



CITY OF COLUMBIA
CITY COUNCIL
ZONING PUBLIC HEARING MINUTES
WEDNESDAY, SEPTEMBER 13, 2006
10:00 A.M.
CITY COUNCIL CHAMBERS
1737 MAIN STREET

The City of Columbia City Council conducted a Zoning Public Hearing on Wednesday, September 13, 2006 in the City Hall Council Chambers located at 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 10:01 a.m. The following members of City Council were present: The Honorable E.W. Cromartie, II, The Honorable Anne M. Sinclair, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann and The Honorable Kirkman Finaly III. The Honorable Sam Davis arrived at 10:37 a.m. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

Mr. Charles P. Austin, Sr., City Manager recognized the Columbia Police Department's Executive Leadership Class participants. They are observing today's meeting as part of their training.

PRESENTATIONS

1a. **Request for Funding – Ms. Coralee Harris, Columbia City Ballet

Ms. Coralee Harris, Columbia City Ballet Board of Directors, requested funding in the amount of \$300,000 to cover budgetary shortfalls caused by debt incurred during the production of Jonathan Green's Off the Wall and Onto the Stage. She asked the City Council to consider funding one ballet company and to consider funding the Columbia City Ballet as a line item in the annual budget. She requested an assurance that the organization will meet its \$34,000 payroll on October 11, 2006 and that a meeting will be scheduled with staff.

Dr. Linda Mason, Columbia City Ballet Board of Directors, explained that it took a lot of money to turn Jonathan Green's art into a form of ballet. She encouraged Council to not miss this opportunity to serve so many children and adults.

Mayor Robert D. Coble stated that he attended a Columbia City Ballet board meeting and talked to a lot of folks. He asked them to be honest and lay their cards on the table. He would like to see us work with the ballet to continue this fine organization. He said that we needed the financial information and that City staff needed to be involved with the review process.

Councilor Cromartie said that it was necessary for the organization to engage all of the Council members in the discussion so they can better understand the dilemma and collectively find a solution.

Councilor Rickenmann asked how many of the silk screen prints were left and offered to help push the sales of those prints at a reduced cost.

An unidentified individual reported that there are sixty prints remaining, but the sales have fallen off. She further explained that the prints could not be sold at a lesser price, because of their agreement with Jonathan Green. He stated that this is an emergency situation and that they needed \$100,000 immediately.

Councilor Devine said that she is supportive of the ballet and that she is in favor of the City Manager letting staff work with the organization to find a solution. She noted that the City of Columbia is also facing budgetary constraints and encouraged them to rely upon other sources. Councilor Finlay stated that his Aunt Caroline was an ambassador for the Columbia City Ballet. He said that this is a fiduciary responsibility. He pointed out that the emergency funding and the future funding of the organization as a line item were being confused. He suggested that they deal with the emergency funding situation first, noting that the City of Columbia doesn't have the money and that demands from large organizations for Hospitality Tax funding continue to grow. He said that he would be supportive of looking at obtaining small loans from several banks. He volunteered to make a few phone calls, but asked that they not expect it to work immediately. He is uncomfortable with being in this position.

Councilor Sinclair said that she is very supportive of the ballet. She said that this is a seasonal organizational and explained that other organizations are included in the City's budget as line items, because of contractual obligations. She said that they must be realistic and encouraged them to look at their budget.

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to direct staff to meet with the Columbia City Ballet Board of Directors to review the current budgetary emergency and possible solutions. The Board of Directors was directed to invite the members of Council to meet with them. Council requested a report back from staff on September 20, 2006.

1. Review of Process and Guidelines for Hospitality Tax – Ms. Libby Gober, Ombudsman

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to approve the Process and Guidelines for Hospitality Tax funding as amended. The major change is the addition of a penalty to organizations that submit applications for funding after the advertised deadline.

Ms. Shirley Dilbert, Parks and Recreation, reported that the Dancing in the Streets event held on August 25, 2006 on was a great success. This event was held on Main Street.

ZONING PUBLIC HEARING

- **Council opened the Zoning Public Hearing at 10:35 a.m.**

CONFIRM ZONING OF PREVIOUSLY ANNEXED PROPERTY- FIRST READING

2. 6825 Pennington Road, TMS# 16407-07-02; confirm M-1 zoning. – *Approved on first reading.*

No one appeared in support of or in opposition to the request.

Upon motion by Mr. Finlay, seconded by Ms. Devine, Council voted unanimously to give first reading approval to Confirm the Zoning of Previously Annexed Property located at 6825 Pennington Road, TMS# 16407-07-02; confirm M-1 zoning. Mr. Cromartie was not present for the vote.

ANNEXATION WITH MAP AMENDMENTS/REZONINGS – FIRST READING

3. E/S Scotch Pine Road, TMS# 22004-01-01, 12, 13, 15, 16, 17, 18 and 23 (p); annex and rezone from RS-HD (Residential, Single-Family—High Density, Richland County) to PUD-R (Planned Unit Development-Residential). – *Approved on first reading.*

Ordinance No.: 2006-072 – Annexing 3.5 +/- acres, E/E Scotch Pine Road, Richland County TMS# 22004-01-38 (f/k/a 22004-01-023 (portion) – *Approved on first reading.*

No one appeared in support of or in opposition to the request.

Upon motion by Ms. Devine, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval on a single motion to the Map Amendment / Rezoning of property located at E/S Scotch Pine Road, TMS# 22004-01-01, 12, 13, 15, 16, 17, 18 and 23 (p); annex and rezone from RS-HD (Residential, Single-Family—High Density, Richland County) to PUD-R (Planned Unit Development-Residential) **and** Ordinance No.: 2006-072 – Annexing 3.5 +/- acres, E/E Scotch Pine Road, Richland County TMS# 22004-01-38 (f/k/a 22004-01-023 (portion). Mr. Cromartie was not present for the vote.

- **Mr. Davis joined the meeting at 10:37 a.m.**

4. 927 South Stadium Road, TMS# 11206-06-21; annex and rezone from M-1 (Light Industrial, Richland County) to PUD-C (Planned Unit Development-Commercial). – *Approved on first reading.*

Ordinance No.: 2006-071 – Annexing 927 S. Stadium Road, Richland County TMS# 11206-06-21 - *Approved on first reading.*

No one appeared in support of or in opposition to the request.

Upon motion by Ms. Sinclair, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval on a single motion to the Map Amendment / Rezoning of property located at 927 South Stadium Road, TMS# 11206-06-21; annex and rezone from M-1 (Light Industrial, Richland County) to PUD-C (Planned Unit Development-Commercial) **and** Ordinance No.: 2006-071 – Annexing 927 S. Stadium Road, Richland County TMS# 11206-06-21

MAP AMENDMENTS / REZONING- FIRST READING

5. Wheeler Hill PUD II; E/S Rice Street, 1509 Rice Street, 1603 Rice Street, 1605-1607 Rice Street, 1611 Rice Street, 1613 Rice Street, 1615 Rice Street, 419 Henderson Street, 421 Henderson Street, 423 Henderson Street, 425 Henderson Street, 312 Pickens Street, 314 Pickens Street, 318 Pickens Street, 401 Pickens Street, 405 Pickens Street, 407 Pickens Street, 409 Pickens Street, 411 Pickens Street 416 Pickens Street, 426 Pickens Street, NX 400 Calway Alley, 418 Calway Alley, NX 418 Calway Alley, 423 Calway Alley, 424 Calway Alley, NX 424 Calway Alley, 425 Calway Alley, 427 Calway Alley, NX 427 Calway Alley, N/S Phelps Street, N/S Catawba Street, TMS#11304-13-29, 11307-12-09, 11307-13-01, 03, 04, 05, 06, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 30, 11307-14-02, 03, 04, 05, 06, 07, 11307-18-05, 11307-19-01, 06, 07, 08; rezone from RG-2 and C-1 to PUD-R. – *Approved on first reading.*

No one appeared in support of or in opposition to the request.

Upon motion by Ms. Sinclair, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the Map Amendment and Rezoning of property located at Wheeler Hill PUD II; E/S Rice Street, 1509 Rice Street, 1603 Rice Street, 1605-1607 Rice Street, 1611 Rice Street, 1613 Rice Street, 1615 Rice Street, 419 Henderson Street, 421 Henderson Street, 423 Henderson Street, 425 Henderson Street, 312 Pickens Street, 314 Pickens Street, 318 Pickens Street, 401 Pickens Street, 405 Pickens Street, 407 Pickens Street, 409 Pickens Street, 411 Pickens Street 416 Pickens Street, 426 Pickens Street, NX 400 Calway Alley, 418 Calway Alley, NX 418 Calway Alley, 423 Calway Alley, 424 Calway Alley, NX 424 Calway Alley, 425 Calway Alley, 427 Calway Alley, NX 427 Calway Alley, N/S Phelps Street, N/S Catawba Street, TMS#11304-13-29, 11307-12-09, 11307-13-01, 03, 04, 05, 06, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 30, 11307-14-02, 03, 04, 05, 06, 07, 11307-18-05, 11307-19-01, 06, 07, 08; rezone from RG-2 and C-1 to PUD-R, subject to (1) incorporating the site plan for the northern green space, and (2) working with staff to resolve staff comments.

6. W/S Atlas Road, 16307-05-03 and the entire width of that portion of the I-77 ROW immediately adjacent to TMS#16307-05-02, 16307-05-03, 16306-02-04, 16306-02-01, and Atlas Road, excluding the ACL Railroad ROW/easement generally parallel to Rockwood Road, stopping at the City limits (generally the southern boundary of the ACL Railroad ROW/easement shown on TMS 16305); rezone from D-1 to M-1. – *Approved on first reading.*

No one appeared in support of or in opposition to the request.

Upon motion by Ms. Sinclair, seconded by Mr. Cromartie, Council voted unanimously to give first reading approval to the Map Amendment / Rezoning of property located at W/S Atlas Road, 16307-05-03 and the entire width of that portion of the I-77 ROW immediately adjacent to TMS#16307-05-02, 16307-05-03, 16306-02-04, 16306-02-01, and Atlas Road, excluding the ACL Railroad ROW/easement generally parallel to Rockwood Road, stopping at the City limits (generally the southern boundary of the ACL Railroad ROW/easement shown on TMS 16305); rezone from D-1 to M-1.

7. 404 Wildwood Avenue, TMS# 09211-15-02; rezone from RS-1 to PUD-R. – *Approved on first reading.*

No one appeared in support of or in opposition to the request.

Upon motion by Mr. Rickenmann, seconded by Mr. Cromartie, Council voted unanimously to give first reading approval to the Map Amendment / Rezoning of property located at 404 Wildwood Avenue, TMS# 09211-15-02; rezone from RS-1 to PUD-R.

8. 912 South Edisto Avenue, TMS# 11211-02-12; rezone from M-1 to PUD-R. – *Approved on first reading.*

No one appeared in support of or in opposition to the request.

Councilor Finlay directed the Planning Department to work hard to ensure that both residential and commercial developments thrive in this area.

Councilor Rickenmann directed staff to ensure that old and new residents understand that this is industrial property.

Upon motion by Ms. Sinclair, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the Map Amendment / Rezoning of property located at 912 South Edisto Avenue, TMS# 11211-02-12; rezone from M-1 to PUD-R, provided (1) minor and major changes shall be defined as § 17-305 (10) (a).(b.), (2) signage to be in accordance with C-1 zoning requirements, and (3) usage to be in accordance with C-1 zoning requirements with one operator only.

9. 1351 Jim Hamilton Boulevard and 1100 South Holly Street, TMS# 13702-01-30(p) and 13703-01-01A (p); rezone from M-1 and PUD-C to PUD-C. – *Approved on first reading.*

Councilor Sinclair recommended that Council not vote today and suggested that they listen to the public and then reflect on what's heard.

Mr. Dwayne Smiley, Richland School District One / Vice Chair of the Board of Commissioners, explained that when the school district passed the bond referendum in 2002, it was noted that Dreher High School would remain at its current site, but the site is too small for an athletic field. He said that the proposal for a track was presented to the community. He admitted that there were concerns about the number of trees that will be removed. The addition of the track field would complete the athletic facilities for Dreher High School.

Mr. Michael Bobby, Chief Operations Officer / Richland School District One, added that representatives of the School District have listened to the constituency and that this facility has been needed for a long time.

Mr. Raymond Perkins, Director of Facilities / Richland School District One, explained that design constraints were put into place to reduce the impact to the community and the site. He said that they did not want to affect any of the existing structures such as the skate park, sewer lines or the tree buffer line along Airport Boulevard. He said that they have followed all City Ordinances. He stated that the first location is too small and it presented drainage problems; the second site would disturb the soccer fields and it brings concerns about parking, noise and access; and option three would be to rotate the track 90° and add storm drainage. He noted that option three poses parking issues.

Councilor Devine said that she heard that the removal of trees would add to the current storm water drainage problem. She asked what would be done to alleviate this.

Councilor Rickenmann stated that construction also causes problems. He requested an assurance that this won't be an issue at Owens Field. He said that there should be silt screens and the matter needed to be addressed as part of the School District's proposal.

Councilor Finlay said that the City has seen projects that are not properly maintained and we're left with the problem of silt in lakes and streams. He requested a guarantee that problems would be resolved as they arise.

Mr. Tom Britt, Civil Engineer / HB Engineering Inc., explained that the removal of trees would cause increased run off, but storm water detention will be designed so that doesn't happen. He noted that the Department of Health and Environmental Control will perform weekly inspections and that monthly reports are required for all projects and by State law.

Ms. Ruth Thomas, President of Environmentalist Inc., stated that Richland School District One has no explanation as to why Owens Field is being considered. She said that if this proposal goes forward an effective air cleaning system would be lost. She heard about the proposal through the newspaper.

Mr. Toni Parker asked the Council to consider the uniqueness of the Rosewood Community. He feels as if the community is bucking up against the School District and the City of Columbia. He stated that he would be disappointed if trees were removed.

Mr. Pete Mayers stated that he enjoyed the trees during his youthful days and now the environment is being threatened by urban development.

Mr. Keith Costello stated that Richland School District One has not provided the community with the proper information. He reminded the Council that Dreher High School had a track inside Memorial Stadium until they built the soccer fields. He informed the members of Council that the School District has been cited by DHEC for environmental and safety hazard violations. He reported that access gates are continually locked and facilities are not open to the public. He asked the members of Council to consider both sides of all facts.

Ms. Pamela Greenlaw, Conservation Co-Chair of the John Bachman's Sierra Club, stated that it is a part of their mission to protect wild places of the earth. This section of forest and wetland is an irreplaceable, integrated ecosystem of water, layered soils and diverse vegetation. She presented photos of the trees at Owens Field. She said that a mature tree converts about five pounds of CO₂ into oxygen each year. Ms. Greenlaw invited the members of Council to tour the forest section of Owens Field. She urged the Council to continue to search for solutions and to preserve this urban-forested area.

Ms. Betty Guess she said that she would hate to lose the green space.

Mr. Wendell Hahn, Dreher High School Athletic Booster Club President, stated that the area is not densely wooded, but that it is sparse. He said that up to two acres of trees would be removed from the proposed site. He submitted a compact disc and photos for the record.

Mr. Gordon Baker, Dreher High School Booster Club / Wetland Delineator, stated that it would have been a greater loss to the community if the school had relocated. He said that the Owens Field site is not unique and that 90% of the trees are Pine. He added that there are no wetlands on this site.

Ms. Jeanne Stiglbower, Principal of Dreher High School, appeared on behalf of the 1,230 students at Dreher High School. She said that they remained in the neighborhood knowing that the kids must have a place to do things. She reminded them that it took two to three years to get a Tennis Court agreement. She said that they have compromised with the community. She requested support for a track near the school's other facilities, noting that they would be good neighbors.

Ms. Joyce Bagenstos, 415 South Woodrow Street, stated that there are lots of mature trees that can't be replaced, because it takes two generations for a new tree to mature. She said that the trees are also home to many wild animals.

Mr. Mel Jenkins was pleased to see other options presented by the School District. He encouraged the School District and the community to work together.

Ms. Kathy Garrick stated that Dreher High School has no sports facilities on site, so they must have facilities in close proximity for the kids to perform. She said that we all must make exceptions.

Mr. Daniel Brook, Dreher High School Head Track and Field and Cross-County Coach, said that there are 160 to 190 students that participate in track and cross-country. He said that there are great benefits of having a track and it would level the competitive playing field.

Ms. Lila Bendkowska, 415 South Woodrow Street, stated that the trees are much narrower and that a big tree fell, but is still there. She submitted a Freedom of Information request to Richland School District One and she is still not clear on the number of trees that would be disturbed, but based upon the information provided only 89 trees would remain.

Ms. Lisa Forqurean stated that they are opposed to the proposed location; noting that facilities management, run off and flood plains are all still unresolved issues.

Ms. Leslie Miner stated that Dreher High School does not need the most modern facilities to succeed, noting that one school should not consume a large portion of land that's used by the community.

An unidentified individual said that you couldn't replace a forest once it is removed. She said that this proposal would mess up nature, destroy the animal population and will impact future generations and their knowledge of nature.

Councilor Sinclair asked when the track was removed from inside Memorial Stadium and she asked how many acres of trees would be removed from the site.

Mr. Raymond Perkins, Director of Facilities / Richland School District One, explained that the track was removed prior to his time. He said that they wanted a soccer field, because it was a popular sport, but seating in the stadium spilled into the track. The track was six lanes and would not meet their current needs.

Mr. John Blake, Architect, stated that one-third of the acreage belongs to Richland School District One and that the tree count was done by an aerial calculation. He said that only five grand trees were found and City staff approved the plan.

Councilor Rickenmann asked who would be responsible for the cost to relocate other amenities or sewer infrastructure.

Mr. Charles P. Austin, Sr., City Manager said that he would like to receive the cost estimates and to discuss the issue of liability.

There was a consensus of Council to defer first reading consideration of this matter until September 27, 2006. Richland School District One was asked to provide cost estimates for the three (3) options and to provide the number of trees that may be removed.

TEXT AMENDMENT – DISCUSSION ONLY

10. Amend Section 17-344 of the Zoning Ordinance to revise and/or establish regulations allowing leased parking spaces.

Mr. Marc Mylott, Director of Development Services, explained that the text amendment would reduce or eliminate the parking requirement for uses with low parking rates where site conditions prevent the provision of parking. It will also provide a special exception process through which persons may satisfy parking requirements by leasing off-street parking spaces

This text amendment was discussed. No action was taken. An Ordinance is being drafted for consideration.

- **Council closed the Zoning Public Hearing at 12:39 p.m.**

ORDINANCES – FIRST READING

- 10a. **Ordinance No.: 2006-073 – Annexing 1100 Bluff Road, Richland County TMS# 11205-03-01 – *Approved on first reading.*

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to Ordinance No.: 2006-073 – Annexing 1100 Bluff Road, Richland County TMS# 11205-03-01.

OTHER MATTERS

10b. **Discussion of Requests for Assistance – Mayor Robert D. Coble

Mayor Robert D. Coble explained that requests for funding assistance was received from Allen University and Columbia College a year ago. He said that Allen University requested funding for the renovation of the Chappelle Auditorium, a historic building that could become a source for religious conventions. He said that Columbia College requested funding assistance for the renovation of athletic fields. Both requests are for Hospitality Tax funding.

Councilor Finlay said that we must preserve our history. He said that this could be positive for the African American community and an opportunity to produce more money. He said that the Columbia College project would be a catalyst for the area, noting that this could be a facility for the community to use, without the City having to maintain it.

Councilor Davis concurred with Councilor's Finlay's comments, adding that this would put forward a prudent effort to reach out to the community. He has committed to the surrounding neighborhoods that they will have access to an economic catalyst with the ongoing redevelopment.

Councilor Cromartie said that he is supportive of both projects and the use of Hospitality Tax funding. He noted that the City assisted Benedict College with the public road extension.

Councilor Devine said that she is in support of both projects. She urged her peers to be cautious and to listen to the legal advice that will be given on the matter. She stated that she is in favor of staff reviewing the request. She said that the projects might have to broken into phases.

Councilor Sinclair concurred with Councilor Devine's comments and urged her peers to be thoughtful, noting that State law governs the Hospitality Tax fund. She reminded the members of Council that the fund is already under intense scrutiny.

This matter was discussed further in Executive Session.

10c. **Emergency Winter Shelter for the Homeless

Mr. Charles P. Austin, Sr., City Manager, reported that he met with staff on September 7, 2006 to review the location of several overflow sites with even distribution throughout the City. It is projected that 200 people were housed at the emergency shelter last winter. He said that they would try to identify and locate those that are a part of the transient population. They are also reviewing transportation options and the possibility of a shuttle service to reach the day center and other service providers. There is an issue of funding, but the City will venture to work with the faith community.

Mr. Ethan Frizell, Salvation Army, said that there is a population that is not served nightly. He stated that there are 50-70 individuals that have lived at the Salvation Army for three or more months and pay a program service fee of \$240 per month. These individuals can't afford to move, but they are working. He said that if these individuals were placed in housing, this would create additional beds for others in need. He stated that they provide housing vouchers with a two-year assistance commitment.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Mr. Lee Carroll stated that he would like to speak with the City Manager in private prior to speaking with Council. He added that it is about recreational facilities.

EXECUTIVE SESSION

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to go into Executive Session at 1:00 p.m. for the discussion of **Items 11.** through **14.** as amended.

11. Discussion of negotiations incident to the proposed purchase of property – Mr. Steve Gantt, Assistant City Manager
Items were discussed in Executive Session. No action was taken.
 12. Receipt of legal advice, which relates to matter covered by attorney-client privilege
 - **Non-disclosure Agreement
 - **Village at River's Edge
 - **Three Rivers Greenway
 - **Funding Requests*Items were discussed in Executive Session. No action was taken.*
 13. **Discussion of negotiations incident to proposed contractual arrangements
This item was discussed in Executive Session. No action was taken.
 14. **Receipt of legal advice which relates to a pending, threatened or potential claim
This item was discussed in Executive Session. No action was taken.
 15. **Investigative proceedings regarding allegations of criminal misconduct
This item was discussed in Executive Session. No action was taken.
- **Council adjourned the Executive Session discussion and the meeting at 3:05 p.m.**

Respectfully submitted by:

Erika D. Salley
City Clerk