



CITY OF COLUMBIA  
CITY COUNCIL MEETING &  
ZONING PUBLIC HEARING MINUTES  
WEDNESDAY, FEBRUARY 18, 2009  
9:00 A.M.  
COUNCIL CHAMBERS – 3<sup>RD</sup> FLOOR  
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting and a Zoning Public Hearing on Wednesday, February 18, 2009 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 9:10 a.m. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Sam Davis, The Honorable Daniel J. Rickenmann, The Honorable Kirkman Finlay III and The Honorable Belinda F. Gergel. The Honorable Tameika Isaac Devine arrived at 9:12 a.m. Also present were Mr. Steven A. Gantt, Interim City Manager and Ms. Erika D. Salley, City Clerk.

### **PRESENTATIONS**

1. Introduction of the February 2009 Employee of the Month ([Ms. Marion Falteseck, Animal Services Clerk/Technician](#)) – Ms. Melissa Gentry, P.E., Director of Public Works and Ms. Marli Drum, Superintendent of Animal Services

Ms. Melissa Gentry, P.E., Director of Public Works reported that they are moving into the expansion of the Animal Shelter and there will be a celebration recognizing the opening of that facility. I want you all to come out and meet Marion and you will see why she's the Employee of the Month.

- **Ms. Devine joined the meeting at 9:12 a.m.**

Ms. Marli Drum, Superintendent of Animal Services introduced Ms. Marion Falteseck, Animal Services Clerk / Technician as the February 2009 Employee of the Month. Ms. Falteseck has been with the City of Columbia for 8 ½ years and she specializes in adoptions. She shows each customer the same compassion and patience and spends minutes or hours with an individual to find the right match. We also consider her to be one of our resident small dog experts, because she has a knack for turning snippy little dogs into good natured lap dogs. Even when we lost our internet connection for many months she carried paperwork home and posted the animals on Petfinder.com on a nightly basis. Marion's dedication, enthusiasm and compassion for her job make a lasting impression on the pets in our care, our customers and her co-workers.

Mayor Coble presented Ms. Falteseck with a Certificate and Mr. Steven A. Gantt, Interim City Manager presented Ms. Falteseck with a token of appreciation for being selected as the February 2009 Employee of the Month.

2. Proclamation Presentation – Dr. Lonnie Randolph, President of the SC Chapter of the National Association for the Advancement of Colored People (NAACP) – *This presentation was deferred.*
3. American Red Cross – Ms. Charlotte Berry, American Red Cross

Ms. Charlotte Berry of the American Red Cross announced an exciting exhibit at the State Museum entitled "Our National Treasure: The American Red Cross", which opens March 13, 2009 and will remain open for four (4) months. With March being Red Cross Month, we will have flags flying and Red Cross displays will be placed in vacant store windows. We are all striving to make this something that is long remembered in the community. We want you all to be our ambassadors. You are invited to a Gala Event on March 13<sup>th</sup> where we are expecting 800 visitors and March 14<sup>th</sup> is Family Day and admission is free.

4. Downtown Sewer Construction Project – Mr. John Dooley, Director of Utilities and Engineering and Mr. Keith McLeod, Jr., Chief Executive Officer / B.P.Barber

Mr. John Dooley, Director of Utilities and Engineering outlined the facts surrounding the rehabilitation of a 48", 54" and 60" gravity sewer line between the North Columbia and Blossom Street Pump Stations. He reported that during last year we had a large diameter sewer main to collapse. It runs parallel to the Broad River and the Congaree River and the Wastewater Plant. We had to replace 300 feet of that line. We were concerned about the condition of the upper half of the concrete lining, because there were places where the pipes were completely gone. After that we televised the line up to Blossom Street, but not the area from Blossom Street all the way up to the Elmwood Cemetery. Based on the condition of the sewer line, we felt it needed to be rehabilitated. Although we handle rehab projects in-house for smaller diameter pipes, this one was 48", 54" and 60" so we asked BP Barber to come in and help us out on this. Due to scope and location of this line we felt it was important to give you all a public briefing on the project and what we are facing.

Mr. Keith McLeod, Jr., Chief Executive Officer / B.P. Barber reported that this is not a run of the mill everyday sewer line repair.

Councilor Cromartie asked if this is being done in conjunction with DESA and Terracon.

Mr. Keith McLeod, Jr., Chief Executive Officer / B.P. Barber replied yes.

Councilor Devine asked if this falls within our Mentor Protégé Program.

Mr. Keith McLeod, Jr., Chief Executive Officer / B.P. Barber replied yes, it does. He referred to the aerial map noting that the line follows from the left of the Elmwood Cemetery; it's tunneled under a portion of the cemetery and I-126; it comes up by the City's Canal Water Treatment Plant behind the AT&T Building; it crosses Hampton Street; it comes over to the State Museum and Edventure, under Gervais Street; it goes below the new USC baseball facility; and then it crosses over and terminates just south of Blossom Street. This is approximately 14,100 linear feet; almost 2.7 miles of 48" inch to 60" inch existing line. It was put in during the late 60's and is approximately forty (40) years old. We have determined that forty (40) years of contamination from sewer gases that forms in raw sewage has deteriorated the line and it needs to be rehabilitated. For the last several months, we have looked at all of the options to replace or repair this line and based on this evaluation we selected a methodology which utilizes a trenchless installation with minimum disruption to the area above the location of the line. The material is flexible when it's inserted into the existing sewer main and then it is secured into place using steam and hot water to form a fiber glass material to line the existing piping; it still has structural capability to carry the load above it; it is high density and long lasting; and it will be in the exact same location.

Councilor Devine asked what people would see being done.

Mr. Keith McLeod, Jr., Chief Executive Officer / B.P. Barber explained that you would see a number of large vehicles that are carrying this line which has to be cured with resin prior to being placed into the line. It will be fed through a manhole, because along this same line there are forty-five (45) access points and we can selectively pick those, in many cases, that are not in roadways or parking lots. There may be conventional repairs done through normal excavation of the pipe, because some areas of the line are 25 feet deep.

Councilor Cromartie asked if this can be done without interfering with the structural integrity of existing buildings.

Mr. John Dooley, Director of Utilities and Engineering clarified that this line is not under any buildings.

Mr. Keith McLeod, Jr., Chief Executive Officer / B.P. Barber explained that the line still has a dedicated easement that has no facilities on top of it.

Councilor Devine inquired about the part of the line running along the Canal.

Mr. John Dooley, Director of Utilities and Engineering said that there needs to be a bypass line around this and that will be very visible.

Councilor Finlay said that the temporary bypass line will be two (2) 24" lines that will carry the effluent while this line is taken out of service. You will insert a new liner into the pipes where the pipe itself is not crumbled and if I remember correctly many of the collapses we had earlier this year were where the top of the pipe had collapsed from the gas. You will be relining the places in the pipes that still has structural integrity and where it doesn't you will be replacing the pipes in toto, because it is no longer holding anything.

Councilor Davis asked how the integrity of the Randolph Cemetery would be maintained.

Mr. Keith McLeod, Jr., Chief Executive Officer / B.P. Barber said that the area will not be disturbed at all; that portion is 25 feet deep and a tunnel was built first under that area and the carry pipe was placed inside the tunnel. This area will not be disturbed at all, because of the methodology we have in place.

Councilor Davis asked weren't there some cave-ins on the back end as a result of the geotechnical work that was being done? I just want to make sure we don't disturb the grave sites if we are going under there.

Mr. Keith McLeod, Jr., Chief Executive Officer / B.P. Barber said that the temporary bypass line is a critical area and there is no way to get around it. We are going to bypass the flow from this existing line to this temporary line. We have looked at a number of options and all of them have some risks involved. We have determined at this time and have received favorable approval to take this high density polyethylene pipe to go under rivers and wetlands as a permanent installation. We will float this line along the edge of the Canal. We are working with SCE&G and all of the other regulatory groups to make sure that they concur with this. There is no doubt about it that this will require us to take careful consideration to make sure that this line is watched and maintained and that we have an emergency plan. We are looking to advertise this in the next 60-90 days in hopes of wrapping the project up by the summer of 2010.

Mayor Coble said that this is a stimulus project that will create jobs during this critical time.

Councilor Rickenmann asked are we purchasing temporary pipes.

Mr. John Dooley, Director of Utilities and Engineering said that we would like to purchase some of the pumps that are used, but some of the pipe we don't need.

Councilor Rickenmann said that if we are purchasing pipes then we need to be able to reuse the materials in other situations. I want to ensure that we will be able to reuse this for other projects so that we are not constantly renting and disposing of materials.

Mr. Keith McLeod, Jr., Chief Executive Officer / B.P. Barber reported on the last component, which is the estimated budget between \$20 and \$22 million. Again, this is not your everyday run of the mill repair project.

Councilor Cromartie asked how many people will be employed during this project.

Mr. John Dooley, Director of Utilities and Engineering said that he doesn't know at this point; it will be a number of people.

Councilor Cromartie said that on a national level they have talked about what can be done to ensure that local people are the ones employed, because a \$22 million project is a large project and you want to make sure that local people get the jobs. We as local officials are not desirous of giving jobs to people from other states. You should realize that many City Councils have ordinances that require local contractors and perhaps that's something we need to look at. I would like for Tony Lawton through the City Manager to look at various parts of local legislation, because this occurs in other parts of the country. I know that Philadelphia, Atlanta and Charlotte have some ordinances; look at their ordinances; and report back to Council on your actions to determine what can be done to ensure that local people get the jobs.

Mr. John Dooley, Director of Utilities and Engineering said that they studied this issue with this project and we met last week with our Mentor Protégé Construction Teams. This is very important to us also.

Councilor Devine stated that we discussed the Mentor Protégé Program and how it was working with Mr. Lee last month and one issue was that our contract is with the team. There was a discussion on whether or not we had the right contract in place; what was the impact or follow up from that meeting and how are we handling that.

Mr. John Dooley, Director of Utilities and Engineering explained that a difficulty they ran into was a case where a protégé and a mentor broke up around the time the bid was submitted so the mentor ended up without a protégé. We talked to Mr. Lee and we drafted an acknowledgement and signatory sheet that goes with our bids where the mentor and protégé sign an affidavit saying that they worked together to study the project and to prepare the bid. It's not an issue for the consultant and the mentor protégé, but it is when you are bidding work. I think this has tightened that up.

Councilor Devine told Mr. Gantt that we discussed finalizing our contract with Mr. Lee and him helping us with some of these things that Mr. Dooley is talking about to make sure we have the contracts and that we are implementing the Disparity Study as we should. We need to find out where that is and make sure we are moving forward with that now that we have the Mentor Protégé Program working well and the Bid Online coming online. We need to aggressively go after the other parts of our Disparity Study recommendations.

Councilor Gergel asked how many people will be working on this project. What is the bare minimum of people that will be involved?

Mr. John Dooley, Director of Utilities and Engineering said that at the North Main Street meeting this week the contractor said that he had fifty-five (55) people on a \$12 million job and they are doing underground work now to include duct banks, conduits, storm drains, water and sewer. I will find out after we take bids, but it will be a number of people. He noted that when you do large diameter pipe repairs, a whole lot of money is tied up in materials and equipment.

Councilor Davis said that we are on the same wave length on this issue. Will this qualify for a stimulus project; what is the ratio of job stability versus job creation; how many people will work that are already employed by a firm versus those that will be brought on as a result of the need to keep the project going? This becomes job creation, although it's not what you might consider a sustainable project.

Mr. John Dooley, Director of Utilities and Engineering said that a project like this gives our local construction community some experience and it puts them in a better position to do work down the road; it adds to their resume. In terms of the stimulus, one of the unfortunate things is that all the money is going to the State Revolving Loan Fund as opposed to a grant.

Mr. Keith McLeod, Jr., Chief Executive Officer / B.P. Barber said that this is a 12 month project that will create some stability or allow firms to maintain employees that could have been laid off. This will allow DESA to maintain one (1) person full time.

Ms. Diane E. Sumpter, Founder, President and CEO of DESA, Inc. said that she has been in business for twenty-three (23) years and recalled that one of her first projects came from the City of Columbia. We are hiring a CADD Technician and another person. It is very easy to develop a form that asks for the current number of employees and add new ones as they come along. We can easily do that and I will work with BP Barber to develop a form and capture that information. We need to look at those saving jobs and those adding jobs as well.

Councilor Finlay asked Mr. Gantt if they can look at the Water and Sewer Capital Improvements Plan over the next three (3) weeks, because we have some bonding to do in the next three (3) months. We have a Swap rate that is very advantageous and we need to move forward with the bonding, but I also think we need to understand what the water and sewer repairs or capital improvements budget looks like. I am sure that this project was on the sheet that we have seen in the last few years, but it may have moved up and we need an update on the cash available after the bonding and how that will affect us as we move forward.

Councilor Devine told Ms. Sumpter that she would also like information regarding capacity building. I would like to see what this project has taught them that would allow them to do other projects they don't normally participate in.

Councilor Cromartie concurred, noting that we want to make sure that the groups that are participating have a contract on each project. We want to know the dollar amount and we want to see evidence of capacity building.

Councilor Rickenmann said that we have committed to put a Request for Proposals out for bonding counsel, but we never did that. If we are expecting another bond in the next three (3) to six (6) months then we need to go ahead and prepare that.

Councilor Devine said that it wasn't just bond counsel; it was all of our counsels to be consistent across the board.

Mr. Steven Gantt, Interim City Manager said that this bond issue for water and sewer was put together last year and the team is already in place.

Councilor Devine recalled selecting the counsel for this bond already.

Councilor Cromartie said that it is our intent for bond counsel and all lawyers to be picked by Council; there should not be a committee involved in that process; City Council will make that decision.

5. Community Service Project – Mr. George Brown, Superintendent of Parks and Lieutenant Colonel Christopher Richardson, 187<sup>th</sup> Ordnance Battalion / Fort Jackson

Mr. George Brown, Superintendent of Parks and Recreation introduced Lieutenant Colonel Christopher Richardson, 187<sup>th</sup> Ordnance Battalion / Fort Jackson. He reported that the leadership at Fort Jackson has a strong desire to assist the City of Columbia with community service projects and in doing so he also desires that his soldiers see more of our great City. Lieutenant Colonel Richardson will assist us with community service projects; he will help us with the beautification of all parks and any other service projects that we might have.

Lieutenant Colonel Christopher Richardson, 187<sup>th</sup> Ordnance Battalion / Fort Jackson announced a partnership between the Parks and Recreation Department and Fort Jackson to complete various community service projects. We have 1,200 to 1,400 soldiers at any given time and it is important that the soldiers learn to be active in the communities they live in. We train for a 12 week period and it is my desire to have them do a community service project from start to finish. We want it to be something they can be proud of even if it's a one day project. We met with Mr. Baker several times and we did a couple of projects at Granby Park wherein we provided manual labor. He added that they are not trying to take jobs away from current employees. Based on schedules we would have 50 to 100 soldiers available.

Councilor Cromartie asked if a neighborhood association could access their assistance through the Parks and Recreation Department.

Councilor Gergel said that the group should also work closely with Keep the Midlands Beautiful as well, because they have a number of projects many of which are in our neighborhoods.

Mr. George Brown, Superintendent of Parks and Recreation said yes sir. He added that they also met with Tony Lawton and Missy Gentry to develop a list of projects, which will be prioritized. We look forward to this great relationship between Fort Jackson and the City of Columbia.

6. Talent Magnet Survey – Mr. Greg Hilton, Project Manager / EngenuitySC and Ms. Tori Sojourner, Accounting Manager / EngenuitySC – *This presentation was deferred.*

▪ **Council recessed at 9:59 a.m.**

▪ **Council convened the Zoning Public Hearing at 10:05 a.m.**

### **ZONING PUBLIC HEARING**

#### **CONFIRM ZONING OF PREVIOUSLY ANNEXED PROPERTIES – FIRST READING**

7. **3419 Park Street**, TMS# 09106-02-07; confirm RG-2 (General Residential) zoning. – *Approved on first reading.*

8. **718 Dixie Ave**, TMS# 09309-06-07; confirm RG-2 (General Residential) zoning. – *Approved on first reading.*

No one appeared in support of or in opposition to **Items 7.** and **8.**

Upon motion by Mr. Davis, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Confirmation of Zoning* for **Items 7.** and **8.** with a single motion.

#### **MAP AMENDMENTS (REZONINGS) – FIRST READING**

9. **1000 Hampton Street**, TMS# 09013-03-23; rezone from C-4 (Central Area Commercial) –DD (Design/Development) to C-4 (Central Area Commercial) –DD (Design Development) –DP (Design Preservation). (*Please see associated text amendment*). – *Approved on first reading.*

Councilor Rickenmann thought the Big Apple had already been designated as a landmark.

Ms. Robin Waites, Executive Director of the Historic Columbia Foundation said that it was brought to their attention after Dr. Gergel became a member of City Council.

Councilor Gergel said that there is a great need to look at what are landmarks in this City; what is not designated as a landmark; and what should be designated as a landmark. A couple of years ago, the Historic Columbia Foundation made a presentation to Council and I would ask that you bring us an update on what has happened to the thirty (30) properties on the list. This is a good opportunity for us to take a look at what is significant.

Councilor Davis thought that the building had not been designated as a landmark, because it has been relocated more than once. I agree that there are buildings and structures in this City that people take for granted and they don't know the history of it. I want to look at that as well.

Ms. Robin Waites, Executive Director of the Historic Columbia Foundation said that it did maintain its national register.

Councilor Devine said that people don't always understand the difference between the landmark and national register designations. That might be useful information for us to help disseminate so that people understand the difference.

Councilor Gergel said that historic markers are going up this month.

Ms. Robin Waites, Executive Director of the Historic Columbia Foundation said that they are slowing going up; there are three (3) that are going up in the Waverly Neighborhood.

No one appeared in support of or in opposition to **Item 9**.

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to give first reading approval to the *Map Amendment (Rezoning) of 1000 Hampton Street, TMS# 09013-03-23; rezone from C-4 (Central Area Commercial) –DD (Design/Development) to C-4 (Central Area Commercial) –DD (Design Development) –DP (Design Preservation).*

#### TEXT AMENDMENTS – FIRST READING

9a. **\*\*Amend Chapter 17, Article V, Division 4, §17-691(b)** to add 1000 Hampton Street (Big Apple) as a Group I Landmark.

Ordinance No.: 2009-001 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article V, Historic Preservation and Architectural Review, Division 4, Landmarks, Sec. 17-691, Buildings and site list, (b) Group I – *Approved on first reading.*

No one appeared in support of or in opposition to **Item 9a**.

Upon motion by Mr. Cromartie seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2009-001 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article V, Historic Preservation and Architectural Review, Division 4, Landmarks, Sec. 17-691, Buildings and site list, (b) Group I.

#### MAP AMENDMENTS (REZONINGS) – FIRST READING

10. **4605-4619 Monticello Road**, TMS# 09212-08-03; -04, -05, rezone from RS-3 (Single-family Residential) and C-1 (Office and Institutional) to PUD-C (Commercial Planned Unit Development). – *Approved on first reading, subject to addressing parking and landscaping issues outlined by Land Development Planner at Planning Commission.*

An unidentified resident of 4519 Monticello Road said that she is concerned about being displaced due to this project.

Mr. Marc Mylott, Director of Planning and Development Services said that the property involved in this project is owned by Dr. Stewart Hamilton.

Councilor Devine clarified that all of the property is owned by the Eau Claire Cooperative and they are asking to rezone, because they will be constructing a medical clinic on property they currently own; they will not be relocating anybody or moving anybody; and they don't have the ability to condemn anybody's property.

Mr. Marc Mylott, Director of Planning and Development Services confirmed that they don't have the ability to condemn anybody's property, but they can certainly purchase additional property; this is a private project.

Councilor Devine said that the Planning Commission recommendations alluded to some parking and landscaping issues. She asked if the issues have been addressed.

Mr. Marc Mylott, Director of Planning and Development Services said that the issues will be resolved and there were no objections.

Councilor Cromartie asked what effect increasing the building will have. Will you be increasing the capacity to serve?

Dr. Stuart Hamilton, Applicant said that it is a consolidation of the Internal Medicine and Pediatric Clinics; the purpose of the entire project is to replace two (2) buildings with structural problems.

Upon motion by Mr. Davis, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment (Rezoning)* of 4605-4619 Monticello Road, TMS# 09212-08-03; -04, -05, rezone from RS-3 (Single-family Residential) and C-1 (Office and Institutional) to PUD-C (Commercial Planned Unit Development).

11. **322 S Pickens Street**, TMS# 11309-18-13; rezone from RS-3 (Single-Family Residential) to C-1 (Office and Institutional). - *Denied*

Mr. David Franklin, Applicant and Owner explained that his objective was to operate a professional business and to live in the residence. As I understand the regulations, it's just a license to operate a business that doesn't involve clients coming to the home.

Councilor Cromartie asked what kind of business it is.

Mr. David Franklin, Applicant and Owner said that it is an engineering/construction business. I am doing the same thing in Charleston right now and their code allows a professional office at home where clients can come in. I can understand the concerns, but is there a way we can work this out.

Mayor Coble said rather than hash this out here; I would ask staff and neighborhood leaders to meet to explore all options. I suggest that we deny the request before us.

Upon motion by Dr. Gergel, seconded by Mr. Cromartie, Council voted unanimously to deny first reading approval of the *Map Amendment (Rezoning)* of 322 S. Pickens Street TMS# 11309-18-13; rezone from RS-3 (Single-Family Residential) to C-1 (Office and Institutional). There was a consensus of Council to direct staff to meet with the applicant and the impacted neighborhood association to explore options for this request.

Councilor Finlay said that we need to figure out something because we push live work environments very hard. In some areas of the City we've created a brand new zoning classification that specifically allows it. We have to think about this because we need some way to resolve this conflict on what appears to be a fairly light use. He requested a white paper from staff on how we would address this going forward.

Councilor Gergel asked that the neighborhoods and the Columbia Council of Neighborhoods be involved in the discussion as well.

Councilor Davis concurred, noting that there is nothing wrong with setting parameters for the expectations. He understands the neighborhood's standpoint and it's not good for a business to be in an area where they are not wanted.

Mr. Marc Mylott, Director of Planning and Development Services said that we need to take another look at the ways we currently allow home occupations. Is there an opportunity to relax some of those standards or to create a special use category?

12. **101 Powell Road**, TMS# 14500-02-24; rezone from C-1 (Office and Institutional) to PUD-LS (Planned Unit Development – Large Scale). – *Approved on first reading, provided that changes to the PUD not otherwise specified shall be governed by Section 17-305(10) and that the following language from the Major Planning Objectives, page 7 will be added to the Descriptive Statement: “There will be a strong effort to protect and enhance existing natural features, including topography, wetlands, vegetation/buffers and other landscape components on the Enterprise Campus.”*

Dr. Beverly Buscemi, Facility Administrator / Midlands Center appeared before the members of Council to express concerns about traffic. How will this impact traffic flow? We already have Keenan High School down the street. Will the main entrance be off of Powell Road? Are there plans to widen Pisgah Church Road?

Mr. Marc Mylott, Director of Planning and Development Services explained that as the development reaches a particular level where the demand requires an improvement to include the installation of lights or turning lanes, Midlands Technical College will make those modifications as needed.

Councilor Devine suggested that they also meet with Mr. Tom Ledbetter while he's here.

Upon motion by Ms. Devine, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment (Rezoning)* of 101 Powell Road, TMS# 14500-02-24; rezone from C-1 (Office and Institutional) to PUD-LS (Planned Unit Development – Large Scale). – *Approved on first reading, provided that changes to the PUD not otherwise specified shall be governed by Section 17-305(10) and that the following language from the Major Planning Objectives, page 7 will be added to the Descriptive Statement: “There will be a strong effort to protect and enhance existing natural features, including topography, wetlands, vegetation/buffers and other landscape components on the Enterprise Campus.”*

13. **NX932-4 Woodlawn Avenue**, TMS# 16501-07-02, -03 and -04; rezone from RG-1 (General Residential) to PUD-R (Residential Planned Unit Development). – *Approved on first reading. Mr. Finlay abstained from voting on this matter due to a potential conflict of interest.*

Mr. Marc Mylott, Director of Planning and Development Services explained that there is a current way in which the development could be built with one minor difference; under a group development, the applicant could construct six (6) single family homes on one (1) parcel; the ownership would be different. The applicant's proposal is to create subdivisions that are 6' from the lot; that's not permitted; and that's the reason for the PUD. If you want to do individual lots, you will need to provide 50' of width.

Councilor Devine said that under the law the applicant could provide rental housing or condominium ownership. Mr. Blackmon is proposing to develop them for homeownership, which we encourage, but because of the law, staff is recommending denial.

Councilor Cromartie noted that the Planning Commission voted seven (7) to zero (0) to recommend approval.

Mr. Marc Mylott, Director of Planning and Development Services said yes; this is not one of those projects that we are adamantly denying.

Councilor Finlay said that he would like to hear from the president of the neighborhood association. He said that Mr. Blackmon is a local retailer who has approached him about property that's not in the City of Columbia; it's a commercial piece of property in Forest Acres that's for lease. It's unrelated, but I feel that it's close enough that in order to avoid any appearance of impropriety, I will recuse myself.

Mr. Ken E. Gaines, City Attorney said that you probably should if you feel uncomfortable with this.

Mr. Tige Watts, President of the Brandon Acres Cedar Terrace Neighborhood Association reported that they have been asked to take a position on this, but the neighborhood association has not taken a position on this due to recent histories with other developments; however, I am here to say that Mr. Blackmon did come before the neighborhood association to share his info. We asked for documentation and pictures and he has provided that information to us. In the interest of full disclosure, he has been sharing information with us; we have been sharing information with him; and that's why I am here today.

Councilor Devine asked if the neighborhood association has chosen not to take a position.

Mr. Tige Watts, President of the Brandon Acres Cedar Terrace Neighborhood Association said that's correct. There is generally more appeal toward this development than past proposals. There is some concern about the spacing between the homes considering the fact that there are three (3) other duplexes there. There are code enforcement problems in that area and that's why we would rather have those homes.

Councilor Cromartie told Mr. Watts that by not taking a position, they really are taking a position; if in fact this passes then you will have that in your neighborhood.

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to give first reading approval to the *Map Amendment (Rezoning)* of NX932-4 Woodlawn Avenue, TMS# 16501-07-02, -03 and -04; rezone from RG-1 (General Residential) to PUD-R (Residential Planned Unit Development). *Mr. Finlay abstained from voting on this matter due to a potential conflict of interest.*

Councilor Finlay said that he received an e-mail on some issues this morning and he needed to go over them with the Interim City Manager and staff.

14. **3907 Ridgewood Avenue**, TMS# 09210-11-05; rezone from RG-2 (General Residential) to PUD-R (Residential Planned Unit Development). – *This item was deferred.*

Mr. David Connelly, Applicant explained that the Three Oaks Apartments were built in 1973 when no zoning was in place at the time. When zoning was put into place the property didn't meet density, the number of units and parking requirements. Instead of grandfathering it in, the City listed it as a non-conforming unit requiring us to reapply every year for an exemption. If this property were destroyed the City would not let them rebuild it. We are here today to ask for a density and parking waiver. I am a second generation contractor and developer and I have redeveloped communities across South Carolina; we work with many municipalities including the City of Columbia, Columbia Housing Authority, City of Rock Hill and the City of Sumter. We go in and do redevelopments and try to turn negative aspects of a neighborhood into positives. Currently, we have an older property with deferred maintenance; we have a landlord owner that wants to sell; there are no support services facilities; there are no security features on the property; the unit design is outdated; not many amenities are available; and the design is vulnerable to fire. There is a small laundry facility; the dumpsters are exposed; and the façade is plain. We are proposing to build a 1,600 square feet club house with meeting space and a computer system for after school tutoring that our management would facilitate. It is a \$3.5 million rehabilitation project and it will be new ownership that specializes in affordable housing. I serve on the Lieutenant Governor's Affordable Housing Taskforce working with situations just like this to make improvements. We have a local professional management company. We will install security cameras inside the clubhouse that can be monitored from anywhere in the world through an internet connection and we can provide that to anybody in City government; the Police Department or whoever you deem appropriate. We have direct cooperation with all of our properties with crime prevention, crime watch, on-site manager, background checks and our zero tolerance policy for crime and drugs. Our lease specifically states that if you are living in a community and you are convicted of a crime then you will be evicted. We run criminal, rental history and credit background checks on all of our residents. I have a sixty-five unit facility in Orangeburg, South Carolina where we ran 350 applicants through for those units. There is an updated unit design; we are adding bathrooms to the units; increased spacing with two (2) firewalls in the attic; we are adding a gazebo with community space and a playground for the children.

Councilor Cromartie asked what the income points are.

Mr. David Connelly, Applicant said that half is at 50% of the area median income and half is at 60% of the area median income. He continued to report that they are adding four (4) front porches.

Councilor Devine inquired about the security camera and its viewing range.

Mr. David Connelly, Applicant said that all cameras can be viewed at once or you can double click the screen to blow up an image while the cameras are still recording.

Councilor Cromartie asked if the cameras were for the exterior and the interior.

Mr. David Connelly, Applicant said yes sir.

Councilor Cromartie asked if the cameras are noise reactive.

Mr. David Connelly, Applicant said no; they are motion activated.

Councilor Devine asked if they are proposing to have a security system and an on-site manager.

Mr. David Connelly, Applicant said yes.

Councilor Cromartie asked if it is a 24-hour on-site manager.

Mr. David Connelly, Applicant said yes; we will make provision for that.

Councilor Gergel asked who will be monitoring the cameras.

Mr. David Connelly, Applicant said that the cameras are live all of the time so that anyone can pull them up; we don't have someone sitting there watching the cameras all of the time.

Councilor Gergel asked where the manager will be.

Mr. David Connelly, Applicant said that the manager will be living on-site. We have not made arrangements for someone to monitor the cameras in the past. The Police Department will let us know if they need to view them.

Councilor Davis said that if there is an issue and law enforcement pulls the camera up then it's an after the fact view as opposed to live.

Councilor Devine stated that it would be taped.

Councilor Cromartie asked the Police Chief if the Police Department's system would allow an officer to view their camera system.

Mr. Tandy Carter, Police Chief Columbia Police Department said that we are currently experiencing problems with the air cards and software.

Mr. David Connelly, Applicant clarified that no specific or special software is needed to run this; if you have an internet browser, you can pull this up using the Internet Protocol (IP) address, username and password.

Councilor Rickenmann said that the cameras are great, but he is more interested in having onsite management, because of the history of the site. The way you propose it is nice and the investment is greatly appreciated, but we want to ensure that the investment is for the long haul and the key is having onsite management.

Councilor Davis said that the camera system is okay, but one thing that would be of comfort to the residents is that you get real time activities as opposed to something that you are going to pick up next week. Also, onsite management is one thing that has let the neighborhood down for all these years. There is nobody over there even during intensified situations and the current owner lives right up the road when we thought he lived out of state. That is the heartburn and the fact that promises were put in writing, but were never carried out and the property was flipped to new ownership within 30 to 60 days.

Councilor Cromartie told Mr. Mylott that we will have to come up with the paradigm to make this work in this community and others. Can we make the requirements run with the land as part of the covenants with the property? The effect of this is if in fact those covenants are broken then they will lose their zoning and go back to a non-conforming use. They will have to provide the same type of security and onsite management even when they change ownership unless it's sold for a different use.

Mr. Marc Mylott, Director of Planning and Development Services said that it is a part of the PUD, but Council can make it an explicit condition of your approval, because we don't enforce covenants and restrictions, but the PUD has to be recorded and will run with the land. If in fact we went out there and found that there was no onsite manager, we could not revoke the zoning, but it would be a zoning violation and ultimately you could issue a summons and bring the owner before Municipal Court for a zoning violation.

Mr. David Connelly, Applicant explained that a bank is involved along with equity partners and I have to run this through them.

Councilor Cromartie said that the banks and equity partners should want to make sure that there is longevity and that the condition of the property is well maintained so they can get their cash flow. It will enhance the value of the property. I would not be willing to support this without the consent of Councilman Davis and these controls. Having diverse incomes also makes a tremendous difference in terms of living.

Councilor Davis asked Mr. Connelly if he has mixed-income projects throughout the state.

Mr. David Connelly, Applicant said yes.

Councilor Devine asked the applicant to address the matter of this being a tax credit project. We have to contemplate the current restrictions under State Housing and how you will address these things? The previous concerns stem from previous owners. If we don't approve this, what would happen to the property?

Mr. David Connelly, Applicant said that people want to live in our communities because of our business model and the practices we use at our properties. They don't have to put up with crimes and drugs just to be able to afford a place to rent. We can't turn these into single family residences due to the extreme cost of doing so. By the time you purchase the property, demolish the building, do the engineering, utilities, sidewalks and paving, it would result in a cost of over \$286,000 per lot for five (5) lots or less. The existing restrictive covenants were put into place in 1993; it was for a thirty (30) year affordability period; it has to remain affordable until 2022; and it would cost \$1 million if we broke the covenants. We provided a letter from State Housing on this matter as well.

Mr. Lymun Munson, Vice President and Development Committee Chair of the Hyatt Park Keenan Terrace Neighborhood Association said that he sent an e-mail to the members of Council on last night, which posed some questions and spoke to the issue. He commented on the pictures provided by the applicant, stating that is not the scale; there is a lot less green space and all we have are buildings, parking lots and sidewalks. The back setback is very tight.

Councilor Cromartie asked Mr. Munson if he wants more green space than proposed.

Mr. Lymun Munson, Vice President and Development Committee Chair of the Hyatt Park Neighborhood Association said absolutely; there is no amenity space on the site. The density allows for 34 apartments and this is 44, requiring 88 parking spaces and this has 56.

Councilor Devine asked Mr. Connelly if he already has a site plan that includes the clubhouse and playground space.

Mr. David Connelly, Applicant said yes. We are tearing down the existing laundry facility and in its place we will build the clubhouse and playground. We are building forty-four (44) units.

Councilor Devine asked if the new laundry facility will go inside the clubhouse.

Mr. David Connelly, Applicant said yes.

Councilor Davis asked if the new clubhouse would be on the same scale as the existing laundry room; I thought that the existing laundry room was small.

Mr. David Connelly, Applicant said it is; the new building incorporates the laundry room and it will be 1,600 square feet.

Councilor Davis said that Mr. Connelly would be taking away from the available space for parking.

Mr. David Connelly, Applicant said no; we are not taking parking spaces away. We have measured the setbacks around the property and they are close to 20'.

Councilor Cromartie said that the reality of this is that you need a complete buy out and to be in a position to do something different. There are already limitations and restrictions on the property. It is already a tax credit.

Mr. Rhett Anders said that our point as a community is that we have suffered so long with this place that we are willing to ride it out, because we think that the neighborhood is at a monetary tipping point and somebody can come along in a couple of years and turn it into owner occupied condos.

Councilor Devine reminded Mr. Anders that the restrictions expire in 2022.

Mr. Rhett Anders stated that there is an over saturation of Section 8 in North Columbia and it needs to be thinned out.

Councilor Rickenmann said that you can't change the tax credit status. I discussed that with Lyman and we discussed the fact about management; that is a key issue. I am hearing a commitment to have onsite management and that needs to be looked at.

Mr. Lymun Munson, Vice President and Development Committee Chair of the Hyatt Park Neighborhood Association reiterated that we can't do anything if the owner doesn't comply with the PUD. Let's look for another alternative. I looked up the restrictive covenant and it's a \$150,000 tax credit that will have to be recaptured.

Councilor Finlay said that the real answer is that you just don't want another project like this in North Columbia and this one because of its zoning irregularities is perhaps more easily to deal with than any of the others that are going to come up.

Mr. Lymun Munson, Vice President and Development Committee Chair of the Hyatt Park Neighborhood Association said that they didn't know this property was tax enhanced; that was a surprise to us.

Councilor Devine stated that the current owner has not been responsible and that has tainted a lot of it. Are you willing to leave it in the hands of the current owner?

Mr. Rhett Anders said that to be fair as a society we need to start looking at marketing children that fall under Section 8 into a non-performing school district. It goes on to crime, poverty, the revitalization of neighborhoods and education.

Councilor Devine stated that just because someone is low income that doesn't mean that they are a burden on society. I am really concerned at some of the statements that are being made. Having low income housing with computers for kids and onsite management improves the neighborhood. We already have challenges in this area. Are we going to continue to say that it can't be fixed so we're not going to address it? Or are we going to work with someone who wants to improve this neighborhood and provide something for the kids.

Councilor Davis said that the issues are management, crime, security and what people do with tax credits; leave income and under currents out of this. I support the area; I know what the problems are, but I am not going to send that kind of signal to the rest of the City. We can get to where we need to go. Let's not lose the support we have, because that is not North Columbia. That is why people are coming there, because of the diversity. The problem with this issue right now is a lack of diverse income. I don't want to lose my colleagues' support, because we are sending the wrong kind of signal. The issue I have with the present owner is management.

Mr. Lymun Munson, Vice President and Development Committee Chair of the Hyatt Park Neighborhood Association said that the property as currently configured is in compliance with HUD regulations. He said that there are 432 records of 911 calls to this site during the last four (4) years.

Councilor Davis reiterated that the problem is that present management has a lot to do with the perception, the attitude and the experiences of the neighborhood. Based on what has been said to the area about similar projects, there is almost no reason to trust; I think that's what they're saying.

Mr. Rhett Anders distributed an aerial map noting that there are 125 properties in total; 63 are non-owner occupied properties; behind that are two (2) houses that have been on the market forever at reduced prices due to crime in the neighborhood; and the last page is an abandoned Cadillac that sat at this apartment complex for months and months.

Ms. Tina Stoia, Contractor and Real Estate Broker said that she specializes in downtown properties in North Columbia. The City of Columbia supports the revitalization of North Columbia which includes homeownership. More than 50% of residential properties surrounding the apartment complex are non-owner occupied; potential home buyers are concerned about their safety; and I agree with Rhett; we'll take our chances.

Mr. Greg Dodson, Hyatt Park Keenan Terrace Neighborhood Association Board Member said that he is concerned about density issues. I believe it is going to look good, but we want scattered site housing and I am in opposition to this.

Councilor Gergel asked what dialog has the neighborhood had with the developer.

Mr. Lymun Munson, Vice President and Development Committee Chair of the Hyatt Park Neighborhood Association said that they met in late November and in February.

Ms. Janie Nelson said that she sent an e-mail to Council members in reference to this. I am in agreement with the project going forward; we have a very nice neighborhood and I love it; I have lived on Palmetto Avenue for over 20 years. I would be impacted by the improvements at the complex. I have never had any complaints or problems from this apartment complex. I am offended by the negative inferences to people on Section 8; no one has had direct problems with this complex. I don't understand why people are upset about the improvements; I am not willing to wait until 2022; let's try to improve what we have there until something else can be done.

Mr. Bill Manley Eau Claire resident said that he lives 500 feet from that facility and he is tired of hearing about Section 8; this is not what we are all about. They are going to do a great job here. You can use this as an example for other communities. They came to the neighborhood association and I am on the Development Committee so let's be clear on this; the neighborhood association meeting was in November and we never got a presentation, but the Development Committee did and some of us disagreed. It came to the neighborhood association meeting on February 3<sup>rd</sup> and then people started saying "Wait a minute; I like this". He reported that Ms. Vivian Counts is in favor of this. We can do something that we haven't been able to do. I support the development; approve this on first reading; and let them resolve their issues. He recalled that after November they received a letter from the president and in February they didn't ask for a vote.

Councilor Cromartie said that the Council needs to hear from everybody.

Ms. Susanna Lanier, Hyatt Park Neighborhood Association said that this complex is in the middle of single family housing and this should have never happened. We are now dealing with the restrictive covenant and this is another mistake. Improving the site will not help the severe problems we are facing; high crime, heavy foot traffic day and night, trash left behind and good neighbors are leaving. Do not approve this rezoning.

Dr. Chuck Walvoord, Current Property Owner explained that the other two (2) partners live in Spartanburg and he would like to retire from being a low income housing developer. I learned a painful experience from Three Oaks Apartments; nonetheless, we have always been in compliance with State Housing. It is 2.06 acres of land; each apartment is 1,000 square feet; it's upstairs and downstairs; there are 500 square feet of foot print for the building; and there is a 4 to 1 ratio of land and building to total acreage. He clarified that the development committee for the Hyatt Park Neighborhood Association were not aware that there was an extended use in contingency on the property at the time they voted to oppose the transaction; had they known that there was an extended use they may or may not have acted differently. I became involved with Three Oaks initially as a passive investor with 20% ownership; sixteen (16) years ago I signed up for the tax credits expecting the tax program to run for fifteen (15) years and then we could move on. I discovered later to my dismay that there was an extended use contingency imposed by the SC State Housing Authority that continued the low income housing status for an additional fifteen (15) years. The first opportunity to be free from the existing contingency starts January 1, 2023; we are looking at an additional fourteen (14) years of mandatory low income compliance. Based on your decision, if I wind up as the owner going forward I would be between a rock and a hard place. Ironically, I share some of the goals and the virtue of the neighborhood association; I would like for this thing to go away, too. The sale price is \$1,100,000, which averages out to \$25 dollars per square foot. Due to South Carolina Housing Authority restrictions I am not allowed to give the property away and because it's in noncompliance with the zoning laws I can't sell it to anybody, because they won't be able to insure the property. I can't dismantle it and make it go away. Ironically, an accidental fire was set in one of the smaller units and that required moving the occupants temporarily and we went to the SC Housing Authority and asked if we could take the insurance money and run and they said no you would be in noncompliance; you have to rebuild it. Why wasn't a zoning issue raised at that point? I don't know the answer to that. Finally, one year ago, we signed a contract for sale with the proposed buyer and for the past year Connelly has done extensive due diligence with HUD and the State Housing Authority to meet all of the requirements and as of December we thought we were free and clear. I think that Connelly has a proven track record and they are willing to invest a considerable amount of money. We had horrendous problems as a partnership including the death of an original partner who owned 40%; we were originally led by a financial advisor who's dead; we've had partnership issues because of the negative past; and I inherited my share of the ownership, which is currently 50%. I educated myself and straightened out the partnership; we hired a new property manager three (3) years ago; we put a significant amount of money from our pockets into this project by wrapping units with vinyl siding, installed new windows and upgraded the landscaping. In my opinion, I am going to ask

for your support for this, because I would like nothing more than to pass this property on to a new owner; the new owner has a proven track record and he will do what he says he's going to do; he has never sold a property that he owns; he will address the security issues; the tenants would be improved by their own apartments being significantly upgraded; and the neighborhood as a whole will profit by this. It's a win-win for everybody involved considering the alternative which is to continue having me as the owner with no other options.

Councilor Gergel asked Dr. Walvoord how long he has owned the property.

Dr. Chuck Walvoord, Current Property Owner said that he has ownership interest for 24 to 25 years.

Councilor Gergel described it as an absolute mess. How have you monitored the property, because quite frankly part of the issue here has been the management of this property.

Dr. Chuck Walvoord, Current Property Owner said that he is not proud of the way it has been; I got involved as a passive investor; we had a lousy property manager; in retrospect, I did not do my own due diligence from the get go. We have a resident manager named Steve Taylor and he manages other properties.

Councilor Davis said that he hears what Dr. Walvoord is saying. My impression of your efforts to work with the neighborhood and the community is that you are not doing a good job. You don't even visit the property. I just heard you say that you don't know what your manager does and that's part of the problem. It has caused a split in the neighborhood and it has placed the tenants at risk; the people who the structure was set up to provide for and allow them a descent place to live. That is one of the things that have made these people think that everybody up here has failed the neighborhood. When I first met you I thought you lived in Missouri; I did not know you lived this close to the community. It is awful over there and I understand what they are saying. I am hearing the same thing that I heard last year from another property owner and they sold it 30-days after we walked out of that room. The neighborhood is divided and it just offends me that you stand here and you say I don't know what he does and that's the person that you entrust to carry out what you sign.

Dr. Chuck Walvoord, Current Property Owner said that we have an agent that lives onsite, but technically he's not the person that gets the check for managing it.

Councilor Devine said clearly what we've heard and what you've admitted to is that you haven't done the best job on this property, but I think you are a perfect example of why not everybody needs to be in the real estate development/management profession. There needs to be something done that puts something in place. You have been honest with us, so I will ask you if you are not in a position to sell this property, are you prepared to make any improvements to the property based on what you've heard from the residents and their concerns.

Dr. Chuck Walvoord, Current Property Owner said that he would be forced to keep it in compliance with the Housing Authority rules and regulations, which are quite strict.

Councilor Cromartie said that those are the same rules and regulations you have already been in compliance with.

Councilor Devine said that's just for the safety of the building structure. When we went to Washington they told us that we can't mandate cameras or onsite managers. Aare you prepared to do anything other than what is currently required of you by HUD?

Dr. Chuck Walvoord, Current Property Owner replied that he doesn't know what the current rules or regulations are, but to answer your question, no; I don't have the means nor the desire to spend anymore of my money to install security systems. The only way that could be done is if someone takes it over and renews the tax credit issue and that's why we are here.

Councilor Cromartie said that if the Council did not approve the application the property would remain under your jurisdiction and you would just hope that it goes away.

Dr. Chuck Walvoord, Current Property Owner said that he's been hoping it would go away for a long time.

Councilor Cromartie said you will continue to do as you have been doing and everything on that property will remain the same.

Dr. Chuck Walvoord, Current Property Owner said essentially; I'm not quite as heartless as the question implies.

Councilor Gergel said that you have put us in a very difficult position. We are listening to neighbors say that as bad as this is, we think this is better than taking another chance. The responsibility for the maintenance of property in neighborhoods is essential to the livability in this City.

Councilor Davis asked Mr. Walvoord where he lives.

Dr. Chuck Walvoord, Current Property Owner said that he lives in Lexington County.

Councilor Finlay said Sam I will follow your lead, but it seems like we have to make a decision. It's like the Brandon Acres Cedar Terrace Neighborhood; even if we don't make a decision, we are making a decision if we defer this. The question is Sam, do we want to know that something is not going to get better or do we want to take a chance. We need to move the issue forward one way or another.

Councilor Davis said that part of the issue is that we have a substantial portion of the neighborhood leaders saying that they are willing to stick it out rather than move forward, which is what you are proposing. It's bad for people to have to step forward and say to policy makers that they are willing to wait out a bad situation. I am going to call for a vote on this; the outcome will show you what this has done to the community, because landlords have not lived up to their responsibility.

A motion by Mr. Davis to deny the Map Amendment / Rezoning was seconded by Ms. Devine.

Councilor Rickenmann said that he was inclined to deny this project. I would like to put a subsequent motion on the table to defer it until March 4<sup>th</sup>. We need more discussions on all of the options, because what I am hearing right now is not a good option. I would like to participate in discussions with everybody.

Councilor Cromartie said that it's very important to take advantage of the opportunity to improve your neighborhood. It will be difficult to go another 10 to 15 years with telephone calls to Police and clean up efforts; you have the chance to make a difference. I am going to rely upon Councilman Davis, but I think it's in the best interest of the neighborhood. I think there are other neighborhood leaders that would also like to be in a position to improve their neighborhoods, but they are not here. I would like to see everybody here so we can get a better understanding, because I am not sure this is the sense of the community. On the other hand, I know what we have done and mixed-use does work, but management means everything. I would require a 24-hour onsite residential person; 24-hour security with an interactive system that ties into the Police Department; and security guards. It would run in touch with the land, it would be

contractual and it would be recorded at the courthouse so that any future owner would look at it and see exactly what has to be done. The notice requirement makes it work. I would support the motion to defer this and bring back a solution that can move us forward in order to grow this community.

Councilor Devine said that she is supportive of the deferral. There are reasonable minds in that neighborhood so maybe Mr. Connelly can have more in-depth discussions with them. She reiterated that if our PUD provisions are violated they can be jailed. Currently, we don't have the ability to enforce anything on this property and that is one of the things the Code Enforcement Taskforce and the Quality of Life Taskforce have really suffered with to the point where we have no ability to hold landlords accountable. If there were provisions of a PUD, then we would have more of that ability. A provision for affordable housing is a priority that has been articulated by this Council. We have an Affordable Housing Taskforce and we struggle with providing quality affordable housing within our City that also provides safety and security for people who are renters just as much as they would for people who are homeowners. This is an opportunity for us to be able to improve the housing stock within our city; improve it for affordable housing; and have safeguards in place for people who live in the community. I encourage you all to talk and see if we can come up with something. I think you have learned a lesson from this ordeal, but this can't continue; whether we agree or not; something has to be done to help improve this area for the homeowners and the renters.

Councilor Finlay suggested that they defer the matter; ask staff to research Mr. Connelly's firm to determine if he truly has the reputation he presents; if yes, then that should be some measure of comfort. We have an Affordable Housing Taskforce that has put together a list of recommendations; I believe that 95% of those recommendations are encompassed in this proposal.

Councilor Devine requested that the City Attorney answer all of their questions regarding tax credits and what can and can't happen on this site.

Councilor Finlay said that he understands that this is emotional because it's close to home, but we also need to look at where we have a lot of projects that we need help on and is there a way for us to make this opportunistic where we can then move to have additional help from developers like Mr. Connelly. I have no solutions other than looking into this. He added that Mr. Walvoord is a motivated seller. Give us the time to work on this.

Councilor Rickenmann said that he wants to defer this, because there needs to be more conversations; we need to weigh all options. I am not inclined to support or deny the project at this stage. If this is denied, because some residents are willing to wait another twelve (12) years then I am not willing to listen to complaints about this property down the road. We have concerns about management.

Councilor Gergel said that she will support the motion to defer, because compromise is always the route to go. She made it clear that they will not let real estate developers determine the future of our neighborhoods and our City. We need to sit down and put everything on the table to address the issues raised. The developers should make an offer that they cannot turn down. We need to go in and enforce all code measures. I will support this with the expectation that there will be great dialog between the neighborhood leaders and I want to hear from Ms. Baker who wrote a letter listing very serious issues. For me to support this the neighborhood must have every opportunity to help shape what's going there.

Upon a substitute motion by Mr. Rickenmann, seconded by Mr. Cromartie, Council voted six (6) to one (1) to defer first reading consideration until March 4, 2009 to allow the applicant, neighborhood representatives and staff to meet and explore all options relating to this map amendment. Voting aye were Mr. Cromartie, Ms. Devine, Mr. Rickenmann, Mr. Finlay, Dr. Gergel and Mayor Coble. Mr. Davis voted nay.

Councilor Davis asked staff to also clarify HUD penalties for non-compliance.

TEXT AMENDMENTS – FIRST READING

15. **Amend Chapter 17, Article V, Division 4, §17-691(b)** to add 1000 Hampton Street (Big Apple) as a Group I Landmark.

Ordinance No.: 2009-001 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article V, Historic Preservation and Architectural Review, Division 4, Landmarks, Sec. 17-691, Buildings and site list, (b) Group I – *Approved on first reading. Please refer to Item 9a.*

16. **Amend Chapter 17, Article 3, Division 4, §17-134 of the Zoning Ordinance** to expand where UTD may be requested for map amendment.

Ordinance No.: 2009-012 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 4, Amendments, Sec. 17-234, Minimum land area for change in zoning Classification or creation of new district to add (7) – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that this is a request from staff to amend the text of the zoning ordinance. You may recall that seven (7) or eight (8) years ago there was the creation of a UTD District, which is to essentially create a transition between some commercial and residential neighborhoods. We had no parameters about when that district could be applied; so without that you had to have a parcel two (2) acres or larger to apply. This allows you to put it in those transitional areas.

Councilor Cromartie asked if a UTD would allow us to make the property on Pickens Street a UTD and not affect the adjacent zoning.

Mr. Marc Mylott, Director of Planning and Development Services said that he is not sure about that, but it is an example.

No one appeared in support of or in opposition to **Item 16**.

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2009-012 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 4, Amendments, Sec. 17-234, Minimum land area for change in zoning Classification or creation of new district to add (7).

17. **Amend Chapter 17, Article 3, Division 10, §17-345 of Zoning Ordinance** to reduce parking requirements for retail uses in existing structures.

Ordinance No.: 2009-009 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 10, Off-Street Parking and Loading Facilities, Sec. 17-345 Reduction of parking requirements for certain uses (a) – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services said that the intent of this text amendment is that if a building covers all of your property or most of your property for uses with a parking requirement equivalent to 3 per 1,000 square feet or less that you would be able to put that use into that building without needing a parking variance. Again, that amendment is very successful in getting businesses occupied without having them jump through extra hoops. This incrementally expands that program to include a certain number of retail uses.

Councilor Finlay said that you are in essence saying that if you have a building that occupies all the space you get to push your parking requirements onto other private landowners or the public streets. It means that if you rent a parking lot in Five Points you will spend your time chasing people out of it who don't rent a parking lot.

Mr. Marc Mylott, Director of Planning and Development Services said that is a fair assessment, but there's another side to it.

Councilor Finlay said that if you set up rules which are predicated on retail needing parking, that's exactly why you created the rule. Just because a building covers the whole site doesn't mean that they don't need the parking.

Mr. Marc Mylott, Director of Planning and Development Services said that Mr. Finlay is absolutely correct. He asked Mr. Finlay to remember that we are dealing with a mid 1970's zoning ordinance that's practically a suburban model, which does not take into account where you have buildings that cover most of your property will be in your mixed-use and urban areas.

No one appeared in support of or in opposition to **Item 17**.

Upon motion by Ms. Devine, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2009-009 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 10, Off-Street Parking and Loading Facilities, Sec. 17-345 Reduction of parking requirements for certain uses (a).

18. **Amend Chapter 17, Article 3, Division 12, §17-401 and §17-407 of the Zoning Ordinance and create new text** to permit greater display surface area for large lots, amend permitted height, and provide for Group Development and Interstate Highway signage.

Ordinance No.: 2008-111 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 12, Signs – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that this text amendment has several components to it; first and foremost, it includes the recommendation by the Code Enforcement Taskforce to consider common signage as part of the development.

Councilor Cromartie requested that Mr. Mylott separate each item on the agenda, especially recommendations from the Code Enforcement Taskforce so that the public will know what the Council is in the process of voting on.

Mr. Marc Mylott, Director of Planning and Development Services continued to explain that there are several components, but they all relate to signage. The other important element is that this takes care of a common variance that the Board of Zoning Appeals has to deal with. Currently you are only allowed a set number of square footage for your business regardless of the size of the building or the size of the property. We looked at the variances that the board had granted based on the size of the property and the size of the building. We charted that and that's the formula before you. It gives bigger buildings and bigger property more signage up to a particular point. We compared our sign code with Charlotte, Atlanta, Greenville, Myrtle Beach and Raleigh. We looked at the heights of signs, especially when those commercial areas are in close proximity to residential districts and we were off the charts higher than what we allow. We propose that while we allow bigger businesses on bigger property to have more square footage we begin to ratchet down the height in C-3 districts from 50' to 35'. We also recognize that there are circumstances where you need to have taller signs; where you are being viewed from farther away; therefore, we recommend allowing higher heights when you are along the

interstate.

Councilor Cromartie asked Mr. Mylott if these recommendations have been vetted with any representatives from the sign industry. Are those that make their living from doing this aware of the change. I don't want us to do something to affect their livelihood that they may or may not be aware of.

Mr. Marc Mylott, Director of Planning and Development Services asked if we need to send notices.

Councilor Devine said that the sign shop doesn't care about the height of a sign I buy; it is me as a business owner that will be affected by this.

Mr. Marc Mylott, Director of Planning and Development Services explained that they drove the commercial corridors looking for instances where we might have something that would be termed non-conforming and they weren't your local mom and pops; they were McDonalds and Burger King.

Councilor Cromartie asked if this amendment would have a direct effect upon those that install the signs or those that would benefit from the signs.

Mr. Marc Mylott, Director of Planning and Development Services said it's hard to say that.

Councilor Cromartie said that we must be business friendly and business sensitive. We have to measure how our actions will affect the business people who pay the higher taxes and business license fees.

Mr. Marc Mylott, Director of Planning and Development Services concurred. It is our position that this proposal is business friendly; it removes the hoops that they had to jump through.

Councilor Devine asked if this would affect the technology center on the corner of Bull Street and Hampton Street that has one big sign listing all of the places in the building. Does this affect you if you have one building with several businesses?

Mr. Marc Mylott, Director of Planning and Development Services said not that one, because it's all on one parcel, but another example is the new medical office near Hyatt Park. We had to do some very creative parceling to make that common signage work in the middle of the medical park. You may recall that several years ago we put a massive PUD over the Wal-Mart out Forest Drive; it allowed them to have common shopping center signs. This takes care of that; it allows folks to have those common shopping center sign.

Councilor Finlay said that the common signage especially for smaller strip malls means that older signs that were allowed can't come down, because they would only be allowed to replace it with one sign. I have a shopping center in Forest Acres that has six (6) tenants and we were told that if we take the sign down we won't be able to divide the space back up. This would help, because you want those small businesses to be noticed.

No one appeared in support of or in opposition to **Item 18**.

Upon motion by Mr. Cromartie, seconded by Mr. Davis, Council voted unanimously to give first reading approval to Ordinance No.: 2008-111 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 12, Signs.

19. **Amend Chapter 17, Article 3, Division 12 (Signs), §17-401 and §17-407 of the Zoning Ordinance** to prohibit the use of festoons and inflatable signs.

Ordinance No.: 2009-008 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article III, Zoning, Division 12, Signs, Sec. 17-401 Definitions to add Festoons and Signs, inflatable; and Sec. 17-404, Prohibited signs to add (f) Festoons and inflatable signs – *This item was deferred until March 25, 2009.*

Mr. Marc Mylott, Director of Planning and Development Services explained that the Code Enforcement Taskforce is recommending that the sign ordinance be amended so that inflatable signs and festoons, which are simply the strings of tinsel, pennants and banners would be amortized over the next 12 months.

Councilor Cromartie said that festoons are used by automobile dealers the most. We had the same concern on these types of signs some time ago and we asked the Zoning Department to contact the automobile dealerships to reach a compromise that everybody would support. I am simply against making decisions on businesses without them being aware of it. I would like to make sure that they are aware.

Mr. Marc Mylott, Director of Planning and Development Services recalled that this amendment was a front page article in The State Newspaper several weeks ago.

Councilor Gergel asked if there were any business folks on the Code Enforcement Taskforce.

Mr. Marc Mylott, Director of Planning and Development Services recalled that there were appointments from each of the major corridors to include Garners Ferry, Farrow, North Main and Two Notch. The intent of the diversity of the Code Enforcement Taskforce was to vet these issues. What would be your expectation?

Councilor Cromartie reiterated that his expectation is that whenever we pass an ordinance in the City of Columbia that affects a particular industry that that industry receives notice just like we do for neighborhoods.

Mr. Marc Mylott, Director of Planning and Development Services asked if it was safe to say that you have an expectation of extraordinary notification; it's not enough to stand here and say that it was vetted by the Code Enforcement Taskforce.

Mayor Coble asked how this was advertised.

Mr. Marc Mylott, Director of Planning and Development Services said through widespread dissemination of the ordinance.

Mayor Coble said that in this case you would not know who is using a festoon unless you went out there; however, the best notice is through the media.

Councilor Rickenmann asked if the inflatables include storks in people front yards to announce the birth of a baby.

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

Councilor Rickenmann asked if there would be special permitting for festoons.

Councilor Finlay said that he is against this one, because at heart he is a festoon kind of guy. I can't grasp the concept of us regulating a blow up that's there for ninety (90) days.

Councilor Devine asked Mr. Mylott to discuss what the issues have been with festoons.

Councilor Cromartie said that the Code Enforcement Taskforce doesn't like the way they look.

Mr. Marc Mylott, Director of Planning and Development Services concurred.

Mayor Coble said that the festoons stay there and they are torn. You can tell the difference if you go through a corridor that has a lot of that.

Councilor Rickenmann suggested that they be allowed by a 30-day permit during special events.

Councilor Cromartie agreed with Mr. Rickenmann, noting that that is a reasonable compromise.

Councilor Gergel said that the intent was to look at issues that impact the beautification of the City. These are things that a number of cities have addressed to help create that visual impact that is so important to economic development.

Councilor Devine asked about the tax businesses that use live people to advertise their services. That's not affected by this, but we are going to tell people that they can't use a stationary sign or a blow up of the person doing the same thing. We have to think through the whole thing.

Mr. Marc Mylott, Director of Planning and Development Services explained that the matter is handled by a separate part of the code that deals with the public right of way. I can probably find something that says that you can't advertise from the public right of way.

Councilor Davis asked how is the word getting out; we need to concentrate on enhancing what we are already doing. It would be a shame that the public doesn't get to see the recommendations considering the amount of effort that the Code Enforcement Taskforce put into this. We are doing a good job now, but we need to make sure that nobody feels as though they were overlooked in terms of notification.

Councilor Finlay said that it's the same businesses over and over again that are using an inflatable as a sign. Let's consider allowing them for 60-days without a permit and after that you can't; you have to change it.

Councilor Rickenmann said that you have to use a permit to establish the start date and the end date. I would also say that you can't receive a permit back to back.

Councilor Gergel said that she would prefer the shortest window so they can get the word out and get it over with.

Councilor Cromartie requested that the auto dealerships be notified.

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to defer this item until March 25, 2009.

20. **Amend Chapter 17, Article 5, Division 1, §17-655 of the Zoning Ordinance** to permit staff review of fences and walls in certain –DP districts

Ordinance No.: 2009-006 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article V, Historic Preservation and Architectural Review, Division 1, Generally, Sec. 17-655, Administration – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that this amendment is an opportunity to make our historic preservation review process faster; this allows staff review for certain walls and fences.

Councilor Rickenmann asked if visible from the street means a half a block down on top of a ladder looking back. Let's have a defined statement, because our rules on fencing are stringent. I want to make sure we are not making even more of a burden on a homeowner.

Mr. Marc Mylott, Director of Planning and Development Services said that this makes it easier on a homeowner by cutting out going to the full Design Development Review Commission (DDRC), but it doesn't waive any standards.

No one appeared in support of or in opposition to **Item 20**.

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2009-006 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article V, Historic Preservation and Architectural Review, Division 1, Generally, Sec. 17-655, Administration.

21. **Amend Chapter 17, Article 3, Division 8, §17-277 of the Zoning Ordinance** to prohibit the use of vinyl and plastic tarp as a fence material.

Ordinance No.: 2009-007 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-277 Projections into required yards to add (11) Vinyl or plastic tarps are not permitted fence materials – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that this amendment is another recommendation from the Code Enforcement Taskforce to prohibit the use of plastic tarps.

Councilor Rickenmann said that people are using tarps as fences; we've had massive problems with this in neighborhoods, because it's not spelled out. People are using old vinyl signs to make fences.

Upon motion by Mr. Rickenmann, seconded by Mr. Davis, Council voted unanimously to give first reading approval to Ordinance No.: 2009-007 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-277 Projections into required yards to add (11) Vinyl or plastic tarps are not permitted fence materials.

- **Council adjourned the Zoning Public Hearing at 12:45 p.m. and reconvened the Regular Meeting.**

### **CITY COUNCIL DISCUSSION / ACTION**

22. Hampton Hills Neighborhood Speed Hump Request

Upon motion by Mr. Finlay, seconded by Mr. Cromartie, Council voted unanimously to approve the installation of two (2) speed humps on Montague Road and Hampton Hills Road.

23. Council is asked to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Eduardo Castaneda Pena doing business as Taxi Cab Latino located at 1728 Decker Boulevard, Columbia, SC. - *Approved*

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Eduardo Castaneda Pena doing business as Taxi Cab Latino located at 1728 Decker Boulevard, Columbia, SC.

### **CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS**

- 23a. \*\*Council is asked to approve the Purchase of Seven (7) Lots of 2009 Warm Season Annual Plant Materials, as requested by the Forestry and Beautification Department. Award to Creekside Greenhouses, the lowest bidder in the amount of \$11,564.56. This vendor is located in Elgin, SC. *Funding Source: 2111223-663800 \$5,526.55 & 1011217-627300 \$6,038.01 - Approved*

Upon motion by Mr. Rickenmann, seconded by Mr. Cromartie, Council voted unanimously to approve the Purchase of Seven (7) Lots of 2009 Warm Season Annual Plant Materials, as requested by the Forestry and Beautification Department. Award to Creekside Greenhouses, the lowest bidder in the amount of \$11,564.56. This vendor is located in Elgin, SC.

24. Council is asked to approve Project #SD8233; Jersey Mike's Flood Proofing "Emergency", as requested by Utilities and Engineering. Award to Priority Construction, the lowest bidder in the amount of \$94,855.00. This vendor is located in West Columbia, SC. *Funding Source: Storm Water Funding Account - Approved*
25. Council is asked to approve Project #SD8242; Improvements for Columbia College Drive "Emergency", as requested by Utilities and Engineering. Award to Trussell Bros. Construction, the lowest bidder in the amount of \$97,696.00. This vendor is located in Columbia SC. *Funding Source: Storm Water Funding Account - Approved*
26. Council is asked to approve Project #SS7080; Repairs at Bloomwood Road "Emergency", as requested by Utilities and Engineering. Award to Trussell Bros. Construction, the lowest bidder in the amount of \$275,850.00. This vendor is located in Columbia SC. *Funding Source: Water Funding Account - Approved*

Councilor Devine asked that someone explain **Items 24.** through **26.**

Mr. Steven A. Gantt, Interim City Manager explained that **Item 24.** was an error made by the City of Columbia over seven (7) years ago where they allowed Jersey Mike's to build across the flood plain.

Councilor Finlay clarified that they did not rebuild; they remodeled.

Mr. Steven A. Gantt, Interim City Manager continued to explain that we did not do a good job on the permitting as to where they were. He said that FEMA has given us a time certain to get this in compliance or they are going to pull our flood insurance program. This is a dire emergency and we need to get this done as quickly as possible. There were nine (9) of these issues and this is the last one that has to be resolved.

Councilor Rickenmann said that he understands why we have to do this, but I find it amazing that they allowed this to be built along with the other side of that creek where there is a subway that's been remodeled a lot. Now all of a sudden we have to make all of these provisions that are costing us money. That area has been in a flood plain for fifty (50) years.

Mr. Steven A. Gantt, Interim City Manager said that their interpretation of the flood map is that we are in violation and we have to take care of it. We are putting a wall around the building and a waterproof door will be installed in case there is a flood situation.

Councilor Finlay inquired about **Item 23a**. If budgets are tight do we really need to spend \$11,000 on flowers?

Mr. Steven A. Gantt, Interim City Manager said that is about 50% of what we would normally spend; we have already reduced that number.

Councilor Devine asked why the Mentor Protégé Program had been waived for **Items 24**. through **26**. She recalled Mr. Cromartie's recommendation to rotate the emergency projects among the firms on the list. She noted that both **Items 25**. and **26**. are being awarded to the Trussell Brothers.

Mr. Steven A. Gantt, Interim City Manager said that we may call three (3) to four (4) contractors to the site and they all look at the emergency situation and give us a verbal bid.

Councilor Devine said that is still something that they hear concerns about. Is there are process we can put into place where we have an already approved list and then we rotate among that list or at least everyone on that list gets an opportunity under the emergency circumstances so that we have some assurances that it's still an open process.

Councilor Cromartie said that it is our intent that the excellent job being done on the Mentor Protégé Program is continued on emergency projects, because there are those that could be in a position to benefit. We want to see the Mentor and the Protégé on emergency projects.

Mr. John Dooley, Director of Utilities and Engineering said that the mentor firms are the only firms that are involved in emergency projects.

Councilor Cromartie asked if the mentors know to involve their protégés in emergency projects.

Mr. John Dooley, Director of Utilities and Engineering said that we require that they subcontract a minimum of 20% of the work. **Item 24**. is not a pipeline job; it's a masonry job; and 60% of that work was subcontracted. There are now eleven (11) Mentor Protégé Teams and at least nine (9) jobs have gone through the Mentor Protégé Program.

Councilor Gergel asked where the property is located in relation to **Item 24**.

Mr. John Dooley, Director of Utilities and Engineering said that it's located on Garners Ferry Road near K-Mart. It was a bank that was built prior to FEMA adding it to the flood maps; the building was grandfathered in. When Jersey Mike's built a deck outside FEMA decided that it would technically impede the flow of Gills Creek during a flood.

Councilor Gergel asked Mr. Dooley to clarify the impact this has on Gills Creek.

Mr. John Dooley, Director of Utilities and Engineering said that mathematically there is an impact; when you use a computer program to measure the impact of any type of structure, it would show a rise in the flood elevation. As a practical matter, it's difficult for me to imagine that.

Upon motion by Mr. Cromartie, seconded by Mr. Finlay, Council voted unanimously to approve **Items 24**. through **26**. with a single motion. All protégés should be included on emergency projects with their mentors.

## **ORDINANCES – SECOND READING**

27. Ordinance No.: 2008-048 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina Chapter 2, Administration, Article III, Officers and Employees, Sec. 2-120 through Sec. 2-131 and Article IV, Departments, Sec. Sec. 2-151, Departments created; department heads; administrative regulations and procedures, (a) *First reading approval was given on February 4, 2009 – This item was deferred.*
28. Ordinance No.: 2008-095 - Annexing 5432 Farrow Road, Richland County TMS #11612-07-18– *First reading approval was given on February 4, 2009 - Approved on second reading.*
29. Ordinance No.: 2008-102 – Annexing 2635 Percival Road, Richland County TMS #19716-01-06– *First reading approval was given on February 4, 2009 - Approved on second reading.*
30. Ordinance No.: 2009-005 – Annexing 11.24 acres, N/S Clemson Road Richland County TMS # 25700-04-05– *First reading approval was given on February 4, 2009 Approved on second reading.*

Councilor Finlay said that we haven't figured out how we are going to deal with the potential cost and the impact on the Police Department and potentially the Fire Department's budget on some of these annexations. If we would commit to set a policy at the Retreat then I am fine with this. The projections are that we are cutting the Police Department's budget and at the same time we are expanding territory. We need a policy on how we are going to proceed.

Councilor Rickenmann said that he understands the mathematical logic, but we drive by the two (2) properties already and I agree we need a policy. It falls between two (2) pieces of property we are already going to.

Councilor Finlay said that by that rationale we drive through a huge amount of Richland County. Let's vote on it, but as a Council we have to come up with a policy that explains what we are doing.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to give second reading approval to **Items 28.** through **30.** with a single motion.

31. Ordinance No.: 2009-011 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 21, Stormwater Management and Sedimentation Control, Article III, Flood Damage Prevention, Division 1, Generally, Sec. 21-125, Definitions; Sec. 21-127 Basis for establishing areas of special flood hazard; and Division 2, Administration, Sec. 21-153 Duties of city engineer – *First reading approval was given on February 4, 2009 – Approved on second reading.*

Mr. Steven A. Gantt, Interim City Manager said that there are definition changes in the ordinance as required by FEMA.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to give second reading approval to Ordinance No.: 2009-011 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 21, Stormwater Management and Sedimentation Control, Article III, Flood Damage Prevention, Division 1, Generally, Sec. 21-125, Definitions; Sec. 21-127 Basis for establishing areas of special flood hazard; and Division 2, Administration, Sec. 21-153 Duties of city engineer.

## **ORDINANCES – FIRST READING**

- A. Ordinance No.: 2009-013 – Granting encroachment to the Dennis Corporation for installation and maintenance of a sidewalk within the rights of way area of the 500 block of Laurel Street adjacent to its property at 1800 Huger Street – *Approved on first reading.*

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2009-013 – Granting encroachment to the Dennis Corporation for installation and maintenance of a sidewalk within the rights of way area of the 500 block of Laurel Street adjacent to its property at 1800 Huger Street.

- B. Ordinance No.: 2009-014 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V, Water and Sewer Rates, Sec. 23-142 Interest on past due accounts – *Approved on first reading.*

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2009-014 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V, Water and Sewer Rates, Sec. 23-142 Interest on past due accounts.

## **RESOLUTIONS**

- C. Resolution No.: R-2009-005 – Authorizing consumption of alcoholic beverages and Five Points Association's 5 After 5 Concert Series - *Approved*
- D. Resolution No.: R-2009-007 – Permitting the Fire Department to collect money for the Muscular Dystrophy Association - *Approved*

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to approve **Items C.** and **D.** with a single motion.

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

No one appeared at this time.

- **Mr. Rickenmann left the meeting at 1:05 p.m.**
- **Council recessed at 1:11 p.m.**

## **EXECUTIVE SESSION**

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to go into Executive Session at 3:00 p.m. for the discussion of **Items E.** through **H.** as outlined below.

- **Council convened the Executive Session discussion at 3:08 p.m.**
  - **Mr. Finlay joined the Executive Session at 3:15 p.m.**
- E. Discussion of negotiations incident to proposed contractual arrangements
- Richland School District One School Resource Officer (SRO) Contracts
  - Municipal Association of South Carolina Supplemental Contract
- These items were discussed in Executive Session. No action was taken.*

- F. Receipt of legal advice which relates to a matter covered by attorney-client privilege
- Ordinance No.: 2008-108 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article IV, Pollution Control, Division 5, Regulations and Requirements Relating to Smoking of Tobacco Products, Sec. 8-218 to add (8); and to delete Sec. 8-219 and renumber subsequent section

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

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

- Columbia Action Council

*This item was not discussed in Executive Session.*

- Hotel Litigation

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

- H. Discussion of employment of an employee

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

- **Mr. Finlay left the meeting at 5:18 p.m.**
- **Council adjourned the meeting at 5:27 p.m.**

Respectfully submitted by:

Erika D. Salley  
City Clerk