



**CITY OF COLUMBIA  
CITY COUNCIL MEETING &  
ZONING PUBLIC HEARING MINUTES  
WEDNESDAY, MAY 20, 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, May 20, 2009 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Daniel J. Rickenmann called the meeting to order at 9:08 a.m. as Mayor Pro-Tempore. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Sam Davis and The Honorable Belinda F. Gergel. The Honorable Kirkman Finlay III arrived at 9:11 a.m.; The Honorable Tameika Isaac Devine arrived at 10:06 a.m.; and The Honorable Mayor Robert D. Coble arrived at 10:25 a.m. Also present were Mr. Steven A. Gantt, Interim City Manager and Ms. Erika D. Salley, City Clerk.

### **APPROVAL OF MINUTES**

1. Minutes of October 22, 2008 – *Approved as presented.*

Upon motion by Mr. Cromartie, seconded by Mr. Davis, Council voted unanimously to approve the Minutes of October 22, 2008 as presented.

### **PRESENTATIONS**

2. National Public Works Week – Mr. Robert Anderson, Superintendent of Solid Waste

Mr. Robert Anderson, Superintendent of Solid Waste said that American Public Works Week gives them the opportunity to recognize their employees and the services they provide and to apply for awards for things done around the State.

- **Mr. Finlay arrived at 9:11 a.m.**

Mayor Pro-Tem Daniel Rickenmann and the members of Council proclaimed May 17-23, 2009 as Public Works Week in the City of Columbia.

3. Ribs & Renaissance Community Festival – Ms. Becky Bailey, Eau Claire Community Council

Ms. Becky Bailey, Eau Claire Community Council invited everyone to the Ribs and Renaissance Community Festival on Saturday, May 30, 2009 at 11:00 a.m. and thanked the Council for their continuous support through their economic development efforts. We have put together incredible shows with folks from North Carolina, South Carolina, Tennessee and Georgia; we have 100 vendors and exhibitions.

Mr. Henry Hopkins, Eau Claire Community Council also invited the members of Council and reminded them that this is Eau Claire / North Columbia. We had a wonderful gala leading up to this family oriented event. He emphasized that we are on the brink of something great and I hope the Mayor will bring us good news from Washington so that we can extend what we have started.

Councilor Davis thanked Ms. Bailey and Mr. Hopkins for working to make this a signature event for Eau Claire. It's admirable to the extent that they have come this far with very little; it is an example of neighbors pulling resources together.

4. Safeguard Congaree River– Mr. Alan Mehrzad, Congaree Riverkeeper

Mr. Alan Mehrzad, Congaree Riverkeeper provided background information on his efforts to safeguard the Congaree River. A River Summit was held in September 2008 and it was concluded that this region needed an advocate for our rivers or a Riverkeeper. At the time, I was a graduate student at the University of South Carolina pursuing a degree in earth and environmental resource management with a focus on water and watershed management. I saw an opportunity for Columbia to benefit by embracing this unique recreational and natural resource that we have flowing through town. I submitted a proposal to start the Congaree Riverkeeper Program to the Waterkeeper Alliance, which is an international grassroots advocacy organization dedicated to preserving and protecting water from pollution. My proposal was accepted on December 15, 2008 and I have been working to create a non-profit organization committed to protecting and preserving the Congaree, Broad River and Saluda Rivers. Today, I am legally incorporated through the Secretary of State; I formed a founding committee; and I organized a river clean up event in February 2009 in partnership with the Department of Natural Resources and the City of Columbia Park Rangers. We removed over 2,000 pounds of trash from the island on the Saluda River. I have been working with no income. He requested a three-year funding commitment in the amount of \$50,000 per year from the City of Columbia to assist with the start-up of this organization. The first year's budget will be used as follows: \$35,000 for my salary; \$5,000 will cover health and medical benefits; \$4,000 to rent office space and to pay for associated utility fees; and the remaining \$6,000 will go towards miscellaneous start-up fees.

Mayor Pro-Tem Rickenmann suggested that a meeting be scheduled with Mr. Mehrzad to determine if the city can provide other in-kind services since funding is not available.

5. Preservation Initiative of Historic Columbia – Ms. Robin Waites, Executive Director of Historic Columbia Foundation, Mr. Cal Watson, President and Ms. Gloria James, 1st Vice President

Mr. Cal Watson, President of the Historic Columbia Foundation Board of Trustees said that several months ago the City Council asked them to report on the preservation activities of the organization. He announced that the month of May is recognized as Preservation Month by the National Trust for Historic Preservation. Under this year's theme "This Place Matters", Historic Columbia has put together a variety of activities for the City of Columbia. He reported that in 2005 the Historic Columbia Foundation launched an effort to identify significant properties within the City of Columbia, which are eligible for local landmark designation. Using the criteria established by the National Register and the Historic Landmarks Commission, a preservation subcommittee identified thirty (30) structures. We contacted each property owner and informed them of the potential eligibility and the guidelines associated with landmark status. The committee also encouraged property owners to apply for local historic designation and offered assistance if necessary. Since that time, eight (8) sites have been approved as local landmarks and two (2) additional sites have been added to the National Register of Historic Places.

Ms. Gloria James, 1st Vice President of the Historic Columbia Foundation Board of Trustees reported that in Richland County over 200 historic markers have been erected at significant sites, but in 2006 fewer than 10% were marked as African-American sites. In an effort to rectify the disparity the City of Columbia Preservation Office and the Historic Columbia Foundation with funding from the South Carolina Department of Transportation have proposed the installation of twenty-seven (27) markers at African-American sites. Working with a committee comprised of representatives from the SC African-American Heritage Commission, the SC State Museum, the Waverly Neighborhood, The State Newspaper, University of South Carolina and the Historic Columbia Foundation Board of Trustees, a list of significant sites was compiled in 2007. Since that time the Historic Columbia Foundation staff worked with the SC State Historic Preservation Office to draft copy for the markers. To date, seven (7) have been installed. The remaining twenty (20) markers will be incorporated at the sites within the next six to nine

months. Once installed, special programs including unveiling and tours will continue to be offered to the public.

Mr. Cal Watson, President of the Historic Columbia Foundation Board of Trustees further reported that the Historic Columbia Foundation continues to focus on efforts showing off the City-owned historic sites.

6. Downtown Parking Garage – Mr. John David Spade, Parking Services Director

Ms. Mary Beth Sims Branham, AIA, Managing Principal and Architect / LS3P Associates LTD. Appeared before the Council to present the results of an extensive site study and regarding a recommendation on the next City parking garage in downtown Columbia. Our team was given three (3) potential sites to evaluate for the purposes of providing the City with recommendations for the best and second best site. The process involved gathering site information and input from stakeholders. Ultimately, the goal was to develop quantitative objective data of which to compare each site and be able to recognize the best site for a new garage at this time. The three sites under consideration were at Blanding Street and Sumter Street, Taylor Street and Sumter Street and Washington Street and Sumter Street. All three (3) of these sites are excellent sites to study. The five (5) basic evaluation criteria we used to compare the sites were demand, design, constructability, cost and revenue. The City of Columbia now has valuable information to assist in building on all three (3) sites at some point in the future. The analysis in this report indicates that developing a new parking structure at the Washington Street and Sumter Street site would be the most effective in fulfilling the priorities of the City at this time, assuming a development agreement can be reached with the First Baptist Church.

Upon motion by Mr. Rickenmann, seconded by Mr. Finlay, Council voted unanimously to defer voting on this matter until June 3, 2009.

### **OTHER MATTERS**

6a. \*\*Ride of Silence - The Honorable Daniel J. Rickenmann

Upon motion by Mr. Rickenmann, seconded by Dr. Gergel, Council voted unanimously to authorize the Homeland Security Department to provide escort services for the Ride of Silence at 7:00 p.m. today in memory of those who have been injured or killed by motor vehicles while cycling on public roadways.

### **SIDEWALK VENDING PUBLIC HEARING**

- **Council opened the Sidewalk Vending Public Hearing at 10:04 a.m.**

#### **RESOLUTIONS**

7. Resolution No.: R-2009-030 – Amending Sidewalk Vending Locations and Authorized Merchandise - *Approved*

No one appeared in support of or in opposition to **Item 7**.

Upon motion by Mr. Rickenmann, seconded by Mr. Davis, Council voted unanimously to approve Resolution No.: R-2009-030 – Amending Sidewalk Vending Locations and Authorized Merchandise.

## ORDINANCES – FIRST READING

### 8. **NW Corner Main and Washington Streets**

Ordinance No.: 2009-049 – Granting a Franchise to Chris Hinely d/b/a The Peanut Man for operation of a stationary sidewalk vending cart on the northwest corner of Main Street and Washington Street – *Approved on first reading.*

No one appeared in support of or in opposition to **Item 8.**

- **Council closed the Sidewalk Vending Public Hearing at 10:06 a.m.**

Upon motion by Mr. Rickenmann, seconded by Mr. Finlay, Council voted unanimously to give first reading approval to Ordinance No.: 2009-049 – Granting a Franchise to Chris Hinely d/b/a The Peanut Man for operation of a stationary sidewalk vending cart on the northwest corner of Main Street and Washington Street.

## ZONING PUBLIC HEARING

- **Council opened the Zoning Public Hearing at 10:06 a.m.**
- **Ms. Devine arrived at 10:06 a.m.**

## TEXT AND MAP AMENDMENTS – FIRST READING

### 9. **Amend §17-681(b)** to add Cottontown as an Architectural Conservation District.

Ordinance No.: 2009-025 – 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. 17-681, District identified, (b) Architectural conservation district to add (6) – *Approved on first reading.*

10. **Cottontown**, TMS# 09016-03-02 thru 09, 09016-04-01 thru 14, 09016-05-01 thru 09, 09016-06-01 thru 09, 09016-06-11, 09016-06-16 thru 24, 09016-08-01 thru 17, 09016-08-28 & 29, 09016-09-02 thru 18, 09016-12-07, 09016-12-09 thru 11, 09109-07-01 thru 03, 09109-08-02 thru 05, 09109-09-02 & 04, 09113-01-01 & 02, 09113-05-01 thru 10, 09113-06-01 thru 10, 09113-06-12 thru 22, 09113-07-01 thru 14, 09113-08-01 thru 13, 09113-10-01 thru 07, 09113-11-01 & 02, 09113-12-01 thru 19, 09113-12-21 thru 29, 09113-13-03 thru 14, 09113-04-01 thru 12, 09113-02-01 thru 06, 09114-06-01 thru 03, 09113-03-01 thru 04, 09114-05-01 thru 06, 09110-11-02 thru 11, 09114-07-01, 09113-09-01 thru 12, 090114-01-16 & 17, 090110-10-06 (portion zoned C1), 09110-10-08 & 09, 09110-10-12, 09114-01-01 thru 14, 09114-02-01, 09114-02-03 thru 22, 09114-02-24 & 25; rezone to remove –CC (Community Character) overlay and to add –DP (Design Preservation) overlay. - *Approved on first reading.*

Ms. LaToya Grate, City Planner / Planning and Development Services explained that the Cottontown Neighborhood is bounded by Grace Street to the north; Bull Street to the east; Elmwood Avenue to the south; and Sumter Street to the west. The neighborhood was constructed between 1910 and 1942 with Tudor, revival and bungalow style homes. This area has been listed as an historic district on the National Register of Historic Places since 1997 and it is a wonderful candidate for an Architectural Conservation District.

Mr. Paul Bouknight, President of the Cottontown Neighborhood Association appeared before the members of Council in support of **Items 9.** and **10.** He said that he didn't know that he would have to fight so hard to protect what they have in downtown Columbia. We appreciate

everything you all do to help us.

Upon motion by Mr. Davis, seconded by Mr. Cromartie, Council voted unanimously to give first reading approval to the *Text and Map Amendments* for **Items 9.** and **10.** with a single motion.

11. **MX-2 District:** Create new and/or amend pertinent sections of Zoning Ordinance relating to the creation of the MX-2 (Urban Mixed-Use) zoning district. – *Approved on first reading.*
12. **ID Overlay District:** Create new and/or amend pertinent sections of Zoning Ordinance relating to the creation of the ID (Innovista Design) zoning overlay district.

Ordinance No.: 2009-036 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 1, Generally, Sec. 17-54 Rules of construction; interpretation of types of districts; Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-231. Districts enumerated; Sec. 17-258 Table of permitted uses; Sec. 17-260. Warehousing (SIC 4227 and 424); Sec. 17-263. Retail trade (SIC 52-59); Sec. 17-265. Day care services (SIC 835); Sec. 17-275. Lot size, setback and height requirements; Sec. 17-282 Antennas; Sec. 17-283 Wireless communication facilities; 17-286 Motor vehicle, boat and recreation vehicle dealers; Sec. 17-287 Used merchandise stores; Sec. 17-288 Offices and clinics of other health practitioners including therapeutic massage; Sec. 17-290. Microbrewery; and to add Sec. 17-291 ID Innovista design, Sec. 17-292 MX-2 mixed-use urban district; Sec. 17-293. Manufacturing (SIC 20-39); Division 9, Supplementary District Regulation to add Sec. 17-323. -ID Innovista design district; Division 10, Off-Street Parking and Loading Facilities, Sec. 17-342 Number of parking spaces; Division 12, Signs, Sec. 17-406. Permitted signs, Article V, Historic Preservation and Architectural Review, Sec. 17-653 Design and development review commission; and Sec. 17-655 Administration – *Approved on first reading.*

13. **INNOVISTA – MX-2 TMS#** 08909-01-04, 05; 08910-01 all; 08910-02 all; 08910-03 all; 08911-all; 08912-10- 9,10,11,12,16,17,18; 08912-11-01,03; 08912-12-all; 08913-01-all; 08913-02-01 (all north of RR right-of-way) 02, 03; 08913-03-04; 08914-01 all; 08914-02 all; 08914-03 all; 08914-05 all; 08914-06 all; 08914-07 all; 08914-09 all; 08914-10 all; 08914-11 all; 08914-12 all; 08914-13 all; 08914-14 all; 08914-15 all; 08914-16 all; 08915-02 all; 08915-04 all; 08915-08 all; 08915-09 all; 08915-10 all; 08915-12 all; 08915-13 all; 08915-14 all; 08916-11-04a; 11302-01- all; 11302-12-02; 11302-13- all: Rezone parcels to MX-2 (Urban Mixed Use). **ID TMS#** 8909-01-all; 08910-all; 08911-all; 08912-12-all; 08912-11-all; 08912-10-4 (partial) 9, 10,11,12,16, 17; 08912-08-01, 02 (partial), 03 (partial); 08912-09-01; 08913-01-all; 08913-02-all north of RR right-of-way; 08913-03-04; 08914-01 all; 08914-02 all; 08914-03 all; 08914-04 all; 08914-05 all; 08914-06 all; 08914-07 all; 08914-09 all; 08914-10 all; 08914-11 all; 08914-12 all; 08914-13 all; 08914-14 all; 08914-15 all; 08914-16 all; 08915-all (except block 7); 08916-11- (all of block not included in West Gervais Street Historic District); 11302-01-all; 11302-12-02; 11302-13- all; rezone to add –ID (Innovista Design) overlay to all parcels. – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that **Items 11., 12.** and **13.** are related to staff's proposal to implement the InnoVista Master Plan. **Item 11.** establishes the MX-2, which is a downtown more urban counterpart to the MX-1 district, which was first applied to Five Points and most recently to North Main Street. It established the base zoning district. **Item 12.** is the InnoVista Overlay District, which establishes the design guidelines. **Item 13.** puts those zoning districts in place.

Mr. Bill Boyd, Waterfront Steering Committee appeared before the members of Council in support of **Items 11.** through **13.** He reported that the Waterfront Steering Committee has worked on this for three (3) years and eighty two (82) public presentations were made along with three (3) noticed meetings for all property owners within the district. This Council approved the conceptual plans unanimously as did the Planning Commission. He reported that they haven't heard of any objections to this.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve the *Text and Map Amendments* for **Items 11.** through **13.** with a single motion.

#### MAP AMENDMENTS – FIRST READING

14. **Percival Road NE of Antler Way**, TMS# 22713-01-01; rezone 1.3-acre portion from C-3-A (General Commercial) to RG-2 (General Residential) and rezone 1.16-acre portion from RG-1 (General Residential) to RG-2 (General Residential); TMS# 22713-01-20, -21: rezone from RG-1 (General Residential) to RG-2 (General Residential). – *First reading consideration was deferred.*

Mr. Marc Mylott, Director of Planning and Development Services explained that this is part of a larger development project for approximately ninety (90) townhouses. There is a small portion of the overall project that is inconsistent with the RG-2 zoning; there can only be one zoning and this application will simply bring the entire development under one zoning.

Ms. Nancy Behenna appeared before the members of Council in opposition to **Item 14.** She said that the letter she received was unclear as to what is being rezoned; it doesn't match up to the map. How does this affect the homeowners living in that area? When she purchased her property, she was told that the unfinished cul-de-sac (Phase 3) would be used for single-family homes.

Mr. Marc Mylott, Director of Planning and Development Services further explained that the applicant is proposing a 95-lot townhouse development, which is a permitted use in the RG-2 district. At the locations closet to Percival Road there are small portions of commercial zoning and RG-1 zoning and they will be rezoned to become consistent with the large parcel.

There was a consensus of Council to defer first reading consideration until staff meets with Ms. Nancy Behenna, an adjacent property owner to address her concerns.

15. **1703 Taylor Street (Township Auditorium)**, TMS# 11403-08-01; rezone from C-1 (Office & Institutional), DP (Design Preservation) & M-1 (Light Industrial), DP (Design Preservation) to PUD-C (Commercial Planned Unit Development), DP (Design Preservation).

Mr. Marc Mylott, Director of Planning and Development Services explained that this is an application to turn the Township Auditorium into a Planned Unit Development (PUD) for commercial. The existing zoning poses significant obstacles and the PUD eliminates those obstacles.

Ms. Sally Roach, Executive Director of the Township Auditorium explained that they are not expanding the capacity with the renovations, but they are dismantling the front of the building; walk it 20' forward towards Taylor Street; and expanding three (3) areas of the lobby; updating the box office; adding more ADA accessibility; adding restrooms on all 3 floors; adding an elevator to the front of the building; there will be more meet and greet space; a festive atmosphere; adding two (2) loading dock areas; renovating the basement with offices and dressing rooms; painting the auditorium; replacing the roof; and adding a drop-off area on Henderson Street.

- **Mayor Coble arrived at 10:25 a.m. and is now presiding.**

The Honorable Greg Pearce, Richland County Council explained that funds were approved for this project some time ago; we set aside funds from the hospitality taxes and we issued bonds. This is a \$12 million project. He reminded the Council that they secured a study from the University of South Carolina School of Hospitality, Sports and Entertainment Management and found that 85% of respondents felt that the Township Auditorium has significant recreational value and they want to see it preserved. The City did the seating for the Auditorium. The ambiance and character won't change; we are just bringing it up-to-date. He added that they found the original plans and the building is being renovated as it was originally designed.

Upon motion by Mr. Cromartie, seconded by Mr. Finlay, Council voted unanimously to give first reading approval to the *Map Amendment* for 1703 Taylor Street (Township Auditorium), TMS# 11403-08-01; rezone from C-1 (Office & Institutional), DP (Design Preservation) & M-1 (Light Industrial), DP (Design Preservation) to PUD-C (Commercial Planned Unit Development), DP (Design Preservation), provided that unless specified within the Descriptive Statement changes to the PUD shall be in accordance with Section 17-305.

16. 823 Gervais Street (Columbia Supply), TMS# 8916-01-04; major amendment to a PUD-C (Commercial Planned Unit Development), DP (Design Preservation).

Mr. Marc Mylott, Director of Planning and Development Services explained that this is the Columbia Supply property in the Vista and it is a major amendment to the original PUD to allow a phased implementation of the project. It ensures that any subsequent development on the undeveloped parcel will come back for the review process.

Mr. Douglas Putlock, Miller-Valentine Commercial Construction, LLC explained that what they are planning to do is in the spirit of the original PUD, which is to develop the Center Vista Project in phases by the adaptive reuse of the existing Columbia Supply building.

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to give first reading approval to the *Map Amendment* for 823 Gervais Street (Columbia Supply), TMS# 8916-01-04; major amendment to a PUD-C (Commercial Planned Unit Development), DP (Design Preservation), provided compliance with the Descriptive Statement dated March 4, 2009 (*Revised April 1, 2009*). Mr. Davis was not present for the vote.

17. 2791 The Boulevard, TMS# 13512-02-03; rezone from M-1 (Light Industrial) to M-2 (Heavy Industrial). – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that this is a request to rezone the property from M-1 to M-2 to permit the establishment of a gasket manufacturing company for Garlock Helicoflex.

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

Upon motion by Mr. Finlay, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment* for 2791 The Boulevard, TMS# 13512-02-03; rezone from M-1 (Light Industrial) to M-2 (Heavy Industrial). Mr. Davis was not present for the vote.

18. 3127-3135 Forest Drive, TMS# 14001-04-39, -40; major amendment to a PUD-C (Commercial Planned Unit Development). – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that this is also an amendment to a previously approved PUD; it's reconfiguring the property which originally would have had two (2) non-essential buildings combined into one (1) larger two-story building. The

applicant worked extensively with the surrounding property owners to come to an agreement on the optimal configuration of that building as well as the landscaping and buffer.

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

Upon motion by Dr. Gergel, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment* for 3127-3135 Forest Drive, TMS# 14001-04-39, -40; major amendment to a PUD-C (Commercial Planned Unit Development). Mr. Davis was not present for the vote.

19. Gregg Park – TMS# 16604-02-01 thru 05, 16607-01-22 thru 23, 16607-01-28 thru 34, 16608-01-21 thru 22, 16608-01-26 thru 36, 16608-01-40, 16608-01-42, 16608-01-44 thru 48, 16608-02-01 thru 02, 16608-02-04 thru 13, 16608-02-15 thru 22, 16608-02-24, 16608-02-26 thru 27, 16608-02-29 thru 30, 16608-03-01 thru 08, 16608-03-10 thru 24, 16608-04-01 thru 06, 16608-04-08 thru 13, 16608-05-01 thru 05, 16608-05-07, 16705-01-01 thru 24, 16705-01-26 thru 44, 16705-01-46, 16705-02-01 thru 07, 16705-02-10 thru 18, 16705-03-01 thru 04, 16705-03-06 thru 27, 16705-03-29, 16705-03-31 thru 32, 16705-03-34 thru 56, 16705-04-06 thru 09, 16705-05-01, and 16705-06-01 thru 02; rezone from RS-1 (Single Family Residential) to PUD-R (Residential Planned Unit Development). – *Approved on first reading*.

Mr. Marc Mylott, Director of Planning and Development Services explained that this is an application to rezone Gregg Park from RS-1 to PUD-R.

No one appeared in support of or in opposition to **Item 19**.

Upon motion by Mr. Finlay, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment* for Gregg Park – TMS# 16604-02-01 thru 05, 16607-01-22 thru 23, 16607-01-28 thru 34, 16608-01-21 thru 22, 16608-01-26 thru 36, 16608-01-40, 16608-01-42, 16608-01-44 thru 48, 16608-02-01 thru 02, 16608-02-04 thru 13, 16608-02-15 thru 22, 16608-02-24, 16608-02-26 thru 27, 16608-02-29 thru 30, 16608-03-01 thru 08, 16608-03-10 thru 24, 16608-04-01 thru 06, 16608-04-08 thru 13, 16608-05-01 thru 05, 16608-05-07, 16705-01-01 thru 24, 16705-01-26 thru 44, 16705-01-46, 16705-02-01 thru 07, 16705-02-10 thru 18, 16705-03-01 thru 04, 16705-03-06 thru 27, 16705-03-29, 16705-03-31 thru 32, 16705-03-34 thru 56, 16705-04-06 thru 09, 16705-05-01, and 16705-06-01 thru 02; rezone from RS-1 (Single Family Residential) to PUD-R (Residential Planned Unit Development). Mr. Davis was not present for the vote.

20. 903, 911, 919 S. Edisto Avenue, TMS# 11211-06-18, -19, 20a; rezone from M-1 (Heavy Industrial) to RG-2 (General Residential). - *Denied*

Mr. Marc Mylott, Director of Planning and Development Services explained that this is an application to rezone the Bagnal Builder's Supply site from heavy industrial (M-1) to RG-2. This application received a non-unanimous approval from the Planning Commission and staff recommends denial of the application. He reported that two (2) years ago staff met with representatives of the Federal Aviation Agency (FAA) and Owens Field Airport and at that time they had serious reservations about additional residential in the area. We were admittedly conflicted with this application, because infill development is a positive; however, we must consider the proximity to Owens Field Airport.

Councilor Rickenmann said that at some point this property has to be developed / purchased; we can't handcuff the owner. We need an idea of what's acceptable and what fits into the FAA Guidelines on this piece so that a feasible plan can be developed.

Councilor Gergel said that she has spoken with a variety of people as well and there is great interest in seeing this property developed, but it has to be compatible with the plans for the neighborhood.

Councilor Finlay concurred with Mr. Rickenmann. He asked if the FAA is comfortable with single-family residential units.

Mr. Marc Mylott, Director of Planning and Development Services said as he understands it, their position is that no residential should be added.

Councilor Devine asked for the rationale of allowing light industrial.

The Honorable Ted Pitts, Member of the House of Representatives / Real Estate Agent for the Applicant said that they have been working on this for almost five (5) years and the site has been under contract five (5) times. There are several benefits to rezoning this property. It would bring down the height restriction; it would change the type of traffic; and this falls directly within the City's goals of taking a blighted area and fixing it up. He added that most of the adjacent property is zoned RG-2. There appears to be a conflict between what the two (2) neighborhoods want; one area wants affordable housing and the other doesn't. The majority of this property does not fall within the buffer zone as requested by the FAA; the very front tip of the property does fall within the buffer zone. We are not asking for special exceptions or variances. We have worked with many potential purchasers and the property continues to be run down; this could be added to the City of Columbia's tax base.

Councilor Rickenmann asked how much of the property lies within the affected area of the flight pattern.

The Honorable Ted Pitts, Member of the House of Representatives / Real Estate Agent for the Applicant explained that they were generous in drawing the lines for the buffer zone. It's approximately 1.5 acres.

Councilor Devine asked if the property owner would be willing to change the site plan and give the FAA the buffer in order to meet their concerns.

The Honorable Ted Pitts, Member of the House of Representatives / Real Estate Agent for the Applicant said that the pending buyer wants the property rezoned first; they fully understand and expect to go through the site plan review and the Planning Commission once again. He would meet the requirements of City Council approval and use that area for parking or a swimming pool with a clubhouse. There are ways to meet the Airport's requirement to protect that buffer and allow the property to be developed.

Councilor Finlay said that there are two separate issues; one's the Airport and they have valid concerns; we don't want to exasperate a potential problem; it's an in town airfield and everything is slowly developing around it; it's certainly an asset to the city, but not in the same way that multi-family housing is; from the correspondence I've seen, the second problem is that none of the neighborhoods in the vicinity want that specific use.

Councilor Gergel concurred adding that letters were submitted from the neighborhood presidents.

The Honorable Ted Pitts, Member of the House of Representatives / Real Estate Agent for the Applicant said that they met at Dr. Gergel's house one time; we have tried to reach out to the neighbors and explain the benefits of this development. Mr. Richard Burts tried to put seven to eight single-family houses there and that was opposed. There is an issue there and the City of Columbia needs to specify what is allowed and what's not.

Councilor Cromartie agreed with the neighborhoods; commercial use would be best.

Councilor Finlay said that this is one of several pieces in the City that are landlocked, heavy/light industrial and served by residential streets. We need input from staff on how we

prevent light industrial or heavy commercial from being landlocked behind residential neighborhoods without access except through the residential neighborhoods.

The Honorable Greg Pearce, Richland County Council recalled that when the Empowerment Zone money came in, there was a plan developed for this part. It was approved and supported by the Richland County Council. It called for that area to become a redeveloped commercial corridor; to include straightening out and connecting Jim Hamilton Boulevard. We had plans to build a new road; that never came to pass, but the plan for this property is on the books; it was to become the dividing line between residential and the commercial area that abuts the railroad tracks. Our concern is that we are verging from that plan.

Mr. Merrill C. Donahoo, Chairman of the Richland County Airport Commission said that they are not concerned about height restrictions; they are concerned about the density of housing. He admitted that this is outside of the Runway Protection Zone, but it is within the flight path. There is a noise factor, with take off being the noisiest phase of the flight, but safety is the primary underlying consideration for the Airport Commission.

Mr. Jim Hamilton, Airport Manager / Columbia Owens Downtown Airport said that he is very concerned that we would risk lives by placing them in the most dangerous part of the airport. He distributed pictures of the warehouses near this property, noting that three (3) airplanes had to land on top of the warehouses in the last ten (10) years. You don't want a building there with people in it. He urged the Council to follow the recommendations as provided.

Ms. Rebecca Munnerylyn, President of the Rosewood Community Council appeared before the members of Council in opposition to **Item 20**. She believes that this will negatively impact parking and traffic with at least 400 new residents coming in. She said that the neighborhood presidents all have concerns with high density and they are very much united in opposition to high density housing. We do see this as a potentially developable site.

An individual appeared on behalf of Ms. Bessie Watson, President of the Edisto Court Community Organization in opposition to **Item 20**. She added that this development will affect the character of the community and the quality of life for current residents.

Mr. Bob Amundson, Central Rosewood Neighborhood Association appeared before the members of Council in opposition to **Item 20**. He agreed with Rep. Pitts in that there is RG-2 zoning on Edisto Court, but it is essentially single-family residential. We want development there, but there are a number of different uses that the community would be very glad to have there. We don't want to look like we are against development there; we are just concerned about the type of development. We look forward to working with the Bagnal family, Rep. Pitts and Dr. Gergel to determine the best fit.

Mr. John Mark Dean, Hollywood/Rosehill Neighborhood Association appeared before the members of Council in opposition to **Item 20**. The Hollywood/Rosehill Neighborhood Association passed a resolution supporting the positions and concerns of the Rosewood Community Council. We found the airport to be very responsive about our concerns over the years and we see it is a real attribute to the city.

The Honorable Greg Pearce, Richland County Council further reported that \$1.5 million in stimulus money will be used to repave the airport; in the 11 years that I've represented the airport, we have taken an embarrassment and turned it into a diamond. It is a \$20 million investment and in return we get a \$14 million annual economic return. In 1983 we reoriented the runway away from the residences. We would be compromising our only ingress and egress if we proceed with placing residences within that commercial strip.

Councilor Finlay asked that they compose a working group to give the Bagnal's and other industrial areas a specific idea of how we intend to address industrial sites. If we are saying no to this, we need to be clear on what we intend to say yes to in the future.

Councilor Davis said that we need to look at how we go about pinning developers/commercial entities against neighborhoods; circumstances tend to that. In terms of developing a plan to offer guidance to future developments, we should expand that to develop basic guidelines. We are dealing with two sites now with the same problems, but the fights are after the fact because people didn't know what was coming. In some cases there are issues with jurisdiction when it comes to zoning; that is a constant in other parts of the City of Columbia.

Councilor Devine concurred, adding that an updated plan is needed for the area. We also have a very viable Community Development Plan that our staff with the Economic Development Office can assist in aggressively going after industries or people who will locate there.

Mr. Marc Mylott, Director of Planning and Development Services stated that there is a plan for the Rosewood Spine and in this instance you have the zoning that mirrors the plan, but circumstances do change. I don't think you will be able to create the scenario or process of flags, but it will prevent someone from saying that they are entitled to ask you to consider something new. That may or may not be a conflict that results from what other people have as their vision.

Upon motion by Dr. Gergel, seconded by Mr. Cromartie, Council voted unanimously to deny the *Map Amendment* for 903, 911, 919 S. Edisto Avenue, TMS# 11211-06-18, -19, 20a; rezone from M-1 (Heavy Industrial) to RG-2 (General Residential).

#### TEXT AMENDMENTS – FIRST READING

21. Amend §17-403 of the zoning ordinance regarding sign maintenance on signs on Landmarks or in historic districts.

Ordinance No.: 2009-010 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina Chapter 17, Planning, Development and Zoning, Article III, Zoning, Division 12, Signs, Sec. 17-403 Maintenance – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that over a year ago, City Council strengthened its sign maintenance provision and at the same time a provision was included to recognize where we have historic signs, for example, on the Tapp's Building and the Kress Building. In all honesty, those businesses and services are no longer provided under the current code and should be removed; no one wants to remove those signs; and this provision would allow those historic signs to remain as a physical part of the building.

Ms. Catherine Bruce, Historic Waverly Neighborhood Association appeared before the Council in support of **Item 21**. We have four (4) historic markers in our neighborhood and we have 3-4 signs that are pending. We will do our best to raise revenues to maintain the signs. The Historic Waverly Neighborhood is celebrating its 20<sup>th</sup> anniversary as a National Register Historic District; we are very excited; we hope that the marker is installed this year; and we want to ensure that the boundaries (Gervais Street, Taylor Street, Harden Street and Millwood Avenue) of the historic district are within the text of the marker.

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2009-010 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina Chapter 17, Planning, Development and Zoning, Article III, Zoning, Division 12, Signs, Sec. 17-403 Maintenance. Mr. Cromartie was not present for the vote.

22. Amend §17-84 of the zoning ordinance regarding notification for non-conforming uses and/or structures.

Ordinance No.: 2008-112 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 2, Administration, Enforcement and Penalties, Sec. 17-84, Certificate of zoning compliance (b) Nonconforming uses – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that this amendment stems from a specific case in Cottontown wherein the City of Columbia issued a non-conforming certificate and later recognized that we did not have any revocation provisions for the issuance of a non-conforming certificate. The person waited 30-days for the appeal time to run and then chose to engage in activities that demonstrated that the non-conforming certificate had been issued. When neighbors saw that activity they immediately contacted the office and we found that it was outside the appeal time. This amendment creates a notification requirement for staff upon the issuance of a non-conforming certificate.

Councilor Rickenmann stated that he pushed Mr. Mylott on this issue, because it was very frustrating to talk to constituents and we have a statute that allows people to make an appeal, but how can you issue an appeal if you don't have any notice.

No one appeared in support of or in opposition to **Item 22**.

Upon motion by Mr. Rickenmann, seconded by Mr. Davis, Council voted unanimously to give first reading approval to Ordinance No.: 2008-112 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 2, Administration, Enforcement and Penalties, Sec. 17-84, Certificate of zoning compliance (b) Nonconforming uses. Mr. Cromartie and Ms. Devine were not present for the vote.

23. Amend §17-401, §17-404, §17-405, and §17-407 of the zoning ordinance to provide for temporary signs, signs in right of way, and prohibit festoons.

Ordinance No.: 2009-038 - 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, Sec. 17-401 Definitions, Sec. 17-404 Prohibited signs, Sec. 17-405 Temporary signs permitted in any district, Sec. 17-407 Signs on public property – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that this item stems from an original recommendation from the Code Enforcement Taskforce for an outright prohibition on inflatable signs and/or festoons. When this recommendation was originally presented to City Council there were concerns that an outright prohibition on inflatable signs may not be the best way to go. At the same time, Councilman Cromartie asked that we extend extraordinary notification to business owners and we mailed and/or sent e-mails to over 230 business trade associations or merchants associations and encouraged them to get the word out to their respective clientele about a meeting that was held on last Friday. We had 10-12 attendees in addition to Council members Cromartie, Rickenmann and Gergel. There was excellent dialog; folks raised minor points that staff believes we should take into consideration. In the interest that this proposal also includes allowances that are not currently on the books, everyone was in general agreement that we would go forward with this and come back after you've had additional time to tweak the ordinance and expand the allowance.

Councilor Devine inquired about sandwich boards.

Councilor Rickenmann explained that sandwich boards are "A" frame signs and we don't have a way for a retailer or restaurant to put that on the sidewalk.

Mr. Marc Mylott, Director of Planning and Development Services added that the boards are 2'x3' and placed outside to advertise the special of the day. We currently classify those as billboards; an off-premise advertisement. However, if you have a building that is right up on the lot line then you have no where to physically locate that. We are trying to be business friendly and it promotes pedestrian activity. They will be allowed with the issuance of a permit and that permit would be very analogous to someone requesting an encroachment; they have to provide insurance. They would have to take it in when the business is closed and there has to be clear passage around the sidewalk. The permit will cost \$5 to \$10 annually.

Councilor Finlay said that business owners have been putting sandwich billboards out without permits and this will be another huge group of people that need to be notified of this new process.

Councilor Devine added that in the spirit of temporary signs, she received several calls from realtors that put up temporary open house signs, but the signs are technically prohibited. If we are looking at ways to make exceptions then we should consider that. Why can't a realtor get an annual permit to advertise their open house event and limit it to the day of the event?

Mr. Marc Mylott, Director of Planning and Development Services said that there were concerns from Rev. Cooper as Chair of the Code Enforcement Taskforce that the signs should not be placed on a corner when your business is mid-block. This immediately ties to the proximity of a business. In wrestling with the notion of the fundamental tenant of sign regulation, which is content and neutrality, once you open it up to real estate agents you have to allow any an all. We can consider allowing a sign in front of the premises of the open house. I don't disagree that there are good reasons to allow this.

Councilor Finlay concurred with Ms. Devine adding that this will only make it harder for people trying to sell houses in a tough environment. Are we going to drive all around Columbia writing tickets for people that have open house signs up?

Mr. Marc Mylott, Director of Planning and Development Services said that there is weekend Code Enforcement and we would simply remove the signs.

Councilor Devine stated that they are concerned, because the signs are expensive and they get removed.

Councilor Cromartie said that he is also concerned about auto dealerships. He asked if we had heard from any of the dealers since the public hearing, because a lot of them are moving further out into the County and we want to keep that tax base inside the City of Columbia.

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

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

Upon motion by Mr. Rickenmann, seconded by Mr. Cromartie, Council voted unanimously to give first reading approval to Ordinance No.: 2009-038 - 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, Sec. 17-401 Definitions, Sec. 17-404 Prohibited signs, Sec. 17-405 Temporary signs permitted in any district, Sec. 17-407 Signs on public property, provided: 1) Seasonal decorations are specifically exempt from the definition of signs; 2) Inflatable signs are prohibited within residential districts; and 3) *Sandwich boards may be placed on all surfaces. Staff is asked to consider a mechanism to assist real estate agents in advertising open houses.*

- **Council closed the Zoning Public Hearing at 11:47 a.m.**

## **ORDINANCE – FIRST READING**

- 23a. \*\*Ordinance No.: 2009-035 - Granting an encroachment to Tara Dawn Shurling for installation and maintenance of a driveway and landscaping within the right of way areas of the 3400 block of Trenholm Road and 1500 block of Wyndham Road adjacent to 1537 Wyndham Road (*Mr. Chip Land, Long Range Planner: Recommends approval*) – *Approved on first reading.*

Councilor Rickenmann reported that he was asked to look at the Board of Zoning Appeals hearing online and he had real concerns about the Board's approach on this decision. I have an issue with the inconsistency of the way it was handled. I would like to have a legal discussion about that process; I am not going to hold up the encroachment, but I would like to talk about that process; the way the criteria works; and the way we handled a similar instance in that same hearing. I would like to have Mr. Jim Meggs, Esquire here within the next meeting cycle to discuss the procedure.

Upon motion by Mr. Finlay, seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2009-035 - Granting an encroachment to Tara Dawn Shurling for installation and maintenance of a driveway and landscaping within the right of way areas of the 3400 block of Trenholm Road and 1500 block of Wyndham Road adjacent to 1537 Wyndham Road.

## **STAFF REPORTS**

24. Ombudsman / Citizens Assistance – Mr. Mike King, Director of CRC - 911

Mr. Mike King, Director of CRC-911 introduced Ms. Sullivan, adding that she will provide an overview of the 311 Citizens Assistance Service and she will present a plan for improving communication, collaboration and coordination with our Community Liaisons in order to manage an effective and efficient response to our communities' issues. Although 311 will not be officially joining the CRC-911 team, we are working together as a team to transition 311 to 911.

Ms. Senorita Sullivan, Ombudsman / 311 Coordinator Operations said that the mission of 311 is to ensure that our citizens are provided an efficient and convenient way to request needed services or to report concerns. With this easy to remember 3-digit number the City of Columbia is literally at your fingertips. In addition to dialing 3-1-1 citizens can call 545.3750 and all non-emergency concerns should be referred to the Call Center by dialing 311 or 252.2911 during evenings and weekends. The hours of operation are Monday through Friday; from 8:00 a.m. until 5:00 p.m.; however, there is a 24-hour voicemail system. She provided examples of service requests that may be directed to the departments. We are also proud to have a Teen Hotline that addresses concerns from our teens.

Mr. Mike King, Director of CRC-911 announced that effective July 1, 2009, the transition of 311 to the Emergency Communications Center will be complete. Our mission is to work collaboratively with our stakeholder agencies, city departments, the four Community Liaisons and our citizens that we serve. We envision the 311 Center becoming a clearinghouse or a central information center for all city services, requests and concerns. This will be accomplished through cooperation, collaboration and two-way communication at every level, which will result in the most effective and efficient service possible. He presented a flow chart to demonstrate the communication process and the team oriented approach.

Councilor Devine asked about the communication to Council. How do you envision that process working?

Mr. Mike King, Director of CRC-911 said that they will use the preferred communication method of the Council member. I would like to take advantage of our existing technology such as the VC3 system. We would like for you to notify us of situations you are aware of so that we can immediately address those. We will provide information by Council Districts and we will provide information on specific neighborhoods in preparation of the neighborhood meetings.

Councilor Finlay said that he asked for this, because people do not understand the function. There is no clear and codified plan for how non-lethal emergencies are passed up the line. There needs to be a very clear system for people to get a message to a person to begin the process of triaging. It can be something like a pothole and all they need to hear is that we have it on the list and we will move forward as soon as we can. They need a way to get in touch with the command structure of the city and to get an answer short of calling a City Council member.

Mr. S. Allison Baker, Assistant City Manager for Public Services said that's why 311 is moving to the 911 Call Center so that the phone calls can be monitored 24/7. While we would prefer to reduce the call burden on the emergency call takers, it's not possible 24-hours a day. The 311 and 252.2911 line rings in the 911 Center and if the Ombudsman and her staff are not there to answer, it will go to the next person and they then dispatch calls to the appropriate department. There has to be follow-up to make sure the department took care of the situation.

Councilor Cromartie requested a print out of the calls received in the Call Center.

Mr. S. Allison Baker, Assistant City Manager for Public Services explained that each Council Liaison will be in communication with each City Councilperson; there is a reporting format already in place; and we have met with each department head and they are to assign an individual to be in communication with the Liaisons. He recognized Ms. Charmaine Clark, Council District I Liaison; Ms. Shirley Dilbert, Council District II Liaison; Ms. Gerry Lynn Hall, Council District III Liaison; and Mr. Jeff Rainwater, Council District IV Liaison.

Councilor Davis inquired about the technology being used, adding that any issues with technology needed to be resolved quickly.

Councilor Rickenmann expressed concerns with a recent large water main break wherein an operator did not fully understand the issue at hand; therefore, no police were there to redirect traffic and the response time was unacceptable. Why wouldn't we have someone there communicating with the residents?

Councilor Gergel inquired about more routine 311 calls and if those calls are returned. I have great hope that we are as customer friendly as we can be in acknowledging that the call has come in and while we may not have an answer, we are working on it.

25. Business Retention and Expansion Program Annual Report – Mr. Angelo A. McBride, Business Administrator

Mr. Ryan Coleman, Business Liaison / Office of Business Opportunities explained that the Business Retention and Expansion Program began on March 17, 2008 in partnership with the Greater Columbia Chamber of Commerce.

Councilor Rickenmann asked Mr. Coleman to explain how the partnership began. Was this study paid for by the City of Columbia? Was it paid in portion by the Good to Great Foundation? Who was involved?

Mr. Ryan Coleman, Business Liaison / Office of Business Opportunities reported that the City and the Chamber both contributed resources to this program; the City purchased the database.

Councilor Finlay asked if representatives of the Chamber were present today, because they are losing some of its ability to be objective when they are reporting on the City and a City employee is doing it. It's no longer a straight up objective report from the business; it's no longer at arms length.

Councilor Gergel requested that we schedule this presentation at a time when the Chamber can be present to lead in the discussion.

26. Summer Youth Employment Initiative – Mr. Allison Baker, Assistant City Manager for Community & Neighborhood Services

Mr. Allison Baker, Assistant City Manager for Community & Neighborhood Services recalled that in 2008, City Council commissioned a gang assessment that came with certain recommendations and City Council subsequently directed staff to develop a proposed direction for implementation of some of the recommendations. We realized that as part of the proposal we have to collaborate with other organizations in order to close the gap in our community and make sure that our young people are given an opportunity. One of the larger gaps, during these tough economic times, is the ability to make money; to have jobs; and to train them for jobs. He introduced Ms. Bristow and asked the partners to speak briefly.

Ms. Dollie Bristow, Community Investment Manager for the Community Development Department introduced the partners for the Summer Youth Employment Initiative.

Ms. Richie Douglas, Director of the Midlands Workforce Investment Area Youth Program said that the Summer Youth Work Experience is a result of stimulus funding that has come into the Department of Labor through the South Carolina Department of Commerce down to the Workforce Investment Area. The Midlands Workforce Investment Area includes Richland, Lexington and Fairfield Counties. We are in the process of recruiting at-risk youth of low income families between the ages of 16 and 24. The intent is to put all of the money we received into the pockets of these individuals. Each youth can work 30-hours per week for 8 weeks at \$7.25 per hour. She added that employees will be provided at no cost to employers; the program will cover all of the expenses. The money cannot be used for transportation or childcare; therefore, we will develop jobs that are close to the communities as possible. We hope to employ 850-900 individuals from the 3 counties.

Mr. Archie Maddox, Director of the Commission for Children and Youth clarified that there is a Youth Resource Directory, which has been printed several times and was recently converted to Spanish. This was done by the Commission for Children and Youth in partnership with Palmetto Health. Since 1995, we have sponsored the Internship and Youth Works Programs. The Internship Program is for students that will be working internally in City of Columbia offices and the Youth Works Program is for students that will be working in private sector employment. All students must be rising Juniors or Seniors in Richland School District One and they must be 16 or 17 years old. We provide meaningful job experiences based on the careers they have chosen for their future. This is partly funded by the Youth Works water bill donations and it goes directly to the employment of the students.

Dr. Robert L. Kirton, Chief Executive Officer of The B.A.D.D. (Black Achievers Determined to be Different) Program said that they target young men for several reasons. We all know the statistics when it comes to young black men: they are last in standardized test scores in all 85 School Districts in South Carolina; they have the lowest graduation rate; last in post-secondary enrollment; the highest incarceration rate; highest AIDS cases; and the highest death rate. We are issuing a summer challenge wherein 70 young men from Richland School District One and 70 mentors will work together. We ask each young man to establish their own personal Board of Directors; to start a library; to open a savings account; get involved in fundraising; and to get involved with Community Service. Over 10,000 community service hours were given back at the Richland One Middle College.

Mr. Damon McDuffie, Parks Planner / Parks and Recreation Department said that this body has been the source of summer programs and employment. This year, we are doubly excited that our partners are joining in and allowing us to extend those arms around our youth in our community. We made our community centers available for registration, which are strategically located in and around the neighborhoods and communities. We can't overstate the importance of job development and job training. This year, our Summer Team Camp will also have a job training component wherein participants will report as volunteers to work at a community center for one to two days per week. They will learn soft skills; what it means to go work; how to present themselves; and how to help our community.

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

27. Council is asked to approve Project #SS7056 (28); Purchase of Smith & Loveless Pump for the Harbison IV Sewer Lift Station, as requested by Utilities and Engineering. Award to Pete Duty & Associates, as Sole Source in the amount of \$16,015.76. This vendor is located in Newberry, SC. *Funding Source: Sewer Improvement Fund 5529999-SS705628-851200 - Approved*

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to approve Project #SS7056 (28); Purchase of Smith & Loveless Pump for the Harbison IV Sewer Lift Station, as requested by Utilities and Engineering. Award to Pete Duty & Associates, as a Sole Source in the amount of \$16,015.76. This vendor is located in Newberry, SC.

28. Council is asked to approve the Purchase of Oracle Licenses and Support, as requested by the Information Technology Department. Award to Mythics, Inc., as a Sole Source in the amount of \$25,310.21. This vendor is located in Virginia Beach, VA. *Funding Source: 1011120-638200 - Approved*
29. Council is asked to approve the Purchase of Licensing of Proprietary Equipment and Support provided by Hewlett Packard, as requested by the Information Technology Department. Award to HP Direct, using the SC State Contract in the amount of \$49,517.46. This vendor is located in Roseville, CA. *Funding Source: 1011120-638200 - Approved*

Councilor Devine inquired about **Items 28.** and **29.** What are those allowing us to do?

Mr. Vincent Simonowicz, Director of Information Technology explained that **Item 28.** is the renewal of our Oracle license. It's the main database for the accounting system and **Item 29.** is the permission to use the software that stores all of our data. These will allow the continuation of usage.

Councilor Davis asked if this would give us the capacity to implement all of the fixes in our financial system. We won't be locked into a system and a process that's not going to be able to handle the end result of where we're heading now in terms of budgets and finances.

Mr. Vincent Simonowicz, Director of Information Technology replied that everything we've purchased is configurable and amenable to our current direction.

Upon motion by Ms. Devine, seconded by Mr. Rickenmann, Council voted unanimously to approve **Items 28.** and **29.** with a single motion.

30. Council is asked to approve the Purchase of Nozzles/Strainers with Gaskets, as requested by Lake Murray Water Plant. Award to Orthos Liquid Systems, the lowest bidder in the amount of \$57,570.00. This vendor is located in Bluffton, SC. *Funding Source: 5529999-851100 WM407101-851100 - Approved*

31. Council is asked to approve the Purchase of Vehicles, as requested by the Various Departments, using the SC State Contract in the amount of \$81,320.00. - *Approved*

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to approve **Items 30.** and **31.** with a single motion.

- A. Council is asked to approve an Agreement for Improvements to North Main Street from Fuller Avenue to Fairfield Road, as requested by the Engineering Department. Award to PB Americas, Inc., in the amount of \$108,329.00. This vendor is located in Columbia, SC. *Funding Source: Water / Sewer Fund and the Stormwater Utility Fund - Approved*
- B. Council is asked to approve to Furnish and Install Thermoplastic Pavement Markings, as requested by Traffic Engineering. Award to Traffic Markings Inc., the lowest bidder in the amount of \$173,142.15. This vendor is located in Franklin, MA. *Funding Source: 2529999-625400 9312007001-625400 – This is a reimbursable grant. - Approved*

Councilor Devine asked what is thermoplastic.

Mr. Steven A. Gantt, Interim City Manager explained that it's the markings on the roads and crosswalks. The money will be reimbursed to us from SCDOT as a result of the new pavings.

Upon motion by Mr. Cromartie, seconded by Mr. Davis, Council voted unanimously to approve **Items A.** and **B.** with a single motion.

### **ORDINANCES – SECOND READING**

- C. Ordinance No.: 2009-037 – Granting a 30' Easement Along a Portion of City Property Identified as the Piney Grove Water Tank Site to Lexington County for Steward Drive Paving and Improvements Project; Lexington County TMS #002898-04-006 (Portion); CF #250-270 – *First reading approval was given on May 6, 2009 – Approved on second reading.*
- D. Ordinance No. 2009-039 – Annexing 745 Hazelwood Road and 7756 Garners Ferry Road Richland County TMS #19102-02-04 and 19102-02-05 (*Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval*) – *First reading approval was given on May 6, 2009. – Approved on second reading.*
- E. Ordinance No.: 2009-044 – Repealing Ordinance No.: 2008-065 authorizing a property tax credit to taxpayers within the corporate limits of the City of Columbia for installation of fire sprinkler systems in compliance with S.C. Code Ann. §12-6-3622 – *First reading approval was given on May 6, 2009. – Approved on second reading.*

Councilor Devine inquired about **Item E.**

Mr. Ken E. Gaines, City Attorney explained that they met with the Municipal Association of South Carolina to create a uniform sprinkler ordinance that municipalities throughout the State could adopt. We realized that there were some logistical problems with the State law as written; the Department of Revenue obtained an Attorney General's opinion, which indicates that the way we crafted the sprinkler ordinance created some logistical legal problems. We've suggested that you repeal the ordinance and allow the Fire Chief to work to get those problems straightened out with State legislation.

Councilor Davis said that in going through that process, there were some people that came before the City in terms of up-fits and we were trying to work with them. As a result, mandates were put on them in anticipation of the passage of this or in the spirit of the intent of the legislation.

Mr. Ken E. Gaines, City Attorney explained that under the State legislation this sprinkler tax credit ordinance applies only to those up-fits which are not required by code, law or litigation and I don't think we've had anybody in the City of Columbia apply for it to date. We were trying to spread the credit out and State law says you can't do that. This applies to a small class of people.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to give second reading approval to **Items C.** through **E.** with a single motion. Mayor Coble was not present for the vote.

### **ORDINANCES- FIRST READING**

- F. Ordinance No.: 2008-099 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Building Regulations to add Article VIII, Local Agent Designation Program - *Consideration of this item was deferred. This matter will be discussed in Executive Session on June 3, 2009.*
- G. Ordinance No.: 2009-035 - Granting an encroachment to Tara Dawn Shurling for installation and maintenance of a driveway and landscaping within the right of way areas of the 3400 block of Trenholm Road and 1500 block of Wyndham Road adjacent to 1537 Wyndham Road (*Mr. Chip Land, Long Range Planner: Recommends approval*) – *Approved on first reading. Please refer to Item 23a.*
- H. Ordinance No.: 2009-041 - 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. 8-221 Jurisdiction, enforcement and penalties – *Approved on first reading.*

Mr. Ken E. Gaines, City Attorney explained that they received guidance from Court Administration on how you handle civil penalty violations and the Court Administration has indicated that the smoking violations will be handled by the issuance of a uniform ordinance summons, which will be disposed of in Municipal Court by a bench trial or a jury trial; there will be no assessments charged through the violation, it will still remain a “civil penalty”. This simply brings our ordinance in compliance with the Chief Justice’s directives through Court Administration.

Councilor Finlay said that if a person is smoking and refuses to provide their name we can't do anything to them.

Mr. Ken E. Gaines, City Attorney explained that it's not a custodial arrest and that person cannot be compelled to give their name. If I were in charge of compliance I would issue a uniform ordinance summons to the business owner or the manager.

Upon motion by Ms. Devine, seconded by Mr. Cromartie, Council voted four (4) to two (2) to give first reading approval to Ordinance No.: 2009-041 - 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. 8-221 Jurisdiction, enforcement and penalties. Voting aye were Mr. Cromartie, Ms. Devine, Dr. Gergel and Mayor Coble. Voting nay were Mr. Rickenmann and Mr. Finlay. Mr. Davis was not present for the vote.

- I. Ordinance No.: 2009-043 - Granting an encroachment to Jeremiah T. Gentry for a privacy fence within the right of way area of Fountain Lane Road adjacent to his property at 2 Creek Way Court (*Mr. Chip Land, Long Range Planner: Recommends Denial – Applicant should remove fence out of Right of Way.*) - *This item was withdrawn from the agenda at the request of the applicant.*
- J. Ordinance No.: 2009-045 - Granting an encroachment to Assembly Station Columbia, LLC for installation and maintenance of an irrigation system, landscaping, driveway, pavers, sidewalk, underground utilities, loading/unloading area, guttering and street lighting within the right of way area of Whaley Street and Assembly Street adjacent to 1000 Whaley Street (*Mr. Chip Land, Long Range Planner: Recommends approval*) – *Approved on first reading.*

Upon motion by Ms. Devine, seconded by Mr. Cromartie, Council voted unanimously to give first reading approval to Ordinance No.: 2009-045 - Granting an encroachment to Assembly Station Columbia, LLC for installation and maintenance of an irrigation system, landscaping, driveway, pavers, sidewalk, underground utilities, loading/unloading area, guttering and street lighting within the right of way area of Whaley Street and Assembly Street adjacent to 1000 Whaley Street.

- K. Ordinance No.: 2009-048 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 12, Motor Vehicles and Traffic, Article I, General, Sec. 12-13 through trucks prohibited on certain streets – *This item was deferred on May 6, 2009. – First reading consideration of this item was deferred.*
- L. Ordinance No.: 2009-056 - Authorizing the Interim City Manager to execute a Lease Agreement between the City of Columbia and TN Development Corporation for lease of a portion of the second floor of the building located at 1225 Lady Street – *Approved on first reading.*

Councilor Finlay asked if there are any financial impacts.

Mr. Steven A. Gantt, Interim City Manager stated that the TN Development Corporation leases space at 1225 Lady Street and pays rent to the City of Columbia.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2009-056 - Authorizing the Interim City Manager to execute a Lease Agreement between the City of Columbia and TN Development Corporation for lease of a portion of the second floor of the building located at 1225 Lady Street.

- M. Ordinance No.: 2009-057 - Amending Ordinance No. 2007-071 Enacted On September 19, 2007, which authorized the Issuance and Sale of not exceeding \$12,135,000 general obligation bonds, series 2007, of the City of Columbia, South Carolina; deleting certain projects and include additional projects for which the bonds may be issued; and other matters relating thereto – *First reading consideration of this item was deferred.*

Mr. Steven A. Gantt, Interim City Manager said that this ordinance will allow us to define what we will spend the bond money on. There are still some projects in there that will be done, but \$7.5 million of the \$12 million will be used for the City's portion of the InnoVista parking garage A and when they issued the bonds they added another \$5 million for other projects.

Councilor Devine asked to discuss this in Executive Session.

Councilor Finlay said that we are not constructing the Fire Station, because we don't have the General Fund capacity to staff the building. We are going to move that money to construct a parks and recreation building and that will free up money in the General Fund.

Mr. Steven A. Gantt, Interim City Manager explained that the GO Bond would be used for the intended purpose; it does allow us to utilize non-bond monies to add back to our unallocated reserves in the General Fund.

Councilor Finlay asked to hold the ordinance until they complete budget discussions. I would like to know if encumbered funds are out there for these projects before we move money around from this bonding.

## **RESOLUTIONS**

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve **Items N.** through **P.** with a single motion.

- N. Resolution No.: R-2009-029 – Authorizing consumption of beer and wine at the 2009 Jazzy Summer Nights Concert Series - *Approved*
- O. Resolution No.: R-2009-031 - Authorizing the Interim City Manager to execute a Construction Agreement between the City of Columbia and Complete Contractor Services, Inc. for rehabilitation of 1216 Pine Street - *Approved*
- P. Resolution No.: R-2009-033 - Authorizing consumption of beer and wine at the Rocky Shoals Spider Lily Festival at Riverfront Park - *Approved*

\*\*Councilor Finlay asked if the house at 1216 Pine Street can be used as part of training for the weatherization program. It seems like the perfect place to do this.

Mr. Tony Lawton, Director of Community Development said that we don't have weatherization money coming in at this time. This is one of the four houses that were moved and will be rehabilitated.

\*\*Councilor Devine announced that there will be a Wellness Challenge starting on June 6, 2009 and invited Palmetto Health representatives to make a full presentation to Council.

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

Ms. Danyelle America appeared before the members of Council to express concerns about her small business in the North Columbia community. I rented a property on North Main Street in 2005 to operate a beauty salon. The building was inspected in 2005 by a Fire Marshall and I have been allowed to renew my business license each year without another inspection. I put thousands of dollars into the rental property, because I thought I was obligated by signing the lease. Now I am learning that I wasn't responsible for the structural repairs of someone else's property and I may not get my money back, but this shouldn't happen to someone else. We made numerous calls to request an inspection and someone came out on Monday, May 18, 2009 and they were appalled at the conditions of this place. The floor literally caved in and I finally moved out.

Councilor Davis said that he read the letter and he is surprised that we didn't know that this property is in the City. There are some issues here such as scheduling of inspections. He suggested that he and the appropriate staff sit with Ms. America to discuss code enforcement. The other issues, in terms of money, are between you and the landlord.

Councilor Finlay said that we are not making 6,000 to 7,000 inspections per year. We have to address this issue; inspections must be proactive, not reactive.

## EXECUTIVE SESSION

Upon motion by Mayor Coble, seconded by Mr. Finlay, Council voted unanimously to go into Executive Session at 1:45 p.m. for the discussion of **Items Q.** through **T.** as amended.

- Q. Receipt of legal advice which relates to a pending, threatened or potential claim
- The Athlete Factory Lease

*This item was not discussed in Executive Session.*

- R. Discussion of negotiations incident to proposed contractual arrangements
- Capital City Stadium

*This item was not discussed in Executive Session.*

- South Carolina Research Authority Lease Agreement
- Richland One School Resource Officers

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

- S. Receipt of legal advice which relate to matters covered by attorney-client privilege

- 1043 Huger Street
- Land Use Matter
- Ordinance No.: 2009-057 - Amending Ordinance No. 2007-071 Enacted On September 19, 2007, which authorized the Issuance and Sale of not exceeding \$12,135,000 general obligation bonds, series 2007, of the City of Columbia, South Carolina; deleting certain projects and include additional projects for which the bonds may be issued; and other matters relating thereto

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

- T. \*\*Discussion of employment of an employee

*Items were discussed in Executive Session. No action was taken.*

- **The Budget Work Session was deferred until May 27, 2009.**
- **Mr. Davis left the meeting at 2:35 p.m.**
- **Ms. Devine left the meeting at 3:17 p.m.**
- **Dr. Gergel left the meeting at 3:52 p.m.**
- **Council adjourned the meeting at 4:50 p.m.**

Respectfully submitted by:

Erika D. Salley  
City Clerk