



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
WEDNESDAY, MARCH 4, 2009
9:00 A.M.
CITY COUNCIL CHAMBERS
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting on Wednesday, March 4, 2009 in the City Hall Council Chambers located at 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 9:08 a.m. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann and The Honorable Belinda F. Gergel. The Honorable Kirkman Finlay III arrived at 9:11 a.m. and The Honorable Sam Davis arrived at 9:14 a.m. Also present were Mr. Steven Gantt, Interim City Manager and Ms. Erika D. Salley, City Clerk.

APPROVAL OF MINUTES

1. Minutes of September 17, 2008 and September 24, 2008 – *Approved as presented.*

Upon motion by Mr. Cromartie, seconded by Mayor Coble, Council voted unanimously to approve the Minutes of September 17 and 24, 2008 with a single motion.

PRESENTATIONS

2. Community Promotions Funding Recommendations –The Honorable Judge Mildred McDuffie, Chair of the Community Promotions Advisory Committee - *Approved*

The Honorable Judge Mildred McDuffie, Chair of the Community Promotions Advisory Committee asked the Council for permission to fund the Carolina Children's Home at \$2,500; we fund this project every year at the same amount.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to allocate \$2,500 to the Carolina Children's Home Annual Barbeque Cook-Off Festival as recommended by the Community Promotions Advisory Committee.

3. Proclamation Presentation – Dr. Lonnie Randolph, President of the SC Chapter of the National Association for the Advancement of Colored People (NAACP)

Dr. Lonnie Randolph, President of the SC Chapter of the NAACP announced that the observance of the 100th Anniversary of the NAACP was February 12, 2009; the organization was founded February 12, 1909 by a very diverse group of individuals; 47 whites and 6 African Americans were the initial starting members whose sole purpose was to ensure full citizenship rights for all human beings. We all know the history of America, the history of South Carolina and the history of the City of Columbia and in spite of the efforts of those individuals; we are still facing challenges even here in Columbia. It is our hope that as we recognize the work that those trailblazers did that each and every one of us will work to ensure that the golden rule is the order of the day. We are a volunteer organization and I would be remiss if I did not recognize the great people that volunteer in this organization. He applauded Mayor Coble's history of treating people the way he wanted to be treated.

Mayor Coble said that we know what the NAACP has meant here in Columbia; working for justice and equality for all. We will continue that fight and we thank you for your leadership. Mayor Coble and the members of Council presented Dr. Lonnie Randolph with a Proclamation, which declared February 12, 2009 as NAACP Day in the City of Columbia.

- **Mr. Finlay joined the meeting at 9:11 a.m.**
 - **Mr. Davis joined the meeting at 9:14 a.m.**
4. Super Saturday Presentation – Ms. Charmaine Clark, Neighborhood Community Specialist - *This item was withdrawn from the agenda.*
 5. Good to Great Update – Mr. Chuck Beaman, Chairman of the Good to Great Foundation, Grant Jackson, Good to Great Foundation and John Mikula, Good to Great Foundation

Mr. Chuck Beaman, Chairman of the Good to Great Foundation reminded the Council that he made a budget request in September and the Council graciously agreed to assist with funding for the Good to Great Foundation. I am proud to tell you that because of your support and the support of others we have raised over \$3 million in our capital funding campaign. There are eight (8) platforms that we are working on: economic development, workforce development, transportation, homelessness, riverfront development, environment and quality of life, hydrogen fuel research and development and intergovernmental cooperation.

Councilor Cromartie said that he would like to ensure that we have as much diversity in the Good to Great initiative as possible. We want to see a representative from Benedict College serving on the board.

Mr. John Mikula, Good to Great Foundation / Investor Relations explained that the Business Retention and Expansion Program is one of the physical fulfillers of Navigating from Good to Great and it is a partnership with the City of Columbia. We utilize a database to track the information from our interviews with businesses. Research tells us that between 40% to 80% of all new jobs created in the community come from existing businesses and in any given twelve (12) month period, 10% of the jobs are lost. It is simply too important of a source of new jobs to ignore. This program compliments the effects of the Midlands Business Alliance; it allows for a database policy in business decisions; it improves competitiveness; existing companies speak to and exchange information with potential businesses that may be interested in relocating here; and it improves retention and expansion. The program objective is to establish a better working relationship between the governments and the business community; it's designed to find out if there are any urgent concerns in a business leaving or shutting down; we want to retain businesses and jobs in this area. To date we have conducted 104 personal interviews and we are entering that data. He distributed a draft copy of the report, noting that they are working to finalize the report before it is issued by the Chamber and the City of Columbia. We would like to conduct another 100 interviews over the next year; we already modified the questionnaire; we are working to develop additional partners; and we will formulate suggestions based on the data that comes from the database.

Mayor Coble asked Mr. Mikula what he has been finding as it relates to the economy, because there is additional stress on all existing businesses as this recession becomes deeper.

Mr. John Mikula, Good to Great Foundation / Investor Relations said that we are not finding mass lay offs although some companies do anticipate lay offs. The major take back is that they intend to stay the same; they see the future as stabilization.

Councilor Davis said that the effort is a good one and he appreciates the partnership. How did you go about contacting the companies in terms of geography? What are the criteria for the interviews? Are they members of the Chamber or participants in the Alliance?

Mr. John Mikula, Good to Great Foundation / Investor Relations reported that Ryan Coleman of the Office of Business Opportunities developed a list predicated on the Council Districts and the Chamber has a list which consists of supporters of Navigating from Good to Great and other Chamber members. The majority of the interviews were done in the City of Columbia and we can show which Council Districts they have taken place in. We have also done interviews outside city limits.

Councilor Davis asked the group to consider areas that have needs for assistance and inspiration. There are some issues within donut holes such as on Broad River Road and we should get their perspective on what we can do to bring about cohesion in that area; it is a major corridor.

Mr. John Mikula, Good to Great Foundation / Investor Relations said that they will take that into account; we will go anywhere and speak with anyone.

Councilor Devine said that we hear a lot about whether or not we are business friendly especially in terms of business licenses and how we compare to Richland County. Did you hear anything about that?

Mr. John Mikula, Good to Great Foundation / Investor Relations said that there isn't a way in the database to compare comments about various jurisdictions, but we do provide a ranking of City services.

Councilor Devine asked if the education piece with Richland School District One had been developed.

Mr. John Mikula, Good to Great Foundation / Investor Relations said that he is not aware of that.

Councilor Finlay reminded the Foundation that the financial situation of the City is not where it was; there is going to be the need for a dramatic funding cut next year. He urged the Foundation to begin building that into their budget, because a letter is going out to that effect. The cut could be 20% to 25%.

Mr. Grant Jackson, Good to Great Foundation / Community Development reported that they are working on a range of issues from riverfront development to environment and quality of life. We have been focused on clean air and we are concerned on the non-attainment issue. We work in partnership with the City's Climate Protection Action Committee. We are bringing people to the table and the Environmental Protection Agency (EPA) looks favorably upon the partnerships being formed. Having a knowledge based economy requires knowledge jobs and knowledge workers and we are working in both of those arenas. To help create jobs, the Foundation has partnered with EngenuitySC to build clusters in the Midlands. This past year, we focused on an insurance technology services cluster, which is potentially a huge economic engine in the region with 8,000 to 10,000 people working in that industry. The purpose of this cluster is to attract more talent to staff these companies and to attract more companies to our region. We are developing a skill crafts cluster for those in construction. We also partnered in the Columbia Talent Magnet Project to survey residents in the fall of 2008 and those results will be released soon.

Councilor Rickenmann asked how these things are being measured. How are we making a difference? What is the Good to Great Foundation doing to help bring out the positives for us, because we have a tendency in this community to put the negatives in the headlines? Part of Good to Great is to ensure that we are getting the message out about the good things that are going on.

Mr. Grant Jackson, Good to Great Foundation / Community Development said that they are working on several different marketing and branding initiatives; one of which is the initial work we did with the Conventions and Visitors Bureau to brand Columbia, SC as “Famously Hot”. We also had stakeholder meetings with industry and business groups.

Mr. John Mikula, Good to Great Foundation / Investor Relations said that we don’t struggle with things that are easily measured. We are working on a combination of efforts.

Councilor Devine agreed that the Good to Great effort is a way to bring people together; we have to move a step further to make sure we have a unified message and help to get that message out. I don’t think that what’s portrayed in the media is our story. We need to get that collective story out. Five years from now, we can look at how many people are coming to our region and how many young people we have here?

Mr. Grant Jackson, Good to Great Foundation / Community Development said that they are currently revamping the communication tools and the website.

Councilor Cromartie recalled a trip to inner-city Lexington, Kentucky several years ago wherein the Editor-in-Chief of the local newspaper told the group that the success of the region is the success of our newspapers. That simply means that the more businesses we attract; the more advertisements there will be in the newspapers; and we will be able to work together as a team. I would also recommend that you move forward with getting Richland School District One on board.

Councilor Gergel said that we must look at partnerships in an increasing way as we address the challenges ahead of us. We want you to help us get the word out about the many good things in our community. We are not talking about propaganda, but we are talking about the fact that this is a vibrant place to live; we have incredible events scheduled over the next six weeks; and we need to get the word out to spur economic development.

6. Update on Fast Forward – Ms. Dee Albritton, Executive Director of Fast Forward

Ms. Dee Albritton, Executive Director of Fast Forward reported that over the past ten years 6,500 residents have had access to technology; we’ve had summer camps since 2000; in the last 2 ½ years we have helped 325 veterans transition back into employment; and we are prepared to help other residents find employment. You must have technology skills just to complete an application. On yesterday we were awarded 100 scholarships for people in this community to upgrade their computer skills. We are working with Veterans Affairs and others to add the training needed in order to offer employers a full package.

Councilor Cromartie asked for the dollar value of the scholarships.

Ms. Dee Albritton, Executive Director of Fast Forward said \$300,000.

Councilor Devine informed the Council that Ms. Albritton has asked for help with identifying board members; she wants suggestions for diversity.

Councilor Davis said that he has one or two names for consideration. I would appreciate it if you would consider a partnership with the Eau Claire community and the high school. We have a brand new fast moving middle school also. Do you have a relationship with the new Midlands Technical College campus?

Ms. Dee Albritton, Executive Director of Fast Forward said that we are working with Midlands Tech on a grant; we have great communication, but we are not working on any projects.

Councilor Davis said that the kids are interested in having access to computer equipment and that he would like to work with Ms. Albritton on that.

Ms. Dee Albritton, Executive Director of Fast Forward said that we are facing the return of the digital divide. She said that three (3) firms are committed to looking at her people.

Councilor Rickenmann said that this is one of the stories that a lot of people don't know about, but they should, because what Fast Forward has done for the community is fantastic.

Councilor Gergel asked Ms. Albritton to explain some of the special challenges that Fast Forward will face over the next six (6) months.

Ms. Dee Albritton, Executive Director of Fast Forward said that Fast Forward is like every non-profit in Columbia; we are all suffering and facing tough times; and we need to share our resources.

Councilor Cromartie inquired about the partnership with Fast Forward and CA Johnson High School.

Ms. Dee Albritton, Executive Director of Fast Forward said that they haven't had any real success with doing anything with the schools due to staffing and after school scheduling conflicts. We are applying for a grant to offer programs at various parks on Saturdays.

Councilor Cromartie asked Mr. Baker to connect Fast Forward with the parks; use their technology and skills to coordinate more; and provide a report on this when you come back.

Ms. Dee Albritton, Executive Director of Fast Forward added that transportation is a huge issue.

Councilor Gergel asked Ms. Albritton to outline her major expenditures and staffing.

Ms. Dee Albritton, Executive Director of Fast Forward reported that the rental of their space is a major expenditure and that she has one (1) person that comes in for 2 hours per day / 3 days per week; one (1) 20 hour per week person that is totally funded by a grant; and one (1) 30 hour per week person that is also funded by a grant.

Mayor Coble said that what Ms. Albritton is doing is exactly what needs to be done in terms of connecting citizens with existing jobs while improving their training in these current economic conditions. We should add this to the top of the list in our stimulus meetings.

7. 2008/2009 United Way of the Midlands Community Campaign Awards – Mr. Tandy Carter, Chief of Columbia Police Department / Campaign Coordinator

Police Chief Tandy Carter presented Certificates of Appreciation to the many City Departments and Divisions that helped to raise \$79,000 during the 2008/2009 United Way Fundraiser Campaign.

REPORTS AND UPDATES

8. Comprehensive Overview and Plan for Human Resources –Mr. Jacques Gilliam, Human Resources Director - *This item was deferred until March 25, 2009.*
9. Landlord Registration Update – Mr. Marc Mylott, Director of Planning and Development Services / Zoning Administrator

Ordinance No.: 2008-099 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 11, Licenses, Permits and Miscellaneous Business Regulations, Article II, Business and Professional Licenses, Section 11-32, Definitions, to add Responsible local agent; Section 11-35, Registration of businesses; application for license to add (b) and Section 11-49 Classification rate schedules to add Code H77 **(as recommended by the Code Enforcement Taskforce)**

Councilor Rickenmann said that he received so many e-mails about this issue that he was unable to respond to them all. We have a lot of people who already have business licenses and I would like for Council to entertain a motion to ask Mr. Mylott and Mr. Gaines to develop a different mechanism to achieve our goal, because I don't believe we will get anywhere with what we have on the table.

Councilor Davis said that he also heard from a number of people and he recommended that as we go forward that we not leave the Taskforce members out, because they have done an exceptional job in bringing back a document which is a starting point. It appears that the primary sticking point is whether or not there will be a charge for a license.

Councilor Rickenmann said that one of the issues is that the business license was a mechanism that seemed to fit. We are all trying to achieve the same goal, but we need to take a different route.

Mr. Marc Mylott, Director of Planning and Development Services said that he is available for questions regarding the memo he provided. When would you like for us to come back?

Mayor Coble asked if the original ordinance was included with the memo.

Mr. Marc Mylott, Director of Planning and Development Services said yes; we have not received directions to modify that ordinance.

Mayor Coble asked what mechanisms can be used to require a responsible person to be on file.

Mr. Marc Mylott, Director of Planning and Development Services said that we can develop an approach outside of the business license process, which was suggested by the Code Enforcement Taskforce to maximize efficiency; it was never envisioned to add extra bills or to create extra layers of bureaucracy.

Mayor Coble said that we live in economic times where people are pressed on every side and on every issue. We also have neighborhoods that bare the burden of absentee landlords. He asked what has to be done to serve someone.

Mr. Ken E. Gaines, City Attorney said that the statute provides that it should be served by a law enforcement officer or a code enforcement officer.

Mayor Coble asked what if they live out of state.

Mr. Ken E. Gaines, City Attorney said that it will have to be served by our people. We can require registration at no expense to the property owner and we will present the recommendation within the next few weeks.

Councilor Davis asked that staff at least brief the Chair of the Code Enforcement Taskforce when changes are made in due respect of their efforts.

Councilor Rickenmann said that the City Attorney should advise the Council first.

Councilor Davis clarified that he doesn't want to discuss any changes in open session without staff briefing the Chairman first.

Mr. Ken E. Gaines, City Attorney said that they will present it to the Council in Executive Session and then Council needs to tell them how to go forward.

Councilor Davis asked what percentage of property owners are not complying. We need to pay more attention to that small percentage and that's where we really need to put our efforts. Councilor Gergel concurred and said that we need continuous input from the Code Enforcement Taskforce as you formulate your plans and before we discuss this in public.

Mayor Coble asked that staff find a way that doesn't have additional financial or regulatory requirements and it should have a consequence if they don't do it.

Councilor Rickenmann said that we are trying to have a mechanism; remember that the policies were made by this body. We have wasted hours of enforcement on things like roll carts. I am frustrated because everything is being set to one segment of this city; it is a city of a whole. Are the ordinances effective? We should use our lobbyists to give us the tools needed. Maybe we haven't put the tools in place that they need or the tools aren't working.

Councilor Devine asked if we are going to be putting additional things in place that we can't handle financially. Can we make non-compliance a civil violation and then serve them by certified mail?

Mr. Marc Mylott, Director of Planning and Development Services said that he would discuss that with Mr. Gaines.

Rev. Wiley Cooper, Chair of the Code Enforcement Taskforce explained that it is not simply a problem of landlords not living in Columbia; an effective ordinance has to deal with absentee and recalcitrant landlords. Going outside of the Business License Division seems to be a wonderful thing to do and the Code Enforcement Taskforce is supportive of that. The requirements need to include annual owner registration to include specific contact information. It is important to remember that the whole city is adversely affected.

Mr. Bob Amundson, Code Enforcement Taskforce Member said that the Taskforce feels quite beaten up. We were appointed in a diverse fashion and there are rental property owners serving on the Taskforce. I agree that business licensing as a whole is intrusive; it's a matter of fairness; and people who use different permutations are the problem. If this were a criminal matter, it would become more difficult to prove in court. Whatever staff recommends should be vetted by the Code Enforcement Taskforce first.

Ms. Jennifer Gardner said that she finds City employees to generally be pretty good. She admitted that she butts heads with Marc Mylott, but she also admitted that she is argumentative. Are you all aware of the neighborhood violation map? There are 7,200 duplex and single family dwellings that are rental properties. I started with District 3, because I wanted to find out what the problems were. There were 117 roll cart violations. She asked how many owner occupied properties were in violation versus rental property. I decided it was probably 50/50 and that is exactly what I got; homeowner occupied property is just as guilty as landlords. I have one property violation. What can we do when we have so many codes to meet? I am against the business license fee because it is intrusive.

Ms. Cheryl Myrick said that some people who are taxed at 6% are not renters. I would like to review the new recommendation prior to receiving notice about the meeting. She urged the Council to avoid duplication of inspections; the Columbia Housing Authority has a detailed inspection process. I would prefer that we increase the Police Department's budget. She said that the recommendations on POD devices are absurd. I put my roll cart out at my convenience and I don't need government to dictate that.

Councilor Davis asked if there's a difference in the two inspections done by the City of Columbia and the Columbia Housing Authority.

Ms. Cheryl Myrick said that she is unsure.

Mr. Henry Hopkins, Eau Claire Community Council said that he has the utmost confidence in the Code Enforcement Taskforce that was put together with recommendations from the community; let them work out a solution to this problem; they are bi-partisan; and I am in favor of moving on with the recommendation.

Ms. Carolyn Taylor stated that someone said that we are dealing with the Property Maintenance Code ordinance and it gives the City of Columbia the authority to govern existing businesses and structures. A violator must be given a violation of notice. Section 107.1 says notice to owner or person(s) responsible; a summons must be served personally to a person in order to get jurisdiction. What is happening here? I question the constitutionality of this; it is not constitutional. The ordinance sets forth everything you need to do in terms of getting hold of the person and Chapter one deals with administration.

Upon motion by Mr. Rickenmann, seconded by Mr. Finlay, Council voted unanimously to direct Mr. Marc Mylott, Director of Development Services and Mr. Ken Gaines, City Attorney to develop an alternative solution that would attain owner information without using the Business License Division as a mechanism. Staff was directed to seek input from the Code Enforcement Taskforce prior to the matter being discussed publicly. A report will be given to the Council in Executive Session on April 1, 2009 and in open session on April 15, 2009. Ms. Devine was not present for the vote.

- **Council recessed at 11:28 a.m.**
- **Council reconvened at 11:39 a.m.**

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to give second reading approval to **Items 10.** through **21.** with a single motion.

CONFIRM ZONING OF PREVIOUSLY ANNEXED PROPERTIES – SECOND READING

10. **3419 Park Street**, TMS# 09106-02-07; confirm RG-2 (General Residential) zoning. – *First reading approval was given on February 18, 2009. – Approved on second reading.*
11. **718 Dixie Ave**, TMS# 09309-06-07; confirm RG-2 (General Residential) zoning. – *First reading approval was given on February 18, 2009. – Approved on second reading.*

MAP AMENDMENTS (REZONINGS) – SECOND READING

12. **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*). – *First reading approval was given on February 18, 2009. – Approved on second reading.*
13. **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). – *First reading approval was given on February 18, 2009. – Approved on second reading, subject to addressing parking and landscaping issues outlined by the Land Development Planner at Planning Commission.*
14. 101 Powell Road, TMS# 14500-02-24; rezone from C-1 (Office and Institutional) to PUD-LS (Planned Unit Development – Large Scale). – *First reading approval was given on February 18, 2009. – Approved on second 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.*

15. **NX932-4 Woodlawn Avenue**, TMS# 16501-07-02, -03 and -04; rezone from RG-1 (General Residential) to PUD-R (Residential Planned Unit Development). – *First reading approval was given on February 18, 2009. – Approved on second reading.*

TEXT AMENDMENTS – SECOND READING

16. **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 – *First reading approval was given on February 18, 2009. – Approved on second reading.*

17. **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) – *First reading approval was given on February 18, 2009. – Approved on second reading.*

18. **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) – *First reading approval given on February 18, 2009. – Approved on second reading.*

19. **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 – *First reading approval given on February 18, 2009. – Approved on second reading.*

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 – *First reading approval given on February 18, 2009. - Approved on second reading.*

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 – *First reading approval given on February 18, 2009. – Approved on second reading.*

MAP AMENDMENTS (REZONINGS) – FIRST READING

22. **3907 Ridgewood Avenue**, TMS# 09210-11-05; rezone from RG-2 (General Residential) to PUD-R (Residential Planned Unit Development). *First reading consideration of this item was deferred on February 18, 2009. – Approved on first reading as outlined below.*

Councilor Devine recalled that staff was asked to check into the track record of Mr. Christmas.

Councilor Davis recalled that the matter was deferred and the developer was asked to work something out with the neighborhood.

Ms. Krista Hampton, Development Center Coordinator said that staff contacted several communities speaking with either the building official or police department and the responses were favorable. Cities such as Orangeburg, Sumter and Darlington reported that they did maintain their properties well. She reported that one person said there were some domestic calls and that's to be expected; one person said they would write a letter of recommendation; and there were no complaints on record with the Better Business Bureau.

Councilor Davis reported that the neighborhood and the developer have been active; representatives from the Development Committee met with the developer and we need to hear the results of that; there was a meeting last night and we need the results of that; we need an overview of the meeting with the developer; and then we need to hear from the people in the neighborhood.

Mr. Lymun Munson, Hyatt Park / Keenan Terrace Neighborhood Association / Development Committee reported that he and Rhett Anders met with Mr. Connelly and Mr. Christmas on last Friday. In the hour long meeting Mr. Connelly explained his concept and his system of enforcing order in low income housing projects to include cameras, background checks and things of that nature. We sensed that this was a better deal than the deal we have and we feel that there are more than two (2) options. The two (2) options that have been presented to us are leave it as it is or let them renovate it and wait another forty-five (45) years. We talked about the idea of reducing the density by reducing the number of units on the two (2) acres to thirty-four (34) or to purchase adjoining properties for sufficient land to add amenities and to meet the code, parking requirements and setbacks. We also discussed the idea of having the developer look at a new approach to this property and convert it into owner occupied town homes/condominiums; this could make a nice alternative for affordable housing. We talked about knocking down the existing structures; adding land; and creating static zoning. Those are the things we suggested, but I don't think that any of those are something that Mr. Connelly is prepared to compromise on prior to understanding whether or not he would get the PUD.

Mr. Kevin Connelly, Developer / Connelly Development, LLC stated that it is difficult to report in part; a lot of the suggestions made by Mr. Munson were resented, but there are reasons why we can't do a lot of that. He distributed packets of additional information to the members of Council. He also had a conversation with Ms. Nicholson of the State Housing Authority and she recalled having a different conversation with Mr. Munson than what was reflected in his e-mail to Council. The packet also includes a letter from Mr. Eric Doerring our tax attorney with the McNair Law Firm that also reinforces the fact that those restrictions are in place. Also included in the package is a letter from Ray Koterba as the Director of the Housing and Neighborhood Services Department with the City of Rock Hill; he addresses some of your main concerns and questions about what we have done in that community, which is very similar to this community. We have an e-mail from Henry Hopkins explaining his point of view with the neighborhood. I have been looking in the City of Columbia and working with different community leaders to try and develop affordable housing for several years. We have successfully done this in other communities and I thought this proposal would be welcomed by all with open arms; I was apparently wrong. You heard the proposal at the last meeting so I won't go into those details again unless you have specific questions. The offer still remains to purchase, renovate and redevelop this community into something we can all be proud of. I have driven through the community and there are bigger problems such as code enforcement, abandoned houses, safety, duplexes, absentee owners and we also would like to help with that. What you're asking for is accountability and connectivity with landlords and I have no problems with any of that; we don't have issues with code enforcement anyway. I understand that some of the neighbors don't want this, but many of them do and they want this to improve their surroundings and their way of life, especially the residents of Three Oaks. Yes, we've been told we could reduce the number of units to make the entire neighborhood happy and then we would get approval on this. I have been down that road before; I've reduced a number of units on another complex in attempts to get approval as a compromise only to be fought at different levels of the long approval process. In addition to that, if we tore down the buildings as it was suggested then we would have a compliance issue, because all of the units are within the restriction. We've been told to buy more land to create parking and green space and I am checking on that as an option and I have tried to contact one of the neighbors, but I don't understand how that is going to change the other arguments about income, crime and the number of units. I will continue to explore this option regardless of your vote today. He stated that density and urban sprawl are used to combat issues. This property does have some green space as opposed to other communities like this in Columbia. We've been told that it's not the people that live there that they have a problem with; it's the issue that they are all in the same income group. All of the communities that I own in this program have rent restrictions and some have market rate incentives and some do not. Neither we nor anyone else can tell the difference in these complexes from the exterior, management or otherwise. Management is the key and we have demonstrated our success. I believe there are residents of Three Oaks here today to speak to you. The impression that someone with limited income is not a good person in the community is totally false. They are a viable part of the community and their votes and opinions should count as well. I don't know if there are a few bad apples in Three Oaks; we haven't gone through any screening processes yet, but I can tell you they will all have to qualify under their leases. We have offered a definitive solution to the problems in the community and we voluntarily agreed to manage under the security that the City is requiring of developments. Despite some of the fears being expressed, we do not flip then leave developments. I was told that my character is not being challenged, but by ignoring the successes that we've had in other communities, they are telling me that they don't believe me and that is challenging my character. There has been no other solid proposals other than to let this complex sit here and continue to struggle and make this community suffer with it. Other proposals don't make commonsense, especially in the current economy. Other properties have been turned into conversions, but they don't have security cameras or the level of improvements that we are talking about. I realize that this is a difficult vote for Council and I appreciate the time. I look forward to adding Cypress Place to our list of many successes and I hope that I can use the City of Columbia has another success story with your affirmative vote on this issue. On of the arguments is the deed restrictions; yes they are there, but nobody is going to enforce them.

Councilor Rickenmann asked if Mr. Connelly still agreed to have onsite management as part of his proposal.

Councilor Gergel asked Mr. Connelly to describe the plans for the onsite management.

Mr. Kevin Connelly, Developer / Connelly Development, LLC replied that they normally have a manager that may oversee one or two properties, but he has discussed this with a local management company and they will have a manager to actually live there and that manager will probably manage those properties as well.

Councilor Gergel clarified that the manager will be onsite and they will live there.

Mr. Kevin Connelly, Developer / Connelly Development, LLC said yes.

Councilor Gergel inquired about the use of security cameras.

Mr. Kevin Connelly, Developer / Connelly Development, LLC explained that they typically install eight to sixteen cameras, but the number of cameras is not as important as the location of the cameras and making sure that we capture all of the blind spots. We will install a camera system and it can be monitored by the Police Department or anyone else that you deem necessary via the internet. It doesn't require any special software; you need the web address, username and a password. The camera system also records and you can download that information to a flash drive.

Councilor Gergel inquired about the screening process. Do you have this in place at your other complexes?

Mr. Kevin Connelly, Developer / Connelly Development, LLC said that the screening process is in place at every site. He said that he was contacted twice this year on a borderline call wherein the resident's boyfriend got into trouble and I chose to evict them.

Ms. Celeste Carnaggio, Intermark Management stated that all residents age 18 and over are screened and both credit and criminal checks are conducted. Any criminal offense can prevent someone from being able to move in even if it is a child who's 18 and still living at home with parents. She added that they will turn someone down for most criminal offenses.

Councilor Cromartie asked how problems with visitors are handled.

Ms. Celeste Carnaggio, Intermark Management explained that if there are issues with residents we can evict them; we will evict someone if their visitor has violations; and we work with the Police Department to help determine if property is being used as a hang out or if they are tied to an apartment. If they are using our property as a hang out then we get the police involved to remove the people from the property. If they are tied to a unit, that resident will be evicted. We have a lease addendum that explains this. We don't have security guards on any of our properties; we have courtesy officers that live on the properties. Most of them are law enforcement officers that live on the property and they will patrol the property periodically.

Councilor Cromartie asked if this is done through the Police Department or by approaching the officer directly. Is the rent subsidized? How do you interact with the local government to make that successful?

Ms. Celeste Carnaggio, Intermark Management said probably both and most of them do get some kind of a reduction. We haven't had any issues with the program. On some properties we were able to do this immediately; it depends on the location, the size of the property and the type of problems on the property.

Councilor Cromartie asked Mr. Carnaggio if she could provide a copy of her lease to the City. How long has Intermark Management been in the City and how many properties do they manage?

Ms. Celeste Carnaggio, Intermark Management replied yes; I can get that to you today. She said that Intermark Management has been here for twenty-three (23) years and they currently manage 7,200 units throughout South Carolina, Georgia and North Carolina.

Councilor Davis said that the age of the developments average from one (1) to seven (7) years and that they have not reached the fifteen (15) year plateau in the HUD agreement. Is that right?

Mr. Kevin Connelly, Developer / Connelly Development, LLC replied that is correct; the first two (2) developments that I did under the Tax Credit Program were in 1999.

Councilor Davis said that with the research that has been done he hopes to enter into more discussions on the covenants versus the time span for HUD's jurisdiction over the property.

Mr. Kevin Connelly, Developer / Connelly Development, LLC explained that there is an opportunity under the Section 42 requirements, which allows you to petition State Housing to allow you to exit the program in year 14. That opportunity was missed on this property, because we are in year 17. Once a petition is submitted to exit the program, the State has one (1) year to advertise that property for sale to a developer that will commit to keep it as affordable housing. The provision is there, because there is a tremendous shortage of quality affordable housing and those government dollars were spent to attain affordable units and they don't want to lose them.

Councilor Davis said that they are again harping on low income and affordable housing versus the issues that are on the table regarding what the neighborhood has been trying to do; how they see the development; what's going on there now; and the perception that this area has in terms of tax credit projects.

Councilor Gergel asked if the onsite manager will be living there twenty-four (24) hours a day. Will the off site manager have another job during the day that takes him/her off the site.

Mr. Kevin Connelly, Developer / Connelly Development, LLC said that he can't say that it will be twenty-four (24) hours per day; it will be their job to manage that property and they will live on that site. As I mentioned earlier they could be an assistant manager or regional manager of another site that they have to visit during the day, but they won't be staying there for extended periods of time.

Councilor Davis said that we are at this point because of the way these properties and developments have been managed and the kinds of things they have allowed to happen, regardless of income. Now the basis of our discussion up to this point has been about security and that's a problem.

Councilor Devine said that moving forward we want to ensure that things are right. We have agonized on this Council about having property owners do exactly what Mr. Connelly is proposing to do. We have talked about legislatively enforcing property owners to do exactly what he is proposing to do and we need to hear his background and his proposal. The problem up here is that we try to fix everybody's problem, but we can't fix everything. There will be some people, who disagree, but quite honestly what has completely bothered me with this whole conversation is that everything is about the fact that the residents are low income; we have to provide housing for low income households. If not, they will become homeless and that is another issue that this Council has had trouble dealing with. We are at a point where we have to provide affordable housing for our low income residents and it has to be safe and secure for the total neighborhood and for those residents as well. We have had a problem with finding property

owners who want to keep property up, provide housing for low income residents and keep them safe. There is a struggle here, but we can get there. We can't provide a safe City for everybody if we never move past the fact that the people living here will be low income residents and assume that because of that it will be a haven for crime, safety and security problems. I want to hear from the residents and I want to know if there is another concern other than the fact that the people who are living there are low income. I understand that there have been problems with this particular unit, but that is because there has been a lack of safety and security. If safety and security are provided then what becomes the issue. I would like to hear that concern. What about the good hardworking people who just want a place to live?

Councilor Cromartie said that he has dealt with the same problems in The Colony Apartments; he met with the owner; and he welcomes the same approach taken by Mr. Connelly. The manner in which units are managed makes the difference. I would welcome the opportunity to work with you on projects in the district I am elected from. It is absolutely important to have an agreement that is structured so that the covenants run in touch with the land; that the agreement is contractual as well as recorded; that you ensure that someone is living there all of the time; that there are operative security cameras; and that security remains in place. If I am required to vote today, then I am going to vote for it, because I think it's the best solution and we have to move forward. He asked Mr. Connelly if he would agree to put this into a contract that would run with the land.

Mr. Kevin Connelly, Developer / Connelly Development, LLC said yes.

Councilor Rickenmann said that the difference for him is the management; if this property had been managed to the standards that you have shown then we wouldn't be having this conversation. I called some of these places and received the same answers that staff did.

Mr. Kevin Connelly, Developer / Connelly Development, LLC said that the one thing he and Mr. Munson actually agreed on is that you shouldn't have to tell people how to act, but since I own the property and the actions of your neighbors impact how you live; I do tell you how to act. He said that a resident will attest to seeing a lot of criminal activity coming from surrounding properties in the neighborhood. I am going to need the City's help with that; I can't do that all by myself; I need cooperation from the Police Department.

Councilor Finlay said that we have done our due diligence. If this were the standard for rental property in Columbia would we have the Code Enforcement Taskforce? A lot of issues that staff deals with would go away if this were the standard for managing rental property. If this is not going to be the train that we take; we're going to tell everybody that security cameras aren't enough; onsite management is not enough; rehabbing is not enough; being a positive part of your environment is not enough. What is going to be enough to make us decide to take the train? We can't make people do projects that are economically unviable. Are we going to put money in? I don't think we can, so I struggle with what train if not this one. I understand the argument that there is always another train, but the problem is that we have people living on this train and if our long-term commitment is to have the best affordable housing with safety and amenities then I don't see a better train out there. At this point, hope is not a risk management strategy. We can't hope that it appears. We have a good deal here and I am going to follow Councilman's Cromartie lead.

Ms. Pamela Benson, 3909 Palmetto Avenue asked the Council to approve this, because they need the security. She has lived there for six (6) years and she has seen things, but it's not the tenants that live there; its people coming out of other neighborhoods that are making it bad. She said that the current manager does his part; I can call him if anything goes wrong; and he and his mother did wonders for us that were burnt out. Please approve this for us. She presented a signed petition from other residents that want to see Three Oaks upgraded.

Ms. Cheryl McKune, 3201 Makeway Drive said that she lives in the Earlewood Community, but she visits with her sister at the complex and she never really had a problem with getting out of her car and parking, but as she drives up to the Post Office she is afraid to go in there, because that area is a lot more scary. This area is tight and they've always had different functions and they coordinate things together like a close knit family.

Mr. Henry Hopkins, Eau Claire Community Council / Safety and Security Committee Member said that he talked with the developer and representatives of State Housing. He said that the Development Committee approved the renovation and by the time it got to the full community it was refused. We have the same run down property and the same harassment with the Post Office. We have to take a chance on this and when it comes to development on North Main.

Ms. Janie Nelson, 1728 Main Street requested that the City Council vote yes for first reading on 3907 Ridgewood Avenue. I've heard many concerns in the last two (2) days. This complex is already erected and has a direct impact on us today. This is a small complex and not a large community cluster as they described. Please consider voting for this.

Mr. Greg Dodson, 604 Muller Avenue / Hyatt Park Neighborhood Association said that the property in Rock Hill was a new construction and not a remodel; therefore, you can't compare them. If you vote on this today then you are basically giving us another thirty (30) years of this density housing. Why are we to be punished for not being a mega complex? I feel like the bad guy for opposing this. I am not a wealthy person putting down low income people. Don't be fooled by the slick colored brochure that you have, because it's not the same thing.

Councilor Rickenmann told Mr. Dodson that he understands the concern, but you have to be realistic. We did a background check and found out that Mr. Connelly does deliver what he says he delivers, but you are asking us to wait and hope. I don't think waiting and hoping is the answer. If this apartment complex turns into a private residential unit for sale, what guarantee do you have that it's going to be run correctly by the homeowners association. You could end up with a worse situation than you have now by owner occupied units. Management is the key and hoping is the worst thing we could do today. I hope that everybody will look at this with open eyes, because I don't think we are now.

Mr. Greg Dodson, 604 Muller Avenue / Hyatt Park Neighborhood Association said that the idea of security cameras is wonderful, but we have to look at how we got in this situation.

Councilor Rickenmann asked if turning this into lower price point owner occupied units gives Mr. Dodson the same guarantee; no it doesn't, because then you will have forty-four (44) different owners.

Ms. Audrey Prater, 129 Bay Shell Drive said that she sees it from a different perspective. I love the area; it has been a great place to live; and I've seen improvements over the years. She said that she had absolutely no problems with criminal activity until last year when there was a fatal drive-by shooting in front of her house. I later found out that it was a drug deal gone wrong, but it was never reported in the news. I then wondered if this was a drug deal gone wrong, how many of them are going right in this neighborhood. There's a lot of foot traffic through there, but I can't say that it's all coming from the apartment complex, but there is a trail there. There is still a lot of foot traffic, yelling and gun shots once the Bi-Lo and Hyatt Park are closed. Is there something to help improve the neighborhood conditions as well? Even with the security cameras there is an element that will drift over into people's yards.

Councilor Devine said that the personal testimonies are more of the reason why we should accept this, because it sounds like there has been a lack of management and a lack of security there that has allowed this to bubble over. If it stays as is, it will only get worse. The current owner has said that he has no intention of putting any other resources in this complex; therefore, it will worsen. What are we going to say to residents when it does get worse and the

criminal element in the neighborhood continues to fester and grow? If you get someone who has a track record of going in and improving the complex, that will also help the area.

Mr. Lymun Munson, Hyatt Park / Keenan Terrace Neighborhood Association / Development Committee said that we are saying that we can't do this with the City and we can't provide law enforcement for this complex.

Councilor Devine insisted that we are not saying that; we will not shrug our law enforcement responsibility, but this is a private apartment complex and a private owner has to take responsibility for that property. You have a current owner that is not doing that and you have someone who wants to purchase and take responsibility for it, but he can't do it without law enforcement support. Do not think that we are saying that law enforcement will not patrol this area; we will patrol this area as we do all over the City of Columbia, but you are asking us to look at this complex as a problem, which I still don't think that this complex is a problem, but if it is a problem then you need an owner to take responsibility. Do you want to take a chance with someone whom you have currently dealt with and haven't done anything or do you want someone who has a proven record of handling management?

Mr. Lymun Munson, Hyatt Park / Keenan Terrace Neighborhood Association / Development Committee said that he is perfectly willing to give Mr. Connelly an opportunity, but he doesn't think it's worthy of a rezoning. We don't have to change the zoning to institutionalize this thing as a PUD, which is tied to Section 42 housing, which is exactly what you are considering. It's a rezoning request; not a use request. Very few of us knew in 1993 that there was a tax deal on this project; there was no notification. I can testify to the unsafe nature of the post office. We don't need to rezone. I have no doubt that it will be better under Mr. Connelly's management than it is now, but that's not the issue.

Councilor Gergel asked for a report on the neighborhood meeting that was held last night.

Mr. Lymun Munson, Hyatt Park / Keenan Terrace Neighborhood Association / Development Committee reported that it was not a called meeting to discuss this; we had discussed this several times both in our general meetings as well as the Development Committee. We have a problem and we need to change the atmosphere of grouping certain people together in blighted conditions. There are other alternatives and we might want to wait a little while. It's a policy decision. It should be left as an exception.

Councilor Rickenmann said that he can't do what he wants to do, because it's nonconforming.

Councilor Devine added that it's not just the tax credit financing, because he would have a problem with traditional financing due to its nonconforming use.

Mr. Lymun Munson, Hyatt Park / Keenan Terrace Neighborhood Association / Development Committee said that the packet included information that shows he secured federal financing and funding from the City of Columbia to finance the project in 1993.

Councilor Devine stated that he could not obtain title insurance now.

Councilor Cromartie said that he has to have the proper zoning to do this.

Councilor Finlay asked Mr. Mylott if there is anything in this PUD that prevents Mr. Connelly from reducing the density.

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

Councilor Finlay said that the PUD prevents him from increasing the density beyond where it is now and it prevents him from turning it into an industrial, retail or commercial site.

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

Councilor Finlay said that he totally agrees with Mr. Munson's earlier point, which is that the sides have been drawn. I also want to give you kudos because you show up; so few people do and they generally grouse later. I just don't agree with your assertion; I think that we have something that can be so good potentially, but we have to take a chance. We've done what we can; we have a whole taskforce and Mr. Connelly is meeting the goals that they established. I understand that you don't like the density, but it's not any higher than multi-million dollar condos at the beach. Would it be a problem if these were multi-million dollar condos in North Columbia?

Mr. Lymun Munson, Hyatt Park / Keenan Terrace Neighborhood Association / Development Committee replied that it is a single family neighborhood; this is an aberration; it stands alone; and nobody ever had a say on whether this was a good use for the land.

Mr. Bill Manley, 4000 Abingdon Road reported that they did have a good meeting last night; in fact, I made a motion and it was seconded, but I was ruled out of order, because there were a lot of people in favor of it. A year and two months ago, eight (8) apartments were burned and that's when we began to get involved and to have a closer relationship with Three Oaks Apartments. We have a boarded up house that has been sitting there and we haven't done anything about it. Now we have an opportunity to do something. He suggested that the Council revisit the meeting from February 18, 2009 and the comments made today and allow City staff and the residents to follow-up.

Mr. Bob Fuller, Esquire appeared before the Council as a representative for the present owner. He said that the group of investors is supporting this PUD application for Three Oaks Apartments. Let me remind you that this is a PUD application; it is simply a zoning issue; and the investors cannot continue to upgrade or make substantial improvements to this property and he thinks that this is not fair to the residents of the surrounding community and of the apartment itself. The fact is that the cost is \$50,000 to \$60,000 annually and they have spent \$125,000 within the last five (5) years to replace the window system, insulation, striping the parking lots and required upkeep. They can't provide the upgrade renovations that are necessary to make the apartment complex what he would love to see it become; what the neighborhood needs it to be; and what the City of Columbia aspires for it to be without the zoning change to enable the continuation of financing that Mr. Connelly is able to achieve in this type of project. The affordable housing will be lost along with the opportunity for the status quo for the remaining fourteen (14) years, troubling the existing owners, because they have sleepless nights as do the neighbors because of anything and everything that might go on. They have done all they can and they now encourage you to please move this forward. When the 8-unit building burned they can now attest to how firm the restrictive covenants are; they were told that they had to rebuild and continue to fund the project out of pocket because of the tax credits they had already received. Mr. Connelly has a track record and the current owners have confessed to you that as much as they would like to do something better there, they really can't and the economy is not going to remedy that because we hope it will and the people who own it now are not greedy slumlords; they are caught in the same dilemma as most of us are. We as a city have said on numerous occasions we want to supply the best affordable housing that we can for our people.

▪ **Council closed the public comment session at 1:15 p.m.**

Councilor Davis said that the only reason we are here today is because of what the previous owners have allowed to happen to this neighborhood. When you look at the people who spoke; they are divided and the people who live there are caught in between and that's one thing you should not do to a community or a neighborhood. The problem that I have with this is that what has happened with Three Oaks Apartments is typical of what is happening out there with these kinds of developments. We have two (2) right now; one is so boarded up that there are only three to four families living in it. That neighborhood is going to go through worse than what we are going through today, because of the way the owners come in, purchase these properties, get the profits, flip it and move on. I can show you three (3) death traps today. We've sat down and listened to the same arguments and promises that we got today; 30-days later they flipped it; and the neighborhood had to go through the same process again. You are right if you want to

say that this is a model, then it may be a model, but there's no guarantee. To say that the neighborhood is just hanging on to a hope is worse than we can tell them as policy makers. They are telling the City that they are tired of us telling them what's best for them, because this is the kind of decision that keeps a neighborhood divided. And unless you have been through it, you cannot relate to it. It's obvious that there's no trust and it's difficult for me to tell these people to trust us this time. The feedback we received was from City officials and not neighbors and I've looked at these numbers; these numbers say that the developers have not reached the 14-year plateau yet. When they do reach it, who in here is going to tell me, promise me and assure me and the neighborhood that they are not going to flip it. The fact that we want to approve this and have Willow Run and Willow Lakes there and the things we are going through with Prescott Terrace, Marstellar and others. We have a responsibility, but we have owners who have never lived up to their responsibility. If that's what the tax credits require then why didn't they get it for the first 15 and 30 years? Where's HUD? The burden is going to be on the City of Columbia again, because nobody else lives up to their responsibility and they have caused people to have to come up here and defend not only their neighborhood, but where they live. The owner tells us that he doesn't know what his manager does and that's unfair to the people that live there. He proposed that we receive in writing proof that there is a legal mandate that you can put on this property owner then take that back to the neighborhood before we vote on it. I am getting calls about the developer not following through about putting the sidewalks in on Margrave, but we approved that PUD. This is the same neighborhood we've done this to and the residents deserve better.

Councilor Rickenmann asked if Mr. Davis wanted to give **Item 22**. first reading.

Councilor Davis said no; I don't think we should give it first reading.

Councilor Devine asked the City Attorney if there are conditions that are made a part of the PUD what is the recourse if those conditions are violated.

Mr. Ken E. Gaines, City Attorney said that it would be a ticket for a zoning violation.

Councilor Davis added that we have two PUD violations right now in that neighborhood and no one is enforcing them.

Councilor Cromartie asked Mr. Gaines how the contractual agreement and deed restrictions would work and if a new owner would have to abide by those as part of the condition to purchase the property.

Mr. Ken E. Gaines, City Attorney explained that the PUD would be in place and you can put deed restrictions on the land. I am not prepared to answer about the contract. He asked who would enforce the deed restrictions/covenants.

Mayor Coble suggested that they give the matter first reading approval and ask staff to draft contractual obligations that will be ran with the land.

Mr. Marc Mylott, Director of Planning and Development Services stated that you can't contract your zoning, but you can add conditions.

Mayor Coble further suggested that staff meet with Mr. Connelly to see if he and his lawyers agree to the conditions and then consult with the neighborhood representatives.

Mr. Kevin Connelly, Applicant said that he is only concerned with this impeding the investor, bank, title or property insurance. We made verbal commitments on curing the parking issue; there isn't a shortage of parking. We need a good property too and we might go to SCDOT for additional parking along the street.

Upon motion by Mayor Coble, seconded by Mr. Davis, Council voted unanimously to give first reading approval to the *Map Amendment (Rezoning)* of 3907 Ridgewood Avenue, TMS# 09210-11-05; rezone from RG-2 (General Residential) to PUD-R (Residential Planned Unit Development). Staff was directed to develop a list of conditions based on today's discussion. Those conditions will be attached to this rezoning and should be discussed with the applicant and the impacted residents prior to being finalized. This matter will be given second reading consideration on March 25, 2009.

REPORTS AND UPDATES

23. Customer Web Access and Online Bidder Registration Updates – Mr. Vincent Simonowicz, Director of Information Technology

Mr. Vincent Simonowicz, Director of Information Technology announced that both the Customer Web Access and Online Bidder Registration went live as of yesterday and they are ready for use.

24. **Funding for the “Save the Dream” Homeowners Conference – The Honorable Mayor Robert D. Coble

Mr. S. Allison Baker, Assistant City Manager for Public Services reported that funding as been identified within the Office of Business Opportunities budget.

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted unanimously to approve funding in the amount of \$25,000 from the budget of the Office of Business Opportunities for the Neighborhood Assistance Corporation of America (NACA) “Save the Dream” Tour during March 13-15, 2009.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Ms. Carolyn Taylor appeared before the members of Council to express concerns about how the City of Columbia handles abandoned and derelict vehicles on private property. What gives the City of Columbia and its Code Enforcement Officers the authority to go on private property without consent of the owner or the person in charge of the property to tag a vehicle abandoned on private property?

Councilor Rickenmann asked Ms. Taylor to submit her questions in writing and let Council reply in writing or come back and let the Council reply publicly. That's the only proper way to handle this situation.

Mr. Hubbard Forrester appeared before the members of Council to read a decree to all governing leaders of Columbia, South Carolina and residents of the USA to remove/replace the Confederate Flag and Statute from the middle of downtown Columbia and put a monument for Yahweh our God, Jesus Christ and the Holy Spirit along with the Ten Commandments in center fold.

Councilor Rickenmann suggested that Mr. Hubbard talk with State Representatives about his proposal.

Upon motion by Mr. Cromartie, seconded by Mr. Finlay, Council voted unanimously to recess at 1:53 p.m. prior to going into Executive Session at 3:00 p.m.

- **Council reconvened the regular meeting at 3:07 p.m. Mr. Davis was not present at this time.**

CITY COUNCIL DISCUSSION / ACTION

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to approve **Items 25.** through **28.** with a single motion. Mr. Cromartie and Mr. Davis were not present at this time.

25. Council is asked to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Trevis L. Rutledge doing business as Fast Trac Transportation, Inc., located at 10 Southwark Circle, Columbia, SC. - *Approved*
26. Council is asked to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Randal Wade Topp doing business as Topp Limousines, LLC, located at 945 Autumn Run, Wedgefield, SC. – *Approved*
27. Multi-Way Stop Sign Request – *Approved the installation of multi-way stop signs at the intersections of West Buchanan / Witherspoon Drive and West Buchanan / Belmont Drive.*
28. Additional Speed Humps and Multi-Way Stop Signs Request – *Approved the installation of two (2) multi-way stop signs at the intersections of Gadsden Street / Abbeville Street and Abbeville Street / Lincoln Street and the installation of speed humps at three (3) locations: one (1) speed hump on Gadsden Street; two (2) speed humps on Lincoln Street; and one (1) speed hump on Clark Street.*
29. Renaming of Edgewood Place – The Honorable E.W. Cromartie, II – *This item was deferred until March 25, 2009.*

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

Upon motion by Mr. Finlay, seconded by Mr. Rickenmann, Council voted unanimously to approve **Items 30.** through **E.** with a single motion.

30. Council is asked to approve Project #SS7056(15); Purchase of One (1) ITT Flygt Pump for the Ivy Square Lift Station for Metro Wastewater Treatment Plant, as requested by Utilities and Engineering. Award to ITT Flygt Corporation, as a Sole Source in the amount of \$33,795.95. This vendor is located in Pineville, NC. *Funding Source: Sewer Improvement Fund 5529999-SS705615-851200* **Note:** *ITT Flygt is the name-brand/manufacturer. Flygt pumps are submersible pumps which are affixed inside the wet well (sewage water) of a lift station, usually 20-50' deep, depending on the size of the station. - Approved*
31. Council is asked to Purchase for Elevator Maintenance, as requested by General Services. Award to Otis Elevator Company, the lowest bidder in the amount of \$53,460.00. *Funding Source: 1011201-638200* **Note:** *The agreement is for four (4) years and each contract period is for twelve (12) calendar months. - Approved*
- A. Council is asked to approve Project #SD8309; Improvements along Lost Creek Drive, as requested by Utilities and Engineering. Award to Trussell Bros. Construction, the lowest bidder in the amount of \$115,676.50. This vendor is located in Columbia, SC. *Funding Source: Storm Water Funding Account Project #SD8309 – This is a Mentor Protégé Program Project - Approved*

- B. Council is asked to approve Project #WM4104; Proposed 6" Along Florawood to Forest Drive, as requested by Utilities and Engineering. Award to Trussell Bros. Construction, the lowest bidder in the amount of \$120,570.10. This vendor is located in Columbia, SC. *Funding Source: Water Funding Account Project #WM4104 – This is a Mentor Protégé Program Project - Approved*
- C. Council is asked to approve Project #WM3072 / #WM3979; 6" and 12" Along Academy, Wayne, Pendleton, as requested by Utilities and Engineering. Award to CBG, Inc., the lowest bidder in the amount of \$137,714.50. This vendor is located in Gaston, SC. *Funding Source: Water Funding Account Project #WM3072 – This is a Mentor Protégé Program Project - Approved*
- D. Council is asked to approve the Purchase of a Vertical Turbine Pump, as requested by Lake Murray Water Plant. Award to Charles R. Underwood, Inc., the lowest bidder in the amount of \$147,867.54. This vendor is located in Sanford, NC. *Funding Source: GL 5529999-851100 / JL WM417201-851100 - Approved*
- E. Council is asked to approve Project #SS7081; Purchase of two (2) 12" Pumps and Appurtenances for the Metro Wastewater Treatment Plant Broad River Lift Station, as requested by Utilities and Engineering. Award to Godwin Pumps, as a Sole Source in the amount of \$202,680.98. This vendor is located in North Charleston, SC. *Funding Source: Sewer Improvement Fund 5529999-SS708101-851200 - Approved*

ORDINANCES – SECOND READING

Upon motion by Mr. Rickenmann, seconded by Mr. Finlay, Council voted unanimously to give second reading approval to **Items F.** and **G.** with a single motion. Mr. Davis and Mr. Cromartie were not present for the vote.

- F. 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 (Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval) – *First reading approval was given on February 18, 2009. – Approved on second reading.*
- G. 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– *First reading approval was given on February 18, 2009. – Approved on second reading.*

ORDINANCES – FIRST READING

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to give first reading approval on a single motion to **Items H.** through **K.** as presented.

- H. Ordinance No.: 2009-015 – Granting encroachment to Michael Drennan for installation and maintenance of landscaping, an irrigation system, two flagstone pavers walking paths, an arbor and a bench within the right of way area of the 2300 block of Blossom Street adjacent to his property at 2227 Terrace Way (*Mr. Chip Land, Long Range Planner: Recommends approval*) – *Approved on first reading.*

- I. Ordinance No.: 2009-016 - Annexing 5212 Farrow Road a/k/a 5206 Busby Street, 1738 Busby Street, 1736 Busby Street, 1734 Busby Street, 1730 Busby Street, 1722 Busby Street, 1722A Busby Street, 1714 Busby Street, 1706 Busby Street, 1705 Busby Street, 1709 Busby Street, 1713 Busby Street, 1721 Busby Street, 1725 Busby Street, 1731 Busby Street, 1733 Busby Street, 1735 Busby Street, and 1745 Busby Street, Richland County TMS: 11607-08-06, 11611-06-13, 11611-06-12, 11611-06-11, 11611-06-10, 11611-06-08, 11611-06-06, 11611-06-05, 11611-06-03, 11611-06-02, 11611-06-01, 11607-08-13, 11607-08-14, 11607-08-12, 11607-08-11, and 11607-08-10 (*Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval*) – *Approved on first reading.*
- J. Ordinance No.: 2009-017 - Annexing 1019 Darlington Street and 1023 Darlington Street, Richland County TMS #09106-03-10 (*Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval*) – *Approved on first reading.*
- K. Ordinance No.: 2009-019 - Annexing 0.76 acres, SE/S Wildewood Centre Drive, Richland County TMS #25608-10-11 (*Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval*) – *Approved on first reading.*
- L. 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, to delete Sec. 8-219 and renumber subsequent sections – *Approved on first reading.*

Upon motion by Mr. Rickenmann, seconded by Mr. Finlay, Council voted four (4) to one (1) to give first reading approval to 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, to delete Sec. 8-219 and renumber subsequent sections. Voting aye were Ms. Devine, Mr. Rickenmann, Mr. Finlay and Mayor Coble. Dr. Gergel voted nay.

RESOLUTIONS

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to approve **Items M.** and **N.** with a single motion.

- M. Resolution No.: R-2009-008 – Authorizing consumption of beer and wine at the Capital City Music and Wing Fling to benefit the Carolina Cooperative Ministry in Capital City Stadium - *Approved*
- N. Resolution No.: R-2009-010 – Release and Abandonment of a portion of the City's existing 15' sanitary sewer easement along Richland County TMS #13616-06-12 (Portion); 5 Lavington Court (Lot 12, Block A, Hampton Woods); CF #250-267 & CF #113-34 - *Approved*

EXECUTIVE SESSION

- **Council began the Executive Session at 3:15 p.m. for the discussion of Items O. and Q. through S. as outlined below. Mr. Davis was not present.**
- O. Discussion of negotiations incident to proposed contractual arrangements
 - Towers Perrin

This item was discussed in Executive Session. Please refer to Item P.
- **Council reconvened the meeting at 4:00 p.m. Mr. Davis was not present.**

P. ****Employee Healthcare Benefits**

Councilor Finlay asked if employees are receptive to a 5% or 6% across the board pay cut. Are they going to be receptive to a 10% reduction? Are they going to be receptive to a 6% to 8% unpaid furlough?

Mr. S. Allison Baker, Assistant City Manager for Public Services stated that employees won't be receptive to anything other than what we've always done.

Ms. NaTasha Taylor, Benefits Administrator asked what would be the benefit of the salary based plan. I have a problem with paying more for the same benefit.

Ms. Jo Stewart, Towers Perrin said that there are no additional savings if we go salary based; there is no benefit from a financial standpoint. There are 648 employees who would pay less if it is salary based; the remainder of your employees would pay the same or more.

Ms. Melisa Caughman, Budget Director asked if the plan is based on the employee's gross or net income.

Mr. Bill Ellis, Deputy Finance Director said that it's not fair to him, because he has a college education; he worked to get his salary up; and he resents this.

Councilor Finlay said that 60% of the workforce here just covers themselves; they resent the fact that we subsidize other people's children. There are going to be trade-offs. The fact that people with multiple children are treated the same as a person with one child is off the chart of economic unfairness.

Councilor Cromartie said that was an effort to help those individuals who make the least amount of money. No one is happy with this plan and we've advocated making Plan B the base plan, but we don't have the votes for that.

Councilor Rickenmann asked if we have the option to join the State plan.

Mr. Jacques Gilliam, Human Resources Director said yes, but it will cost more.

Councilor Finlay said that employees have been getting something great; something that they could not have afforded. The problem is that we are broke; we've blown through \$60 million in seven (7) years, because we afforded a benefit that we could not afford; the price of which is coming due all at once and there is no where else for us to go.

Councilor Devine said that we have to be careful of the way it is perceived by employees. She concurred with Mr. Finlay, but we went through all of that money because we were not charging what we should have. The reality is that healthcare costs have gone up and we all have to pay for it.

Councilor Rickenmann said that the newest employees are the ones getting the short end.

Councilor Cromartie said that employees have to understand that this plan was developed, because our salaries were not competitive so we provided excellent health insurance. Our overall salaries have increased substantially. We said some time ago that we wanted to increase the salaries of lower paid employees.

Mr. S. Allison Baker, Assistant City Manager for Public Services said that it's not just about mismanaged money; our employees have a role in this as well. There are workers compensation claims and other healthcare claims that a lot of which are artificial, but we had to pay for it and that has impacted where we are.

Councilor Rickenmann said that overtime is the worst killer for workers compensation.

Councilor Devine reiterated Ms. Caughman's inquiry. She asked if overtime income would be included.

Mr. Jacques Gilliam, Human Resources Director said that it will be on the base salary.

Ms. Jo Stewart, Towers Perrin advised the Council that if they go the salary based route for active employees then they would have to make a decision as to how to handle retirees under that arrangement, because they have no salary. Depending on what you do on the retiree side, that salary based approach could have an impact.

Upon motion by Mr. Finlay, seconded by Dr. Gergel, Council voted four (4) to two (2) to accept Plan A as put forth in the Towers Perrin presentation for the City of Columbia for July 1, 2009 through December 31, 2010 with a "buy-up" plan being available through Plan B. Voting aye were Mr. Rickenmann, Mr. Finlay, Dr. Gergel and Mayor Coble. Voting nay were Mr. Cromartie and Ms. Devine. Mr. Davis was not present for the vote.

Mr. Steve A. Gantt, Interim City Manager reminded the Council that they needed to discuss healthcare benefits for retirees. You also need to consider going back to a time in the past and setting a date for when you changed the number of years that somebody has to work for the City of Columbia in order to meet the insurance requirements. For example, if you went back to January 1, 2004, you would have to work 5 years to qualify for State retirement anyway and if you are a regular retirement person you will have to work 28 years to qualify for the insurance; if you are a fireman or policeman you have to work 25 years from that period to qualify for the insurance coverage after retirement. If you do that it will have a substantial positive effect on GASB45.

Councilor Cromartie said that a public hearing needs to be scheduled, because it will affect a lot of people. I am concerned that we are making substantial changes in reference to what people's expectations were when they were hired; we have an affirmative obligation to ensure that we get this out to our 2,000 employees to let them know we are making substantial changes.

- **Ms. Devine left the meeting at 4:14 p.m.**
- **Council reconvened the Executive Session discussion at 4:16 p.m.**
- Q. Discussion of negotiations incident to proposed contractual arrangements
 - **Leisure Fun
 - **Richland School District One School Resource Officer (SRO) Contracts*These items were not discussed in Executive Session.*
- R. Receipt of legal advice which relates to matter covered by attorney-client privilege
 - Hotel Litigation*This item was discussed in Executive Session. No action was taken.*
 - **Columbia Action Council
 - **Legal issues relating to employee compensation and benefits*These items were not discussed in Executive Session.*
- S. Discussion of employment of an employee
This item was not discussed in Executive Session.
- **Council adjourned the Executive Session at 5:00 p.m. to reconvene the meeting.**
- **Mr. Finlay left the meeting at 5:00 p.m.**

REPORTS AND UPDATES

- T. ****Update on Parks & Recreation Construction Projects – Mr. S. Allison Baker, Assistant City Manager for Public Services - *This item was briefly discussed. No action was taken.***

Mr. S. Allison Baker, Assistant City Manager for Public Services reported that the Parks and Recreation Department has over \$2 million in construction costs and they are short \$400,000.

Councilor Rickenmann asked that the maintenance cost be included, because we build facilities and we can't maintain them. He asked if Mr. Baker had spoken with Mr. Tullen, because his grandfather served on City Council in 1968 and he was also the Chairman of the Council of Governments (COG) in 1969. They own a business off of South Edisto and they have agreed to help out with the park if we would name something at the park after his grandfather.

Mr. S. Allison Baker, Assistant City Manager for Public Services continued to explain that there is \$2,687,000 in construction cost to complete the obligations to the three (3) facilities; we are \$400,000 short; the Community Development Department has reviewed its prior year commitment allocations for Community Development Block Grant (CDBG); there is more than \$1 million available. He said that Earlewood Park is an eligible project and the community space will cost \$575,000. This is an eligible expense that will allow us to move General Fund money from the Earlewood Park Project to these other two (2) projects. The Deputy Director of Parks and Recreation has sent a letter to Community Development requesting that funding.

Councilor Rickenmann said that there is a \$400,000 line item in our General Fund budget for the Village at Rivers' Edge that could be filled by that CDBG money.

Mr. Steve Gantt, Interim City Manager explained that we are using EDI money to pay the \$1.6 million.

Mr. S. Allison Baker, Assistant City Manager for Public Services said that there are a lot of things we have to do to make our budget. We have commitments across the City.

A motion by Mr. Cromartie and seconded by Dr. Gergel to transfer prior year Community Development Block Grant (CDBG) funds in the amount of \$400,000 to the Parks and Recreation Department's budget for the completion of the projects, was withdrawn. There was a consensus of Council to reconsider this matter on March 11, 2009.

- **Council adjourned the meeting at 5:17 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk