



CITY OF COLUMBIA  
CITY COUNCIL MEETING MINUTES  
TUESDAY, NOVEMBER 15, 2011  
6:00 P.M.  
CITY HALL – COUNCIL CHAMBERS  
1737 MAIN STREET

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The Columbia City Council conducted a Regular Meeting and a Zoning Public Hearing on Tuesday, November 15, 2011 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K Benjamin called the meeting to order at 6:15 p.m. The following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Belinda F. Gergel, The Honorable Leona K. Plough and The Honorable Brian DeQuincey Newman. The Honorable Daniel J. Rickenmann was absent. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Moore, City Clerk.

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

Chaplain Jim Reese, Columbia Fire Department offered the Invocation.

**ADOPTION OF THE AGENDA**

Upon a motion made by Mr. Davis and seconded by Mr. Newman, Council voted unanimously to adopt the agenda as amended to withdraw the consideration of Item 5.

**APPEARANCE OF PUBLIC WITH COMMENTS RELATED TO THE AGENDA**

No one appeared at this time.

**APPROVAL OF MINUTES**

1. Minutes of November 1, 2011 – *Approved as presented.*

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to approve the Minutes of November 1, 2011.

**CITY COUNCIL DISCUSSION / ACTION**

2. Council is asked to approve an Application for Certificate of Convenience and Necessity for a Pedicab Service, as requested by the Business License Division. This certificate is being awarded to Samantha Meier doing business as Capitol Crawler, LLC at 532 Price Street, Savannah, GA. - *Approved*

Upon a motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to approve an Application for Certificate of Convenience and Necessity for a Pedicab Service, as requested by the Business License Division. This certificate is being awarded to Samantha Meier doing business as Capitol Crawler, LLC at 532 Price Street, Savannah, GA.

### **CONSENT AGENDA**

Upon a motion made by Mr. Newman and seconded by Mr. Davis, Council voted unanimously to approve the **Consent Agenda Items 3, 4 and 6** through **14**. **Item 5** was withdrawn from the agenda.

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

3. Council is asked to approve Architectural and Engineering Design Services for Renovations to the Katheryn M. Bellfield / Booker Washington Heights Cultural Arts Center, as requested by the Parks and Recreation Department. Award to Quackenbush Architects and Planners in the amount of \$111,400.00. This vendor is located in Columbia, SC. *Funding Source: G/L: 2519999-636600 and J/L: 9100300610-636600 - Approved*
4. Council is asked to approve the Purchase of Field Based Reporting and Mobile Software, as requested by the Police Department. Award to Visionair, as a Sole Source in the amount of \$68,517.45. This vendor is located in Castle Hayne, NC. *Funding Source: Capital Replacement/Computer-Elect Equip/Capital; 6308972-658600 - Approved*
5. Council is asked to approve a Contract for the Installation of Pay by Space Devices in the Taylor Street and City Center Parking Garages, as recommended by the Request for Proposals Committee. This contract is being awarded to Southern Time in an amount not to exceed \$59,981.05. In addition, the City shall compensate the vendor for real time services and internet access in the amount of \$50.00 per unit per month. Southern Time will install the pay stations, which are manufactured by Digital Payment Technologies. The vendor is a certified distributor and has several office locations to include Charleston, SC. *Funding Source: 2005 Parking Revenue Bond – This item was withdrawn from the agenda.*
6. Council is asked to approve the Purchase of Five (5) Ford F250 Model F20 Utility Body Meter Trucks, as requested by the Water Distribution Division. Award to Magic City Motor Corp, using the SC State Contract in the amount of \$115,250.00. This vendor is located in Roanoke, VA. *Funding Source: Utilities Water Dist & Maintenance / Auto Trucks Heavy Equip-Capital; 5516203-658500 - Approved*

7. Council is asked to approve the Purchase of a Three (3) Wheel Street Sweepers, as requested by the Fleet Services Division. Award to Public Works Equipment & Supply, Inc., the lowest bidder in the amount of \$149,290.00. This vendor is located in Monroe, NC. *Funding Source: Capital Replacement / Auto, Trucks, Heavy Equip-Capital; 6308972-658500 - Approved*
8. Council is asked to approve Capital Improvement Project WM3956, Phases I & II; An Agreement for an on-site 16” Water Main Construction to serve a New District Five High School and Career “Cates” Center, as requested by Utilities and Engineering. Funding is being awarded to School District Five of Lexington and Richland Counties in the amount of \$340,000.00. *Funding Source: Water Improvements Fund – **Note:** Council is asked to authorize the City Manager to execute the agreement with School District 5 of Lexington and Richland Counties pending legal review and approval. This project is scheduled to open in August 2012. - Approved*
9. Council is asked to approve the Purchase of Microsoft Enterprise Agreement, which provides the ability to upgrade software technologies, conduct daily business as a City and collaborate with outside entities through Email and Office products, as requested by the Information Technology Department. Award to CompuCom, using the SC State Contract in the amount of \$359,614.45. This vendor is located in Columbia, SC. *Funding Source: Information Technology/Maintenance & Service Contract, 1011120-638200 - Approved*
10. Council is asked to approve the Purchase of One (1) Pierce 100’ Mid Mount Heavy Duty Aerial Ladder Fire Truck, as requested by the Fire Department. Award to Spartan Fire and Emergency Apparatus, as a Sole Source in the amount of \$973,102.00. This vendor is located in Roebuck, SC. *Funding Source: Capital Replacement/Auto, Trucks, Heavy Equipment-Capital; 6308972-6585000 - Approved*

#### ORDINANCES – SECOND READING

11. Ordinance No.: 2011-056 – Granting encroachments to Shannon Hozie for installation and maintenance of two brick pillars with lights, two steps, landscaping and an irrigation system within the right of way area adjacent to 201 S. Pickens Street, Richland County TMS #11305-10-02 – *First reading approval was given on November 1, 2011. – Approved on second reading.*
12. Ordinance No.: 2011-057 – Granting an encroachment to Peace, Love and Rocky Roast for placement and maintenance of one concrete and granite step, a portable handicapped ramp, and two (2) planters within the sidewalk right of way adjacent to 925 Gervais Street, Richland County TMS #09013-11-17 – *First reading approval was given on November 1, 2011. – Approved on second reading.*

13. Ordinance No.: 2011-074 – Granting and encroachment to WB Columbia, LLC for placement, installation and maintenance of a wooden deck with built in grill, concrete and brick pavers, wood arbor, concrete piers and aluminum decorative fencing, landscaping and an irrigation system within the right of way area adjacent to 902-F Gervais Street, Richland County TMS #08916-02-01, and fifty-eight (58) chairs, fourteen (14) tables for use by its patrons for outdoor dining during normal business hours – *First reading approval was given on November 1, 2011. – Approved on second reading.*
14. Ordinance No.: 2011-086 – Authorizing the transfer of the “Busby Street Properties” from the City of Columbia to the Eau Claire Development Corporation – *First reading approval was given on November 1, 2011. – Approved on second reading.*

### **ORDINANCES –FIRST READING**

15. Ordinance No.: 2011-094 – Authorizing consumption of beer and wine at the 2011 Famously Hot New Year Event – *Approved on first reading.*

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to give first reading approval to Ordinance No.: 2011-094 – Authorizing consumption of beer and wine at the 2011 Famously Hot New Year Event.

16. Ordinance No.: 2011-095 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 21, Stormwater Management and Sedimentation Control, Article II, Storm Drainage; Sediment and Erosion Control; and Chapter 23, Utilities and Engineering Article VI, Stormwater Management to repeal Sec. 23-204 through Sec. 206 – *Approved on first reading.*

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2011-095 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 21, Stormwater Management and Sedimentation Control, Article II, Storm Drainage; Sediment and Erosion Control; and Chapter 23, Utilities and Engineering Article VI, Stormwater Management to repeal Sec. 23-204 through Sec. 206, subject to the following:

- Second reading approval is scheduled for December 20, 2011;
- Meetings will be held with stakeholders prior to second reading approval;
- Neighborhood presidents will be notified of all meetings;
- All meetings will be highly publicized; and
- The results of the meetings will be shared with members of City Council.

## **APPOINTMENTS**

17. Council is asked to approve the appointment of Grant Duffield to the Bicycle and Pedestrian Advisory Committee, as recommended by The Honorable Leona K. Plough. - *Approved*

Upon a motion made by Ms. Plough and seconded by Dr. Gergel, Council voted unanimously to approve the appointment of Grant Duffield to the Bicycle and Pedestrian Advisory Committee, as recommended by The Honorable Leona K. Plough.

18. Council is asked to approve the reappointment of John Boyd to the Climate Protection Action Committee, as recommended by The Honorable Mayor Stephen K. Benjamin. - *Approved*

Upon a motion made by Ms. Plough and seconded by Mr. Newman, Council voted unanimously to approve the reappointment of John Boyd to the Climate Protection Action Committee, as recommended by The Honorable Mayor Stephen K. Benjamin.

19. Columbia Museum of Art - *Approved*

Upon a motion made by Ms Devine and seconded by Dr. Gergel, Council voted unanimously to extend the final term of Suzan Boyd for one additional year expiring in September 2015 and the first term of Ronald Rogers for an additional two years expiring in September 2016. This is being done in an effort to realign the terms of the Commissioners.

20. Planning Commission - *Approved*

Upon a motion made by Ms. Plough and seconded by Dr. Gergel, Council voted unanimously to approve the reappointment of Mary Winter Teaster to the Planning Commission for a second and final three (3) year term.

## **CITY COUNCIL COMMITTEE REPORTS**

21. Council is asked to refer a briefing on Economic Development Projects to the Economic & Community Development Committee. - *Approved*

Upon a motion made by Ms Devine and seconded by Dr. Gergel, Council voted unanimously to refer a briefing on Economic Development Projects to the Economic & Community Development Committee.

Councilor Gergel reported that the Arts and Historic Preservation Committee met on November 11, 2011 at the City's Records Management Division. We asked for recommendations on how we could offer greater public access to City records.

Councilor Plough announced that the Administrative Policy Committee is scheduled to meet on Friday, November 18, 2011 at 9:00 a.m. to continue discussions on the City's ethic policy and the employee residency requirement.

Mayor Benjamin announced the following upcoming events:

- EngenuitySC's Knowledge Economy Leadership Conference, Ignite! – Wednesday, November 16, 2011 from 5:15p.m. to 8:00 p.m. at The Zone (Williams-Brice Stadium)
- Congaree Vista Guild's 26<sup>th</sup> Annual Vista Lights Event – Thursday, November 17, 2011 from 5:00 p.m. to 10:00 p.m.
- Annual Carol Lighting Event – November 28, 2011 at 6:00 p.m. at the State House

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

Mr. Mooney Player expressed concerns about the City's denial of his claim that sewage entered his sprinkler system as a result of a City project.

Mr. Steven A. Gantt, City Manager agreed to revisit Mr. Player's claim.

Mrs. Germon Miller, Ph.D. introduced the following four (4) gentlemen that recently earned their General Equivalency Diplomas by participating in the R.I.C.H. Continuing Education Program at Lorick Park: Denion Neal, Chairman; Xavier Bradley, Vice Chairman and Sabian Hughey, President. She announced that the program will be extended to four (4) additional City parks.

Mayor Benjamin reported that a meeting was held today to discuss the Rocky Branch Creek. He asked that staff prepare a comprehensive report for the members of Council. There will be several opportunities for public input prior to City Council making a decision on the sale of the Capital City Stadium property on December 20, 2011.

Upon a motion made by Dr. Gergel and seconded by Ms. Plough, Council voted unanimously to approve the appointment of Councilors Devine, Gergel and Newman to the Rocky Branch Ad-hoc Committee.

- **Council reconvened the Executive Session at 6:45 p.m.**
- **Council adjourned the Executive Session at 7:04 p.m.**

## ZONING PUBLIC HEARING

- **Council opened the Zoning Public Hearing at 7:04 p.m.**

### ANNEXATION WITH MAP AMENDMENT – FIRST READING

22. **5307 and 5311 Forest Drive**, TMS# 16706-03-29 and-30; request recommendation to annex and zone the property C-3 (General Commercial). The property is zoned GC (General Commercial) in Richland County. – *Approved on first reading.*

Ordinance No.: 2011-022 – Annexing 5307 Forest Drive and 5311 Forest Drive, Richland County TMS #16706-03-29 and 16706-03-30 – *Approved on first reading.*

Mr. Richard Hall, 5314 Lakeshore Drive appeared before the Council in support of the annexation; however, he expressed concerns about further development on the property. I live directly behind the site and there problems with water runoff and flooding due to the elevation of the properties. I am somewhat against a restaurant being developed there, because that may increase littering.

Ms. Krista Hampton, Director of Planning and Development Services explained that the City’s landscaping ordinance would require more green space and a buffer between the properties.

Mr. William Cone, 5306 Lakeshore Drive appeared before the Council to express concerns about water run off from the site and mud entering his pool. He asked that the water be diverted towards Forest Drive.

Upon a motion made by Ms. Plough and seconded by Ms. Devine, Council voted unanimously to give first reading approval to the **Map Amendment for 5307 and 5311 Forest Drive**, TMS# 16706-03-29 and-30; request recommendation to annex and zone the property C-3 (General Commercial). The property is zoned GC (General Commercial) in Richland County **and** Ordinance No.: 2011-022 – Annexing 5307 Forest Drive and 5311 Forest Drive, Richland County TMS #16706-03-29 and 16706-03-30.

23. **840 Sparkleberry Lane**, TMS# 25608-10-29; request recommendation to annex and zone the property C-3 (General Commercial). The property is zoned GC (General Commercial) in Richland County. – *Approved on first reading.*

Ordinance No.: 2011-089 – Annexing 840 Sparkleberry Lane, Richland County TMS #25608-10-29 – *Approved on first reading.*

No one appeared in support of or in opposition to this item.

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to give first reading approval to the **Map Amendment for 840 Sparkleberry Lane**, TMS# 25608-10-29; request recommendation to annex and zone the property C-3 (General Commercial). The property is zoned GC (General Commercial) in Richland County **and** Ordinance No.: 2011-089 – Annexing 840 Sparkleberry Lane, Richland County TMS #25608-10-29.

Mayor Benjamin asked that the property owners be apprised throughout the permitting process for the development of this site.

TEXT AMENDMENTS – FIRST READING

24. **Amend §17-55 Definitions and §17-258 Table of Permitted Uses to establish and modify permissions for the operation of Food Trucks within Temporary Vendor regulations**

Ordinance No.: 2011-082 – 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. 17-55 Definitions – *Approved on first reading.*

Ms. Sarah Luadzers, Congaree Vista Guild said that the Vista Guild is not taking a specific position on this matter. The restaurants do agree with recommendations that are being proposed by the Restaurant Association.

Mr. Tom Sponseller, Columbia Restaurant Association stated that the Association is supportive of food trucks. He presented recommendations to help the City design an ordinance for the long-term safety of the commercial food service industry, consumers and the general public.

Mr. Matthew Butler, 607 Hemphill Street asked City Council to reject the amendments suggested by the Restaurant Association. He reminded the Council that if the suggestions were codified, the City would bear the cost of enforcing it.

Mr. Justin Weinberg, 423 Waccamaw Avenue stated that any kind of restrictions that limit the operation of food trucks are bad. Food trucks are good for Columbia, because they provide good food and establish more diverse and innovative tastes. Our laws should be good for everyone and not to promote the interest of those who have lobbyists. He later asked City Council to reject any buffers.

Mr. Adams Hayne, 116 Beacon Lane / Food Truck Operator / Member of the Restaurant Association and the Vista Guild said that brick and mortar restaurants compete with each other in some way. We are not trying to steal their business. We are not being malicious. Think about what is being proposed and give us a chance. We should sit down and talk about this with the Restaurant Association.

Mr. Corey Simmons, 319 Charring Cross Road / Food Truck Operator expressed concerns about the proposed buffer requirement. We serve wings and most restaurants serve wings. We would not be able to locate anywhere in the City.

Mr. Ramone Dickerson, 402-A Florida Street / Too Fat To Fly Food Truck Operator said that the City and State agencies do a great job regulating businesses. The 1,500' distance requirement is too much. I would like to work with the Restaurant Association.

Mr. Temple Ligon, Reporter for The Columbia Star reported that a survey of the 100 largest cities only showed a gain of employment in 6 cities over 4 years.

Mr. Duncan McCrae, Co-Owner of Yesterdays Restaurant stated that he is not opposed to food trucks; he doesn't want them on top of his building. We pay for parking and taxes. We have an investment. He later stated that he is mainly concerned about the competition for parking spaces.

Ms. Laura Oakley, The Hungry Lady Food Blog Writer stated that people will go where they want to go. It is a matter of preference.

Mr. Jim Mancini, Southern Equipment Fabricators said that his company builds equipment for the restaurant industry. He encouraged the Council members not to try to interpret the differences in menus.

Mayor Benjamin suggested that the ordinance be approved as drafted by staff. I understand the recommendations from the Restaurant Association, but they are over reaching. He later noted that food trucks can't be within the right-of-way and they must have permission from the owner of the private lot.

Ms. Krista Hampton, Director of Planning and Development Services explained that any changes to the ordinance would need to be reconsidered by the Planning Commission. She explained that this ordinance would trump the current peddler's ordinance and that it would not take effect for 180 days.

Councilor Gergel supported the 100' buffer as outlined in the ordinance.

Councilor Devine made a motion to approve the item without the Planning Commission's recommendation. It was seconded by Dr. Gergel.

Councilor Davis said that we've come a long way with peddlers and food trucks. I trust staff's judgment. I have heartburn with the buffer, but I support it with the understanding that the ordinance may be tweaked later.

Councilor Plough said that she would be comfortable without a buffer, on a trial basis in order to see how the economics work and what the real impact is. If this Council prefers a 100' buffer, I am okay.

Councilor Newman said that it's difficult to accept the Restaurant Association's recommendations, entirely. I am concerned about trucks pulling directly in front of a restaurant, regardless of food type or taking up parking for that restaurant. I am for competition and I am also for investment in our downtown by restaurant owners. Nevertheless, I am in favor of a lesser buffer or the trucks not being able to pull in front of a restaurant.

Councilor Devine said that the Association's recommendations are reasonable, but our zoning ordinance is not the place to regulate that. I support the 100' buffer.

Councilor Newman said that he is in favor of not having a buffer, knowing that the trucks can't pull in front of restaurants.

A substitute motion made by Mr. Newman and seconded by Ms. Plough to approve the item with the Planning Commission's recommendation, was withdrawn.

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted five (5) to one (1) to give first reading approval to Ordinance No.: 2011-082 – 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. 17-55 Definitions. Voting aye were Mr. Davis, Ms. Devine, Dr. Gergel, Ms. Plough and Mayor Benjamin. Mr. Newman voted nay.

- The ordinance is effective 180-days from second reading approval on December 13, 2011.
- The ordinance will be reviewed again in September 2012.
- A mechanism will be implemented to accept comments regarding the operation of food trucks.

25. **Amend §17-305 – Planned Unit Developments** to modify review process for special exceptions in Planned Unit Development districts.

Ordinance No.: 2011-084 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplementary District Regulations, Sec. 17-305 Planned unit developments – *Approved on first reading.*

No one appeared in support of or in opposition to this item.

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted five (5) to one (1) to give first reading approval to Ordinance No.: 2011-084 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplementary District Regulations, Sec. 17-305 Planned unit developments. Voting aye were Mr. Davis, Ms. Devine, Dr. Gergel, Mr. Newman and Mayor Benjamin. Ms. Plough voted nay.

26. **Amend §17-55 Definitions, §17-258 Table of Uses, and §17-321 Private Dormitory to permit Private Dormitories as a conditional use in the MX-2 zoning district**

Ordinance No.: 2011-085 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplementary District Regulations, Sec. 17-321 Private Dormitory and Sec. 17-258 Table of permitted uses SIC 8811.6 – *Approved on first reading.*

No one appeared in support of or in opposition to this item.

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted unanimously to give first reading approval to Ordinance No.: 2011-085 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplementary District Regulations, Sec. 17-321 Private Dormitory and Sec. 17-258 Table of permitted uses SIC 8811.6.

27. **Amend §17-55 - Definitions and 17-464 Definitions to modify requirements for site plan review approval.**

Ordinance No.: 2011-083 – 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. 17-55 Definitions, Group commercial or industrial development and Group housing development, and Article IV, Subdivisions, Division 1, Generally, housing development, and Article IV, Subdivisions, Division 1, Generally, Sec. 17-464 Definitions, Subdivision development types – *Approved on first reading.*

No one appeared in support of or in opposition to this item.

Upon a motion made by Ms. Plough and seconded by Mr. Newman, council voted unanimously to give first reading approval to Ordinance No.: 2011-083 – 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. 17-55 Definitions, Group commercial or industrial development and Group housing development, and Article IV, Subdivisions, Division 1, Generally, housing development, and Article IV, Subdivisions, Division 1, Generally, Sec. 17-464 Definitions, Subdivision development types.

- **Council adjourned the Zoning Public Hearing at 8:57 p.m.**

## **MUNICIPAL BOUNDARY ADJUSTMENT PUBLIC HEARING**

- **Council opened the Municipal Boundary Adjustment Public Hearing at 8:58 p.m.**
  
- 28. **Adjust corporate boundary to include S/S of Forest Drive (former US Army Reserve Center) and exclude 5133 Forest Drive**

Ordinance No.: 2011-022 – Adjustment to corporate limits, S/S Forest Drive, Richland County TMS #16701-05-01 and 5133 Forest Drive, Richland County TMS #16705-05-11 – *Approved on first reading.*

Upon a motion made by Mayor Benjamin and seconded by Ms. Plaugh, Council voted unanimously to give first reading approval to Ordinance No.: 2011-022 – Adjustment to corporate limits, S/S Forest Drive, Richland County TMS #16701-05-01 and 5133 Forest Drive, Richland County TMS #16705-05-11.

- **Council adjourned the Municipal Boundary Adjustment Public Hearing at 9:00 p.m.**

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

Mr. Jim Mancini inquired about a letter he received regarding the fire station project. He asked if the old maintenance shed is a contributing building.

Ms. Krista Hampton, Director of Planning and Development Services explained that there is a pending request for landmark designation, but the matter has been deferred until January 2012. The structure is currently on the National Register.

Upon a motion made by Mayor Benjamin and seconded by Ms. Devine, Council voted unanimously to go into Executive Session at 9:04 p.m. for the discussion of the employment of an employee and the receipt of legal advice related to pending, threatened or potential claim.

- **Council adjourned the meeting at 9:56 p.m.**

Respectfully submitted by:

Erika D. Moore  
City Clerk