



CITY OF COLUMBIA  
CITY COUNCIL  
DISTRICT I EVENING MEETING MINUTES  
WEDNESDAY, JULY 8, 2009  
6:00 P.M.  
EAU CLAIRE PRINT BUILDING  
3905 ENSOR AVENUE

The Columbia City Council met for an Executive Session on Wednesday, July 8, 2009 at the Eau Claire Print Building located at 3907 Ensor Avenue, Columbia, SC 29203. The Honorable Mayor Robert D. Coble called the meeting to order at 4:37 p.m. for an Executive Session. 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 Sam Davis arrived at 4:42 p.m. The Honorable Kirkman Finlay III was absent. Also present were Mr. Steven A. Gantt, Interim City Manager and Ms. Erika D. Salley, City Clerk.

### **EXECUTIVE SESSION**

Upon motion by Mr. Rickenmann, seconded by Mr. Cromartie, Council voted unanimously to go into Executive Session at 4:37 p.m. as outlined below.

- **Mr. Davis joined the Executive Session at 4:42 p.m.**
  1. Discussion of negotiations incident to proposed contractual arrangements
    - Allen-Benedict Court Redevelopment ProjectThis item was discussed in Executive Session. Please refer to **Item 8.**
    - Columbia Housing Authority
    - Parking Lot Lease AgreementThese items were discussed in Executive Session. No action was taken.

- **Council adjourned the Executive Session at 6:00 p.m.**

The Columbia City Council conducted a District I Evening Meeting on Wednesday, July 8, 2009 at the Eau Claire Print Building located at 3907 Ensor Avenue, Columbia, SC 29203. The Honorable Mayor Robert D. Coble called the meeting to order at 6:08 p.m. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann, The Honorable Kirkman Finlay III and The Honorable Belinda F. Gergel. Also present were Mr. Steven A. Gantt, Interim City Manager and Ms. Erika D. Salley, City Clerk.

### **INVOCATION**

Reverend Richard Dozier, Pastor of Northminster Presbyterian Church and Chair of the Eau Claire Development Corporation offered the Invocation.

### **APPEARANCE OF PUBLIC HAVING BUSINESS RELATED TO THE AGENDA ITEMS**

No one appeared at this time.

## **AMENDMENTS TO THE AGENDA**

Upon motion by Mayor Coble, seconded by Ms. Devine, Council voted unanimously to add the following items to the agenda for consideration: Allen Benedict Court Redevelopment Project; Columbia Police Department Justice Assistance Grant (JAG); Green Energy Efficiency; and a Columbiana Avenue Sidewalk Request from SCDOT.

## **MINUTES**

2. Minutes of November 19, 2008 and February 11, 2009 – *Approved as presented.*

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve the Minutes of November 19, 2008 and February 11, 2009 with a single motion and as presented.

## **PRESENTATIONS**

3. Welcome to the District I Evening Meeting – The Honorable Sam Davis

The Honorable Sam Davis welcomed everyone to District I, which is the northern part of the City and it includes portions along Broad River Road. He introduced Ms. Gail Baker, President of the Hyatt Park Neighborhood Association and Ms. Dawn Stoner, President of the College Place Neighborhood Association.

4. Special Recognitions – The Honorable Sam Davis

Ms. Gail Baker, President of the Hyatt Park / Keenan Terrace Neighborhood Association welcomed everyone to District I, to an area which is constantly growing and changing; an area which has a rich heritage with some challenges to overcome; an area whose citizens are committed to enhancing this neighborhood and empowering and inspiring our young people; an area which has been called home by upstanding individuals; an area home to noble institutions like Columbia College and the Lutheran Theological Seminary. We've been ready to effect and accept positive changes in our community, especially changes that involve our young people who inevitably hold the key to the future of this district and ultimately the City. I thank each of you for your willingness to listen and your responsiveness to our concerns.

Ms. Dawn Stoner, President of the College Place Neighborhood Association welcomed everyone to the Eau Claire Community. She announced that College Place is working on several initiatives. One is the Eau Claire Promise Stone. The concept is based on the Harlem Children's Zone Model, an education based program that targets and defines geographical areas and it provides resources for every child within the zone from cradle to college. In Harlem they are seeing amazing results; they have closed the achievement gap in math; the model has gained attention from President Obama and cities across the Country are working to create Children Zones of their own. If we do this right, we will not only impact education, but also crime, teen pregnancy, beautification, community health and other negative impacts of poverty. Tonight, we welcome you to Eau Claire as it is and as it can be.

5. Update on Ribs & Renaissance Community Festival – Ms. Becky Bailey, Eau Claire Community Council

Ms. Becky Bailey, Eau Claire Community Council and Project Director for the Ribs & Renaissance Community Festival reported that an estimated 3,000 people attended North Columbia's first arts and community festival. She outlined the strategy for planning next year's event to include traffic control, parking and safety, the comfort of all community members and visitors and securing reliable food vendors.

6. Time Magazine Essay Contest Entry - Master Riley Pharr

Master Riley Pharr recited his exemplary Time Magazine Essay Contest Entry about all that Columbia, South Carolina has to offer.

7. Five Points Parking Study – Mr. Will Letchworth, PE, Transportation Engineer / Wilbur Smith Associates

Ms. Susan Lake, Chair of the Five Points Citizens Advisory Parking Committee recognized the other committee members that were in attendance. She explained that the committee was tasked with the mission of determining whether there is need for additional parking in Five Points and if so, quantifying that need and evaluating and ranking options for addressing the need. In fulfilling its mission, the committee invested many hours listening to and discussing the different perspectives on parking in Five Points to include reviewing prior studies and reports; reviewing the history of the issue; reviewing the Five Points guidelines; and receiving comments from the Five Points' merchants, neighbors, and property owners affected by and interested in the development of parking facilities. Also, we received input from City staff and police regarding safety issues. We conducted brainstorming sessions on short-term and long-term parking solutions and we invited and received comments from developers and others who may be interested in projects addressing parking in Five Points. Even with all the research, the committee determined that it had conflicting information and no conclusive evidence of a parking deficit. To determine an actual quantified need, the committee selected Wilbur Smith Associates to conduct a professional parking study. Upon reviewing the report from Wilbur Smith Associates the committee was gratified to see it reach many of the conclusions consistent with the committee's impression while at the same time, resolving other issues and providing a quantification of parking needs and guidance in addressing those needs. The committee endorses Wilbur Smith's final report.

Mr. Will Letchworth, PE, Transportation Engineer / Wilbur Smith Associates said that he has never been involved in a study with this level of public participation and that's a great thing, because public participation is the backbone of any planning study. The purpose of this study is to assess present and future parking needs and to make recommendations aimed at resolving parking issues. The primary study area was along Harden Street from College Street to Blossom Street. We went up to Gervais Street and looked at that area as well and we determined that that area is capable of meeting its own needs. This study relies very heavily on data collection, particularly the collection of what's out there now in terms of an inventory of parking spaces and people parking in them. We interviewed parkers, conducted a business survey and then we looked at inventory; where's the parking located; what are the time limits on the parking; is it restricted to a specific business; what are the rates on the meters; and where are the meters. We went back on a Thursday, Friday and Saturday primarily focusing from 11 a.m. until 11 p.m.; we counted cars in lots; we looked at turnover, particularly for the metered spaces; we looked at the pedestrian lighting and signage in terms of safety. We projected the future parking demand and supply as it relates to growth in the area and new businesses. Then we started developing recommendations. We found that there was a deficit of 190 spaces and you can't efficiently build a parking deck with 190 spaces. We need to focus on employee parking and easily identifiable public parking. Currently, there are not a lot of public parking options and employees are parking in the on-street spaces and that's not a sustainable process. We feel strongly that the parking has to be subsidized by the City in order to address the existing shortfall. All new developments need to be able to take care of themselves. This can be determined on a case-by-case basis. We found that parkers were only walking six-tenths of a block; therefore, having a facility on one corner and to expect people to walk to the other corner will really cause a change of behavior. The two-hour meters are appropriate. People are generally staying under two hours and the meter rates are inline. He recommended that the City look at a series of surface lots, because it's really expensive to construct a deck; it's not feasible to construct a 190-space deck; one facility will not adequately serve this area; the parking meters should remain; directional signage and wayfinding should be improved; pedestrian

improvements include sidewalks, lighting and police presence; and let parking be a key consideration for new businesses. He added that a deck is not the only solution; partnering is great thing, but you may have to purchase property and build lots. He said that they would work with the committee to rank some of the parking facilities and give the City a direction to go in, in terms of what locations may be best for constructing a lot, the location and how many spaces that lot may contain.

Councilor Rickenmann said that he is concerned that a portion of the study was done in February through April; fall is the most active time in our City and it's the largest revenue time, especially in Five Points. Are we looking to get another calculation to understand those patterns? What do you see as the encouragement to get people, besides employees, to use the surface lots?

Mr. Will Letchworth, PE, Transportation Engineer / Wilbur Smith Associates said that they looked at hotel revenues and revenues from parking to determine how things looked throughout the year. We also looked at the variation. We thought that we would see a big jump from February to April, but we didn't. I am comfortable with where we are from the standpoint of the final number. There is quite a bit of conservatism built into that number, too. The original number was 160 and we bumped it up by 15% to count for the deficiencies in parking and the economy. He said that Five Points is periphery; the shape of it doesn't allow for a central facility. You have to treat it as a package.

Councilor Rickenmann said that the Future Five Plan is geared toward the new urbanism, which encourages less parking. How is that addressed in the report and how does the recommendation fit into the plan?

Mr. Will Letchworth, PE, Transportation Engineer / Wilbur Smith Associates agreed that the Five Points Plan encourages higher development densities and buildings on the street front. There are some lot locations that don't stack up well against the Five Points Plan, because the lot is more on the street front or it may require the demolition of a building. That's why I am a big proponent of partnering opportunities.

Councilor Rickenmann asked Mr. Letchworth if he believes that their recommendations are in line with the Five Points Future Five Plan and its criteria.

Mr. Will Letchworth, PE, Transportation Engineer / Wilbur Smith Associates said that in his opinion, they do.

Councilor Devine asked if the 190 spaces are what's needed in Five Points now or is it a projection of spaces needed for future development.

Mr. Will Letchworth, PE, Transportation Engineer / Wilbur Smith Associates said that the majority of that deficit exists now, but it takes projected future development into consideration. He suggested that the City treat future developments appropriately with regard to parking and not grant variances on the required parking.

Councilor Finlay argued that the entire parking problem in Five Points has been created by granting variances to bars. He asked if a variance runs with the building or the business.

Mr. Marc Mylott, Director of Planning and Development Services said that it runs with the use.

Councilor Finlay asked if the new MX zoning lowered or increased the parking requirements.

Mr. Marc Mylott, Director of Planning and Development Services said that it reduces the parking requirements across the board by 20%. The theory of the overlay was to have a relationship of some shared parking.

Councilor Finlay asked where has structured parking worked for retail in Columbia, SC.

Mr. J.P. Scurry, Commercial Real Estate Developer and Five Points Citizens Advisory Parking Committee Member stated that structured parking can work depending on how it's done, where it's positioned and what it looks like. He said that parking garages have been effective in urban mixed use developments and they can be an attractive draw for developers.

Councilor Cromartie asked Mr. Letchworth to clarify why the City of Columbia should subsidize parking.

Mr. Will Letchworth, PE, Transportation Engineer / Wilbur Smith Associates explained that there are several different methods for doing this. There are opportunities for the City to lease land from land owners; to partner with people when it comes to insuring and maintaining a facility; turn private parking lots into a lot that's publicly available; and by purchasing parcels and maintaining them as parking lots. You can't expect a private individual that owns a parking lot to install a gate and turn it into public parking.

Councilor Rickenmann said that employee parking is the biggest issue. What is your single recommendation on this?

Mr. Will Letchworth, PE, Transportation Engineer / Wilbur Smith Associates recommended that employee parking be pushed as far away as possible, because those folks will be there for a while. He said that forcing employees to do that is difficult and it takes a grassroots effort on the part of the merchants to change that. It also comes into play when considering whether or not the City should subsidize parking.

Councilor Gergel said that Wilbur Smith Associates was the unanimous choice of the committee. The parking deficiency must be addressed through employee parking. There is a great need to improve safety concerns and to address safety issues. We want to see something happen in the very near future. She thanked Ms. Susan Lake, Committee Chair and the numerous committee members that met with her at least 25 times.

This report was received as information. No action was taken.

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

#### 8. \*\*Allen Benedict Court Redevelopment Project

Councilor Finlay explained that the letter from the Columbia Housing Authority stated that the City of Columbia previously set aside \$1 million for park improvements and enhancements. He asked where the money was set aside.

Mr. Steven A. Gantt, Interim City Manager said that he would have to check on that.

Councilor Cromartie said that the letter is referring to the Drew Wellness Center and the funds have already been spent on the project. The commitment was in a letter relating to the initial Hope VI Project.

Councilor Devine said that the letter shows our continued partnership as part of the application process.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to participate in the Allen Benedict Court Redevelopment Project by budgeting \$3.5 million in the 2009/2010 operating budget for the infrastructure needs of the project. A letter of support outlining the City's participation should also include an outline of previous collaborations between the City of Columbia and the Columbia Housing Authority. The City of Columbia is requesting that any displaced residents of Allen Benedict Court be relocated within the

corporate limits of the City of Columbia to the fullest extent possible and is willing to assist with that process.

9. \*\*Motion to Facilitate and Incorporate New Energy Technologies in the City of Columbia

Mayor Coble explained that as alternate energy sources become commercially available and people start to use them we have to ensure that our safety provisions are adequate; that design preservation is looked at; and everything else. We want to encourage and facilitate appropriate alternate green energy. We want to be a green city and we need a blueprint so that it all fits in.

Councilor Gergel concurred with Mayor Coble, adding that the technology and the interest in the new technology are ahead of our City. We need to have in place what we need to address safety concerns and special concerns from our most sustainable neighborhoods.

Upon motion by Dr. Gergel, seconded by Mayor Coble, Council voted unanimously to direct staff to provide City Council with a proposed zoning ordinance on the use of new energy technologies in our city that will be considered by the Council at its September 2, 2009 meeting. The proposed ordinance should be reviewed by the Climate Protection Action Committee (CPAC) and their recommendations should be included for Council's consideration.

This ordinance will include solar and wind technologies and consider the application of new technologies to our city and its neighborhoods. It will address critical safety implications and building code issues and reflect appropriate input from all neighborhoods, with special attention to neighborhoods with design guidelines.

Council directed staff to alert the appropriate City boards, commissions and neighborhood associations of Council's intent and its willingness to meet with them to discuss this policy matter.

Mr. Fred Easley, Melrose Heights Neighborhood Resident stated that the Melrose Heights neighborhood absolutely embraces green technology. We are a historic neighborhood. We are concerned about the application, use and aesthetics of the technology and how it blends in with all historic neighborhoods. There are a lot of things involved with this that have implications throughout the City. We embrace alternative energy 100%. It is a wonderful opportunity.

10. \*\*JAG Grant for Fiscal Year 2009

Upon motion by Mr. Rickenmann, seconded by Ms. Devine, Council voted unanimously to approve the Columbia Police Department's Fiscal Year 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program allocation in the amount of \$145,457. *Please note that this is not stimulus funding.*

11. \*\*SCDOT Municipal State Highway Project Agreement for Columbiana Drive

Upon motion by Mayor Coble, seconded by Mr. Rickenmann, Council voted unanimously to approve a Municipal State Highway Project Agreement for the Installation of Sidewalk on Columbiana Drive from mile point 0.14 to mile point 1.15. *Please note that this is a City owned street, but this is a SCDOT project.*

12. Council is asked to approve the appointment of The Honorable Kirkman Finlay III as Mayor Pro-Tempore for Fiscal Year 2009/2010. - *Approved*

Upon motion by Mayor Coble, seconded by Ms. Devine, Council voted unanimously to approve the appointment of The Honorable Kirkman Finlay III as Mayor Pro-Tempore for Fiscal Year 2009/2010.

13. Council is asked to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Bryan J. Murray doing business as Columbia Pedicab Company located at 357 Cape Jasmine Way, Lexington, SC. - *Approved*

Upon motion by Mr. Finlay, seconded by Ms. Devine, Council voted unanimously to approve an Application for Certificate of Convenience and Necessity, as requested by the Business License Division. Award to Bryan J. Murray doing business as Columbia Pedicab Company located at 357 Cape Jasmine Way, Lexington, SC.

14. \*\*Council is asked to approve the appointment of Mayor Robert D. Coble, Mr. E.W. Cromartie, II and Dr. Belinda F. Gergel to the Transportation Ad Hoc Committee, as requested by the Richland County Council. - *Approved*

Upon motion by Mayor Coble, seconded by Mr. Rickenmann, Council voted unanimously to approve the appointment of Mayor Robert D. Coble, Mr. E.W. Cromartie, II and Dr. Belinda F. Gergel to the Transportation Ad Hoc Committee in conjunction with members from Richland County Council.

15. \*\*TIGER Discretionary Grants Program – Ms. Teresa Wilson Florence, Director of Governmental Affairs

Upon motion by Mayor Coble, seconded by Mr. Davis, Council voted unanimously to authorize staff to prepare the TIGER Discretionary Grant Program Application for North Main Street (\$20 million), Harden Street (\$20 million) and Assembly Street (\$7 million).

16. \*\*Climate Showcase Communities Grant Program - Ms. Teresa Wilson Florence, Director of Governmental Affairs

Upon motion by Mr. Rickenmann, seconded by Mr. Cromartie, Council voted unanimously to authorize staff to prepare the Climate Showcase Communities Grant Program Application in the amount of \$200,000 from the Environmental Protection Agency (EPA) and \$100,000 as a match from the City of Columbia for a total project amount of \$300,000.

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

Upon motion by Mr. Cromartie, seconded by Mr. Finlay, Council voted unanimously to approve **Items 17. through 25.** with a single motion. **Item 26.** was approved by a separate motion.

17. Council is asked to approve Project #WM4112; Installation of Emergency Valves inside Governor's Hill Subdivision, as requested by the Utilities and Engineering Department. Award to Carolina Tap and Bore in the amount of \$12,155.00. This vendor is located in West Columbia, SC. *Funding Source: Water Funding Project #WM4112 - Approved*
18. Council is asked to approve the Purchase of Lawn Maintenance for FY 2009/2010, as requested by the Columbia Canal and Lake Murray Water Plants. Award two (2) lots, to the lowest bidders in the amount of \$17,325.00. *Funding Source: (5516206-638300 \$8,470.00); (5516207-638300 \$8,855.00) - Approved*
19. Council is asked to approve Project #WM3068; Agreement for Design and Construction of Approximately 7,525 Linear Feet of Water Main Replacement along Chicora, Erskine, St. Claire, Bannockburn, Clemson, Parkman and Brenned, as requested by the Utilities and Engineering Department. Award to Hussey, Gay, Bell & Deyoung International, Inc., in the amount of \$56,290.00. This vendor is located in Columbia, SC. *Funding Source: Water Improvement Fund 5529999-WM306801-636600 - Approved*

20. Council is asked to approve Project #WM4189, SS7095, and SD8328; Agreement for General Engineering Services, as requested by the Utilities and Engineering Department. Award to Mulkey Engineers & Consultants in the amount of \$60,000.00. This vendor is located in Columbia, SC. *Funding Source: Water, Sewer, and Storm Drainage Improvements Funds (5529999-WM418901); (5529999-SS709501-636600); and (5529999-SD832801-636600) - Approved*
21. Council is asked to approve the Purchase of Wastewater Maintenance Repair Material for FY 2009/2010, as requested by the Wastewater Maintenance Division. Award the five (5) lots, to the lowest bidders in the amount of \$144,251.30. *Funding Source: 5516205-625700 - Approved*
22. Council is asked to approve the Purchase of Landfill Disposal Services of Ash, Grit, and Sludge, as requested by the Wastewater Treatment Plant. Award to Northeast Landfill, the lowest bidder in the amount of \$181,420.00. This vendor is located in Eastover, SC. *Funding Source: 5516208-638300 - Approved*
23. Council is asked to approve the Purchase of Chemicals for Bid FY 2009/2010, as requested by the Wastewater Treatment Plant. Award to the lowest bidders of each lot in the amount of \$452,524.40. *Funding Source: 5516208-624800 - Approved*
24. Council is asked to approve the Purchase of Water Distribution Repair Material for FY 2009/2010, as requested by the Water Distribution Division. Award the lowest bidders of each lot in the amount of \$458,625.49. *Funding Source: 5516203-625700 - Approved*
25. Council is asked to approve the Purchase of Water Meters for FY 2009/2010, as requested by the Water Distribution Division. Award to the lowest bidders of each lot in the amount of \$497,519.51. *Funding Source: 5516203-625600 - Approved*
26. Council is asked to approve an EPA Brownsfield Grant Management Contract as requested by the Columbia Development Corporation. Award to Concurrent Technologies Corporation in the amount of \$910,000 for contractors and field work. The remaining \$90,000 is being withheld by City of Columbia for travel, salaries, supplies, etc. - *Approved*

Councilor Devine inquired about the contract process for **Item 26**.

Mr. Fred Delk, Executive Director of the Columbia Development Corporation explained that they followed all City procedures; the project was advertised and posted on the City's website; they received eight (8) proposals; there was a review process, which included a five (5) member review team; and the final scores were posted on the website. This vendor, Concurrent Technologies, which is based in downtown Columbia, was unanimously selected by the committee. This is a three-year grant and we are required to spend a minimum of \$350,000 in the first year. He added that the vendor will manage the grant.

Upon motion by Mr. Finlay, seconded by Ms. Devine, Council voted unanimously to approve an EPA Brownsfield Grant Management Contract as requested by the Columbia Development Corporation. Award to Concurrent Technologies Corporation in the amount of \$910,000 for contractors and field work.

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to approve **Items 27**. and **28**. with a single motion.

27. Council is asked to approve the Purchase of Chemicals for FY 2009/2010, as requested by Lake Murray and Columbia Canal Water Plants. Award to the lowest bidders of each lot in the amount of \$2,661,822.50. *Funding Source: (5516206-624800 \$1,342,817.50); (5516207-624800 \$1,319,005.00) - Approved*

28. \*\*Council is asked to approve an Amendment to the Agreement to Hire an Executive Recruiter to Conduct a Search for a City Manager for the City of Columbia. Award to the Mercer Group, Inc. in the amount of \$12,600 plus expenses not to exceed \$1,500. The Mercer Group has negotiated an agreement with ICT Professional Services, LLC of Columbia, SC to assist with conducting focus groups, sourcing candidates and vetting candidates for the City Manager Search. The revised contract amount is \$27,600 plus expenses not to exceed \$9,500. *Funding Source: 1011102-636600 - Approved*

### **ORDINANCES – FIRST READING**

29. Ordinance No.: 2009-034 - Granting an encroachment to Richland County for installation and maintenance of a walkway within the right of way area of the 1700 block of Taylor Street and 1600 block of Henderson Street adjacent to The Township Auditorium at 1703 Taylor Street – *(Mr. Chip Land, Long Range Planner: Recommends approval) – Approved on first reading.*

Upon motion by Mr. Finlay, seconded by Mr. Cromartie, Council voted unanimously to give first reading approval to Ordinance No.: 2009-034 - Granting an encroachment to Richland County for installation and maintenance of a walkway within the right of way area of the 1700 block of Taylor Street and 1600 block of Henderson Street adjacent to The Township Auditorium at 1703 Taylor Street.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to give first reading approval to **Items 30., 31.** and **B.** with a single motion. **Item A.** was approved by a separate motion.

30. Ordinance No.: 2009-060 – Granting encroachment to the University of South Carolina Development Foundation for installation and maintenance of an irrigation system, seventeen trees and fifty-one concrete car stops within the right of way areas of the 700 blocks of Greene Street, Gadsden Street and Devine Street adjacent to Richland County TMS No. 08915-12-01 *(Mr. Chip Land, Long Range Planner: Recommends approval) – Approved on first reading.*
31. Ordinance No.: 2009-063 – Annexing 5809 Indian Mound Road, Richland County TMS #13715-01-05 *(Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval) – **Note:** This property site is located within a Donut Hole. This annexation will have no negative impact on CPD service levels. – Approved on first reading.*
- A. Ordinance No.: 2009-066 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Building Regulations to add Article VIII, Absentee Landlord Registration Program – *Approved on first reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that this is staff's recommendation following their presentation in Executive Session wherein they outlined concerns primarily related to the notice by the Supreme Court Justice that the use of infractions required the issuance of a uniform ordinance summons served personally by a law enforcement officer or code enforcement officer. We also expressed to you reservations that if we went down the path of requiring an absentee landlord to assign the responsibilities for maintaining the condition of the property that we believe that we would be challenged in that. As such, the ordinance that is before you eliminates that and goes to an infraction system that follows the counsel of the Supreme Court Justice.

Mayor Coble said that this ordinance goes as far as we can go, both legally and politically. We can work during the legislative session to get an amendment to the code to allow a process server or another form of service that doesn't require a code enforcement officer to do it.

Councilor Davis said that he is disappointed that we are at this point in terms of the original intent. We need to do whatever it takes to get us to a point where somebody is held accountable. He asked if this prevents the City of Columbia from sending a letter of notice on a property.

Mr. Marc Mylott, Director of Planning and Development Services said that it doesn't. This only applies to the issuance of a summons.

Councilor Rickenmann said that he would rather table this until we can get some legislation behind it to give it teeth. I am not sure that it advances the ball enough. We need our legislative delegation to help us.

Councilor Gergel requested that the lobbyists be directed to tackle this next year. I am going to support this ordinance. It is a very tentative beginning that moves us in the right direction. I expect that in the future there will be stronger teeth behind this effort.

Councilor Devine said that she is concerned as well. We need to do something to move this problem forward. Are we ultimately going to address the underlying problem or are we going to add more to what Mr. Mylott's staff already have to do without the ability to enforce it.

Councilor Cromartie said that he will support the ordinance; however, I am concerned that the notice may not be adequate. Mail doesn't always get where it's supposed to go.

Councilor Finlay recalled that the primary issue we were trying to fix was how to serve out-of-state landlords. Does this fix that? We are creating another program that doesn't fulfill what we wanted, because the Supreme Court has taken that ability from us.

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

A substitute motion made by Mr. Rickenmann, seconded by Mr. Davis to table Ordinance 2009-066, was withdrawn.

Mr. Marc Mylott, Director of Planning and Development Services added that the Code Enforcement Taskforce is also concerned that even the landlords in Columbia are able to hide behind a post office box. I talked with Mr. Gaines and we don't have any issues with amending it to require an absentee landlord to divulge a physical address.

Upon motion by Mayor Coble, seconded by Mr. Cromartie, Council voted six (6) to one (1) to give first reading approval to Ordinance No.: 2009-066 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Building Regulations to add Article VIII, Absentee Landlord Registration Program, subject to requiring all absentee landlords to provide a physical address instead of a post office box. Council directed Ms. Teresa Wilson Florence, Director of Governmental Affairs to seek legislative action to allow a process server to serve the uniform ordinance summons instead of a Code Enforcement Officer. Voting aye were Mr. Cromartie, Mr. Davis, Ms. Devine, Mr. Rickenmann, Dr. Gergel and Mayor Coble. Mr. Finlay voted nay.

B.      **\*\*Ordinance No.: 2009-077 – Authorizing the Interim City Manager to execute a Lease Agreement between the City of Columbia and Humane Society for the Prevention of Cruelty to Animals for lease of approximately 1.38 acres (59,970.92 square feet) of property on Humane Lane – *Approved on first reading.***

## **RESOLUTIONS**

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to approve **Items C., D., E., G. and H.** with a single motion. **Item F.** was approved by a separate motion.

- C. Resolution No.: R-2009-013 – Adopting City of Columbia Investment Policy – *Approved*
- D. Resolution No.: 2009-032 – Approving the form of the “Declaration of City of Columbia and Authority for Accounts and Other Authorizations” – *Approved*
- E. Resolution No.: R-2009-042 - Authorizing the Interim City Manager to execute Agreements with Richland County School District One to provide School Resource Officers from the Columbia Police Department to various schools – *Approved*
- F. \*\*Resolution No.: R-2009-043 - Authorizing the Interim City Manager to execute a Unified Fire Service Agreement Extension Addendum between the City of Columbia and Richland County – *Approved*

Upon motion by Mr. Rickenmann, seconded by Mr. Cromartie, Council voted unanimously to approve Resolution No.: R-2009-043 - Authorizing the Interim City Manager to execute a Unified Fire Service Agreement Extension Addendum between the City of Columbia and Richland County.

- G. \*\*Resolution No.: R-2009-045 – Authorizing the Interim City Manager to execute a 911 Communications Center Consolidation Agreement Extension between the City of Columbia and Richland County – *Approved*
- H. Resolution No.: R-2009-050 – Authorizing the Interim City Manager to execute an Amendment to Agreement between the City of Columbia and South Carolina Electric and Gas Company terminating South Carolina Electric and Gas Company’s contractual obligation to transfer the “Bus Barn Property” to the City of Columbia – *Approved*

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

Mr. Bruce Sanders of 3505 Magrath Street appeared before the members of Council to express concerns about having access to the parks. I am not advocating lawlessness; these thoughts and comments are mine and don't reflect anyone else's opinion. There is no one here that thinks more of the notion of neighborhoods getting what they want, but those needs and interests have to be balanced against the neighborhoods of the whole City and all of the citizens. He said that Finlay Park is the premiere park of the City Center, unless it has changed. The parking lot at Finlay Park was closed. I assume that there were some criminal activities of some sort going on there and that may be so, but it's a park and people have the right to be there. Closing the parking lot denies people access, because there is not enough parking. The park closes at 9 p.m. and that's too early. I would ask you to demand that the parks be made as safe as they possibly can be and don't do anything that denies people free access to those parks. Please see that the parking lot is reopened.

Councilor Devine expressed concerns about closing the parking lot and limiting the parking available for those that might want to enjoy lunch at Finlay Park. She is also concerned about the miscommunication of information regarding the closing.

Mr. S. Allison Baker, Assistant City Manager for Public Services explained that Finlay Park is not closed, but the upper level parking area of Finlay Park has been temporarily closed, while we evaluate how we can improve or eliminate some of the things that go on in the parking area. We

agreed to close it for 45-days starting June 1<sup>st</sup> and we need to set a meeting to discuss how we move forward. We have several recommendations that we are ready to put forth.

Councilor Rickenmann said that he has an issue with closing the parking lot during the day.

Mayor Coble asked Mr. Baker to schedule the meeting and notify the members of Council of the date and time.

Councilor Finlay said that we hear a lot about crimes in parking garages in the City, some of which we own and some of which we don't. Are we going to shut those down?

Councilor Davis said that he would like to see the strategies developed in this process for Finlay Park transferred to the neighborhood parks.

Councilor Cromartie said that we as a City respond to neighborhoods. When this issue arose, all of the neighborhood associations in that area called a meeting and they talked about certain types of illicit sexual activities that were going on in the park all day long. One person had a rifle with a scope in the park pointing it at the homes in Governors Hill. The neighborhoods collectively said that they would like to close the lot for a 45-day trial period and I, as the Council representative for that area, take full responsibility for agreeing to try it.

Mr. Dan Dennis, 13 Governors Hill / President of the Governors Hill Homeowner's Association appeared before the members of Council to express concerns about Finlay Park. On a daily basis, I see prostitution, drug use, drug paraphernalia, drug sells, gangs, racing, loud music, sexual activities, pan handling and car repairs in the 90-space parking lot. Obviously, the police cannot control this; it is an unsafe environment; and it needs to be shut down. The people using the parking lot do not enjoy the amenities of the park. The President of the Shakespeare Club wants police protection during her plays, because people are afraid to be there. He told Council to leave the parking lot shut down until they can fix the problem.

I. **\*\*Closing of the Parking Lot at Finlay Park**

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to conclude the 45-day period for the closing of the parking lot at Finlay Park on Wednesday, July 15, 2009 and to re-open the parking lot on Thursday, July 16, 2009. Staff was directed to provide a plan to ensure the safety of patrons at Finlay Park and the nearby residents. This plan shall include recommendations from law enforcement. A Public Hearing will be scheduled accordingly.

▪ **Mr. Rickenmann left the meeting at 9:07 p.m.**

Mr. Temple Ligon, The Columbia Star appeared before the members of Council to express concerns about the condition of the tennis courts at Wheeler Hill. He said that people are tripping over the cracks in the hard tennis courts. You are having a statewide hard court tennis tournament starting this Friday and they will be tripping over your courts in the heart of the City. He urged the Council members to walk the courts.

Councilor Gergel informed Mr. Ligon that she and Mr. Baker will be at the courts at 10:00 a.m. tomorrow morning.

Ms. Bessie Watson, South Edisto Court Neighborhood President appeared before the members of Council to thank them for supporting the new Edisto Court Park and Neighborhood Center.

▪ **Council adjourned the meeting at 9:15 p.m.**

Respectfully submitted by:

*\*\*Amendment to the Agenda*

Erika D. Salley  
City Clerk