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The Columbia City Council conducted a Regular Meeting on Wednesday, August 6, 2008 in the City Hall Council Chambers, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Robert D. Coble called the meeting to order at 9:04 a.m. and the following members of Council were present: The Honorable E.W. Cromartie, The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann and The Honorable Belinda F. Gergel. The Honorable Kirkman Finlay III joined the meeting at 10:12 a.m. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

## **MINUTES**

### 1. Minutes of May 7, 2008

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve the Minutes of May 7, 2008 as presented.

\*\*Mr. Cromartie led the group in a moment of silent meditation in recognition of the passing of Mrs. Myrtle Gordon, a long time community leader in the Read Street area.

\*\*Mayor Coble recognized Dr. Harris Pastides as the new President of the University of South Carolina and Mr. Tommy Preston as the former Student Body President.

Dr. Harris Pastides, President-Elect / University of South Carolina said that he is honored to be elected as the 28<sup>th</sup> President of the University of South Carolina, because he has deep affection for USC and Columbia, South Carolina. He pledges to improve the cooperation between this state's flagship university and this great city. He will start his administration by going on a listening tour and by finding ways to work more efficiently and effectively. He invited the Council to participate in the university's upcoming strategic planning session. He announced that they received a \$1 million grant from the Economic Development Administration (EDA) to construct the Innovista Idea Lab within the Horizon One Building to fit research needs. He thanked the City Council for their investment made towards the infrastructure for Innovista.

## **CITY COUNCIL DISCUSSION / ACTION**

### 2. Community Promotions Monthly Funding Recommendations for July 2008 – The Honorable Judge Mildred McDuffie, Chair of the Community Promotions Advisory Committee

\*\*Mayor Coble recognized Clear Vision; a group of youth ages 11-17 that are here today to participate in local government. These youth are accompanied by The Honorable Judge Mildred McDuffie and Ms. Robinson. He wished Judge McDuffie a Happy 74<sup>th</sup> Birthday.

The Honorable Judge Mildred McDuffie recognized the youth that were in attendance today, noting that they are being taught etiquette and all aspects of government. She said that the youth are doing an excellent job.

The Honorable Judge Mildred McDuffie, Chair of the Community Promotions Advisory Committee reported that the committee has one (1) request from KOBAN for a project that has been supported before. The committee recommends approval in the amount of \$3,000.

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to approve the Community Promotions Advisory Committee's recommendation to allocate \$3,000 of Community Promotions funding for KOBAN.

\*\*Mayor Coble recognized Ms. Murphy, as former Chair of the Fairfield County Council.

3. Hospitality Tax Funding – Ms. Libby Gober, Ombudsman - *Please refer to Item 10.*

4. Five Points Parking Advisory Committee – The Honorable Belinda F. Gergel

Councilor Gergel reminded the Council that on July 9, 2008 they approved the establishment of a special citizen's advisory parking committee to look at the parking situation in Five Points, to assess our parking needs and to make recommendations. I have been in contact with all of the Council members over the last several weeks and come before you today with a proposed membership for that committee. She read the names of the proposed Five Points Parking Advisory Committee.

Upon motion by Mr. Cromartie, seconded by Mayor Coble, Council voted unanimously to approve the appointment of the following individuals to the Five Points Parking Advisory Committee and the mission statement. The first meeting is to be scheduled during the week of August 25, 2008.

Ms. Mary Bryan	Mr. Mark Manos	Ms. Suzi Sheffield
Mr. Durham Carter	Mr. Don McCallister	Mr. Ted Speth
Ms. Ra'Jeena Fletcher	Mr. Jack Van Loan	Mr. Howard Stravitz
Mr. Dennis Hiltner	Mr. Pat Mason	Ms. Bessie Watson
Ms. Susan Lake - <i>Chair</i>	Mr. J.P. Scurry	Ms. Caroline Watson

## **PRESENTATIONS**

5. Water Survival Skills "Swim for Life" Program – The Honorable E.W. Cromartie, II

Councilor Cromartie said that the City of Columbia recognizes that swim-related injuries in youth are on the rise and in 2005 there were 3,582 fatalities. Just recently, Jushaun Patterson, a five year old boy drowned in Richland County. According to the USA Swimming Foundation, nearly 60% of African-American children can't swim. That's why I initiated the Swim for Life water safety program, because it is vital in saving the lives of our young people.

Mr. Jeff Rainwater, Recreation Superintendent for the Parks and Recreation Department announced that on August 11, 2008 the City of Columbia will partner with the American Red Cross to deliver one week of free swim instruction and water safety courses to youth ages 5-15. These free lessons will be offered at Maxcy Gregg Pool, Greenview Pool and the Drew Wellness Center during the morning, afternoon and evening hours. As of yesterday, 497 youth were registered for the program.

Councilor Davis added that this is a great program. He noted that swim lessons are also offered at the University of South Carolina and Columbia College.

6. Employee Wellness Program – The Honorable Tameika Isaac Devine

Councilor Devine introduced the City's Corporate Wellness Program, which was discussed prior to us hearing about the issues with healthcare costs. She has seen how other cities drastically reduced their healthcare costs due to organized wellness programs targeted toward employees. She noted that the city already had a lot of the elements in place, but it was not a coordinated effort. She announced the upcoming Wellness Weekend at the Charles R. Drew Wellness Center on August 16 and 17, 2008.

Ms. Ray Gray, Wellness Campaign Coordinator reported that several meetings were held to discuss a course of action for the city; extensive research was done; site visits and consultations were conducted; and Blue Cross Blue Shield was asked to assist in developing the programmatic component. She noted that data management is critical and that a timeline and organizational structure has already been developed. We are on target to kick off the campaign on October 23, 2008 during the Annual Employee Appreciation Luncheon. She recognized members of the Executive Committee, which is composed of Department Heads, because when senior level management leads in an initiative, the rest of an organization is likely to follow. She recognized members of the All Health Program Team, which will be responsible for the development and implementation of wellness initiatives. From an organizational perspective, team captains will be appointed by department heads to serve as a communications link between every employee.

Councilor Devine strongly believes that we will have to offer incentives to the employees and that Council will have to endorse those incentives as they are developed.

7. Emily Douglas Park / Hand Amphitheater Project – Ms. Lynn Stokes Murray, Hand Middle School Educational Foundation

Ms. Lynn Stokes Murray, President of the Hand Middle School Educational Foundation reminded the Council of their approval of a Memorandum of Understanding during the spring of 2008 to build an Amphitheater at Emily Douglas Park. She announced that they have exceeded their fund raising goal of \$75,000 and they received a \$50,000 competitive grant from the State. As part of the MOU the City of Columbia is obligated to fund \$55,000 for the construction of this theater and renovation of the park. They hope to begin the renovation / construction project during the fall of this year.

Councilor Gergel requested a brief update from Mr. S. Allison Baker, Assistant City Manager for Public Services on the next steps for this project.

Mr. S. Allison Baker, Assistant City Manager for Public Services reported that staff is currently reviewing a proposed contract from an architectural firm for construction drawings and bid documents for this project.

Councilor Gergel noted that from her understanding \$50,000 has been set-aside for this project within the Capital Improvement Projects budget.

Mr. S. Allison Baker, Assistant City Manager for Public Services further reported that on November 7, 2007, City Council authorized the City Manager to sign an agreement with the Hand Middle School Foundation. The agreement was signed on November 19, 2007; the Hand Middle School Foundation committed to \$75,000; and the City of Columbia committed to \$55,000.

\*\*Councilor Devine announced that the city is sponsoring a Back to School event in conjunction with KISS 103.1 FM and the Tom Joyner Morning Show on Friday, August 8, 2008 from 6:00 a.m. until 5:00 p.m. at the State Fairgrounds. Mr. J. Anthony Brown will host the live broadcast and this event is free and open to the public.

8. Code Enforcement Taskforce Update – Reverend Wiley Cooper, Chair of the Code Enforcement Taskforce

Reverend Wiley Cooper, Chair of the Code Enforcement Taskforce recognized the Code Enforcement Taskforce members that were in attendance. He asked the Council to extend the constitution of the taskforce so that it may meet quarterly and ensure progress on the recommendations and address any other issues that may arise. He further asked the Council to appoint different members to the committee to replace those that are unable to serve. He noted that a number of the recommendations are considered to be common sense additions that would require little debate and other recommendations are more complex and will require additional work. Rev. Cooper provided an update to issues previously completed by the Code Enforcement Taskforce. He recalled that the Council approved several items the first time the committee appeared. One of those items dealt with abandoned and derelict vehicles and now a law has been passed to allow Code Enforcement Inspectors to initiate tows, rather than Police Officers, thus saving time. He noted that the other three (3) items related to abandoned and derelict vehicles are pending in this year's legislative session. In regards to front-yard parking, the Council approved the recommendation to amend the Zoning Ordinance that would hold property owners accountable for unlawful parking by tenants after two (2) notices on any vehicle and to ensure that parking spaces are completely covered with an improved surface. He reported that this will not occur until later this year, because there are other changes to be included with the Zoning Ordinance. The Taskforce recommended no changes in the Ordinance regarding overgrown lots and premises; however, there is a provision in State Statute 5-7-80 that allows the city to collect costs for cleaning lots and properties in the same way as municipal taxes. Currently, the city is being reimbursed for two (2) out of ten (10) cleanings. The recommendation is for the city to work with Richland County to implement building and collection practices connected with the municipal taxes. There was not a recommendation for changes to the building and zoning permit fees for not-for-profits performing volunteer work; however, staff was concerned about that and established a Not-For-Profit Building Permit Reimbursement Program, which allows these groups to be reimbursed for the building and zoning permit fees through the Community Development Department after meeting the established requirements. Rev. Cooper presented the following as items that are ready for Council's consideration. He began with **Roll Carts**, noting that the recommendation is to direct staff to prepare an amendment to city code that would ensure that roll carts could not be placed out too early; that would reduce the number of warnings before a roll carts is removed from two (2) to one (1) and to establish that a warning is valid for a period of twelve (12) months; and to hold property owners responsible for chronic violations by tenants. The real issues with **Curbside Household Trash and Debris** are move-outs or evictions and the committee recommends that Solid Waste charge \$200 to pick up scheduled eviction trash; limit the pick up of eviction trash to typical trash collection days; and to charge \$500 to pick up eviction trash if the owner fails to schedule the pick up. He said that this is a tremendous problem that creates issues with stormwater quality.

Councilor Rickenmann asked if the taskforce addressed the issue of people dumping trash into other neighborhoods and if so, what would be the fine for that. He has noticed that there is a new kind of construction dumpster without a bottom and a lot of things drip out of the cage device. He asked if that issue was addressed.

Reverend Wiley Cooper, Chair of the Code Enforcement Taskforce said that the committee had not addressed those two (2) matters, but would discuss the items at a future meeting. He continued with the report with a recommendation on **Shopping Center Signs**, noting that the city currently prohibits common signs for shopping centers and industrial/medical parks. He said that we need to encourage more effective signs and recommended that there be a process wherein the Planning Commission can approve common signs for shopping centers and industrial/medical parks during the Site Plan Review, provided the signage within the development doesn't exceed the current allowance for number and square footage. The **Pay Day Lender** proposal has received a lot of attention. The recommendation is that payday lenders and like lenders be no closer together than 3,000 feet and limited to buildings containing 30,000 square feet or more. He noted that State law prohibits cities from banning payday lenders, but they can regulate them through zoning powers. The Code Enforcement Taskforce finds that the proliferation of payday and other like lenders suggests that a commercial corridor is in economic and social decline.

Councilor Cromartie said that he promulgated an Ordinance several years ago to help regulate payday and title lenders and at that time the Ordinance required that these matters go before the Zoning Board for a special exception. The theory was that the Zoning Board would have an opportunity to regulate and be in a position to make the decisions. Should this continue to go to the Zoning Board?

Mr. Marc Mylott, Director of Planning and Development Services explained that one problem with using a special exception for payday lenders is the limited criteria that the Board of Zoning Appeals can apply to an application. The Board of Zoning Appeals looks at pedestrian and vehicular safety and the orientation and spacing of buildings. This recommendation would make it a conditional use provided they meet spacing and building requirements.

Councilor Davis said that the problem is saturation and he suggested that we use that term due to the perception and impact of how payday lenders do business. He referred to the businesses as quick sand; the more you move, the deeper you get. He is in support of doing something to prevent the perception created by the saturation of these businesses.

Reverend Wiley Cooper, Chair of the Code Enforcement Taskforce said that the combination of the two (2) requirements is important, because it would limit these businesses to shopping centers only. He continued the report with **Residential Specialty Contractors**, noting that there has been a practice of issuing permits to Residential Specialty Contractors working on decks, siding and roofs where the value of the job was less than \$5,000. According to staff, this practice was never put on the books; therefore, the Code Enforcement Taskforce recommends that this matter be codified in the Code of Ordinances.

Councilor Rickenmann said that they get complaints about these jobs and the individuals who are not licensed. He said that the contractors receive a down payment; they do poor work; or they never return. He likes the idea of requiring a permit, because there is no way to track down the individual.

Reverend Wiley Cooper, Chair of the Code Enforcement Taskforce recommended that the present Ordinance could be interpreted as excluding **Recreational Vehicles from regulations regarding parking upon residential property**. The recommendation is to expand the scope of the current language from travel and camping trailers to the list of non-traditional vehicles used within the Front-Yard Parking Ordinance, including buses, recreational vehicles, motor homes, campers and camping trailers, trailers, boats, etc. so

that the Ordinance is crystal clear; prohibit the parking or storage of such vehicles within the area between any street lot line and the associated façade of the house as employed within the Front-Yard Parking Ordinance; and to require compliance with the above language within 12 months of the effective date of the new language to provide an adjustment period.

Councilor Cromartie asked if this would prohibit someone from pulling a boat into their driveway area.

Reverend Wiley Cooper, Chair of the Code Enforcement Taskforce said that is correct. The intent is that whatever is in the front yard should not include these vehicles.

Councilor Devine said that this would impact buses as well.

Councilor Rickenmann agreed that there are lots that won't allow you to park on the side or in the back. One intention was to prohibit people from parking recreational vehicles and boats in the street.

Reverend Wiley Cooper, Chair of the Code Enforcement Taskforce asked how much is the city willing to allow you to encroach on your neighbor's prerogatives and housing values. The taskforce believes that recreational vehicles are large enough to cause a real problem for the neighborhood when parked in the front yard.

Councilor Devine said that this is a good starting point. She urged the taskforce to consider the fact that most people perceive the driveway as a permissible surface to park any vehicle.

Reverend Wiley Cooper, Chair of the Code Enforcement Taskforce said that people are using **PODS Devices** as temporary storage and parking them in the front yard, driveway and often times in the street. The recommendation is that PODS Devices be permitted for 7 to 14 days depending on the length of the permit and that an appropriate fee be established; and that the devices be placed only in a location in which a vehicle could be lawfully parked. It can be placed in the driveway, but not in the middle of the front yard. Another recommendation is to allow PODS Devices upon each residential property for two 2-week periods per ownership instance per year. The issue of **Absentee Landlords, Notification and Registration** has received a lot of attention as well. Rev. Cooper admitted to owning a duplex in his community and believes that the recommendation is necessary. The taskforce recommends that all property owners that rent or offer to rent real property be required to have a business license. This is currently required for those that rent five (5) or more properties. The business license fee could be as minimal as \$14.00.

Mayor Coble said that this is an excellent vehicle for notifying and tracking landlords and absentee landlords if the business license fee is within normal ranges.

Reverend Wiley Cooper, Chair of the Code Enforcement Taskforce further recommended that the business license application ask whether or not the applicant or an immediate family member has any interest in a business entity, such as an LLC, trust or partnership that owns property in the city. If yes, the applicant must list those properties. All present inspection practices will continue. The local contact must be a registered agent for service of process. This person doesn't have to be a registered property manager, but he or she must be able to take action. The local contact shall receive notice of all offenses that occur upon his or property to include drug and alcohol related offenses. Registration information is updated along with the business license renewal. If property is in foreclosure, probate, inheritance or VA Vendee status then a local contact is not required.

- **Mr. Finlay joined the meeting at 10:12 a.m.**

Councilor Davis doesn't have a problem with this Ordinance based on his past experiences with absentee landlords. It makes sense to know who we need to talk with and who can give us a commitment that we can stand on and expect results.

Reverend Wiley Cooper, Chair of the Code Enforcement Taskforce added that the mechanism has to include a way of making sure you get the information.

Councilor Rickenmann suggested that we consider the Clemson, South Carolina model of receiving an application and charging a \$5.00 fee. We are trying to get information so we can have a contact person.

Councilor Devine said that this will be a controversial matter, but it needs to be looked at. She asked staff to conduct research to determine if other areas have done this and what the consequences would be for each recommendation.

Mr. Marc Mylott, Director of Planning and Development Services explained that they looked at the Clemson and Newberry models, but chose not to implement another layer of bureaucracy, but instead use the Business License Division as an existing resource.

Councilor Finlay wanted to know how the city would allocate the necessary resources and how do we have a positive impact on lower income housing and avoid the ripple effect and end up having a negative impact on housing. We should consider that the modest houses are paying a higher percentage of property taxes. We as a city and a county really need to look at our role in this.

Councilor Cromartie said that property owners will spend more money to upgrade the property and then raise rent levels.

Mr. Marc Mylott, Director of Planning and Development Services said that the Code Enforcement Taskforce debated both points, but it became a matter of equity. He reminded the Council that the Property Maintenance Code isn't design guidelines, but it is the minimal threshold to which people would have a reasonable expectation to live in.

Councilor Davis doesn't want the Council to confuse a decent place to live with doing away with low income housing. We can have quality standards without raising rents. All you are doing is helping everybody maintain property values.

Councilor Finlay suggested that the city work with Richland County and look at State legislation to reduce affordable housing to a 4% property tax rate from 6%.

Reverend Wiley Cooper, Chair of the Code Enforcement Taskforce noted that the property tax legislation is in the State's Constitution and not the State Code. He continued to recommend that an ordinance be prepared that would allow the city to either modify or remove a dangerous refrigerator where no other remedy will eliminate the risk of loss of life. They are referring to **derelict refrigerators** left on porches. The CETF recommends that the city add **noise and alcohol and drug related convictions** to the list of public nuisances; the provision regarding three (3) convictions within 18 months should be increased to 24 months (b)(2); and to strike section (b)(4), which provides an additional 12 months to remain "conviction free". He said that Council needed to clarify the intent of the Nuisance Ordinance, because it is not clear as to what happens when the owner doesn't abate a specific notice.

Councilor Cromartie asked where the Nuisance Ordinance has been used in the city. He said that the Ordinance was intended to notify landlords of residents that were dealing drugs.

Mr. Marc Mylott, Director of Planning and Development Services said that the ordinance has not been used. What was the intended end result of the nuisance ordinance?

Mr. Ken Gaines, City Attorney agreed to check the Nuisance Ordinance to see what was added about drugs, because the City Council did recently approve something.

Councilor Davis said that the houses busted for drugs are all within a one-mile radius of a school and the houses are being busted more than one time in the neighborhoods, but nothing is happening with that. I want to see language within the Ordinance that targets these situations. We should still communicate this information to landlords, even if the individuals are not convicted for distribution.

Councilor Devine said that we need to clarify the intent whether it's to abate or forfeit. We need to make sure the processes are in place for the action we may choose.

Reverend Wiley Cooper, Chair of the Code Enforcement Taskforce continued with those merchants that set up temporarily on private property to sell goods. The CETF recommends that **peddlers** be distinguished from seasonal activities such as fireworks stands, pumpkin lots and Christmas tree lots; prior to operating, a peddler and seasonal activity must provide written authorization from the owner of the property where the peddler proposes to operate; prior to operating, a peddler and seasonal activity must provide a site plan showing the extent and exact location of the operation to ensure the operation is not located within required setbacks or does not consume required parking spaces that are dedicated to another business; peddlers shall not operate from a vacant lot, rather the lot must be improved with a structure and the public must have access to a handicap accessible restroom; peddlers are limited to no more than three sales per location, per year and each sale shall not exceed three days; and timeframes for seasonal activities will be limited depending upon the activity and they may occur upon a vacant lot, provided the public has access to a handicap accessible restroom. The CETF recommends that the Zoning Ordinance be amended to prohibit persons from parking any part of a **commercial vehicle**, as defined by State Statute, upon residentially zoned property, except in certain expected circumstances. He recalled that on June 2, 2008, the Planning Commission unanimously approved this amendment and on July 16, 2008 City Council approved the resulting Ordinance on first reading, but outlined their concerns. He said that the Code Enforcement Taskforce is aware of the technical changes being made to the Ordinance and that they do not believe that these changes modify their original intent. In regards to collecting costs associated with abating violations as municipal taxes, the CETF recommends that the city work with the county to **implement billing and collections for the cost of cutting lots, picking up litter or boarding or demolishing structures in the same manner as municipal taxes**. He recommended that the city **prohibit the use of vinyl or plastic tarps as fencing material** and require the removal of such materials within 3-months of the effective date of the amendment. He said that the vinyl and plastic tarps are being used as screens and adjacent property owners are complaining. The CETF recommends an Ordinance that prevents persons from **living or sleeping in a vehicle**, except in certain situations. We need limits on the amount of time that certain indoor furniture can remain outside, because these are things that accumulate and cause fire hazards. The CETF asked that the city **prohibit festoons and inflatable signs** and require the removal of existing festoons and inflatable signs within 12 months of the effective date of the

amendment. He admitted that the CEFT was not charged with looking at staffing, but they felt compelled to look at **staffing levels** and work loads within Planning and Development Services. The CETF found that there is a real problem in the Fire Marshall's Office, since there are only five (5) Fire Marshalls and 7,800 places of occupancy to be inspected. He urged the Council to look carefully into this situation.

Councilor Rickenmann suggested that the Council consider the composition of a subcommittee to begin discussing these issues.

Upon motion by Mayor Coble, seconded by Mr. Davis, Council voted unanimously to approve the following items as it relates to the Code Enforcement Taskforce:

1. City Council extends the constitution of the Code Enforcement Taskforce so it may meet quarterly (or as needed) to ensure progress on the recommendations as well as address any other issues as they may arise and report on a quarterly basis or as needed to City Council. City Council would add new members and replace persons who have not attended meetings.
  2. City Council will accept the Code Enforcement Taskforce report and its recommendations.
  3. City Council would direct staff to present City Council with a schedule of Work Sessions and tentative agendas for the discussion of the implementation of the recommended Ordinance revisions.
  4. City Council would direct staff and the Code Enforcement Taskforce to immediately tackle the easiest issues first such as the Refrigerator Ordinance and Roll Carts and then begin to deal with the more serious issues such as Business Licenses and Nuisances as quickly as possible.
- **Council recessed at 10:51 a.m.**
  - **Council reconvened at 11:03 a.m.**

## **REPORTS AND UPDATES**

### 9. City Manager's Report – Mr. Charles P. Austin, Sr., City Manager

Mr. Charles P. Austin, Sr., City Manager started out by thanking those that were involved in the highly successful National Nite Out that included a parade and a kick-off press conference. He reported on the following matters: The **Retreat** will be held on August 20<sup>th</sup> and 21<sup>st</sup> at the Eau Claire Print Facility. We will be meeting on a regular Council day during the morning time and transition into the Retreat at 1:00 p.m. From 1:00 p.m. to 3:00 p.m., we will discuss the fiscal year 2006/2007 financials and from 3:00 p.m. to 5:00 p.m. we will discuss healthcare issues. We have selected **Towers Perrin** as the healthcare consultant and they will talk with you about a variety of issues as they facilitate our discussions regarding designing, funding, pricing, implementing, and managing healthcare programs. On Thursday, August 21<sup>st</sup>, beginning at 8:30 a.m. we will talk about the fiscal year 2008/2009 budget review process. There are some items we need to discuss in more detail as well as there are some potential revisions to include healthcare and risk management. You have also been provided information regarding the Economic Development Special Projects Account. There are some projects that you have approved, but not funded so you will need to talk about those in more detail. There will be a presentation by Chief Tandy Carter regarding safety and security, but this is not the comprehensive plan that he will bring forward; that will be done in October, but some of you

have asked him about specific communities so we have addressed concerns in the Colony Apartments, Gable Oaks and a couple of other communities. There has also been some discussion about **identity theft** and **fraud**. In fact there was a piece of legislation in the House; S 453, requires businesses as well as state and local governments to provide for the disposal of personal information as it relates to persons with whom we deal. As we researched our situation, we found that our Collections Department, Purchasing, Human Resources, Community Development, Municipal Court, Police Department and Public Works presently have in place steps that allow for personal information to be disposed of to include storage, record keeping and in some instances to include shredding that information that would involve social security numbers and federal identification numbers. The next thing would be the **Energy Audit**. We are still working with Ameresco in that regard and we will have a final report for you soon. We are working to complete a pilot project to replace the lighting in all City buildings with energy efficient lighting and we will provide a report that will include the costs, projected time for completion and the confirmation of savings that we should expect from that. Finally, I want to talk with you briefly about the **Hospitality Tax** accounts. You have received a memo, which was prepared for you to review, outlining the Hospitality Tax Accounts and you will note that contrary to perception our data reflects an increase in the number of paid accounts from fiscal year 2006/2007 to fiscal year 2007/2008. We have identified at least three (3) possible reasons for this trend to include a number of new large chain restaurants that have opened in the area; a price increase in overall menu prices; and the very effective approach that our Business License Administrator Ms. Brenda Kyzer has taken with her staff to collect delinquent taxes. I know that there have been some discussions in that regard, but I applaud Ms. Kyzer and her staff for ensuring that we have a concentrated effort to collect that which is due the city. We will have a more detailed report for you and of course we will discuss in more detail the Hospitality Tax account. At the conclusion of this report Ms. Libby Gober will come forward and give you further information as it relates to the Hospitality Tax Fund. He asked if there were questions from the members of Council.

Councilor Devine said that she is fine with the upcoming Retreat agenda, but would like to propose a team building exercise. We need to work at being a team and working together to deal with issues. She suggested that there be a mini Retreat in January 2009, wherein the Council deals with Retreat issues to include diversity training. How can we as policy makers effectively put the vision and policy in place and strategically move forward. The Council members need to dedicate the time to be there.

Councilor Cromartie said that Council last held such a Retreat at Santee, SC when former Councilman Hamilton Osborne came on board. He said that it is unfortunate that we are afraid to leave town, because of what would be said by the media and others.

Mayor Coble suggested that they add Strategic Planning to the agenda for the next Retreat to include the Operational Strategic Plan and the Comprehensive Plan, which is a significant document in terms of a strategic plan.

Councilor Gergel concurred with Mayor Coble, noting that they must continue to take a great look at their overall plan and vision for this city.

#### 10. Staff Reports

- Economic Development Special Projects Account – Ms. Missy Caughman, Interim Finance Director - *This item was withdrawn from the agenda.*

- Hospitality Tax Funding – Ms. Libby Gober, Ombudsman

Ms. Libby Gober, Ombudsman recommended that the Council revisit the Hospitality Tax Fund in 90-days instead of 6-months in light of the Business License report on collections. She said that all figures are down in the downtown area according to the Hospitality Association and restaurateurs. She reminded them that Council set aside \$250,000 to use as a contingency for the committee to disburse either through another round of applications later in the year or by revisiting some of the applications that were not funded at the level they were funded last year.

Councilor Rickenmann said that sales are not up and we need to be prepared to see what happens; this contingency account would be a perfect cushion for us if that makes people feel more comfortable, but I do believe that we need to hold on to some money to ensure that everything that we have already committed to is properly funded.

Councilor Gergel asked to receive a monthly report on the Hospitality Tax Fund. She has heard that business is down for some of the “white table cloth” businesses, but some of the others are doing great. She wants to make sure that we have the best data possible.

Councilor Finlay asked if the new high profile restaurants continue to collect the same numbers after they have been open for a couple of months or do people move back to other restaurants. This demonstrates that accurate and timely financials allow us to debate issues with facts.

Upon motion by Mr. Rickenmann, seconded by Mr. Finlay, Council voted unanimously to hold the existing \$250,000 contingency, which is 10%, as a reserve in the Hospitality Tax Fund and to review the fund balance in 90-days to determine if the collections are in line with projections in our budget. Council is to receive monthly reports on the Hospitality Tax Fund.

\*\*Councilor Gergel asked when the Council would begin receiving monthly financial information.

Councilor Finlay said that we were to get an update on the audit and monthly financials. He continues to push for ongoing funding levels from the accounts in which we are spending. He asked when the Council would begin to receive monthly financials.

Mr. Charles P. Austin, Sr., City Manager responded that we plan to present you with income and expenditure statements during October, but we have repeatedly said that it would be January 2009 before we are able to give you the detailed financial statements and that is where we still are, at this juncture. We will have the audit information to you by the August 20<sup>th</sup> Retreat.

Councilor Finlay requested the draft numbers and packet of information that is going to the Auditor on Friday so that the Council members can review the information.

Mr. Charles P. Austin, Sr., City Manager said that the request will be communicated to the Auditor so that he can provide that information to Council.

Councilor Rickenmann requested an Audit Committee Meeting on August 13, 2008 from 9:00 a.m. to 11:00 a.m. He recalled requesting a set monthly schedule for the Audit Committee.

**CONSENT AGENDA**

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve the **Consent Agenda Items 11.** through **17., 19.** and **21.** through **B.** on a single motion. **Items 18.** and **20.** were approved by separate motions.

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

- 11. Council is asked to approve the Renewal of IFAS and Banner Hardware Maintenance Support, as requested by Information Technology. Award to Dimension Data, as a Sole Source, in the amount of \$21,295.38. This vendor is located in Framingham, MA. *Funding Source: 1011120-638200 - Approved*
- 12. Council is asked to approve Project WM4148; Water Main Relocation at Bridge Over Gills Creek on White House Road, as requested by the Utilities and Engineering Department. Award to Trussell Brothers Construction Co., Inc. as the lowest bidder in the amount of \$31,624.00. This firm is located in Columbia, SC. *Funding Source: Water Improvement Fund WM414800-851500 - Approved*
- 13. Council is asked to approve Change Order #1 for the Elmwood Park Street Lighting Project, as requested by Public Works. Award to W.M. Roebuck in the amount of \$38,861.00. This firm is located in Columbia, SC. *Funding Source: Elmwood Park Neighborhood Association - Approved*
- 14. Council is asked to approve the Purchase of Twenty (20) Panasonic Toughbooks, as requested by the Police Department. Award to CDW-G as the lowest bidder in the amount of \$76,654.80. This vendor is located in Vernon Hills, IL. *Funding Source: 1012401-657600 - Approved*
- 15. Council is asked to approve the Purchase of an Interface for the Bank Deposit and Payment Reconciliation Process for IFAS and Banner, as requested by the Information Technology Department. Award to Ventyx, Inc., as a Sole Source, in the amount of \$86,160.00. This firm is located in Atlanta, GA. *Funding Source: 6218950-636600 - Approved*
- 16. Council is asked to approve Project SS7071; Sanitary Sewer Repair at Intersection of Blanding and Barnwell Streets, as requested by the Department of Utilities and Engineering. Award to Trussell Brothers Construction Co., Inc. in the amount of \$158,308.00. This firm is located in Columbia, SC. *Funding Source: SS707101-851600 - Approved*
- 17. Council is asked to approve Grounds Maintenance Services, as requested by Forestry and Beautification. Award the lots to the following low bidders in the total amount of \$169,674.96. - *Approved*

Lot 1	Southland Lawn Care	Lexington, SC	\$85,174.96
Lot2	Jay's Landscaping	Lexington, SC	\$60,450.00
Lot 3	Land Care, LLC	Columbia, SC	\$24,050.00

18. Council is asked to approve Physical Screenings for Firefighters, as requested by the Fire Department. Award to this bid to North Greenville Fitness Center the lowest bidder meeting specifications in the amount of \$178,294.01. This firm is located in Travelers Rest, SC. *Funding Source: 1012303-636900 (\$89,147.01) and 2082306-636900 (\$89,147.00) - Approved*

Councilor Rickenmann requested clarification on **Item 18**. He said that there was a big discussion among several local firms regarding the city's Request for Proposals process and the testing components. He asked what the specific concern was and how we plan to address that. He plans to pass along his notes to the City Manager. We should consider what we are screening for and if the tests are necessary.

Councilor Devine said that she had the same concern regarding the information provided. She said that you can't make local firms respond, but maybe we could find out why they are not responding through the Business in Motion Program. Is there are particular reason that we need to address?

Mr. Charles P. Austin, Sr., City Manager said that once he gets that information he will sit down with the Fire Chief to go through it and make sure we cover all of those bases going forward.

Councilor Cromartie asked if there is a physical fitness screening process for the Police Department as it is in the Fire Department. He requested a report back to Council.

Mr. Charles P. Austin, Sr., City Manager said that he will get the updated information.

19. Council is asked to approve the Renewal of the Maintenance Agreement for Pictometry Licensed Server, Images and Software, as requested by Geographic Information Services (GIS/IT). This service is unique and proprietary, as such must be awarded as a sole source, in the amount of \$217,076.26. This firm is located in Rochester, NY. *Funding Source: GL-5511121-638500 - Approved*
20. Council is asked to approve an Agreement for Design and Construction Services for the Development of Construction Documents for a New Administration Facility, as requested by the Department of Parks and Recreation. Award to Quackenbush Architects and Planners in the amount of \$229,300.00. This firm is located in Columbia, SC. *Funding Source: 4039999-658660 / PK008501-658660 - Approved*

Councilor Rickenmann requested clarification on **Item 20**. He asked if this went out for a Request for Proposals.

Mr. Charles P. Austin, Sr., City Manager noted that on May 7, 2008, Council authorized staff to proceed with contract negotiations with Quackenbush Architects and Planners for design and construction services for the new administration facility.

Councilor Cromartie requested that Council members see the design of the new building so that they can understand what it will look like before it is built and be able to provide input.

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to approve **Items 18**. and **20**. on a single motion to include the request for Council to review the plans for the new administration building for Parks and Recreation.

21. Council is asked to approve the Purchase of New Tires, as requested by the Fleet Services Division. Award to the lowest bidder of each lot in the total amount of \$231,596.45. *Funding Source: 6308970-672500 - Approved*

Lots 1, 3, 4, 6, 10 and 11	Bray's	Mt. Airy, NC	\$88,464.90
Lots 7, 8, 12-16, 18-23 and 27	Frasier	Columbia, SC	\$79,730.70
Lot 28	Snider	Columbia, SC	\$18,000.00
Lots 5, 9, 17, 24-26, 29 and 30	Strategic	Greenville, SC	\$24,045.75
Lot 2	Jim Whitehead Tire	Columbia, SC	\$2,811.75

22. Council is asked to approve the Purchase of Polymer, Lot 6, for the FY 2008/2009 Annual Chemical Bid, as requested by the Wastewater Treatment Plant. Award to Polydyne, Inc. as the lowest bidder, in the amount of \$314,000.00. This vendor is located in Riceboro, GA. *Funding Source: 5516208-624800 – Approved*

23. Council is asked to approve Project SS7061; Emergency Repair of 16-inch Sanitary Sewer Main at 1950 Gervais Street, as requested by Engineering Administration. Award the Repair / Construction Services to Trussell Brothers Construction Co., Inc. in the amount of \$414,008.00 and the Engineering Services to Chao and Associates, Inc. in the amount of \$9,800.00 for a total amount of \$423,808.00. Both firms are located in Columbia, SC. *Funding Source: Sewer Improvement Fund - Approved*

SIDEWALK VENDING ORDINANCE – SECOND READING

24. **Mid-block pad along the west side of Main Street, adjacent to 1701 Main Street (Richland County Judicial Center)**

Ordinance No.: 2008-059 – Granting a Franchise to Robert Spencer for operation of a stationary sidewalk vending cart on the west side of the 1700 block of Main Street – *First reading approval was given on July 16, 2008. – Approved on second reading.*

CONFIRM ZONING OF PREVIOUSLY ANNEXED PROPERTIES – SECOND READING

25. **Bible Way Church of Atlas Road and associated parcels;** TMS# 13509-01-01, 05, 06, 07, 17, 18; 13510-02-01, 02, 03, 04, 05, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22; 13510-04-01, 02, 03, 04; 13514-01-01, 03, 04, 05, 06, 07, 08, 09, 10, 11A, 11B, 12; 13515-06-01, 02, 03, 06, and 36; confirm D-1, RS-3, C-1 zoning. – *First reading approval was given on July 16, 2008. – Approved on second reading.*

26. **Canary Woods – Phase 1,** TMS# 22015-01-56, 57, 58, 59; 22015-02-09, 10, 11, 12, 13; 22015-07-01, 02, 03, 04, 05, 06, 07; 22016-01-13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55; 22016-02-01, 02, 03, 04, 05, 06, 07, 08; and 22016-03-01; confirm RS-2 zoning. – *First reading approval was given on July 16, 2008. – Approved on second reading.*

27. **144 Island View Circle, 148 Island View Circle, 160 Island View Circle, 164 Island View Circle, 172 Island View Circle, 176 Island View Circle, 180 Island View Circle, 184 Island View Circle, 190 Island View Circle, 179 Island View Circle, 163 Island View Circle, 157 Island View Circle, 147 Island View Circle, 143 Island View Circle, and Island View Circle**, TMS #28907-01-06, 28907-01-07, 28907-01-10, 28912-01-07, 28912-01-05, 28912-01-04, 28912-01-03, 28912-01-02, 28912-01-01, 2808-02-08, 2808-02-11, 2808-02-12, 2808-02-05, 2808-02-06 and 28912-01-08; confirm PUD-R zoning. – *First reading approval was given on July 16, 2008. – Approved on second reading.*

ANNEXATION WITH REZONING – SECOND READING

28. **4120 River Drive**, TMS# 07315-01-01, -02; annex and rezone from Richland County GC (General Commercial) to City of Columbia RS-3. – *First reading approval was given on July 16, 2008. – Approved on second reading.*

Ordinance No.: 2008-057 – Annexing 4120 River Drive and R4120 River Drive, Richland County TMS #07315-01-01 and 07315-01-02– *First reading approval was given on July 16, 2008. – Approved on second reading.*

29. **808 Heyward Street**, TMS# 08816-01-18; annex and rezone from Richland County M-1 to City of Columbia RS-3. – *First reading approval was given on July 16, 2008. – Approved on second reading.*

Ordinance No.: 2008-046 – Annexing 808 Heyward Street, Richland County TMS# 08816-01-18– *First reading approval was given on July 16, 2008. – Approved on second reading.*

HISTORIC AND / OR DESIGN PRESERVATION DESIGNATION (MAP AMENDMENT / REZONING & TEXT AMENDMENT) – SECOND READING

30. **301 Elmwood Avenue**, TMS# 09007-01-01; rezone from RG-2 -DD to RG-2 -DD -DP. – *First reading approval was given on July 16, 2008. – Approved on second reading.*

Ordinance No.: 2008-047 – 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 4, Landmarks, Sec. 17-691, Buildings and site list, (b) Group I– *First reading approval was given on July 16, 2008. – Approved on second reading.*

MAP AMENDMENTS (REZONINGS) – SECOND READING

31. **Canal Water Plant and Irwin Park**, TMS# 09005-01-01 and 09006-08-03; 09005-02-01, -02, -03, -04, -23, -26, -27, -28, -29, -30, -31, -32, -33, -34, -35, -36, -37, -38, -39, -40, -41, -42, -43, -44, 09006-07-02, 09006-02-01 (p), 07314-02-05 (p), 09010-15-03; rezone from RS-1, RG-3, C-1, C-3, M-1 (all with –DD appendage) to PUD-C –DD. – *First reading approval was given on July 16, 2008. – Approved on second reading.*

- A. **845 Leesburg Road**, TMS# 16407-08-07; rezone from M-1 to C-3. – *First reading approval was given on July 16, 2008. – Approved on second reading.*

- B. **1020 Henderson Street**, TMS# 11405-18-16; rezone from RD -DP to PUD-R -DP. – *First reading approval was given on July 16, 2008. – Approved on second reading.*

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

- C. Council is asked to approve Project WM4130; Devine Street Water Main Replacement, as requested by Engineering Administration. Award to Ideal Construction Company, Inc. in the amount of \$100,827.00. This firm is located in White Rock, SC. *Funding Source: Water Improvement Fund – Approved*

Upon motion by Mr. Cromartie, seconded by Mr. Davis, Council voted unanimously to approve Project WM4130; Devine Street Water Main Replacement, as requested by Engineering Administration. Award to Ideal Construction Company, Inc. in the amount of \$100,827.00. This firm is located in White Rock, SC and is partnering with Mr. Clarence Scipio under the Office of Business Opportunities' Mentor Protégé Program.

**\*\***Councilor Finlay reflected back on the City Manager's Report asking how we resolved the conflict between requests and the dollar amount available in the Economic Development Special Projects Account.

**\*\***Councilor Davis is interested in the Economic Development Special Projects Account in terms of how we are helping to disburse the money locally and throughout other parts of the city.

- D. Council is asked to approve an Agreement for Engineering Services for Construction Administration Services for the City's Monticello Road Booster Pump Station and Associated 48" Water Lines (CIP WM358403) and the City's 48" Water Line from Interstate 77 to Rimer Pond Road Tank Site (CIP WM402002), as requested by Engineering Operations. Award to BP Barber & Associates in the amount of \$515,000.00. This firm is located in Columbia, SC. *Funding Source: 2008/2009 Capital Improvements Program Budget - Approved*

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to approve an Agreement for Engineering Services for Construction Administration Services for the City's Monticello Road Booster Pump Station and Associated 48" Water Lines (CIP WM358403) and the City's 48" Water Line from Interstate 77 to Rimer Pond Road Tank Site (CIP WM402002), as requested by Engineering Operations. Award to BP Barber & Associates in the amount of \$515,000.00. This firm is located in Columbia, SC and is partnering with DESA as part of the Office of Business Opportunities' Mentor Protégé Program.

- E. Council is asked to approve the Final Change Order #17 for Harden Street Phase I, as requested by Construction Management. Award to L-J, Inc. in the amount of \$1,207,340.49. This firm is located in Columbia, SC. *Funding Source: 2529999-9801200104 - Approved*

Councilor Davis asked if the city missed something in the bid process or during construction, because this is a large change order.

Mr. Steve Gantt, Senior Assistant City Manager for Operations reported that at the end of the project we received a \$500,000 grant to do some additional storm water improvements from the low point at Saluda Avenue, down Blossom Street and into Rocky Branch. There were also additional lights that were installed at the request of the merchants. They also

discovered a water line in Harden Street that was in poor condition and had to be replaced. The uncertain part of this project was the fact that there was a lot of unsuitable soil under Five Points and what we expected in quantities of new fill material, asphalt and concrete increased significantly thus increasing the cost of the change order. He noted that there is enough money in the budget to cover the change orders.

Councilor Davis thought that we discovered some of these things through the geotechnical work that was done in advance. He is hoping that the geotechnical work is more accurate for North Main Street.

Mr. Steve Gantt, Senior Assistant City Manager for Operations said that the geotechnical work done for North Main Street is in good shape.

Councilor Finlay said that going forward, when we undertake projects within a filled swamp, we need to try to understand how we got to this point so it doesn't happen again. He doesn't believe that the city was equipped to complete four large projects at once. We always need accurate geotechnical information.

Mayor Coble added that the project did turn out well and the \$500,000 spent on South Saluda Avenue made more of a difference in flooding than anything.

Councilor Cromartie asked where the funding came from for the additional street lights and the exact amount it cost.

Mr. Steve Gantt, Senior Assistant City Manager for Operations said that the funding for lights came from the contingency for the project, which is usually set at 5% of the overall costs.

Councilor Cromartie inquired about the progress of the Harden Street Project near the shopping center development.

Mr. Steve Gantt, Senior Assistant City Manager for Operations explained that the City's Traffic Engineer is in contact with the Housing Authority's engineers on a weekly basis and as soon as the encroachment permit is issued to the Housing Authority and they have the parking lot paved we are ready to realign the signaling in the intersection of Calhoun Street and Harden Street and to install the left turn lane. It will take city forces one week to get their work completed.

Councilor Cromartie asked Mr. Gantt to contact the Housing Authority to determine if we need to assist them in obtaining the necessary permits.

Mr. Steve Gantt, Senior Assistant City Manager for Operations further reported that the RFQ for design services for Phase II of Harden Street is 90% complete and may include the storm water repairs that are needed from Read Street to Two Notch Road.

Upon motion by Mr. Cromartie, seconded by Dr. Gergel, Council voted unanimously to approve the Final Change Order #17 for Harden Street Phase I, as requested by Construction Management. Award to L-J, Inc. in the amount of \$1,207,340.49. This firm is located in Columbia, SC.

- F. Council is asked to approve Project WM4012; Emergency Repair of Melrose Elevated Tank, as requested by Engineering Administration. Award to Chao and Associates, Inc. in the total amount of \$1,520,000.00. This firm is located in Columbia, SC. *Funding Source: Water Improvement Fund - Approved*

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve Project WM4012; Emergency Repair of Melrose Elevated Tank, as requested by Engineering Administration. Award to Chao and Associates, Inc. in the total amount of \$1,520,000.00. This firm is located in Columbia, SC.

- G. Council is asked to approve an Agreement for Management of the Columbia Canal Rehabilitation Project; CIP WM4167, as requested by Engineering Operations. Award to SCE&G in an amount not to exceed \$2,000,000.00. This firm is located in Columbia, SC. *Funding Source: 2008/2009 Capital Improvements Program Budget – This item was withdrawn from the regular agenda and discussed in Executive Session. No action was taken.*

Councilor Finlay asked to be briefed on this contract in Executive Session prior to voting on it.

- H. Council is asked to approve Project WM4020; New Water Main from I-77 to Rimer Pond Tank Site, as requested by D.S. Utilities, Inc., the lowest bidder, in the amount of \$3,035,715.50. This firm is located in Little Mountain, SC. *Funding Source: WM4020-851500 - Approved*

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to approve Project WM4012; Emergency Repair of Melrose Elevated Tank, as requested by Engineering Administration. Award to Chao and Associates, Inc. in the total amount of \$1,520,000.00. This firm is located in Columbia, SC.

- I. Council is asked to approve the Columbia Canal Front Project, as requested by the Department of Utilities and Engineering. Award to Cherokee Construction in the amount of \$12,832,794.29. Cherokee Construction was the second lowest bidder meeting the subcontracting outreach program requirements and is located in Columbia, SC. *Funding Source: CP102401 – This item was withdrawn from the regular agenda and discussed in Executive Session. No action was taken.*

Mr. Stephen A. Strapec of Mainline Contracting, Inc. appeared before the members of Council to protest the bid being awarded to Cherokee Construction stating that they were not notified of this decision. He said that Mainline Contracting, Inc. was the low bidder on the project at \$8.8 million with alternates and were told that they were being awarded the bid. He and his assistant traveled here today and would like to file a formal protest at this time.

This item was withdrawn from the agenda and discussed in Executive Session.

TEXT AMENDMENTS – SECOND READING

**J. Amend Chapter 17, Article 3, Division 1, §17-55 and Division 8, §17-258 - Commercial Vehicle Parking in Residential Districts.**

Ordinance No.: 2008-049 – 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, Sec. 17-55, Definitions to add Commercial vehicle, and Division 9, Supplementary District Regulations, Sec. 17-317, Home occupations (3) – *First reading approval was given on July 16, 2008.*

Mr. Marc Mylott, Director of Planning and Development Services reminded the Council that this matter of parking commercial vehicles within residential districts was discussed last time and he and the City Attorney took their suggestions under advisement and now would like to propose several changes for consideration by the Planning Commission. He explained that State Statute requires that the Planning Commission have an opportunity to review changes that are proposed after their recommendations are made.

Upon motion by Mr. Davis, seconded by Ms. Devine, Council voted unanimously to remand this revised Ordinance back to the Planning Commission for reconsideration and recommendation.

Ordinance No.: 2008-051 – 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. 17-258, Table of permitted uses (3) – *First reading approval was given on July 16, 2008. - Second reading consideration of this Ordinance was deferred.*

**K. Amend Chapter 17, Article III, Division 9, §17-322.**

Proposal: Amend §17-322, Supplementary District Regulations to add –CC (Community Character) overlay.  
Applicant: Marc S. Mylott, AICP, Director of Planning and Development Services / Zoning Administrator  
PC Recommendation: No recommendation, 4-4 (06/02/08).  
Staff Recommendation: Approve.

Ordinance No.: 2008-001 – Amending the Code of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplemental District Regulations to add a new Sec. 17-322, Interim Measures for Community Character Protection - *The Zoning Public Hearing was conducted on January 23, 2008. On May 7, 2008 this Ordinance was remanded to the Planning Commission for consideration and a recommendation. – Approved on second reading.*

Mr. Marc Mylott, Director of Planning and Development Services explained that **Item K.** is the text for the interim measures for community character protection and **Item L.** is the application of that new overlay district to six (6) specific geographies. He said that the Council was provided with the zoning included underneath the proposed boundaries; dots were used to mark properties that are used residentially, but zoned commercially; and an alternate boundary was provided that would remove the commercially zoned properties. He noted that there are about 5 to 10 properties that were kept within the original boundaries, because they were zoned commercially, used residentially and because they were across

the street from residential areas. He explained that the Council has three (3) options: accept the boundaries and language as originally proposed; reduce the boundaries and keep the text; or strike the phrase “used residentially” from the text. He noted that Forest Hills will remain the same, because there are no commercial parcels.

Mayor Coble asked if the neighborhoods had a chance to review this and if not, they need to be briefed on this.

Councilor Rickenmann concurred, adding that owners of commercially zoned property do not want to be included. They are a commercial district with their own association.

Councilor Devine is not opposed to deferring the matter for a week so that the neighborhoods can review the new boundaries. She said that the only area with concerns was Cottontown and those concerns can be addressed through the boundaries. She thinks we should move forward with the Ordinance, since it doesn't need to be changed.

Upon motion by Ms. Devine, seconded by Dr. Gergel, Council voted unanimously to give second reading approval to Ordinance No.: 2008-001 – Amending the Code of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 9, Supplemental District Regulations to add a new Sec. 17-322, Interim Measures for Community Character Protection.

#### MAP AMENDMENTS (REZONINGS) – SECOND READING

**L. Rezone to add –CC overlay district to all parcels to implement Interim Measures for Community Character Protection to the following areas:**

- a. Cottontown** - Generally bounded on the east by Route 277 and Bull Street, on the south by Elmwood Avenue, on the west by N. Main Street, and on the north by the unopened Northeastern Freeway (Route 277).

There was a consensus of Council to defer second reading consideration of this matter until August 20, 2008 and to direct staff to meet with and brief the neighborhood representatives on the proposed new boundaries.

- b. Shandon** - Generally bounded on the north by Devine Street, to the east by Kilbourne Road, to the south by Rosewood Drive, and the east by Harden Street.

There was a consensus of Council to defer second reading consideration of this matter until August 20, 2008 and to direct staff to meet with and brief the neighborhood representatives on the proposed new boundaries.

- c. Hollywood/Rose Hill** - Generally bounded on the north by Heyward Street; on the east by S. Harden Street; on the south by Rosewood Drive; and on the west by S. Marion Street.

There was a consensus of Council to defer second reading consideration on this matter until August 20, 2008 and to direct staff to meet with and brief the neighborhood representatives on the proposed new boundaries.

- d. **Sherwood Forest** - Generally bounded by starting at the intersection of Devine Street and Kilbourne Road, southeasterly along Devine Street to Beltline Boulevard, southerly along Beltline Boulevard to Rosewood Drive, westerly along Rosewood Drive to South Kilbourne Road, northerly along South Kilbourne Road to midblock between Yale and Heyward Streets, easterly midblock between Yale Avenue and Heyward Streets to the end of Heyward Street and northerly to midblock between Monroe and Duncan Streets, westerly to Kilbourne Road, and northerly to the starting point described above. – *Approved on second reading.*

Upon motion by Dr. Gergel, seconded by Ms. Devine, Council voted unanimously to give second reading approval to the Map Amendment / Rezoning to add –CC overlay district to all parcels to implement Interim Measures for Community Character Protection to **Sherwood Forest** - Generally bounded by starting at the intersection of Devine Street and Kilbourne Road, southeasterly along Devine Street to Beltline Boulevard, southerly along Beltline Boulevard to Rosewood Drive, westerly along Rosewood Drive to South Kilbourne Road, northerly along South Kilbourne Road to midblock between Yale and Heyward Streets, easterly midblock between Yale Avenue and Heyward Streets to the end of Heyward Street and northerly to midblock between Monroe and Duncan Streets, westerly to Kilbourne Road, and northerly to the starting point described above.

- e. **Forest Hills** - Generally bounded on the north by Forest Drive, on the east by Glenwood Road, on the south by Gervais Street, and on the west by Manning Avenue. (Map on file in Zoning). – *Approved on second reading.*

Upon motion by Dr. Gergel, seconded by Mr. Rickenmann, Council voted unanimously to give second reading approval to the Map Amendment / Rezoning to add –CC overlay district to all parcels to implement Interim Measures for Community Character Protection to **Forest Hills** - Generally bounded on the north by Forest Drive, on the east by Glenwood Road, on the south by Gervais Street, and on the west by Manning Avenue.

- f. **Whaley Street** - Generally bounded on the north by Catawba Street, on the east by Assembly Street, on the south by Heyward Street, and on the west by Wayne Street. – *Approved on second reading.*

Councilor Finlay asked if they are approving the old boundary or the new boundary, because a huge percentage of the land is zoned M-1 are included within the boundary and will require staff to keep up with that.

Mr. Marc Mylott, Director of Planning and Development Services responded that a change in the boundaries would cause a delay.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to give second reading approval to the Map Amendment / Rezoning to add –CC overlay district to all parcels to implement Interim Measures for Community Character Protection to **Whaley Street** - Generally bounded on the north by Catawba Street, on the east by Assembly Street, on the south by Heyward Street, and on the west by Wayne Street.

## **ORDINANCES – FIRST READING**

Upon motion by Mr. Cromartie, seconded by Mr. Finlay, Council voted unanimously to give first reading approval to **Items M.** through **P.** and to approve **Items Q.** through **S.** on a single motion.

- M. Ordinance No.: 2008-062 – Granting an easement to SCE&G Company for the Installation of Utilities along a portion of City property for the Lincoln Street Parking Garage; Richland County TMS# 09013-13-09 (portion); CF# 250-259 – *Approved on first reading.*
- N. Ordinance No.: 2008-063 – Annexing 4033 West Beltline Boulevard; Richland County TMS# 11613-01-01; 11613-01-02 and 11613-01-03 – *Approved on first reading.*
- O. Ordinance No.: 2008-064 – Annexing 211 Redbay Road; Richland County TMS# 28901-03-31 – *Approved on first reading.*
- P. Ordinance No.: 2008-067 – Authorizing the transfer of an unopened portion of Kensignton Road approximately 0.21 acre (9,003.49 square feet) adjacent to Richland County TMS#09103-02-24 to South Development Corp. – *Approved on first reading.*

## **RESOLUTIONS**

- Q. Resolution No.: R-2008-035 – Authorizing consumption of beer and wine at Main Street Latin Festival - *Approved*
- R. Resolution No.: R-2008-037 - Authorizing purchase, relocation and rehabilitation of houses from James Warren to the City of Columbia for resale through the Community Development HOME Program - *Approved*
- S. Resolution No.: R-2008-038 – Authorizing change of signatures on checking accounts – *Approved*

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

Mr. Temple Ligon, Reporter for The Columbia Star invited everyone to join his lectures on the second Friday of each month at Rising High from 6:00 p.m. until 7:00 p.m. This Friday's topic will be the Capital of the Renaissance: Florence, Italy.

## **EXECUTIVE SESSION**

Upon motion by Mr. Davis, seconded by Mr. Rickenmann, Council voted unanimously to go into Executive Session at 12:15 p.m. for the discussion of **Items T.** through **V.** as amended.

- T. Discussion of negotiations incident to proposed contractual arrangements
  - \*\*Mainline Contracting, Inc. Bid Protest
  - \*\*Columbia Canal Rehabilitation Project*Items were discussed in Executive Session. No action was taken.*

- U. Receipt of legal advice relating to matters covered by attorney-client privilege
  - \*\*Keenan High School Annexation*Items were discussed in Executive Session. No action was taken.*
- V. \*\*Discussion of Employment of an Employee  
*This item was discussed in Executive Session. No action was taken.*
- **Council adjourned the meeting at 2:30 p.m.**

Respectfully submitted by:

Erika D. Salley  
City Clerk