



CITY OF COLUMBIA
CITY COUNCIL MEETING &
ZONING PUBLIC HEARING MINUTES
WEDNESDAY, NOVEMBER 18, 2009
9:00 A.M.
CITY COUNCIL CHAMBERS
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting and a Zoning Public Hearing on Wednesday, November 18, 2009 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 9:03 a.m. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Sam Davis and The Honorable Tameika Isaac Devine. The Honorable Kirkman Finlay III arrived at 9:08 a.m. and The Honorable Belinda F. Gergel arrived at 9:10 a.m. The Honorable Daniel J. Rickenmann was absent. Also present were Mr. Steven A. Gantt, Interim City Manager and Ms. Erika D. Salley, City Clerk.

INVOCATION

Mr. Clyde Waters, Chaplain for the Columbia Fire Department offered the Invocation.

APPEARANCE OF PUBLIC HAVING BUSINESS RELATED TO THE AGENDA ITEMS

No one appeared at this time.

APPROVAL OF MINUTES

1. Minutes of May 6 and May 13, 2009

Upon a motion made by Mr. Cromartie and seconded by Ms. Devine, Council voted unanimously to approve the Minutes of May 6 and 13, 2009 with a single motion and as presented.

PRESENTATIONS

2. Recognition of the 100th Green Business Member – Ms. Mary Pat Baldauf, Sustainability Facilitator

Ms. Mary Pat Baldauf, Sustainability Facilitator recognized Nexsen Pruet, LLC as the 100th Green Business Member in the City of Columbia.

- **Mr. Finlay arrived at 9:08 a.m.**
- **Dr. Gergel arrived at 9:10 a.m.**

PUBLIC HEARING

3. Resolution No.: R-2009-084 – In Support of the Issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (South Carolina State Museum Foundation Project) Series 2009, Pursuant to the Provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as Amended, in the Aggregate Principal amount of not exceeding \$5,500,000

Mr. Ken E. Gaines, City Attorney explained that this action doesn't obligate the City of Columbia to anything; Sate law requires approval by this body. The Memorandum of Intent was amended to run through fiscal year 2013/2014 and its not binding on the City of Columbia. It provides an indication of an income stream and Richland County has approved a similar agreement. This can be changed or terminated by the City Council at any time.

- **Council opened the Public Hearing at 9:11 a.m.**

No one appeared in support of or in opposition to **Item 3**.

- **Council opened the Public Hearing at 9:11 a.m.**

Upon a motion made by Mayor Coble and seconded by Mr. Cromartie, Council voted unanimously to approve Resolution No.: R-2009-084 - In Support of the Issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (South Carolina State Museum Foundation Project) Series 2009, Pursuant to the Provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as Amended, in the Aggregate Principal amount of not exceeding \$5,500,000.

RESOLUTIONS

4. Resolution No.: R-2009-088 – Authorizing the Mayor to execute a Memorandum of Intent between the South Carolina State Museum Foundation and City of Columbia

Upon a motion made by Mayor Coble and seconded by Mr. Cromartie, Council voted five (5) to one (1) to approve Resolution No.: R-2009-088 - Authorizing the Mayor to execute a Memorandum of Intent between the South Carolina State Museum Foundation and City of Columbia. Voting aye were Mr. Cromartie, Mr. Davis, Ms. Devine, Dr. Gergel and Mayor Coble. Mr. Finlay voted nay.

CONSENT AGENDA

Upon a motion made by Mr. Cromartie and seconded by Mr. Davis, Council voted unanimously to approve the **Consent Agenda Items 5.** through **21.** with a single motion and as presented.

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

5. Council is asked to approve the Purchase of Rescue Equipment; Task Force Rescue System, WalkAbout Baton System and Accessories, as requested by the Fire Department. Award to Dawson Associates, Inc., as a Sole Source in the amount of \$13,106.43. This vendor is located in Lawrenceville, GA. *Funding Source: 254999-658400 - Approved*
6. Council is asked to approve the Purchase of Repair Parts for one (1) Genstar Pump (Fairbanks Morse), as requested by the Lake Murray Water Plant. Award to HD Supply Waterworks, as a Sole Source in the amount of \$13,272.28. This vendor is located in Hickory, NC. *Funding Source: GL 5529999-851100 JLWM419401-851100 - Approved*
7. Council is asked to approve the Purchase of Second Chance (outer vest carriers) for existing Body Armor, as requested by the Police Department. Award to Wright-Johnson Uniforms, the lowest bidder in the amount of \$13,867.20. This vendor is located in Columbia, SC. *Funding Source: 2119999-624100 / JL DN920501-624100 - Approved*

8. Council is asked to approve the Increase Amount to lay Asphalt for the Final Course of Road Paving on the Martha's Glen Road Project, as requested by Utilities and Engineering. Award to Rea Contracting in the amount of \$14,540.86. This vendor is located in West Columbia, SC. *Funding Source: 4039999-CP104901-658670 - Approved*
9. Council is asked to approve the Purchase of Raker Rescue Equipment, as requested by the Fire Department. Award to Municipal Emergency Services, the lowest bidder in the amount of \$18,289.47. This vendor is located in Charlotte, NC. *Funding Source: 2549999-658400 9601000207-658400 - Approved*
10. Council is asked to approve the Purchase for Re-roofing Fire Station Three (3), as requested by the Support Services Division. Award to Heritage Roofing Company, Inc., the lowest bidder in the amount of \$48,500.00. This vendor is located in Lexington, SC. *Funding Source: 4039999-658600 CP105903-658600 - Approved*

ORDINANCES – SECOND READING

11. Ordinance No.: 2009-068 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Article II, Building and Technical Codes, Division 2, Building Code, Sec. 5-51, Adoption; conflicting provisions – *First reading approval was given on November 4, 2009. – Approved on second reading.*
12. Ordinance No.: 2009-069 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Building and Building Regulations, Article II, Building and Technical Codes, Division 8, Sec. 5-171, Adoption; conflicting provisions– *First reading approval was given on November 4, 2009. – Approved o second reading.*
13. Ordinance No.: 2009-070 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 9, Fire Prevention and Protection, Article IV, Fire Prevention Code, Sec 9-61, Adoption; conflicting provisions – *First reading approval was given on November 4, 2009. – Approved on second reading.*
14. Ordinance No.: 2009-071 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Article II, Building and Technical Codes, Division 3, Gas Code, Sec. 5-71, Adoption; conflicting provisions– *First reading approval was given on November 4, 2009. – Approved on second reading.*
15. Ordinance No.: 2009-072 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Article II, Building and Technical Codes, Division 6, Mechanical Code, Sec. 5-131, Adoption; conflicting provisions – *First reading approval was given on November 4, 2009. – Approved on second reading.*
16. Ordinance No.: 2009-073 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Article II, Building and Technical Codes, Division 4, Plumbing Code, Sec. 5-91, Adoption; conflicting provisions – *First reading approval was given on November 4, 2009. – Approved on second reading.*
17. Ordinance No.: 2009-074 – Amending Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Building and Building Regulations, Article II, Building and Technical Codes, Division 7, Property Maintenance Code, Sec. 5-151, Adoption; conflicting provisions – *First reading approval was given on November 4, 2009. – Approved on second reading.*

18. Ordinance No.: 2009-075 – Amending the 1998 Code of Ordinance of the City of Columbia, Chapter 5, Article II, Building and Technical Codes, to add Division 9, International Residential Code for One- and Two- Family Dwellings, Sec. 5-191, Adoption; conflicting provisions – *First reading approval was given on November 4, 2009. – Approved on second reading.*
19. Ordinance No.: 2009-076 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 5, Article II, Building and Technical Codes, Division 5 Electric Code, Sec 5-111, Adoption; conflicting provisions – *First reading approval was given on November 4, 2009. – Approved on second reading.*
20. Ordinance No.: 2009-111 – Granting an encroachment to Emi Ohta for installation and maintenance of vinyl fencing adjacent to her property at 422 South Ravenel Street, Richland County TMS #13801-04-16 (*Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval*) – *First reading approval was given on November 4, 2009. – Approved on second reading.*
21. Ordinance No: 2009-112 – Granting an encroachment to Charles T. Overturf and Christine Overturf for installation and maintenance of landscape timbers adjacent to 3300 Prentice Avenue, Richland County TMS #13801-04-01 (*Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval*) – *First reading approval was given on November 4, 2009. – Approved on second reading.*

CITY COUNCIL DISCUSSION / ACTION

22. Columbia Tennis Center Upgrades – Mr. Allison Baker, Assistant City Manager of Public Services

Upon a motion made by Dr. Gergel and seconded by Mr. Cromartie, Council voted unanimously to authorize the use of Hospitality Tax Fund 418 for upgrades to the Columbia Tennis Center and the completion of the Southeast Park Environmental Center. Mr. Cromartie was not present for the vote.

TEXTAMENDMENTS – FIRST READING

23. **Amend §17-406 Permitted Signs** to add provisions for the replacement of sign display area in existing sign structures in design review districts.

Ordinance No.: 2009-098 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article III, Division 12, Signs, Sec. 17-406 Permitted signs - *The Zoning Public Hearing was conducted on September 16, 2009.*

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to give first reading approval to Ordinance No.: 2009-098 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Development and Zoning, Article III, Division 12, Signs, Sec. 17-406 Permitted signs. Mr. Finlay abstained from voting due to a conflict of interest.

ORDINANCES- FIRST READING

24. Ordinance No.: 2009-114 – Amending Ordinance 2004-100 to Kelly's Deli & Pub to allow for encroachment for installation and maintenance of a concrete patio area within the right of way area adjacent to its property at 1001 Washington Street and to allow placement of six (6) wrought iron table with canvas umbrella and thirty (30) chairs for outdoor dining during normal business hours (*Mr. Marc Mylott, Director of Planning and Development Services: Recommends approval*)

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2009-114 – Amending Ordinance 2004-100 to Kelly's Deli & Pub to allow for encroachment for installation and maintenance of a concrete patio area within the right of way area adjacent to its property at 1001 Washington Street and to allow placement of six (6) wrought iron table with canvas umbrella and thirty (30) chairs for outdoor dining during normal business hours. Mr. Finlay was not present for the vote.

25. Ordinance No.: 2009-120 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 2, Administration, Article V, Procurement, Sec. 2-204 Competitive sealed bidding required; exceptions

Upon a motion made by Mayor Coble and seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2009-120 - Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 2, Administration, Article V, Procurement, Sec. 2-204 Competitive sealed bidding required; exceptions.

ZONING PUBLIC HEARING

- **Council opened the Zoning Public Hearing at 10:00 a.m.**

MAP AMENDMENT – FIRST READING

26. **2300 Haskell Avenue**, TMS# 11408-10-01; rezone from RG-2 (General Residential) to PUD-C (Commercial Planned Unit Development).

No one appeared in support of or in opposition to **Item 26**.

Upon a motion made by Mr. Cromartie and seconded by Ms. Devine, Council voted unanimously to give first reading approval to the *Map Amendment* for 2300 Haskell Avenue, TMS# 11408-10-01; rezone from RG-2 (General Residential) to PUD-C (Commercial Planned Unit Development). Mr. Davis was not present for the vote.

27. **1301 Sunset Drive**, TMS# 09116-02-07; rezone from M-1 (Light Industrial) to C-3 (General Commercial)

Mr. Bill Manley, Eau Claire Community Resident said that he is not opposed to **Item 27.**, but he is concerned about traffic flow. The City of Columbia is involved and I would like to know how much the Empowerment Zone paid for the property; how much will it cost to build; what company will manage the hotel; and how much money is left in the Empowerment Zone.

Mr. Henry Hopkins, Eau Claire Community Council explained that the Board of the Empowerment Zone met yesterday to discuss this project; no contracts have been signed, but the board is ready to move ahead. This project will enhance that corridor.

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to give first reading approval to the *Map Amendment* for 1301 Sunset Drive, TMS# 09116-02-07; rezone from M-1 (Light Industrial) to C-3 (General Commercial).

TEXT AMENDMENTS – FIRST READING

28. **§17-258, §17-305 (a), and create §17-294 (new)** to amend regulations concerning non-depository personal credit institutions (payday loan and/or title loan establishments).

Ordinance No.: 2009-109 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, to add Sec. 17-294 Non-depository personal credit institutions (payday loan and/or title loan establishments); and Division 9, Supplementary District Regulations, Sec 17-305 Planned unit developments (a) Generally – *First reading approval was deferred until December 2, 2009.*

The following individuals appeared before the members of Council in support of and in opposition to Item 28.:

Reverend Wiley Cooper, Chair of the Code Enforcement Taskforce
Ms. Mary Riley, Director of Research for the Senate Banking and Insurance Committee
Ms. Sue Berkowitz, Attorney for the S.C. Appleseed Legal Justice Center
Ms. Lynn Stokes Murray, Community Financial Services Association
Ms. Teresa Arnold, AARP
Mr. Henry Hopkins, Eau Claire Community Council
Mr. Bob Amundson, Vice-Chair of the Code Enforcement Taskforce
Ms. Ellen Cooper, Coalition of Downtown Neighborhoods

- **Council closed the Public Hearing at 11:25 a.m.**
- **Council recessed at 11:57 a.m.**
- **Council reconvened at 12:03 p.m.**

Dr. Gergel made a motion to give first reading approval to Ordinance No.: 2009-109 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, to add Sec. 17-294 Non-depository personal credit institutions (payday loan and/or title loan establishments); and Division 9, Supplementary District Regulations, Sec 17-305 Planned unit developments (a) Generally and it was seconded by Mr. Davis.

Upon a substitute motion made by Mr. Cromartie and seconded by Mayor Coble, Council voted four (4) to two (2) to defer first reading approval of Ordinance No.: 2009-109 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 8, District Descriptions; Use and Dimensional Regulations, to add Sec. 17-294 Non-depository personal credit institutions (payday loan and/or title loan establishments); and Division 9, Supplementary District Regulations, Sec 17-305 Planned unit developments (a) Generally until December 2, 2009; to require representatives of the title and payday lenders, the Code Enforcement Taskforce, members of City Council and staff to meet prior to December 2, 2009. Mr. Steven A. Gantt, Interim City Manager will provide information to City Council on any new business licenses or

zoning applications for a payday lender. Mayor Coble will schedule a meeting with the Richland County Delegation to understand their rationale for requesting a delayed vote from City Council. Voting aye were Mr. Cromartie, Ms. Devine, Mr. Finlay and Mayor Coble. Voting nay were Mr. Davis and Dr. Gergel.

PUBLIC HEARING

29. Ordinance No.: 2009-106 – Amending the 1998 Code of Ordinance of the city of Columbia, South Carolina, Chapter 4, Animals, Article II, LiveStock

- **Council opened the Public Hearing at 12:14 a.m.**

The following individuals appeared in support of Item 29.:

Ms. Ryan Nevius
Ms. Karen Sundstrom
Mr. Jonathan Artz
Ms. Emily McCravy, CLUCK Co-Founder (Citizens for Legal Urban Chicken Keeping)
Mr. Matthew Kip, CLUCK Co-Founder (Citizens for Legal Urban Chicken Keeping)
Mr. Jason Craig, USC Assistant Director of the Learning Center for Sustainable Futures
Ms. Heidi Johnson, Keep the Midlands Beautiful
Mr. Mel Jenkins, City Civics
Mr. Michael Hill, CLUCK Member (Citizens for Legal Urban Chicken Keeping)
Mr. Russell D. Meriwether, Shandon Resident
Mr. Glen E. King
Ms. Robin Goldstein
Ms. Brenda Kramer, Melrose Heights Resident
Mr. Press Garrett, City Roots Open Farm

- **Council closed the Public Hearing at 1:12 p.m.**

There was a consensus of Council to consider reducing the amount of the fee to an amount more in line with what's currently charged for other animals; remove the requirement for concrete (there should be a more natural surface); re-evaluate the setback; consider the use of movable coops; and work with CLUCK to coordinate a workshop to provide oral and/or written communication to all neighborhoods. No action was taken on the ordinance.

CITY COUNCIL DISCUSSION / ACTION

30. Energy Efficiency and Conservation (EECBG) Block Grant Competitive Application – Ms. Teresa Wilson Florence, Director of Governmental Affairs

Upon a motion made by Mayor Coble and seconded by Mr. Cromartie, Council voted unanimously to endorse the Energy Efficiency and Conservation Block Grant Competitive Application as presented.

**Ms. Teresa Wilson Florence, Director of Governmental Affairs distributed copies of the City of Columbia State Infrastructure Bank Application to the members of Council.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

No one appeared at this time.

EXECUTIVE SESSION

Upon a motion made by Mr. Cromartie and seconded by Mr. Finlay, Council voted unanimously to go into Executive Session at 1:33 p.m. for the discussion of **Items 31.** through **C.** as amended.

- 31. Receipt of legal advice which relates to a matter covered by attorney-client privilege
 - Affordable Housing Trust Fund
 - **Sewer Rehabilitation Project
 - **Hotel Litigation

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

- A. Discussion of negotiations incident to proposed contractual arrangements – *This item was discussed in Executive Session. No action was taken.*

- B. **Discussion of employment of employee – *This item was discussed in Executive Session. No action was taken.*

- C. **Discussion of negotiations incident to the proposed sale of property – *This item was discussed in Executive Session. No action was taken.*

- **Council adjourned at 1:34 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk