



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
TUESDAY, FEBRUARY 5, 2013
6:00 P.M.
EAU CLAIRE PRINT BUILDING
3907 ENSOR AVENUE

The Columbia City Council conducted a Regular Council Meeting and Public Hearing on Tuesday, February 5, 2013 at the Eau Claire Print Building located at 3907 Ensor Avenue, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:10 p.m. The following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Leona K. Plough, The Honorable Brian DeQuincey Newman, The Honorable Cameron A. Runyan and The Honorable Moe Baddourah. Also present were Ms. Teresa B. Wilson, City Manager and Ms. Erika D. Moore, City Clerk. This meeting was advertised in accordance with the Freedom of Information Act.

PLEDGE OF ALLEGIANCE

INVOCATION

Monsignor Richard D. Harris, Pastor of St. Joseph Catholic Church offered the invocation.

PET OF THE WEEK

Ms. Marli Drum, Superintendent of Animal Services presented Carmen, a 1 year old Carolina Dog mix as the Pet of the Week. Carmen is great with people, dogs and is just a little curious about cats. All adult animals are half price for the entire month of February. All animals are spay/neutered, micro-chipped, vaccinated and wormed. Canines are tested for heartworms and felines are tested for feline leukemia/aids. To view other animals up for adoption, visit www.petfinder.com. For more information, visit the Columbia Animal Shelter at 127 Humane Lane or call (803)776-7387.

ADOPTION OF THE AGENDA

Upon a motion made by Mr. Davis and seconded by Mr. Baddourah, Council voted unanimously to approve the adoption of the agenda as presented.

PUBLIC INPUT RELATED TO AGENDA ITEMS

No one appeared at this time.

APPROVAL OF MINUTES

1. Work Session Minutes of January [8](#), 2013 – *Approved as submitted*
2. Minutes of January [15](#), 2013 – *Approved as submitted.*

Upon a single motion made by Mr. Runyan and seconded by Mr. Baddourah, Council voted unanimously to approve the Work Session Minutes of January 8, 2013 and the Work Session/Regular Meeting Minutes of January 15, 2013.

PRESENTATIONS

2a. **Recognition of Service – Ms. Teresa Wilson, City Manager

Ms. Teresa Wilson, City Manager presented Ms. Leshia Utsey, Public Relations Director with a service pin for 15 years of admirable service to the City of Columbia.

3. 2012 National Night Out Award – Police Chief Randy Scott, Columbia Police Department

Corporal Michael Stover, Columbia Police Department appeared on behalf of Chief Scott and the Columbia Police Department to present the 2012 National Night Out Award to the Mayor, City Council and the citizens of Columbia. The City of Columbia participated in National Night Out in August and won 23rd in the Nation for its kick-off celebration. This event was done in collaboration with the Columbia Police Department, Columbia Council of Neighborhoods, Richland County Neighborhood Coalition and the city's Community Development and Parks and Recreation Departments.

Mayor Benjamin said we have world-class neighborhood associations that make this happen; under the leadership of Mary Baskin Waters, the Columbia Council of Neighborhoods continues to grow; and Tige Watts is widely regarded across the country as a credible neighborhood leader.

4. [Congenital Heart Defect Awareness Week](#) – The Honorable Moe Baddourah

Councilor Baddourah said that congenital heart defects affect 40,000 babies each year. He has a friend whose child was born with a congenital heart defect. He said this is a good time to recognize February 7-14, 2013 as Congenital Heart Defect Awareness Week in the City of Columbia, since it's also Heart Health Month.

5. [The Big Read Proclamation](#) – The Honorable Tameika Isaac Devine

Dr. Charlene Spearen, Humanities Chair at Allen University announced that only seventy-five (75) awards from the 2012/2013 National Endowment for the Arts Big Read Grant were made throughout the United States and Allen University received an award in the amount of \$11,400.00. The Big Read Program is to advance literacy by way of bringing out classics that are normally forgotten. A campus-wide read of Zora Neale Hurston's "Their Eyes Were Watching God" was held in the fall. During March, Allen University will present thirty (30) events in Columbia and the Low County. She introduced Miss Kari Foster and Miss Destiny Swann as students majoring in English and Mrs. Mary Bryant, Administrative Assistant to the Humanities Division at Allen University.

Councilor Devine said everything Allen University is doing goes with the city's One Book and Together We Can Read programs. She asked Dr. Spearen to share the events with the city's Public Relations Director for publication through our networks, as well.

Mayor Benjamin congratulated Dr. Spearen and this wonderful historic university in receiving The Big Read Grant. We want to work with you as a partner in improving literacy levels across South Carolina.

Mayor Benjamin and the members of Council proclaimed March 2013 as The Big Read Month in the City of Columbia.

6. Introductions – Colonel Michael S. Graese, Garrison Commander for Fort Jackson and Command Sergeant Major Ernest R. Lee, Garrison Command Sergeant Major for Fort Jackson

Col. Michael S. Graese, Garrison Commander for Fort Jackson said he met Mr. Baddourah at the Chamber of Commerce and they wanted to introduce themselves to the Mayor and members of Council. He's been here for six (6) months and in the Army for twenty-eight (28) years. He explained that Garrison is a training and doctrine installation that works through an organization called the Installation Management Command, which provides their funding. They appreciate the relationship between local communities and the Garrisons. His family can easily say this is the friendliest place they've ever served at.

CSM Ernest R. Lee, Garrison Command Sergeant Major for Fort Jackson said he is from Freeport, Texas and has been in the military for thirty (30) years.

Mayor Benjamin said we're glad to have you here and we have a very active relationship; we're on the same team and we look forward to continuing to see Fort Jackson thrive under your leadership. We will continue to work here locally and federally in the interest of Fort Jackson.

Councilor Plough thanked Col. Graese and CSM Lee. She said she's delighted that Fort Jackson is a part of District IV, which is the area she represents; we want to continue that relationship and let it grow stronger.

PUBLIC HEARINGS

- Council opened the Public Hearings at 6:43 p.m.

ORDINANCE – FIRST READING

7. [Ordinance No.: 2013-017](#) – Amending Section 9 of the Franchise Agreement between South Carolina Electric & Gas Company (“SCE&G”) and the City of Columbia dated February 20, 2002 and amended February 15, 2011 – *Approved on first reading as amended.*

Mr. Kenneth E. Gaines, City Attorney asked Council to amend the 9th Whereas Clause in the ordinance to read as follows: *Whereas SCE&G will collect the advanced franchise fee of five percent (5%) from City of Columbia customers during the relevant months of calendar year 2013 to reimburse SCE&G for the advance of the five percent (5%) franchise fee funds to the City of Columbia, but at no time shall City of Columbia customers pay the additional two percent (2%) of the franchise fee during such time as the penny sales tax is being collected by Richland County.*

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

Councilor Baddourah said this has been a difficult task, but he’s glad it’s at a point where residents of Columbia do not pay the penny sales tax in addition to the franchise fee.

Councilor Plaugh recalled that this Council previously stated that we would not collect the 2% when and if the penny passed; this reflects the city following through on what it said publicly to its citizens before the vote on the penny sales tax.

Upon a motion made by Mr. Davis and seconded by Mr. Runyan, Council voted unanimously to give first reading approval to Ordinance No.: 2013-017 – Amending Section 9 of the Franchise Agreement between South Carolina Electric & Gas Company (“SCE&G”) and the City of Columbia dated February 20, 2002 and amended February 15, 2011, subject to amending the 9th Whereas Clause in the ordinance to read as follows: *Whereas SCE&G will collect the advanced franchise fee of five percent (5%) from City of Columbia customers during the relevant months of calendar year 2013 to reimburse SCE&G for the advance of the five percent (5%) franchise fee funds to the City of Columbia, but at no time shall City of Columbia customers pay the additional two percent (2%) of the franchise fee during such time as the penny sales tax is being collected by Richland County.*

MAP AMENDMENT – FIRST READING

8. S/S 5100 block Forest Drive, TMS# 16701-05-01 and 16701-05-02; request to rezone from RS-1 to C-2. – **Note:** *This Public Hearing is a continuation from the January 15, 2013 Zoning Public Hearing. – Approved on first reading.*

Council District: 4
Proposal: Rezone property from RS-1 to C-2
Applicant: Private Properties, LLC
PC Recommendation: Approve (4-2) 12/03/12
Staff Recommendation: Approve

Ms. Krista Hampton, Director of Planning and Development Services explained that this Public Hearing was continued from the last meeting at the request of the applicant as they worked with the neighborhood to address concerns. Meetings were held with the neighborhood and the proposed developers of this parcel. This is located at the entrance of Gregg Parkway and it used to belong to Fort Jackson until they divested themselves of certain parcels through a bid process. It is currently zoned RS-1 and it used to be split between the two (2) jurisdictions of Forest Acres and the City of Columbia until there was a boundary adjustment. The western side was C-3 within Forest Acres and the request is to rezone the entire parcel to C-2, which is neighborhood commercial.

Mr. Gerald Wilson, Gregg Park resident appeared in opposition to the Map Amendment, because it is a difficult area to access and it is significantly impacted by the increased traffic. There are currently 14 restaurants in addition to different businesses. He spoke against changing the zoning, primarily because it would be difficult to add much more traffic there without causing significant congestion.

Ms. Helen Zeigler, Gregg Park resident appeared in opposition to the Map Amendment. For the record, she presented photos focusing on the entrance of the neighborhood and the area of the proposed development. She is concerned with protecting this oasis in the city of Columbia and its unique character. She suggested that the area could easily be incorporated into Gregg Park proper as residential. If not, she asked that the developer work closer with the residents to reach written agreements that will help protect the natural character of this neighborhood to include setbacks along the entrance drive, height restrictions, design, density, landscaping/buffer and security.

Mr. Leighton Lloyd, Esq. appeared on behalf of the applicant. He said his client has done everything right with this rezoning. His client has met with the city extensively; they've engaged the best planners; they met with the homeowners association and community; and they entered into an agreement with the homeowners association. The homeowners association unanimously supports this application and this rezoning meets all criteria for the city of Columbia; it's the perfect spot for C-2. He noted that his client has agreed to move the access away from Gregg Park and to include buffers that aren't required by the city.

Mayor Benjamin asked if the access to the property is from Forest Drive.

Mr. Leighton Lloyd, Esq. said it will not be the Gregg Park access; SCDOT approved access closer to 42 Magnolia located at 5150 Forest Drive.

Councilor Devine asked what is exactly being proposed.

Mr. Leighton Lloyd, Esq. said multi-family residential apartments with limited office use. He added that the project is supported by Shandon Baptist Church, the US Army, SCE&G, the neighborhood and the homeowners association. This is the perfect developer for this project. He noted that Bob Mundy has lived in Gregg Park for over twenty (20) years and he is also the developer of 42 Magnolia.

Councilor Devine asked if Gregg Park has a mandatory or voluntary homeowners association.

Mr. Matt Mundy, Private Property, LLC explained that they are a local and primarily multi-family development management company that currently owns and operates 42 Magnolia, which is over twenty (20) years old and has received several recognitions. He said they recently brought Arcadia's Edge off of Trenholm Road on to the market, which also received several recognitions.

Councilor Plough inquired about the buffering along the drive into Gregg Park and keeping it tranquil and natural. She asked if it is possible to place the side yard buffer primarily on one side to provide the feeling of a setback to that drive into Gregg Park.

Ms. Krista Hampton, Director of Planning and Development Services said it depends on the landscaping regulations; we can't hold them to anything greater than that; however, we can use that potentially as an alternative compliance. She noted that a lot of the property seen when you enter Gregg Parkway is owned by the homeowners association.

Councilor Plough stated that the developer has agreed in writing with the homeowners to setback the rear line to 60', when it's normally 25'. She said it's a good ways into the parcel, but what seems to protrude out is a horrible fence looming over the drive that's several feet lower. She suggested that shifting away from the property line and added landscaping on that side would bring additional protection to the site. She asked if the developer would incorporate this within the development plan.

Mr. Matt Mundy, Private Property, LLC said it's on the table and they appreciate landscape buffers. He explained that the Gregg Park entryway sits 10' below their property and there's a tree line that will provide a good buffer to what is being proposed in addition to what they are able to work in.

Councilor Plough asked if the developer would include a shift away from that side, to the degree possible, in the plan.

Mr. Matt Mundy, Private Property, LLC said yes; we'll make best efforts.

Councilor Plough inquired about the steps required to get this multi-family development approved.

Ms. Krista Hampton, Director of Planning and Development Services explained that whenever you have more than four (4) dwelling units on one (1) lot, it requires site plan review by our review staff to ensure that it complies with the regulations and then appearing before our Planning Commission for review and approval.

Councilor Plough asked if there's a review by the Board of Zoning Appeals.

Ms. Krista Hampton, Director of Planning and Development Services said if a variance is needed from any of the requirements that would go to the Board of Zoning Appeals in addition to having the site plan review.

Councilor Plough asked the developer to outline any variances.

Mr. Matt Mundy, Private Property, LLC said they will apply for an exception for multi-family residential as well as a parking variance.

Ms. Krista Hampton, Director of Planning and Development Services added that the parking requirements for multi-family are excessive.

Councilor Plough asked about curb cuts and how they will deal with traffic.

Mr. Matt Mundy, Private Property, LLC said they've dealt closely with SCDOT and traffic engineers that performed a traffic study on the site who have said there is little to no traffic impact on Forest Drive. He noted that they have written approval for a curb cut closer to 42 Magnolia and farther from Gregg Park on Forest Drive to help alleviate traffic and limit access to the Gregg Park entry.

Ms. Krista Hampton, Director of Planning and Development Services said the city's Traffic Engineer will review the information and make a recommendation as part of the site plan review team.

Mayor Benjamin asked about the height of the trees on the property owned by the homeowners association.

Mr. Bob Mundy, Private Property, LLC said 20' to 30'.

Councilor Davis asked if the trees are all pine. He inquired about the thinning of the trees.

Mr. Bob Mundy, Private Property, LLC said the Gregg Park entry is a combination of pine, magnolias and other trees. He said it's thinning from the winter months.

Ms. Krista Hampton, Director of Planning and Development Services noted that all aerials are taken in January in order to see the buildings.

Mayor Benjamin asked the developer to outline other measures they've taken that were above and beyond the requirements.

Mr. Matt Mundy, Private Property, LLC said they agreed to turn their back to the entryway and not access that by working closely with SCDOT for a variance; they did a 60' rear buffer; and they worked with them to do predominantly multi-family with a small portion of office, because they may want to locate our office there.

Mr. Bob Mundy, Private Property, LLC said that the front of 42 Magnolia is well buffered with evergreen and they intend to work with the buffer on their side of the property, as well as ours to ensure it is thick. He resides in Gregg Park and wants it to be pedestrian friendly. He noted that 95% of the concerns were with traffic and they didn't want windows facing the rear property line, which is the amenities area.

Councilor Plough asked the developer to address the concerns with height.

Mr. Bob Mundy, Private Property, LLC said they will be in the 40' to 50' range. He noted that there are currently 3-story houses throughout Gregg Park.

Mayor Benjamin asked if it would be wood or steel construction.

Mr. Bob Mundy, Private Property, LLC replied wood.

Mr. Toby Ward, Esq. appeared on behalf of the Gregg Park Homeowners Association, which is a mandatory membership homeowners association. He said there are almost 250 homes in Gregg Park and the association is governed by a 9-member Board of Directors that authorized Mr. Koon to work this situation out. There was a general meeting of the homeowners with Mr. Mundy and additional meetings were scheduled with Mr. Koon, the developer and Mr. Ward to resolve the concerns of homeowners. We assign a lot of significance to other projects that this developer has constructed. The developer's attorney certified that the developer's contract with Fort Jackson could not be flipped and then we came to a written understanding with the developer, which has been executed. He stated that deed restrictions will be placed on the property at the time of closing. This will be a multi-family residential development with limited office; the developer has agreed to abandon, close out and deed the easement back to the homeowners association henceforth there will be no access to this property from the Gregg Park entranceway; the property will be accessed from the entrance being developed closed to 42 Magnolia; the 60' setback to the rear with no residential windows protects the privacy of residents using the tennis courts and the swimming pools; the back parameter will be secured with fencing and/or vegetation to provide a solid buffer; and the developer will continue to work with the homeowners association as issues will invariably arise during development.

Mr. Chris Koon, President of the Gregg Park Homeowners Association said they feel very good about this outcome and regret that they weren't able to get every resident on board. Their concerns are valid, but we think we've addressed the major concerns of the neighborhood. It's important that Mr. Mundy is a resident of Gregg Park and has invested on both sides of the property. We look forward to working with him and we encourage you to support the rezoning.

Councilor Devine inquired about the homeowner's association process; was it a general membership meeting for all families to come and listen.

Mr. Chris Koon, President of the Gregg Park Homeowners Association said yes; in early January we held a neighborhood meeting and it was open to every resident. He said a lot of issues were raised and his impression was that the vast majority of the concerns were about access to the property and tying up the entrance to Gregg Park. The board of directors did vote unanimously to agree to the arrangement that we were able to work out.

Councilor Devine asked if that agreement has been shared with the other members of the neighborhood; are they aware of what has been agreed to.

Mr. Chris Koon, President of the Gregg Park Homeowners Association said the information was distributed through their listserv. He noted that all communications encouraged residents to contact him with any questions or concerns and he shared all materials that were requested.

▪ **Council closed the Public Hearings at 7:24 p.m.**

Councilor Plough explained that she supports the Map Amendment, because many of the issues that have been raised can be worked through as this project moves forward; there is an openness to make this the very best it can be; and the proposal is the highest and best use for this parcel.

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 S/S 5100 block Forest Drive, TMS# 16701-05-01 and 16701-05-02; request to rezone from RS-1 to C-2. Mr. Newman was not present for the vote.

Mayor Benjamin encouraged staff to continue working with the developer and the neighbors who raised questions, as well.

OTHER MATTERS

9. [Neighborhood Street Lighting Requests](#) - *Approved*

Neighborhoods Listed by Priority	Existing Lights	Requested Lights	Current Lease Cost / Annually	Increased Amount	Total Year to Date
816 S. Woodrow Street	3	1	\$356.76	\$118.92	\$17,349.96

Upon a motion made by Mr. Baddourah and seconded by Ms. Devine, Council voted unanimously to approve the Neighborhood Street Lighting Request for 816 S. Woodrow Street. Mr. Newman was not present for the vote.

CONSENT AGENDA

Councilor Devine inquired about the policy to purchase hybrids when available.

Mr. David Knoche, Director of General Services explained that **Item 10** is for pursuit vehicles that will be used with canines and there is not a pursuit hybrid.

Upon a single motion made by Mr. Davis and seconded by Mr. Runyan, Council voted unanimously to approve the **Consent Agenda Items 10** through **24**. Mr. Newman was not present for the vote.

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

10. Council is asked to approve the [Purchase of Two \(2\) Chevrolet Tahoe Pursuit Vehicles](#), as requested by the Police Department. Award to Love Chevrolet Company, using the SC State Contract in the amount of \$57,140.00. This vendor is located in Columbia, SC. *Funding Source: Confiscated Funds-DEA/Auto, Trucks, Heavy Equipment-Capital, 2042412-658500 – **Note:** Light siren package has been added to the vehicle. – Approved*
11. Council is asked to [approve the remaining balance of \\$145,815.00 as requested by the Solicitor's Office](#) for the two (2) Special City Prosecutors and one (1) CDV Prosecutor in the total amount of \$215,817.00. *Funding Source: FY 2012 / 2013 General Fund Budget – **Note:** In December 2012, Council approved \$70,000.00 for the continuation of the Special City Prosecutor position. - Approved*

ORDINANCE – SECOND READING

12. [Ordinance No.: 2012-103](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V. Water and Sewer Rates, Sec. 23-146 Fire hydrant, fire protection and sprinkler system charges (g) – *First reading approval was given on January 15, 2013. – Approved on second reading.*
13. [Ordinance No.: 2013-015](#) – Granting a Franchise to Regina Doster and Kylin Doster d/b/a Carolina Dawgs for operation of a stationary sidewalk vending cart within the mid-block pad near 1333 Main Street – *First reading approval was given on January 15, 2013. – Approved on second reading.*

ANNEXATION WITH MAP AMENDMENT – SECOND READING

14. [100 Sparkleberry Crossing Road](#), TMS# 25705-07-32; request to annex and zone the property C-3 (General Commercial). The property is zoned GC (General Commercial) in Richland County. – *First reading approval was given on January 15, 2013. – Approved on second reading.*

Council District: 4
Proposal: Annex and zone property C-3. Primary Area
Applicant: SC Federal Credit Union
PC Recommendation: Approve C-3 zoning (7-0) 11/05/12
Staff Recommendation: Approve

[Ordinance No.: 2013-006](#) – Annexing 100 Sparkleberry Crossing Road Richland County TMS #25705-07-32 – *First reading approval was given on January 15, 2013. – Approved on second reading.*

15. [931 Spears Creek Court](#), TMS# 28802-02-05; request to annex and zone the property M-1 (Light Industrial). The property is zoned M-1 (Light Industrial) in Richland County. – *First reading approval was given on January 15, 2013. – Approved on second reading.*

Council District: 4
Proposal: Annex and zone property M-1. Primary Area
Applicant: Columbia Valued Partners, LLC
PC Recommendation: Approve M-1 zoning (7-0) 11/05/12
Staff Recommendation: Approve

[Ordinance No.: 2013-008](#) – Annexing 931 Spears Creek Court Richland County TMS #28802-02-05 – *First reading approval was given on January 15, 2013. – Approved on second reading.*

16. [7008 Eugene Street](#), TMS# 16414-03-17; request to annex and zone the property C-3 (General Commercial). The property is zoned GC (General Commercial) in Richland County. – *First reading approval was given on January 15, 2013. – Approved on second reading.*

Council District: 3
Proposal: Annex and zone property C-3. Primary Area
Applicant: The Toy Box One, LLC
PC Recommendation: Approve C-3 zoning, (7-0) 11/05/12
Staff Recommendation: Approve

[Ordinance No. 2013-003](#) – Annexing 7008 Eugene Street, Richland County TMS # 16414-03-17 – *First reading approval was given on January 15, 2013. – Approved on second reading.*

17. **841 Sparkleberry Crossing Road**, TMS# 25705-07-31; request to annex and zone the property C-3 (General Commercial). The property is zoned GC (General Commercial) in Richland County. – *First reading approval was given on January 15, 2013. – Approved on second reading.*
- Council District: 4
 Proposal: Annex and zone property C-3. Contiguous, Primary Area
 Applicant: Sparkleberry Lot 4, LLC
 PC Recommendation: Approve M-1 zoning (6-0) 12/03/12
 Staff Recommendation: Approve
- Ordinance No.: 2013-007** – Annexing 841 Sparkleberry Crossing Road Richland County TMS #25705-07-31 – *First reading approval was given on January 15, 2013. – Approved on second reading.*
18. **1001 Clemson Frontage Road**, TMS# 25608-01-39; request to annex and zone the property C-3 (General Commercial). The property is zoned GC (General Commercial) in Richland County. – *First reading approval was given on January 15, 2013. – Approved on second reading.*
- Council District: 4
 Proposal: Annex and zone property C-3. Contiguous, Primary Area
 Applicant: Waffle House, Inc.
 PC Recommendation: Approve C-3 zoning (6-0) 12/03/12
 Staff Recommendation: Approve
- Ordinance No.: 2013-005** – Annexing 1001 Clemson Frontage Road Richland County TMS #25608-01-39 – *First reading approval was given on January 15, 2013. – Approved on second reading.*
19. **3819 Prentice Avenue, 3817 Prentice Avenue, 3815 Prentice Avenue, and 322 South Kilbourne Road**, TMS# 13805-08-02; request to annex and zone the property RS-3 (Single Family-Residential). The property is zoned RS-HD (Single Family Residential – High Density) in Richland County – *First reading approval was given on January 15, 2013. – Approved on second reading.*
- Council District: 3
 Proposal: Annex and zone property RS-3. Contiguous, Secondary Area
 Applicant: Floyd T. Deary, III & Daneille C. Rea-Deary
 PC Recommendation: Approve RS-HD zoning (6-0) 12/03/12
 Staff Recommendation: Approve

[Ordinance No.: 2013-002](#) – Annexing 3819 Prentice Avenue, 3817 Prentice Avenue, 3815 Prentice Avenue and 322 South Kilbourne Road, Richland County TMS #13805-08-02 – *First reading approval was given on January 15, 2013. – Approved on second reading.*

CASES WITH MAP AND TEXT AMENDMENTS – SECOND READING

20. **A. ([Map Amendment](#)): [Seminary Ridge Architectural Conservation District](#), TMS#09210-05-01 through 05, 09210-05-07, 09210-05-12, 09210-05-18, 09210-05-19, 09211-07-02, 09211-07-4, 09211-08-01, 09211-08-02, 09211-09-01, 09211-10-01 through 09211-10-12, 09212-07-08 through 09212-07-12, 09214-01-01 through 09214-01-10, 09214-02-01 through 09214-02-05, 09214-02-07 through 09214-02-12, 09215-01-01 through 09215-01-12, 09215-02-01 through 09215-02-05, 09215-03-01 through 09215-03-06, 09215-04-01 through 09215-04-08, 09215-05-01 through 09215-05-14, 09215-06-01, 09215-06-02, 09215-06-06, 09215-06-09, 09215-07-01 through 09215-07-04, 09215-17-01, 09215-18-01 through 09215-18-11, 09215-19-01 through 09215-19-05, 09215-19-07, 09215-20-01, 09215-21-01 (partial), 09215-22-01 through 09215-22-06, 09216-08-48 through 09216-08-54, 09216-08-56 through 09216-08-60, 09216-08-63 through 09216-08-66, 09216-09-01 through 09216-09-04, 09216-10-01 through 09216-10-04, 09216-10-06 through 09216-10-10, 09216-11-01 through 09216-11-04, 09216-12-01 through 09216-12-07; request to add –DP (Design Preservation) overlay to existing. – *First reading approval was given on January 15, 2013. – Approved on second reading.***

Council District: 1
Proposal: Rezone to add –DP overlay to all existing zoning classifications.
Applicant: Krista M. Hampton, Director of Planning and Development Services
PC Recommendation: Approve (5-3) 11/05/12
DDRC Recommendation: Approve (6-0) 10/11/12
Staff Recommendation: Approve

B. ([Text Amendment](#)) Amend §17-681(b) Districts identified to add Seminary Ridge as an Architectural Conservation District.

Proposal: Amend §17-681(b) Districts identified, to add Seminary Ridge as an Architectural Conservation District
Applicant: Krista M. Hampton, Director of Planning and Development Services
PC Recommendation: Approve (5-3) 11/05/12
DDRC Recommendation: Approve (6-0) 10/11/12
Staff Recommendation: Approve

[Ordinance No.: 2013-001](#) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article V, Historic Preservation and Architectural Review, Division 3, Landmarks and Design Protection Districts, Sec. 17-681 Districts identified (b) Architectural conservation district to add (8) – *First reading approval was given on January 15, 2013. – Approved on second reading.*

MAP AMENDMENT – SECOND READING

21. [2005 Heidt Street and 2012 Henry Street](#), TMS# 11505-13-05 and -10; request to rezone from RG-2 to RG-1 – *First reading approval was given on January 15, 2013. – Approved on second reading.*
- Council District: 2
Proposal: Rezone property from RG-2 to RG-1
Applicant: Second Nazareth Baptist Church
PC Recommendation: Approve (6-0) 12/03/12
Staff Recommendation: Approve

TEXT AMENDMENTS – SECOND READING

22. [Amend §17-290 Microbrewery](#) to modify conditions under which a microbrewery is permitted within C-3, MX-1, and MX-2 districts.
- Proposal: **Amend §17-290 Microbrewery** conditional use standards
Applicant: Krista M. Hampton, Director of Planning and Development Services
PC Recommendation: Approve (8-0) 11/05/12
Staff Recommendation: Approve

[Ordinance No.: 2013-010](#) – 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, Sec. 17-290 Microbrewery – *First reading approval was given on January 15, 2013. – Approved on second reading.*

23. [Amend §17-305 Planned Unit Development](#) – to clarify private dormitory permissibility within the Bull Street PUD.
- Proposal: **Amend §17-305 Planned Unit Development** to amend language within the PUD section of the ordinance.
Applicant: Krista M. Hampton, Director of Planning and Development Services
PC Recommendation: Approve (8-0) 11/05/12
Staff Recommendation: Approve

[Ordinance No.: 2013-011](#) – Amending the 1998 Code of Ordinance 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 (a) Generally – *First reading approval was given on January 15, 2013. – Approved on second reading.*

24. [Amend §17-258 Table of Permitted Uses Division J. Public Administration, 921](#) to permit courts in the M-1 zoning district.

Proposal:	Amend §17-258 Table of Permitted Uses Division J. Public Administration, 921 to permit courts in the M-1 zoning district.
Applicant:	K. Brian Cook, Zoning Administrator
PC Recommendation:	Approve (8-0) 11/05/12
Staff Recommendation:	Approve

[Ordinance No.: 2013-009](#) – Amending the 1998 Code of Ordinance 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, Sec. 17-258 Table of permitted uses, SIC 921 Courts – *First reading approval was given on January 15, 2013. – Approved on second reading.*

MAP AMENDMENT – SECOND READING

25. [3504 and 3512 Devine Street](#), TMS# 13808-15-02 and 13808-15-04; request to rezone from PUD-R with CC-1 overlay to C-1 without CC-1 overlay. – *First reading approval was given on January 15, 2013. – Approved on second reading.*

Council District:	3
Proposal:	Rezone property from PUD-R with CC-2 overlay to C-1 without CC1 overlay
Applicant:	JSC Architects for Bishop of Charleston
PC Recommendation:	Approve (6-0) 12/03/12
Staff Recommendation:	Approve

Ms. Krista Hampton, Director of Planning and Development Services explained that this is a request to rezone property from PUD-R with the CC1 overlay to C-1 without the CC1 overlay. She clarified that CC1 overlay is the community character measures that apply to parcels used or zoned residentially; these parcels are neither. The property is sandwiched between C-1 parcels. The request is to take all of the properties and zone them consistently as C-1 to allow for its redevelopment.

Mr. Sam Waters, Co-President of the Historic Heathwood Neighborhood Association said several years ago they had a major change in their neighborhood with the development of the Shandon United Methodist Church and the simultaneous demolition and reconstruction of Dreher High School. He said a number of issues were raised during the course of those two projects to include traffic, buffers, lighting, scheduling and other concerns. He recalled that Adger Road provided the entrance to Dreher High School and

the neighbors were concerned with school buses and cars coming through the interior streets of the neighborhood. He acknowledged that the planning committee of St. Joseph's Church did contact them about their plans. We have a sincere interest in ensuring that the beauty and character of our neighborhood is preserved and its desirability is maintained from now on. He referenced a letter from Ernie Nauful as the chair of the planning committee, which addresses many of their concerns.

Councilor Baddourah stated that he has no doubt that the church will do the right thing. He noted that District III residents, including the Shandon Neighborhood, have no problems with the rezoning matter.

Ms. Salley Williamson said that as an owner of some historic homes, this is an emotional moment. She bought the house at 3505 Devine Street and did extensive work. She feels that she contributed to this community and she is thanked by complete strangers for helping making this corridor better. She looks forward to being a part of the group that will work with the church. She expressed concerns about the square footage of buildings on Devine Street and keeping the neighborhood as special as it is.

Ms. Carolyn Evans said her family has lived in the same house on Devine Street for 90 years. She asked the developer to do as good a job with this building as they did with adding on to the school. She said it's beautiful and the church is beautiful.

Mr. Ernie Nauful said they have a common interest with Shandon and Heathwood to maintain the integrity and preserve the character of the neighborhood.

Councilor Runyan said the way this worked out represents some of the best of our city when you have two parties that were at odds and then sat down to share their concerns and work through the difficult issues.

Councilor Plough said thank you for loving this city and for loving your neighborhood. She said the church loves this community as well. She spent time talking with individuals on Devine Street and the leadership of the Heathwood Neighborhood Association and couldn't be prouder with how the church has responded.

Upon a motion made by Mr. Baddourah and seconded by Mr. Runyan, Council voted unanimously to give first reading approval to the *Map Amendment for [3504 and 3512 Devine Street](#)*, TMS# 13808-15-02 and 13808-15-04; request to rezone from PUD-R with CC-1 overlay to C-1 without CC-1 overlay.

ORDINANCES – FIRST READING

26. [Ordinance No.: 2013-018](#) – Repealing encroachment ordinance 2011-042 granted to Mezza Bistro for five (5) tables; ten (10) chairs; two umbrellas; and two (2) planters for outdoor dining at 701 Gervais Street, Suite 110 – *Approved on first reading.*

Councilor Devine asked why the encroachment is being repealed.

Mayor Benjamin stated that the business was sold and they requested the repeal.

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to give first reading approval to Ordinance No.: 2013-018 – Repealing encroachment ordinance 2011-042 granted to Mezza Bistro for five (5) tables; ten (10) chairs; two umbrellas; and two (2) planters for outdoor dining at 701 Gervais Street, Suite 110.

RESOLUTIONS

Upon a single motion made by Mr. Davis and seconded by Mr. Newman, Council voted unanimously to approve **Items 27** through **29**.

27. [Resolution No.: R-2013-008](#) – Authorizing consumption of beer and wine at the River Rocks at the Columbia Canal Park - *Approved*
28. [Resolution No.: R-2013-009](#) – Authorizing consumption of beer and wine beverages only at Mardi Gras Festival at City Roots - *Approved*
29. [Resolution No.: R-2013-012](#) – Authorizing consumption of beer and wine only at Frame of Mind's First Thursdays on Main in the 1400, 1500 and 1600 blocks of Main Street and Boyd Plaza - *Approved*
30. Resolution No.: R-2013-010 – Adopting City of Columbia Police Department's Emergency Vehicle Operation and Motor Vehicle Pursuit Policy - *Consideration of this item was deferred.*
31. Resolution No.: R-2013-011 – Adopting City of Columbia Response to Resistance Policy - *Consideration of this item was deferred.*
32. [Resolution No.: R-2013-018](#) – Authorizing operation of Soda City, an open-air market featuring farmers and food within the parking spaces only of the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas, and authorizing the outdoor consumption and possession of beer and wine beverages only at the Soda City Market within the parking spaces only of the 1500 block of Main Street between Hampton Street and Taylor Street, excluding Boyd Plaza and the sidewalk areas, and authorizing the City Manager to execute an Agreement between the City of Columbia and Emile DeFelice for use of the parking spaces only of the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas for Soda City - *Approved as amended to exclude the outdoor consumption and possession of beer and wine beverages.*

Upon a motion made by Mr. Runyan and seconded by Mr. Newman, Council voted unanimously to approve Resolution No.: R-2013-018 – Authorizing operation of Soda City, an open-air market featuring farmers and food within the parking spaces only of the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas and authorizing the City Manager to execute an Agreement between the City of Columbia and Emile DeFelice for use of the parking spaces only of the 1500 block of Main Street excluding Boyd Plaza and the sidewalk areas for Soda City, as amended to restrict the outdoor consumption and possession of beer and wine beverages.

CITY COUNCIL COMMITTEE REPORTS

Upon a motion made by Ms. Plough and seconded by Ms. Devine, Council voted unanimously to refer a request from the Lake Katherine Homeowners Association regarding sediment removal to the Environment and Infrastructure Committee for review and recommendation to Council.

Councilor Baddourah reported that the Public Safety Committee met last week and discussed the RAIDS Online Program and the benefits to the neighborhood. They also discussed traffic roundabouts for Five Points and would like to encourage staff to look at other traffic calming measures. He asked that the Public Safety Committee look at what we have in place for neighborhood watch programs and have that communicated to neighborhoods. He asked if the committee should review Resolutions 2013-010 and 011.

Ms. Teresa Wilson, City Manager suggested that Administration work with staff and then refer it to the committee, if needed.

Councilor Baddourah asked for an update on the Police Department's statistics from last year and to date.

Mayor Benjamin said that a lot of neighborhood watch programs have come and gone, but folks are always looking for ways to get them restarted. He suggested that the Police Department clarify how we can help further that through our efforts. He noted that no issues should start in the committee; they all must come to Council first.

Upon a motion made by Mr. Baddourah and seconded by Mr. Davis, Council voted unanimously to refer a presentation of Police Department statistics from 2012 through the 2nd quarter of 2013 and an update on neighborhood watch programs to the Public Safety Committee.

Upon a motion made by Ms. Devine and seconded by Mr. Davis, Council voted unanimously to refer the acceptance of information regarding the furtherance of our Fats Oil and Grease (FOG) programs with residential customers to the Environment and Infrastructure Committee.

Ms. Teresa Wilson, City Manager sought clarification from Mr. Runyan on the status of the Arts and Historic Preservation Committee’s hospitality tax recommendations that were provided to City Council.

Councilor Runyan said they are still working through the recommendations.

APPEARANCE OF THE PUBLIC

No one appeared at this time.

Upon a motion made by Mr. Davis and seconded by Mr. Baddourah, Council voted unanimously to adjourn the meeting at 7:58 p.m.

Respectfully submitted by:

Erika D. Moore
City Clerk

Meeting Dates	Type of Meeting	Meeting Times
February 12, 2013	Finance, Audit and Budget Committee Meeting <i>Lincoln Street Parking Garage – 820 Washington Street</i>	9:00 a.m.
February 19, 2013	Work Session <i>Eau Claire Town Hall – 3905 Ensor Avenue</i>	2:00 p.m.
	Council Meeting <i>Eau Claire Print Building – 3907 Ensor Avenue</i>	6:00 p.m.
February 26, 2013	Arts & Historic Preservation Committee Meeting <i>Lincoln Street Parking Garage – 820 Washington Street</i>	11:00 a.m.
	Economic & Community Development Committee Meeting <i>Lincoln Street Parking Garage – 820 Washington Street</i>	2:00 p.m.
March 5, 2013	Work Session <i>Eau Claire Town Hall – 3905 Ensor Avenue</i>	2:00 p.m.
March 19, 2013	Council Meeting <i>Eau Claire Print Building – 3907 Ensor Avenue</i>	6:00 p.m.