regulations on property. She walked the neighborhood and there is one (1) other house

currently zoned C-1.

Councilor Cromartie asked if this would change Ms. Appleby's use.

Councilor Devine asked if the underlying zoning would remain the same.

Mr. Marc Mylott, Director of Planning and Development Services stated that it would not change the use of the property. He said that Ms. Appleby spoke at the Planning Commission meeting and she was concerned about the ability to somehow modify the structure in the future if the structure had to be reviewed or if ultimately she decided to demolish it. The reason we use the phrase "or used residentially" is because there is a well established neighborhood that is zoned commercially and they would not be able to apply for interim measures. Staff advised Ms. Appleby at the Planning Commission meeting to establish a business at that location so that it would no longer be used residentially. She could continue to live there.

Ms. Alice Appleby, 1208 Confederate Avenue said that she would then be subject to go before a review board to get permission to do anything to the house. She said that her investment is about to mature and she might want to move her house to another piece of property and sale that one, but she would have to get permission first. She described the poor state of the house when she first acquired it. She would not mind being the centurion on the edge of the neighborhood. She feels that her investment has helped to mature the neighborhood, noting that the city can't take away the rights she bought 16 years ago.

Councilor Finlay asked Mr. Mylott what would happen if Ms. Appleby applied for a business license next week and the property became 100% commercial, would she be under interim measures.

Mr. Marc Mylott, Director of Planning and Development Services replied no.

Councilor Finlay asked Mr. Mylott if the property became 51% commercial and 49% residential would it be under interim measures.

Mr. Marc Mylott, Director of Planning and Development Services said that he would have to look into the matter of split use.

Councilor Cromartie said that he is sympathetic of Ms. Appleby's situation and suggested that there is a way to work something out.

Mr. Marc Mylott, Director of Planning and Development Services explained that the only application of interim measures that would apply to Ms. Appleby's property would be if she was seeking a partial or total demolition. At this juncture, interim measures are not about ensuring compatibility. He noted that the Cottontown Neighborhood Association has begun the process of exploring historic district designation and there may be some crossing over of those processes.

Councilor Finlay suggested that this parcel be omitted from the overlay since it is on the outside of the neighborhood. We want home based businesses that are compatible and don't create traffic because it leads to the development of an urban center.

Councilor Devine said that the overlay is not prohibiting Ms. Appleby from doing what she wants to do with her property, but it is protecting the rest of the neighborhood if she decides to sale the property and someone decides to build something that doesn't fit with the neighborhood.

Councilor Finlay stated that there is an inherent conflict we are creating. He said that we need to explore other options such as establishing a threshold.

Mr. Marc Mylott, Director of Planning and Development Services stated that there is not a breaking point if used residentially, because if someone is living there, it is used residentially. The solution would be to carve out this particular piece. These interim measures don't prohibit her or any future purchaser's ability to use this property for commercial purposes in as much as she could when she purchased it 16 years ago.

Councilor Davis said that the new owner could come in under the commercial zoning or construct a structure that conforms to the interim measures.

Councilor Gergel asked Mr. Mylott to clarify how Ms. Appleby is harmed by this.

Mr. Marc Mylott, Director of Planning and Development Services said that it would be best for Ms. Appleby to explain that, but his perspective is that she would not be harmed if she wants to use it for commercial purposes, if she would simply apply for a business license, do any interior modifications that might be required of the building code and then the interim measures would not apply, because the structure is not used residentially.

Councilor Gergel asked Mr. Mylott to clarify how her neighbors might be harmed if we do not do this or what dangers this might pose to character if this is not done.

Mr. Marc Mylott, Director of Planning and Development Services said that the future historic district designation should be looked at in terms of long-term impacts. This is to prevent dramatic impacts to this type of character.

Councilor Gergel asked if Ms. Appleby's property is located by a residence.

Ms. Alice Appleby, 1208 Confederate Avenue explained that across the street from her property is an office for a used car lot; to the left is Main Street; and a small house is to her right.

Councilor Rickenmann said that the underlying issue is that she might not be approved to move the house if she chose to.

Councilor Finlay said that there is not delineation between residential and commercial. He said that we are unintentionally encouraging this property to become commercial.

Mr. Brian P. Robinson, 1622 Heyward Street appeared before the Council in opposition to the text amendment. He said that as a practical application, if you go down Heyward Street you will find very large houses and bungalows on the same block and a variety of other structures that vary in materials, colors and décor. He said that the City is going to get sued and will lose, because there is no standard to apply. He described his neighborhood as eclectic. How will you direct the Planning Commission? What rules will you apply? How are you going to develop and apply the standards?

Mr. Jonathan Gieseler, 3319 Duncan Street appeared before the Council in general support of the intent of the text amendment. He owns three (3) properties in Shandon; one of which can be subdivided. He thinks that the text amendment is a good idea, because the issue is the overbuilding of neighborhoods. He thinks that reasonable approaches to protecting the character and the preferences of the residents are the justifiable intent.

Ms. Carla Moore, 2300 Wilmot Avenue appeared before the Council in support of the text amendment. She thinks that the interim measures are working for the Shandon Neighborhood. This provides an opportunity to talk with neighbors to determine what will work for each neighborhood. She urged the Council to help them follow through with what has been started.

Ms. Beth Bilderback, President of the Hollywood/Rosehill Neighborhood Association appeared before the Council in support of the text amendment. She concurred with Ms. Moore about the positive aspects of this. They have seen the loss of many contributing structures in Hollywood/Rosehill; one of which was moved and the lot is now a parking lot. They are very concerned about what is happening. This will be a benefit to the neighborhood, noting that a property owner has rights, but a property owner also has certain responsibilities, which include being a good neighbor and being aware of what you do and how it affects your neighbors and the neighborhood.

Mr. Larry Gates, President of the Whaley Street Neighborhood appeared before the Council in support of the text amendment, because it is a good tool for people that are trying to maintain their communities.

Ms. Jenny Smith, 1403 Wellington Drive / Forest Hills Neighborhood appeared before the Council in support of the text amendment, because it will provide guidelines during a two (2) year period while a twelve (12) member committee works to develop agreed upon guidelines for the neighborhood.

Councilor Devine asked Mr. Mylott to determine the number of properties that are zoned commercially, but used residentially.

Mr. Marc Mylott, Director of Planning and Development Services stated that he would provide that information prior to second reading approval.

Upon motion by Mayor Coble, seconded by Dr. Gergel, Council voted unanimously to give first reading approval to Ordinance No.: 2008-001 – Amending the Code of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplemental District Regulations to add a new Sec. 17-322, Interim Measures for Community Character Protection.

Councilor Cromartie asked Mr. Mylott to consider the concerns of the speakers and determine what can be done to balance those concerns. He requested a report on these matters.

MAP AMENDMENTS (REZONINGS) – FIRST READING

- A. **Rezone to add –CC overlay district to all parcels to implement Interim Measures for Community Character Protection to the following areas:**
- a. **Cottontown** - Generally bounded on the east by Route 277 and Bull Street, on the south by Elmwood Avenue, on the west by N. Main Street, and on the north by the unopened Northeastern Freeway (Route 277). – *Approved on first reading.*

Ms. Barbara Sherrod, 2211 Bull Street appeared before the members of Council in opposition to the text amendment, because she lives on property that is zoned commercial. There is one (1) additional property that is zoned commercial, but used as residential. She is concerned that she may want to sale her house and would want the purchaser to be able to do what they want with the property. She wants her property to remain commercial and not be tied into the overlay for the Cottontown Neighborhood.

Mayor Coble asked Mr. Mylott to review 2211 Bull Street and provide a report on the impact of this overlay.

Councilor Cromartie said that this property is in a commercial corridor and the owner has a right to get the commercial value of the property.

Councilor Davis said that most neighborhoods are bounded by commercial corridors. Councilor Rickenmann said that people don't feel comfortable with the boundaries. He said that the boundary lines should be around the residential parcels and not the commercial parcels if they are not being included in the overlay. We need to survey the boundary lines for the six (6) neighborhoods. He used the Devine Street buffer as an example.

Mr. Marc Mylott, Director of Planning and Development Services said that the basic intent of the interim measures is to protect the geography against anything egregious that may have a long term impact on that area. The commercial areas are included in the boundaries, because some parcels within that district may be used residentially.

Councilor Davis would like to hear from the neighborhoods that are contiguous to the corridors that are being discussed. We should hear from them before we finalize this, so it is something positive for the business community and the neighborhoods.

Councilor Gergel said that this is about protecting the distinctive character within neighborhoods and she hopes they can move forward.

Mr. Russell Sox, 2231 Wallace Street / Cottontown Neighborhood Council appeared before the Council in support of the text amendment. He said that they are surrounded by commercial parcels on three (3) sides and they have always embraced that. They are very concerned about what happens on the commercial fringes of their neighborhood, because it impacts their residential properties as well. It is his desire that they stick with the traditional boundaries.

Mr. Paul Bouknight, President of the Cottontown Neighborhood appeared before the members of Council in support of the text amendment. He thanked the Council for helping the Cottontown Neighborhood hold on to what they have.

Ms. Alice Appleby, 1208 Confederate Avenue / Cottontown Resident, reiterated her request to be omitted from the overlay. She said that the commercial properties on Main Street are limited by the size of the lots. She said that her property was zoned commercially, because of the width of the lot.

Upon motion by Mayor Coble, seconded by Mr. Davis, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning of Cottontown* - Generally bounded on the east by Route 277 and Bull Street, on the south by Elmwood Avenue, on the west by N. Main Street, and on the north by the unopened Northeastern Freeway (Route 277) to add -CC overlay district to all parcels to implement Interim Measures for Community Character Protection. Mr. Rickenmann was not present for the vote.

- b. Shandon** - Generally bounded on the north by Devine Street, to the east by Kilbourne Road, to the south by Rosewood Drive, and the east by Harden Street. – *Approved on first reading.*

No one appeared in support of or in opposition to **Item Ab**.

Upon motion by Mayor Coble, seconded by Dr. Gergel, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning of Shandon* - Generally bounded on the north by Devine Street, to the east by Kilbourne Road, to the south by Rosewood Drive, and the east by Harden Street to add -CC overlay district to all parcels to implement Interim Measures for Community Character Protection.

- c. Hollywood/Rose Hill** - Generally bounded on the north by Heyward Street; on the east by S. Harden Street; on the south by Rosewood Drive; and on the west by S. Marion Street. – *Approved on first reading.*

No one appeared in support of or in opposition to **Item Ac.**

Upon motion by Ms. Devine, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning of Hollywood/Rose Hill* - Generally bounded on the north by Heyward Street; on the east by S. Harden Street; on the south by Rosewood Drive; and on the west by S. Marion Street to add –CC overlay district to all parcels to implement Interim Measures for Community Character Protection.

- d. Sherwood Forest** - Generally bounded by starting at the intersection of Devine Street and Kilbourne Road, southeasterly along Devine Street to Beltline Boulevard, southerly along Beltline Boulevard to Rosewood Drive, westerly along Rosewood Drive to South Kilbourne Road, northerly along South Kilbourne Road to midblock between Yale and Heyward Streets, easterly midblock between Yale Avenue and Heyward Streets to the end of Heyward Street and northerly to midblock between Monroe and Duncan Streets, westerly to Kilbourne Road, and northerly to the starting point described above. – *Approved on first reading.*

No one appeared in support of or in opposition to **Item Ad.**

Upon motion by Dr. Gergel, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment/Rezoning of Sherwood Forest* - Generally bounded by starting at the intersection of Devine Street and Kilbourne Road, southeasterly along Devine Street to Beltline Boulevard, southerly along Beltline Boulevard to Rosewood Drive, westerly along Rosewood Drive to South Kilbourne Road, northerly along South Kilbourne Road to mid-block between Yale and Heyward Streets, easterly mid-block between Yale Avenue and Heyward Streets to the end of Heyward Street and northerly to mid-block between Monroe and Duncan Streets, westerly to Kilbourne Road, and northerly to the starting point described above to add –CC overlay district to all parcels to implement Interim Measures for Community Character Protection.

- e. Forest Hills** - Generally bounded on the north by Forest Drive, on the east by Glenwood Road, on the south by Gervais Street, and on the west by Manning Avenue. (Map on file in Zoning). – *Approved on first reading.*

No one appeared in support of or in opposition to **Item Ae.**

Upon motion by Dr. Gergel, seconded by Ms. Devine, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning of Forest Hills* - Generally bounded on the north by Forest Drive, on the east by Glenwood Road, on the south by Gervais Street, and on the west by Manning Avenue. (Map on file in Zoning) to add –CC overlay district to all parcels to implement Interim Measures for Community Character Protection.

- f. Whaley Street** - Generally bounded on the north by Catawba Street, on the east by Assembly Street, on the south by Heyward Street, and on the west by Wayne Street. – *Approved on first reading.*

No one appeared in support of or in opposition to **Item Af.**

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning of Whaley Street* - Generally bounded on the north by Catawba Street, on the east by Assembly Street, on the south by Heyward Street, and on the west by Wayne Street to add –CC overlay district to all parcels to implement Interim Measures for Community Character Protection.

- B. **Canal Water Plant and Irwin Park**, TMS# 09005-01-01 and 09006-08-03; 09005-02-01, -02, -03, -04, -23, -26, -27, -28, -29, -30, -31, -32, -33, -34, -35, -36, -37, -38, -39, -40, -41, -42, -43, -44, 09006-07-02, 09006-02-01 (p), 07314-02-05 (p), 09010-15-03; rezone from RS-1, RG-3, C-1, C-3, M-1 (all with –DD appendage) to PUD-C –DD. – *Approved on first reading.*

No one appeared in support of or in opposition to **Item B**.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning* of Canal Water Plant and Irwin Park, TMS# 09005-01-01 and 09006-08-03; 09005-02-01, -02, -03, -04, -23, -26, -27, -28, -29, -30, -31, -32, -33, -34, -35, -36, -37, -38, -39, -40, -41, -42, -43, -44, 09006-07-02, 09006-02-01 (p), 07314-02-05 (p), 09010-15-03; rezone from RS-1, RG-3, C-1, C-3, M-1 (all with –DD appendage) to PUD-C –DD.

- C. **845 Leesburg Road**, TMS# 16407-08-07; rezone from M-1 to C-3. – *Approved on first reading.*

No one appeared in support of or in opposition to **Item C**.

Upon motion by Mr. Finlay, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the Map Amendment / Rezoning of 845 Leesburg Road, TMS# 16407-08-07; rezone from M-1 to C-3.

- D. **1020 Henderson Street**, TMS# 11405-18-16; rezone from RD -DP to PUD-R -DP. – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that a new, two-family residence was recently constructed with a 4.3 feet setback, when the required side setback is 5 feet.

Councilor Gergel has heard from a number of residents about their concerns of using the PUD process in this way and she hopes that this will always be the exception.

No one appeared in support of or in opposition to **Item D**.

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to give first reading approval to the Map Amendment / Rezoning of 1020 Henderson Street, TMS# 11405-18-16; rezone from RD -DP to PUD-R –DP.

- **Council closed the Zoning Public Hearing at 11:37 a.m.**
- **Council recessed at 11:37 a.m.**
- **Council reconvened at 11:43 a.m.**

CITY COUNCIL DISCUSSION / ACTION

- E. General Capital Projects – Mr. Charles P. Austin, Sr., City Manager

Mr. Charles P. Austin, Sr., City Manager explained that this item involves a proposed, revised accounting of our General Capital Projects. He amended the listing to reduce the cost of sidewalk repairs from \$220,000 to \$214,000; to increase the Winton Street fencing from \$74,000 to \$75,000; and to increase the bathrooms at the Drew Water Park from \$47,000 to \$52,000. He noted that \$500,000 was already allocated and the remaining \$50,000 will come

from the release of the financial obligation to the Richland County Solicitor's Office. Councilor Devine requested that the City Manager address all concerns with SCDOT during the meeting requested by Mr. Finlay,

Councilor Rickenmann reminded Mr. Austin about the possibility of renting space for the Day Care within the Celia Saxon Shopping Center. He asked if that option was explored until we are able to expend funding for the space needed at the Wellness Center. He is concerned about how this request will affect requests that were already on the waiting list.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve the following list of General Capital Projects and expenditures as amended in the total amount of \$550,000.00.

Sidewalk repairs, to include ADA improvements	\$214,000
Street resurfacing	125,000
Winton Street Fencing	75,000
Bathrooms at Drew Water Park	52,000
Day Care room addition at Drew Wellness Center	<u>84,000</u>
Total FY 08/09 General Fund Capital Projects	\$550,000

F. Update on the Five Points Parking Committee – The Honorable Belinda F. Gergel

Councilor Gergel reported that she has sent a copy of the Mission Statement for the Five Points Parking Committee to the members of Council. She noted that Mr. Davis will not be making a nomination, but all others are asked to submit their nominations to Dr. Gergel for consideration on August 6, 2008.

Councilor Davis said that he elected not to make an appointment to the committee, but he respects Dr. Gergel's right to appoint a committee to address this district specific issue of parking.

G. Chief Financial Officer Advisory Committee Appointments – The Honorable Robert D. Coble

Mayor Coble explained that this is a proposed committee, mission statement, chairperson and first meeting date. He read the list of proposed committee members. The mission statement would be to advise the City Manager in the preparation of the job description for a Chief Financial Officer (CFO); to advise the City Manager on establishing the best recruitment process possible to include where to advertise and things of that nature; assist the City Manager in the screening of applications; participate with the City Manager while interviewing the candidates; ask the committee to make a recommendation for the CFO to the City Manager; and to continue on an on-going basis to consult with the City Manager on the reorganization of the Finance Department and city finances. In essence, this committee would take the place of the Midlands Business Group Committee of which Robert Hill, Cathy Novinger and others are members. This would be the on-going committee to meet and advise staff. He doesn't anticipate that Mr. Craig Nix, as Chair of the committee would have any additional power or authority than anyone else, he would just conduct the meetings. He suggested that the first organizational meeting be next week on Tuesday, July 24, 2008 subject to everyone's schedule.

Councilor Finlay is supportive, but noted that the City needed to disclose that First Citizens Bank is the city's principal banking relationship and it would give him pause if he did not know Mr. Nix and that First Citizens can help us understand some of the issues that we've had. He said that several candidates are very interested in searching for a very talented CFO, but they are not interested in being involved in a political football. He said that this is an advisory council; this Council in no way takes the place of the City Manager's enormous responsibility to fix this.

Mr. Charles P. Austin, Sr., City Manager applauded the selection of the committee, noting that this is something he asked for early on and he looks forward to working with them. Councilor Cromartie stated that it is ultimately the City Manager's responsibility to select a candidate and he will be held accountable for the person that is ultimately picked.

Mr. Charles P. Austin, Sr., City Manager stated that he in no way feels relieved of that responsibility.

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to approve the appointment of the following nine (9) individuals to the Chief Financial Officer Advisory Committee; the appointment of Mr. Craig Nix as the Chairman of the committee; the mission statement of the committee; and to direct the City Manager to schedule the first orientation / meeting on Tuesday, July 22, 2008 at noon. Mr. Rickenmann was not present for the vote.

- Mr. Peter Brown, Chief Executive Officer of Colite
- Ms. Wanda Charping, Accountant for the Municipal Association of South Carolina
- Ms. Kimberly Davis, Vice President of Community Relations for Wachovia
- Ms. Marilyn Drayton, Senior Vice President of Carolina First
- Mr. Clente Flemming, Chief Executive Officer of South Carolina Community Bank
- Mr. Robert Hill, Chief Executive Officer of South Carolina Bank & Trust
- Mr. Melvin Miller, Chief Financial Officer of Allen University
- Mr. Craig Nix, Chief Financial Officer of First Citizens - *Chairman*
- Ms. Cathy Novinger, Incoming Chair of the Greater Columbia Chamber of Commerce

H. Safety and Security Plan – The Honorable Robert D. Coble

Mayor Coble explained that last year we had a Gang Assessment completed and a shooting at Gable Oaks Apartment; the two (2) highlighted that for much of the crime in the Columbia area, particularly the North Columbia area, it's centered in the larger apartments. A lot of criminal activity occurs there to include drugs, gangs and violence. All Council members are hearing from the residents and the issue is what we can require of these complexes that are project based, receive federal funding or based on tax credit incentives. We went to Washington on two (2) occasions to find out if HUD can require apartments to meet certain codes or we can require a safety and security plan to protect personal safety. The recommendation was that a local Ordinance could accomplish this, but no response was given from HUD. Every apartment of a certain size (50 – 100 units) should have a safety and security plan, which should be related to whether or not the complex has instances of crime. If the instance levels demonstrate a problem, then we should implement a safety and security plan that starts with lease provisions. We can look at lighting and security cameras and determine if security guards are necessary at a facility. This in no way can substitute what the police are supposed to do. A security guard would enforce those things within a lease. It is unrealistic that a Police Officer or a Sheriff's Deputy could spend all of his/her time at one site. This was implemented at Gable Oaks when the owners and property managers voluntarily implemented security and other features in partnership with the Columbia Police Department. He said that Ms. Mary Myers, President of the Gable Oaks Community would be the best person to attest to that. We don't want to do anything that discourages affordable housing, but certainly there is nothing that discourages affordable housing more than living in an area that is experiencing unsafe and criminal activities. There are some legal issues that are involved in this; therefore, more research is needed. We have to work with apartment owners and maybe those that aren't experiencing concerns will not have to implement the plan. He would like to direct the City Attorney to continue to do legal research and draft a potential Ordinance and bring that back to Council for consideration.

Councilor Davis concurred with Mayor Coble. He is willing to look at the rate of incidents and determine a benchmark, because there are some properties that are managed quite well. The problems are specifically tied to local management. When you don't fully enforce the leases, then you have people taking advantage of that and negatively impacting the community. We have always been responsive, although we should not be patrolling private property. He stated for the record that managers don't cooperate with the city until there has been a tragedy or some other negative activity that have spilled over into the community and become media worthy. If the managers played their roles and were supported by the owners we would not be here discussing requiring them to cooperate with us. It is our responsibility to step up to the plate when property owners don't comply. We have to hold people accountable. The Sheriff's Department has cooperated with us, the City has done their part and the residents have done their part. I am supportive of looking at the Ordinance and it is incumbent upon us to have dialog with the property owners that are willing to talk.

Councilor Cromartie said that as the District II representative, he has to live with the concerns that stem from the Colony Apartments and Latimore Manor Apartments. He said that the Colony Apartments is an area that fits the requirements as it relates to this. We have a responsibility to make sure that everybody feels safe in their homes and communities, but he has concerns about how we can legally mandate this. He would like to meet with the Richland County Sheriff's Department and the property owners to determine what can be worked out and if that fails, then we do what needs to be done. We should have a proposal. He said that these complexes pay substantial real property taxes to the city and the county. The plan should be based on the number of units; statistical history of criminal activity that the Police Department has; and the non-enforcement of the lease agreement. It has to be a holistic approach to include the Parks and Recreation Department and the Department of Social Services. He would like to immediately see the Ordinances from other cities no later than Friday so he can talk to the council persons from those municipalities.

Councilor Finlay presented a chart of facts from the Justice Assistance Grant (JAG) Program Fiscal Year 2008 Local Solicitation of the City of Columbia Program Narrative. He cited the 10-Year Index Crime Trend from 1998 to 2007. He found it important that in the intervening 10-years reported violent crimes has gone from a low of 1,311 in the city to a high of 1,580, which was in 2002, five (5) years ago. Last year we had 1,542 violent crimes to include murder, rape, robbery and aggravated assault. Statistically violent crime in the City of Columbia has remained flat for the last ten (10) years. He embraced what the Police Chief said last week; he has embarked upon a program and challenged the community to cut these numbers in half. Once you add burglary, larceny and motor vehicle theft, it appears over the last three (3) years that less severe crimes have diminished. That it is a positive, but there have also been allegations of under reporting. The only point that I bring from this is that total violent crimes remain unfortunately and in essence, flat. He said that we talk about being partners and urged his peers to talk about what the City of Columbia has done to be the lead partner on that. He quoted from the bottom paragraph on the second page of the report that "Since 2000 approximately five (5) square miles have been annexed into the city limits, and the population has grown by approximately 6,300. However, there has been relatively little change in the Department's manpower. In 2002 the Department had approximately 345 sworn officers and at the end of 2007 there were only 346 sworn officers – there was also high turnover during this time period, which left the city's streets replete with new trainees." He noted that they are referring to the Police Department. He said that he is a numbers driven person and reflected back on the information in percentages, noting that we grew the city in terms of total footprint approximately 4%; population 5%; and the manpower at the Police Department about one-third of 1%. The only conclusion that he can draw from that is that we have asked the same number of people to do significantly more during that period of time. He continued quoting the report as follows "The Department also had a no-change budget for three (3) consecutive years, which barely permitted maintaining current resources and equipment, thus making the task of outfitting

all of the patrol vehicles with in-car video camera systems an impossible feat.” He thinks that if we want to go into a partnership with private individuals that own these apartment complexes, we’ve got to show that we are willing to commit additional resources and manpower. We are asking them and in some instances threatening them to do what we have been unwilling to do. He noted that the current fiscal year total expenses for the community policing operations is estimated to be \$14.7 million; next fiscal year the final approved budget was \$13.6 million; and more importantly the department’s request was almost \$16 million. He added that the city has been not been receptive of gated communities. He reminded the Council of the incident wherein a private security guard shot an individual at the Cornell Arms Apartments. He noted that it is difficult and sometimes impossible for complexes to get insurance when they use armed security guards. He further noted that entry level affordable housing complexes are taxed by the city at a higher rate than normal residential and because of changes in the tax laws the bill is going to increase and will be passed through to the residents. He wants everyone to be safe, but the city has to demonstrate that we put our money where our promises are. How can we embrace safety without the resources? This issue must be dealt with in August.

Mayor Coble stated that twenty (20) officers were added to the budget in 2006. We could sit here and outline the problems all day, but it is who is willing to be for the solutions. The current budget significantly increases funding for the pay and retention plan to be phased in over three (3) years. We have seven (7) new officers in this year’s budget and we have hired Police Chief Tandy Carter. Those statistics are correct; we have a crime problem in Columbia, but you have to be for something or bring an alternative to the table. If we can accomplish this without an Ordinance then that’s the way we go and we have to show apartment complex owners that we are doing our part. We need to look at what improves the quality of life.

Councilor Devine said that she is all for putting additional funding into police, but there must be a holistic approach that isn’t all about law enforcement. Some of the issues cannot be addressed by law enforcement, unless they are called. We all must do our part. She is concerned that an ordinance will not give the property owners the ability to do their part. There are a lot of property owners that are doing their part and providing the resources for their tenants. She recognized Ms. Elizabeth Whitener, noting that five (5) years ago she and Councilman Davis had a press conference in front of the former Broad River Terrace with the intention of taking it over due to crime, but Ms. Whitener came in and provided a safe and secure place. If we force it on them, it may not happen or they may go up on the rent due to incurred expenses. We need the Community Development Department to go out and help organize neighborhood watches and other things. If we do encourage a security plan, it should not be mandatory for all and we should provide some type of incentive. She asked the Legal Department to research the option of declaring an apartment complex a nuisance. She asked if the Mayor would be amenable to putting together a taskforce of apartment managers so they can provide input.

Councilor Gergel said that every single member of Council wants the safest possible city for every citizen. She has expressed her desire to the City Manager to have Chief Carter update the Council, as quickly as possible on the number of officers we are budgeted for; how many are in place now; how many are needed; the resources that are needed; and the ways to address those needs. She asked the City Attorney to look at the duty that these apartment complexes have to address known dangers on their premises.

Councilor Rickenmann said that he has heartburn over the fact that these complexes receive tremendous tax credits and we need our Congress and Senate to put handcuffs on this money; if you receive this money you are required to provide a safe community. It is not fair for us to require somebody that has put their own private money into the complex and had very little incidents that may be in or out of their control to do the same thing as those that receive the tax credits. We need to look into this, because a lot of the burden is on HUD and the folks that receive tax credits. He has a problem with the fact that things were going good for Gable Oaks and then the owner sold the property, because they did not want to conform.

Councilor Davis agrees that we should ask our national representatives to partner with us and maybe freeze some dollars, but when you get back to a local level, where the rubber meets the road, I contend that we don't have the luxury of our law enforcement patrolling private apartment complexes like the owners want us to. When you own property that has a history of violence, burglary, drugs and gangs, you have a responsibility to make sure that the people who rent from you, people you collect rent from, people you collect federal rent subsidies from are safe. The issue is not so much private versus public subsidies, but the issue is what is allowed to go on at these properties. If there is a sentiment that we are partially responsible then they should have been declared a neighborhood nuisance a long time ago. I empathize and sympathize with the people that don't feel safe, but our Police Department can only respond to incidents and that we do. I am not going back to tell the folks in Gable Oaks that we are going to hold on and work with the owners a little longer. You can only speculate about what should be done when you don't live in that environment. I don't want to and I am not going to tip-toe around the owners of Gable Oaks.

Councilor Finlay suggested that we provide an incentive for cops that live in the city. We can make that work immediately. There are private property owners that will donate apartments for Police Officers to live in. He doesn't know what the city can do legally.

Councilor Davis acknowledged Mr. Finlay's suggestion, but stated that we would only be policing private property and he would rather see officers on the street dealing with gangs and muggers. He reported that his 16 year old son was robbed on Friday night and he would rather our officers handle those incidents instead of policing private properties. He said that owners are not enforcing the leases. We have not implemented the nuisance laws. How many deaths does it take for somebody to receive a letter informing them that their property has been declared a nuisance? He said that he doesn't want to appoint another taskforce, because another ten (10) months would be unacceptable. He said that he is moving forward with the residents and neighborhoods in North Columbia in terms of crime and safety. He is going to be looking at nuisance properties; where drugs are being sold; and how many times they've been busted.

Councilor Rickenmann asked if the city has reinvested in Crime Stoppers. He said that this is a big issue that Ms. Devine has brought up over the years and it is an avenue by which people are willing to provide information.

Councilor Devine said that funding for the Crime Stoppers program was never put back into the budget, but in the past it was reoccurring money. She thought that when property was ceased the money could be put back into Crime Stoppers.

Mr. Charles P. Austin, Sr., City Manager said that he will look into this, because the origin of the program is rooted within the Columbia Police Department.

Councilor Rickenmann said that he is looking at a similar program to stop neighborhood dumping.

Councilor Cromartie suggested that a representative from the Columbia Housing Authority and their security team and the Columbia Housing Development Corporation (Bethel Bishop Apartments) be automatic members of the taskforce.

Councilor Davis urged his peers to keep the number of taskforce members at a minimal to ensure efficiency.

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to direct the City Attorney to continue to research and draft an Ordinance that would mandate larger apartment complexes to implement Safety and Security Plans and to provide an update to Council on August 6, 2008; to appoint a taskforce composed of representatives from the Property Managers Association, the Columbia Housing Authority and property owners that have transformed troubled properties with Ms. Deborah Livingston, Director of the Columbia Housing Development Corporation serving as the staff liaison. (Each Council member should provide two (2) nominees to Mayor Coble prior to August 6, 2008); and to direct Police Chief Carter to brief Council on his proposed strategies for comprehensive police services.

**Councilor Rickenmann reminded staff of his request to reserve 25% of the Hospitality Tax Fund. As a preventative measure, the Council will review the fund balance prior to distributing quarterly allocations. He further requested that Mr. Austin provide an update on collections during each City Manager's Report. (While he was speaking, Ms. Melisa Caughman, Interim Finance Director distributed a report on the hospitality tax collections to the members of Council.) Mr. Rickenmann stated that he doesn't have a whole lot of faith in the numbers from an industry standpoint. He said that the city can release the 25% reserves if collections continue to rise over the next two (2) months.

Councilor Finlay suggested that Ms. Libby Gober, Ombudsman provide a recommendation that allows the Council the latitude and flexibility that is being suggested by Mr. Rickenmann

Councilor Gergel suggested that they defer this decision until they have reliable data. She said that we may very well be in difficult times in the restaurant industry, but she would like to know.

Councilor Rickenmann said that we are not taking anybody's money away. If we don't collect it and it does trend down where would the funding come from, because we will be obligated to expend the funds.

Councilor Gergel asked what it means when we say that we are going to hold back.

Councilor Riceknmann explained that the organizations will be guaranteed 75% of their money now with 25% in reserve. He said that the big groups receive funding on a quarterly basis. We have to protect ourselves as we did during the first year of collections.

Councilor Finlay said that this would make it equitable across the board.

A motion by Mr. Rickenmann to hold back 25% of the allocated hospitality tax funds; to monitor the collections on a monthly/quarterly basis; and to release quarterly funding as planned, if there is no downward trend in collections, was withdrawn until a later date.

REVISIONS TO THE AGENDA

1. **Resolution No.: R-2008-036 - Authorizing purchase of properties known as 1216 Pine Street, Richland County TMS #11406-07-20; 1501 Manning Avenue, Richland County TMS #11411-06-09; 1525 Manning Avenue, Richland County TMS #11411-06-03 and 11411-06-02; and 1527 Manning Avenue, Richland County TMS #11412-06-06 from the Columbia Housing Development Corporation - *Approved*

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: R-2008-036 - Authorizing purchase of properties known as 1216 Pine Street, Richland County TMS #11406-07-20; 1501 Manning Avenue, Richland County TMS #11411-06-

09; 1525 Manning Avenue, Richland County TMS #11411-06-03 and 11411-06-02; and 1527 Manning Avenue, Richland County TMS #11412-06-06 from the Columbia Housing Development Corporation.

2. **Council is asked to approve a Memorandum of Understanding for the SHARE Network (Sharing How Access to Resources Empowers) between the City of Columbia, the Midlands Workforce Development Board and Fast Forward for the purpose of establishing a Network Resource Directory under the general guidance and assistance of the United States Department of Labor's Center for Faith-Based and Community Initiatives. - *Approved*

Councilor Finlay asked for a more elaborate description of this item.

Mr. Charles P. Austin, Sr., City Manager explained that this item was presented by Ms. Dee Albritton of Fast Forward. There is no funding attached to this request.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve a Memorandum of Understanding for the SHARE Network (Sharing How Access to Resources Empowers) between the City of Columbia, the Midlands Workforce Development Board and Fast Forward for the purpose of establishing a Network Resource Directory under the general guidance and assistance of the United States Department of Labor's Center for Faith-Based and Community Initiatives.

3. **Council is asked to approve a Service Level Agreement and Statement of Work related to Professional Services for Online Bill Payment from SC.GOV, as requested by the Information Technology Department. This Service Level Agreement and Statement of Work will provide the isolation payment engine to accept online credit cards for water billing services. There is no cost to the City until someone uses the service; Processing fees related to the agreement are per transaction and in accordance with the State's eGovernment Oversight Committee and reflect a merchant fee of 1.83% (cost of the credit card company) and a \$1 portal fee (cost of the service provider). *Funding Source: for water payments, funding source is collections 5511406, for parking garages payments parking administration 5313101, for solid waste commercial, solid waste 1014404 – Approved subject to a staff update every six (6) months on the user rates and cost to the city.*

Mr. Charles P. Austin, Sr., City Manager said that staff's understanding is that Council doesn't want to pass on the cost to our constituents and this proposal essentially says that we will be responsible for the charges.

Councilor Finlay asked what percentage we expected to pay. He asked that we review this after six (6) months to one (1) year, because we are paying a 1.83% fee and some Council members voted for a 5% water and sewer rate increase; we are giving back 1.83% of it on every card that we process. We need some idea of that factor going forward so that we understand how much it is being used.

Upon motion by Mr. Finlay, seconded by Ms. Devine, Council voted unanimously to approve a Service Level Agreement and Statement of Work related to Professional Services for Online Bill Payment from SC.GOV, as requested by the Information Technology Department. This Service Level Agreement and Statement of Work will provide the isolation payment engine to accept online credit cards for water billing services. There is no cost to the City until someone uses the service; Processing fees related to the agreement are per transaction and in accordance with the State's eGovernment Oversight Committee and reflect a merchant fee of 1.83% (cost of the credit card company) and a \$1 portal fee (cost of the service provider), subject to a staff update every six (6) months on the user rates and cost to the city. *Funding Source: for water payments,*

funding source is collections 5511406, for parking garages payments parking administration 5313101, for solid waste commercial, solid waste 1014404

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Mr. Charles P. Austin, Sr., City Manager told the members of Council that he would contact Ms. Margaret McFadden to resolve a matter that she has regarding property damages as a result of a sewer backup.

Mr. Chris Carter, Pavilion Towers Management said that they have five (5) communities within the city limits and 12,000 units. They believe that the safety and security plan would create a burden of expense. They pay a \$15,000 monthly assessment for armed and unarmed security, which is passed on to the residents of their property. They are concerned that residents move to other jurisdictions for cheaper rental rates. He agrees with the taskforce concept. He suggested that they review the eviction timeline and reduce it from 60-days to 10-days to rid complexes of problem tenants.

Mr. Adonay Forrester, 822 Woodside Avenue reminded the members of Council of the statements he made on April 16, 2008 and the fact that he intended to come back to get an answer from Council on his request to remove the confederate flag and the confederate statue and put a monument there for Yahweh, for Jesus Christ and for the Holy Spirit and that this had to be done by the upcoming Passover. He asked if the City Council would be willing to do this or not.

Mayor Coble said that the State House Grounds is state property and we can't tell them what to do, but we will ask our City Manager to respond to you.

Mr. Charles P. Austin, Sr., City Manager asked the Council to refer the matter to him and he will resolve it.

Mr. Adonay Forrester, 822 Woodside Avenue continued to say that if this has not taken place by Passover then the plaques that were on Egypt through Moses on the Pharaohs is the same that will come here to Columbia, South Carolina. We can be the example of the city that God wants us to be or we can be the opposite.

EXECUTIVE SESSION

Upon motion by Mayor Coble, seconded by Mr. Rickenmann, Council voted unanimously to go into Executive Session at 1:15 p.m. for the discussion of **Items I.** through **L.** as presented.

- I. Receipt of legal advice which relates to matters covered by attorney-client privilege
 - Hotel Litigation
 - Sheraton Hotel
 - Business License
 - Saluda Rapids / Three Rivers Greenway

These matters with the exception of the Sheraton Hotel were discussed in Executive Session. No action was taken.

- J. Investigative proceedings regarding the development of security personnel or devices
This matter was not discussed in Executive Session.

- K. Discussion of negotiations incident to proposed contractual arrangements
 - Animal Shelter Construction Contract
 - Northwood Hills

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

- L. Discussion of negotiations incident to the proposed purchase of property

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

- **Council adjourned the meeting at 2:05 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk