



CITY OF COLUMBIA  
CITY COUNCIL MEETING &  
ZONING PUBLIC HEARING MINUTES  
WEDNESDAY, MARCH 19, 2008  
9:00 A.M.  
CITY HALL – COUNCIL CHAMBERS  
1737 MAIN STREET

The Columbia City Council conducted a Meeting and a Zoning Public Hearing on Wednesday, March 19, 2008 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 9:06 a.m. and the Zoning Public Hearing to order at 10:30 a.m. The following members of Council were present: The Honorable E.W. Cromartie, II, The Honorable Anne M. Sinclair, The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann and The Honorable Kirkman Finlay III. Also present were Mr. Charles P. Austin, Sr., City Manager and Ms. Erika D. Salley, City Clerk.

### **APPROVAL OF MINUTES**

1. Minutes of January 23, 2008 - This item was withdrawn from the agenda.

### **PRESENTATIONS**

2. Introduction of Assistant City Attorneys – Mr. Ken Gaines, City Attorney

Mr. Ken Gaines, City Attorney introduced the following individuals that were hired as Assistant City Attorneys: Mr. Overture E. Walker joined the city in September 2006 and came from the Richland County Public Defenders Office where he was a Defense Attorney; Mr. Peter M. Balthazor was hired in September 2007 and he previously worked at McAngus, Goudelock and Courie, LLC; and Ms. Lora S. Camp was hired in November 2007 and she previously worked in the Richland County Solicitors Office handling Criminal Domestic Violence prosecutions through contract. They all bring their unique talents and skills to the City of Columbia Legal Department. He commended all of the Assistant City Attorneys, Paralegals, Law Clerks and Staff for their hard work.

Councilor Devine asked Mr. Gaines about the feasibility of hiring a Paralegal or an Abstractor to help with title searches. It may be more cost effective for the city and it will save time by helping to speed up code enforcement cases.

Mr. Ken Gaines, City Attorney, explained that the work is currently contracted out to an Abstracting Firm. He is not opposed to hiring an Abstractor in the Legal Department, if the position is authorized. He is willing to hire someone with minimum experience and train them.

3. GET SET Presentation – Ms. Marshall Johnson, Training Administrator

Ms. Marshall Johnson, Training Administrator, introduced Mr. Kenneth Liverman, Truck Driver III for the Solid Waste Division for successfully completing the Get SET Program and earning his General Equivalency Diploma (GED). He earned his GED within three (3) months and he surpassed the minimum required scores. Mr. Liverman has been employed with the city for seven (7) years and is the 22<sup>nd</sup> employee to complete the Get SET Program.

4. Pioneer Award Presentation – Ms. Beverly L. Barnes, Executive Director of Homes for Working Families

Ms. Beverly L. Barnes, Executive Director of Homes for Working Families, she explained that Homes for Working Families is a relatively new organization based in Washington, DC. They work nationally to bring homes within reach of working families, particularly middle income families that fall between the gap of being able to receive government assistance and those who can afford market rate. They work through policy improvements at the local and state level. Ms. Barnes presented the prestigious Pioneer Award to the City of Columbia for its City Living Employee Loan Program. This program is one of only two to be recognized in this country.

5. Introduction of the March 2008 Business Spotlight Honoree (CW47) – Mr. Tony Lawton, Executive Director of the Office of Business Opportunities

Mr. Tony Lawton, Executive Director of the Office of Business Opportunities recognized Television Broadcasting Station CW47/WZRB as the March 2008 Business Spotlight Honoree. This firm is owned by Robert's Broadcasting and is located at 1747 Cushman Drive. They are well known for their hit television shows and community involvement as well as their advertising of local businesses. The firm has also partnered with the City of Columbia and the Empowerment Zone to air several commercials for small businesses. Since it's creation in 2002, the company has employed 11 fulltime employees and has an annual sales record of \$3 million. CW47 has provided internships for college students and they partner with many non-profit organizations.

Mayor Coble and the members of Council presented Ms. Dody Yarborough, General Manager of CW47 with a proclamation recognizing CW47 / WZRB as the March 2008 Business Spotlight Honoree. The firm also received a certificate to the Business FastTrac Program.

6. Recognition of Supporters of the Three Oaks Housing Community - The Honorable Sam Davis and Ms. Gail Baker

Councilor Davis began by saying that over one (1) month ago, there was an unfortunate fire in the Three Oaks Community, which is located in the Hyatt Park Neighborhood. The outpouring of support for the families was something that struck everybody. It was impressive how the management worked with the families that were affected and the other neighbors. The community embraced these families and credit needed to be given to Mr. Bill Manley for suggesting that we thank those that provided assistance. He recognized Ms. Gail Baker for being a strong leader for the Hyatt Park Neighborhood Association.

Councilor Rickenmann said that this is another reason why he is proud to call Columbia home, because when something happens the neighborhoods and people throughout our city come together to help everyone. He thanked Ms. Gail Baker and Mr. Bill Manley for leading this effort.

Ms. Gail Baker, President of the Hyatt Park Neighborhood Association, stated that there was an awesome display of support for their neighborhood and they cannot say enough words to thank those that came out, gave, called and checked on the families. She presented awards to Councilmen Davis and Rickenmann and others for their instant support and tireless efforts.

Officer Beatrice Fields  
*Columbia Police Department*  
Mr. Bill Manley  
Ms. Lillie Pearson  
Ms. Kimberly Mahle  
Ms. Kathy Morgan  
Mr. Steve Taylor  
*Preferred Properties*

Ms. Denise Holland  
Ms. Deloris Perry  
Ms. Lillie Norman  
Ms. Sara McElhaney  
Mr. Mansul Dunwoody  
*Harvest Hope Food Bank*  
Mr. Marion Spires  
*Preferred Properties*

Rev. Ray Hoskins  
*New Day Baptist Church*  
Mr. Hank Chardos  
*HomeWorks*  
Mr. Willie Washington  
*Benedict College*

7. National Youth Violence Prevention Week – The Honorable Tameika Isaac Devine

Councilor Devine announced that this is the fourth year that the City will recognize National Youth Violence Prevention Week and every year we want to make sure that we keep all efforts in youth violence prevention at the forefront. There has been a lot of discussion on our gang assessment and it shows that we do have a gang problem, but we also have a lot of opportunities for young people to get involved in things they shouldn't. Some may not be involved in gangs per se, but they are involved in activities that they shouldn't be. We can keep the public aware about these things. We have young people that are susceptible to gang recruitment, because of the lack of coordinated activities. This year's events start on March 30, 2008 and continue through April 4, 2008.

Mr. Terry Dozier, Special Programs Supervisor / Parks and Recreation, said that he is excited to be working with the City of Columbia to improve our neighborhoods and the lives of our young people. The following events will take place during the National Youth Violence Prevention Week: Sunday, March 30, 2008 "Strike Out Youth Violence" Kick-Off Event at Anchor Lanes; Monday, March 31, 2008 a discussion on Anger Management and how to keep a cool head; Tuesday, April 1, 2008 a discussion on Conflict Resolution and how to de-escalate potentially violent situations; Wednesday, April 2, 2008 a discussion on Safety; Thursday, April 3, 2008 a panel discussion on Communication and Truth and Consequences; and Friday, April 4, 2008 to wrap the week up they will Unite in Action at Finlay Park for Kid's Day with rides and entertainment. This is seguing to the Pals in the Park collaboration with the Police Department and Parks and Recreation to create a safe environment for our community and our young people.

Ms. Kim Mitchell, Special Events Coordinator / Parks and Recreation, stated that we are working with Intercity Broadcasting and their disc jockey will talk about the themes throughout the week and encourage parents / adults to talk with our youth in hopes of them participating at home. The schedule of events and registration forms can be found at [www.columbiayvpw.net](http://www.columbiayvpw.net).

### **REPORTS AND UPDATES**

7a. \*\*City Manager's Report – Mr. Charles P. Austin, Sr., City Manager

Mr. Charles P. Austin, Sr., City Manager thanked the members of Council for the healthy and candid dialogue that took place during the recent Retreat. He presented a report/update on the following matters: Council/Staff Communications, Financial Update, Fines and Collections Request for Proposals, Court Interpreters and the Telephone Response Unit.

This report was received as information. No action was taken.

- **Council recessed at 10:23 a.m.**
- **Council reconvened at 10:30 a.m.**

## **ZONING PUBLIC HEARING**

- **Council opened the Zoning Public Hearing at 10:30 a.m.**

ANNEXATIONS WITH REZONING – FIRST READING – *Continued from January 23, 2008, February 6, 2008 and February 20, 2008.*

8. **Brevard and Jefferson Allen Streets (Saluda Ridge)**, TMS# 07306-04-01, -05, -16, -19, -20, -21; 07306-05-15, -17(p), -18; 07305-05-03, -04; rezone from Richland County RS-1 (Single-Family Residential) to PUD-R (Residential Planned Unit Development).

Ordinance No.: 2008-011 - Annexing 919 Brevard Street; 827, 829, and 833 Brevard Street; Lots 6, 7, & 8, Jefferson Allen Drive; 912 Brevard Street; Lots 10 & 13, Jefferson Allen Drive; 1002 Brevard Street; 1003 Brevard Street; NX207 Saluda River Road; and Jefferson Allen Drive, Richland County TMS No: 07306-05-17, 07306-05-18, 07306-04-16, 07306-04-20, 07305-05-03, 07306-04-19, 07305-05-04, 07306-04-01, 07306-04-05, 07306-04-21, and 07306-05-15 – *First reading consideration of this item was deferred.*

Mr. Marc Mylott, Director of Development Services explained that the applicant requested that this matter be deferred again, until April 16, 2008. Staff did communicate this with the point person for the neighborhood association.

Mr. Brian South, Applicant, further explained that due to market conditions and the approval by the Planning Commission for a reduction from 75 to 62 lots, the developer has to reassess the entire viability of the project. Looking at all options, they could not move forward with the Public Hearing in good faith given the current status of the project.

Councilor Cromartie requested that Mr. South inform the neighborhood as soon as he makes a decision to move forward for approval.

Mr. Brian South, Applicant, stated that he fully understands and agreed to do as requested.

Mr. Donald Gist, Resident, said that Mr. Cromartie has laid out exactly what the neighborhood concerns are with respect to the request for a continuance. He suggested that the matter be deferred back to the Planning Commission and ask that the neighborhood and developer work out a negotiation rather than continually bringing this up to Council.

Councilor Cromartie asked Mr. South if he was willing to have the matter remanded back to the Planning Commission.

Mr. Brian South, Applicant, agreed.

Upon motion by Mr. Cromartie, seconded by Ms. Devine, Council voted unanimously to remand this matter back to the Planning Commission in hopes of the neighborhood association and the applicant being able to negotiate prior to the matter coming back to City Council.

MAP AMENDMENTS / REZONINGS & TEXT AMENDMENTS – FIRST READING

9. **2537 Gervais Street**; TMS# 11411-09-11; rezone from C-1 to C-1, -DP.

Ordinance No.: 2008-010 – 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, (d) Group III

Ms. Heather Cairns, Applicant, explained that she purchased the property one (1) year ago to restore it back to its original historic form. The structure will be used as office space. The landmark status is being requested as an extra benefit. This site is at the corner of Gervais Street and Manning Avenue.

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval on a single motion to the *Map Amendment / Rezoning and Text Amendment* of 2537 Gervais Street; TMS# 11411-09-11; rezone from C-1 to C-1, -DP **and** Ordinance No.: 2008-010 – 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, (d) Group III.

10. **Wales Garden**, TMS# 11306-04-02 through 35; 11306-05-01 through 06; 11306-06-01 through 06; 11306-07-01 through 39; 11307-03-13 through 16; 11307-04-01; 11307-05-02 through 06; 11307-06-01 through 11; 11307-07-02 through 25; 11307-08-01 through 04; 11307-09-01 through 09; 11308-09-01 through 11; 11308-10-02 through 13; 11308-11-08 through 13; 11310-01-01 through 06; 11310-02-01 through 16; 11310-03-01 through 16; 11310-22-01 through 10; 11311-01-01 through 14; 11311-02-01 through 38; 11311-03-01 through 06; 11311-03-17, 11311-03-19 through 22 (all up to 100' from Waccamaw); 11311-03-23 through 26; 11311-03-27 (up to 100' from Waccamaw); 11311-03-28 through 39; 11312-13-09 through 17; 11381-01-01 through 09; 11381-02-01 through 04; 11381-03-01 through 04; 11387-01-01; 11387-02-01 through 08; 11387-03-01 through 08; and 11387-04-01 through 08; rezone to add DP to all existing zoning classifications.

Ordinance No.: 2008-009 – 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. 17-681, Districts identified, (b) Architectural conservation district to add (5)

Ms. Amy Moore, Historic Preservation Planner, presented a proposal for the Wales Garden Neighborhood to become an Architectural Conservation District. The area is roughly bounded from Blossom Street to Heyward Street and Pickens Street to Waccamaw Avenue. The neighborhood is part of what was once a very extensive plantation named Stark Plantation and during post Civil War the area was divided into lots and sold by the late 1800's. She said that 80-acres of the area were set aside for residential development by the City Development Corporation. The neighborhood is named after Mr. Edmond Wales Robertson, one of the City Development Corporation's Board Members and a prominent businessman. In the 1940's buyers were able to combine lots as they wished thus establishing a neighborhood with a great diversity in lot size and architecture. The area features everything from small bungalows to magnificent Spanish colonial homes.

Ms. Coles Lawton, Wales Garden Neighborhood Association President, reported that after a three (3) year effort their neighborhood recently voted with an 81% majority in favor of the guidelines and boundaries. She stated that the city Planning Department has been a pleasure to work with and she commended Ms. Amy Moore for her leadership. The Association exceeded the required communications by distributing seven (7) public mailings instead of three (3); instead of three (3) public meetings, they hosted four (4); they contacted real estate companies by mail and telephone to notify agents, potential buyers and to receive feedback; using their association dues, they mailed packets with copies of the guidelines to every property owner; and they offered absentee voting as a convenience for absentee landlords and residents. She recognized residents of the Wales Garden Neighborhood Association that were in attendance.

Councilor Sinclair agreed that this was a lengthy, but thorough process. She commended Ms. Amy Moore for her leadership from a staff perspective and Ms. Coles Lawton for her leadership and for being stalwart. She feels that this process codified the fact that Wales Garden is a very special neighborhood.

Councilor Finlay urged staff to ensure that the boundaries of this area are nailed down based upon facts, not opinions and that the legal work is done correctly.

Ms. Amy Moore, Historic Preservation Planner, reported that she has triple checked the numbers on this. She used the term “generally bounded”, because the description is very long.

Councilor Davis asked if any individual lots were divided in terms of designation.

Ms. Amy Moore, Historic Preservation Planner, said that this has been done in other neighborhoods as well. The effort was not to designate the entire parcel to the historic designation, but only a minimum part of the lot that would face into the historic district as intended. It's 100', so if the lot ended up being subdivided anything within that 100' would fall into the historic district. This information was carefully advertised to all property owners.

Upon motion by Ms. Sinclair, seconded by Mr. Rickenmann, Council voted unanimously to approve on first reading and a single motion the *Map Amendment / Rezoning and Text Amendment* for Wales Garden, TMS# 11306-04-02 through 35; 11306-05-01 through 06; 11306-06-01 through 06; 11306-07-01 through 39; 11307-03-13 through 16; 11307-04-01; 11307-05-02 through 06; 11307-06-01 through 11; 11307-07-02 through 25; 11307-08-01 through 04; 11307-09-01 through 09; 11308-09-01 through 11; 11308-10-02 through 13; 11308-11-08 through 13; 11310-01-01 through 06; 11310-02-01 through 16; 11310-03-01 through 16; 11310-22-01 through 10; 11311-01-01 through 14; 11311-02-01 through 38; 11311-03-01 through 06; 11311-03-17, 11311-03-19 through 22 (all up to 100' from Waccamaw); 11311-03-23 through 26; 11311-03-27 (up to 100' from Waccamaw); 11311-03-28 through 39; 11312-13-09 through 17; 11381-01-01 through 09; 11381-02-01 through 04; 11381-03-01 through 04; 11387-01-01; 11387-02-01 through 08; 11387-03-01 through 08; and 11387-04-01 through 08; rezone to add DP to all existing zoning classifications **and** Ordinance No.: 2008-009 – 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. 17-681, Districts identified, (b) Architectural conservation district to add (5).

## TEXT AMENDMENTS – FIRST READING

11. **Amend Chapter 17, Article III, Division 3, §17-114, Appeals from decisions of board.**

Ordinance No.: 2008-030 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 3, Board of Zoning Appeals, Sec. 17-114, Appeals from decisions of board – *Approved on first reading.*

Mr. Marc Mylott, Director of Development Services explained that this Ordinance is an amendment to the procedures of notification for the Board of Zoning Appeals. This brings our local zoning Ordinance into compliance with state statute. The city's code says that the time to appeal a decision of the board starts when the decision is rendered. That is a little nebulous, because rendered could mean when the board votes or when the final written order is issued. The state statute says that rendered means when the written order is mailed.

No one appeared in support of or in opposition to the Text Amendment.

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval to Ordinance No.: 2008-030 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 3, Board of Zoning Appeals, Sec. 17-114, Appeals from decisions of board.

## MAP AMENDMENTS / REZONINGS – FIRST READING

12. **\*\*4005 Rosewood Drive**, TMS# 13806-07-19; rezone from RS-2 to UTD – *Approved on first reading.*

No one appeared in support of or in opposition to the Map Amendment.

Upon motion by Ms. Sinclair, seconded by Ms. Devine, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning* of 4005 Rosewood Drive, TMS# 13806-07-19; rezone from RS-2 to UTD.

## TEXT AMENDMENTS – FIRST READING

13. **MX-1 (Mixed-Use) Zoning District**, create new and/or amend pertinent sections of Zoning Ordinance to establish the MX-1 (Mixed-Use) zoning district. – *Approved on first reading.*

Ms. Lucinda Statler, Urban Design Planner, explained that staff has developed a set of fair recommendations that support basic, sound planning principles. The recommendation is two-fold; the MX-1 zoning and the 5P Overlay.

Ms. Krista Hampton, Development Center Coordinator, explained that the MX-1 District is intended to be used citywide, just as C-1, M-1, etc. It is mixed-use one with the anticipation that we will have MX-2. It is primarily intended for mixed-use, pedestrian priority and neighborhood contexts. The MX-2 would be for even more urban context like the InnoVista project where you have even greater density and height. Generally speaking, the main points would limit height and lot area to 50'. She noted that 5P is an overlay that modifies the MX-1 base zoning. There is no lot coverage requirement. The setback normally is 25', but it's reduced to a maximum of 10' and there are no rear or side setbacks. It permits residential uses as of right; limits

wholesale trade and automotive related uses; it limits outdoor storage of equipment unless it is by conditional use approved at the staff level.

Councilor Cromartie asked how this would affect the property that's adjacent to Senate Street and Pine Street, not the commercial area, but the residential character of that area.

Ms. Krista Hampton, Development Center Coordinator, stated that it should not impact it any differently than the current C-3 zoning. The 5P overlay will affect them in some way if it is a residential zoning with setbacks; otherwise, with regard to use, it should not affect them any differently than they are now.

Councilor Cromartie is concerned about the residential neighborhood that backs up to Gervais Street and whether or not the residential character would be affected. This is also a concern of the residents on Walnut Street. The property owners do not want a commercial site next to the church or on Walnut Street. They don't want to be adversely affected by this change.

Mr. Marc Mylott Director of Development Services reiterated that the residents should see no difference in terms of the impact upon their particular land. The mixed-use district allows an opportunity for those properties to be developed residentially, which is an opportunity that was not available. Staff categorized this with other commercial districts/uses. There is one property that's zoned residentially, but used commercially and it will remain residential. All of the residential on Walnut Street will remain as residential and the property on Pine and Senate will remain as it is today.

Councilor Finlay asked if were considering using MX-1 to down zone a strictly commercial use or to up zone to residential. He wants to understand if this is the beginning of commercialization in residential areas or the beginning of residential development in commercial areas. He asked if this would cap existing commercial uses in that area.

Mr. Marc Mylott, Director of Development Services stated that it would allow the opportunity for mixed-use including residential development. He added that we may look at opportunities where this type of zoning better implements what has already been adopted by Council. Such as the neighborhood plans for North Main. This will allow more residential uses in commercial districts. It will not introduce commercial uses into residential areas. This will cap existing commercial uses by virtue of the bulk requirements such as height and parking.

Councilor Finlay asked staff to go back and study the abilities of the lighter commercial zonings to expand the residential.

Mr. Marc Mylott, Director of Development Services, explained that currently in C-1, which is office and institutional, a vast majority of residential is already allowed, so it functions much as a mixed-use district, but the non-residential is subjectively very light. When looking at what the base zoning district needed to be in Five Points to implement the plan, they balanced what was currently allowed by C-3, which is much greater than what's allowed in C-1 and C-2. Those uses could be permitted and slightly modified, but it's better to maintain the pedestrian orientation.

Councilor Finlay insisted that the residential could be extended to C-2 and C-3 and that MX zoning could be used city wide. He urged staff not to develop zoning classifications for specific neighborhoods.

▪ **Council opened the Public Hearing on the Mixed-Use Zoning District at 11:16 a.m.**

Mr. William Durham asked why a MX-1 zoning is needed. If someone has a special project that cannot work with a 25' setback then they have the option of a Planned Unit Development (PUD) and variances.

Mr. Marc Mylott, Director of Development Services replied that developers like to know what can be done with property rather than subject themselves to a discretionary process such as a PUD. The MX-1 zoning will let landowners know up front what they can or can't do with their property. The Board of Zoning Appeals often denies applications for variances that would allow land to be used more profitably than what's allowed.

Councilor Devine noted that this is not an original idea and that we are adopting what other cities are doing to encourage more pedestrian friendly mixed use so that you can do more things.

Councilor Rickenmann asked how this would interact with the retail study and if the MX-1 zoning was discussed with the consultant. This is important, because we are trying to encourage retail. He urged staff to be careful, because we have areas of town that are experiencing some residential creeping into industrial and commercial zones where people have had business for their entire lives and now they feel pushed out. He asked staff to take this into consideration, because we don't want to overrun commercial with residential. He wants to be sure that we are encouraging all types of retail and not just hospitality retail at night.

Councilor Sinclair stated that the consultant feels very strongly about mixed-use and the need for guidelines, because it gives you a sense of what an area could be.

Councilor Cromartie said that it's important to have a demarcation of retail at the bottom and residential at the top. The consultant recommended that the city look at the retail having some type of overlay as it relates to the business and retail district. He urged staff to work with the consultant to take advantage of her expertise in that area so that we are getting the best retail possible.

▪ **Council closed the Public Hearing on the MX-1 Zoning District at 11:28 a.m.**

Upon motion by Mr. Finlay, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval to the following *Text Amendment*: MX-1 (Mixed-Use) Zoning District, create new and/or amend pertinent sections of Zoning Ordinance to establish the MX-1 (Mixed-Use) zoning district.

- 13a. **5P (Five Points) Zoning Overlay District**, create new and/or amend pertinent sections of Zoning Ordinance to establish the 5P (Five Points) zoning overlay district. *The Public Hearing was conducted. No action was taken.*

Ordinance No.: 2008-025 - Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division 1, Generally, Sec. 17-54 Rules of construction; interpretation of types of districts; Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-231 Districts enumerated (c); Sec. 17-258 Table of permitted uses (1) to add (h); Sec. 17-260 Warehousing (SIC 4227 and 424)(a)(3); Sec. 17-263 Retail trade (SIC 52-59) (b); Sec. 17-275 Lot size, setback and height requirements to add (k); Sec. 17-282 Antennas (b); Sec. 17-283 Wireless communication facilities TABLE 3; and to add Sec. 17-284-5P five points district; Sec. 17-285 MX-1 mixed-use district corridor/neighborhood; Sec. 17-286 Motor vehicle, boat and recreation vehicle dealers; Sec. 17-287 Used merchandise stores; Sec. 17-288 Offices and clinics of other health practitioners including therapeutic massage; Division 9, Supplementary District Regulations to add Sec. 17-321 -5P five points overlay district; Division 12, Signs, Sec. 17-407 Signs permitted in commercial and industrial districts (2)(a), (3)(a)(1) and

(5)(a)(4); Article V, Historic Preservation and Architectural Review, Division I, Generally, Sec. 17-653 Design and development review commission (b)(9); Sec. 17-655 Administration to add (c) Administration of -5P design guidelines and re-letter Certificate conditions to (d) – *The Public Hearing was conducted. No action was taken.*

#### MAP AMENDMENTS / REZONINGS – FIRST READING

14. **Five Points:** Area generally bounded to the north by Gervais Street, to the west by the Southern RR, to the south by parcels fronting Blossom Street, to the east by Hilton Street and continuing in a straight line northerly to Lee Street, continue north- westerly to Pavilion Avenue, jogging east to Pine continuing north to College Street, jogging west approximately 85 feet and turning north to Stark Street, along Walnut Street to Senate Street and behind parcels fronting Harden Street to Gervais Street, but excluding the PUD-C on Saluda Avenue and industrial and residentially zoned properties from the MX-1 district. Rezone from C-1, C-2, C-3, C-3 –DP, M-1, RG-3, PUD-C to MX-1-5P, MX-1 –DP, PUD-C –5P, M-1-5P, RG-3 –5P (see associated text amendments above). – *The Public Hearing was conducted. No action was taken.*

Mayor Coble suggested that the Public Hearing be combined for **Items 13a. and 14.** No action would be taken at the end of the hearing.

Ms. Lucinda Statler, Urban Design Planner, explained that the intent of the overlay is to address issues that are specific to Five Points unlike the MX-1, which could be applied to other areas. There are other issues that are unique to Five Points since it is the only pedestrian / commercial area in the city that's within walking distance of a significant amount of residential development. The key points of this overlay are to protect Columbia's only urban village; to enhance the urban mixed-use environment; and to preserve and promote the eclectic character that makes Five Points what it is. The overlay would reduce the parking requirements for all uses by 20%; removes the parking requirements for office and retail uses that are in pre-existing buildings that cannot fit the required parking on their parcel; recognizes that portions of Five Points could accommodate higher development and allows some parcels in the Upper Five Points to reach 75'; and it addresses parcels that are adjacent to residential neighborhoods by asking them to step down to a 35' height within a 30' zone; and it attaches design guidelines to the area. The design guidelines are flexible and goal oriented and staff level review would be allowed for smaller projects such as any new construction less than 35' in height and less than 5,000 square feet and new projects or renovations that cost less than \$500,000.

- **Council opened the Public Hearing for Items 13a. and 14. at 11:36 a.m.**

Ms. Coles Lawton, Wales Garden Neighborhood Association President, appeared before the members of Council in support of the rezoning and design guidelines to ensure protection of the neighborhood village.

Mr. William Stewart, Five Points resident, appeared before the members of Council in opposition to the overlay as it relates to the Upper Five Points area. He doesn't foresee a demand for the development of an urban village in that area and there are few houses left on Walnut Street. He stated that businesses sell drugs and prostitutes. He believes that some residents would like to sell their homes and move. He is in favor of adequate parking, noting that it is the most essential thing.

Mr. Frank Barco, Property Owner, appeared before the members of Council in opposition to the overlay, because of the restrictions that would be imposed.

Mr. Charles Small, Property Owner, appeared before members of Council in opposition to the overlay, because it is another cost that will impact investment decisions in Five Points. He stated that density and affordable housing go hand in hand. He noted that a lot of time was

spent discussing what would be excluded and what is not wanted during the public meetings.

Ms. Merritt McHaffey, Five Points Association Executive Director, appeared before the members of Council in support of the overlay and asked Council to approve the design guidelines.

Mr. Richard Burt appeared before the members of Council in support of the overlay.

Ms. Kathryn Fenner University Neighborhood resident appeared before the members of Council in support of the overlay in terms of not wanting certain things in Five Points, such as more bars.

Ms. Leslie Monard Owner of Hip-Wa-Zee at 940 Harden Street appeared before the members of Council in support of the overlay, because it will help preserve the character of the community and increase property values. She said that this is one of the most beautiful cities in the nation and the developers go unchecked and do what they want to do.

Mr. Jimmy Knight, Wales Garden Neighborhood, appeared before the members of Council in support of the overlay. He owns property in the 700 and 800 blocks of Harden Street and on Blossom Street. He thanked the Council for redoing Five Points and for making sure it was done right.

Mr. Sylvie Dessau, Senate Street Property Owner, appeared before the members of Council in support of the overlay, because it would give clarity to zoning regulations and it takes the proximity of residences into consideration.

Mr. Travis Butler appeared before the members of Council in opposition to the plan realizing that it was drawn with the best intentions. He stated that we are headed in a recession and opportunities to grow are few and far between. He noted that density creates affordable leasing rates and that this plan will gentrify the Five Points area.

Mr. Scott Chris, Property Owner, appeared before the members of Council in opposition to the request, because not all property owners fully understand the implications of this.

Mr. Duncan MacRae, Yesterday's Restaurant Owner, appeared before the members of Council in support of the plan.

Ms. Debbie McDaniel, Property Owner, appeared before the members of Council in support of the plan, because she has worked in Five Points for over 30 years and has seen it change dramatically. She stated that the area has a historical significance and this would protect that.

Mr. Doug Quackenbush, Quackenbush Architects / Author of the Future Five Points Plan, appeared before the members of Council in support of the plan. He noted that these are the final stages of implementation. He explained that the C-3 zoning is inappropriate for Five Points and that the proposed zoning is most appropriate for urban areas. Many elements of the plan are developer friendly, the setback requirements allow you to build more and the parking provisions are flexible.

Councilor Cromartie asked Mr. Quackenbush for his opinion on the Retail Consultant's comment on changing the façade of the retail and residential.

Mr. Doug Quackenbush, Quackenbush Architects / Author of the Future Five Points Plan, stated that it is an interesting detail that he would probably agree with, because it's a way of building more massive buildings. It is a strategy for subdividing retail uses from residential. It is one solution, but he would not recommend an across the board application. He noted that the Five Points Design Guidelines are very flexible to include principles and important objectives, but

they are not prescriptive on how you get there.

Councilor Devine asked if the guidelines excluded types of businesses.

Mr. Doug Quackenbush, Quackenbush Architects / Author of the Future Five Points Plan, explained that the MX-1 zoning actually limits some uses, but as noted, it's obvious and inappropriate uses for urban environments. It provides more flexibility because it is mixed-use. Mr. William Durham appeared before the members of Council in opposition to the plan. He asked the Council why the PUD-C zoning on Saluda Avenue was exempt from the plan. He stated that it's because the city wants what they want and the rules go out the window. He credited the streetscape project and the money spent on the Kenny's site for the increase in property values. He noted that the city paid \$80 per square foot and that was the highest amount ever paid for property in Five Points.

Mr. Joe Mac Bates, Jr., representative for 800 Harden Street, appeared before the members of Council in opposition to the plan, because it adds another layer of bureaucracy to the process. He urged the Council not to place anymore restrictions on land owners.

Ms. Sherie Waggoner, Wales Garden Resident / Five Points Property Owner, appeared before the members of Council in opposition to the plan, because there are enough restrictions on property owners.

Vice President of the Five Points Association / Five Points Property Owner, appeared before the members of Council in support of the plan, because it will cause people to have more integrity.

Mr. John Stucker, University Hill Neighborhood Association, appeared before the members of Council in support of the plan, noting that the City Center Design District received the same arguments and comments ten years ago and now we have the Vista, which is one of this city's greatest success stories.

Mr. Jim Padgett, Chairman of the Realtors Commercial Alliance, appeared before the members of Council in opposition to the plan, because it may have an adverse impact by adding another layer of bureaucracy and deals will suffer from added costs. If approved, he would like for Council to consider a sunset provision to determine whether or not this is working.

Mr. Frank Cason, Representative of the property at Harden Street and Gervais Street, appeared before the members of Council in opposition to the zoning, because of height restrictions and the involvement of the Design Development Review Commission (DDRC). It will add costs for the developer. He urged Council to approve the sunset provision as requested by Mr. Jim Padgett. He asked that the DDRC provision be removed and that this go to the Planning Commission instead. He does support the plan.

Mr. John Temple Ligon, Reporter for the Columbia Star, suggested that Will Rogers never met a Real Estate Developer.

Mr. Louie Dessau appeared before the members of Council in support of the plan, because it is very sound.

Mr. William Stewart appeared before the members of Council in opposition to the plan. He urged the Council to ask residents on Walnut Street to sell their property if the city needs parking.

Mr. Thomas Swartout, Wales Garden Resident, appeared before the members of Council in support of the plan, because it's about protecting the nature of Five Points.

Councilor Devine urged those in opposition to the plan and the zoning overlay to submit their

suggestions to Ms. Sinclair for review during upcoming deliberations. She asked for a listing of parcels that are restricted by the height provisions; what does that do to the density of the area; and how many are actually affected by the decrease in size of what can be built in the future as compared to what can be built now.

Councilor Cromartie asked staff to review the provision for this to go to the DDRRC, since the appeals would then go to the Circuit Court.

Councilor Finlay asked how many individual parcels would be covered by the overlay and what owners are in support of or in opposition to this.

Mr. Marc Mylott, Director of Development Services, stated that the reduction in parking when applied to parcels with a square foot reduction simply by application of the building envelope you will find that you are not reducing. He opted to gather Council's questions and concerns and to provide a collective response later.

Councilor Sinclair expressed concerns about the plan reducing the ability for density and she thought we were striving for the opposite, which is higher density. She asked Mr. Mylott to look at that. This stems from the comment made about higher density as it relates to affordable housing.

Councilor Rickenmann noted that two (2) parcels were excluded from the overlay and asked if the Claussen's Inn was excluded from the overlay.

Ms. Krista Hampton, Development Center Coordinator, stated that Masters Dry Cleaning Plant is zoned M-1. She stated that the Claussen's Inn is included in the overlay district.

Councilor Sinclair requested that first reading consideration be scheduled for April 2, 2008 unless staff determines that additional time is needed to prepare their responses.

- **Council adjourned the Zoning Public Hearing at 12:43 p.m. and recessed prior to reconvening the regular meeting.**
- **Council reconvened the meeting at 12:50 p.m.**

## **OTHER MATTERS**

15. Lofts at College Place Request for Financial Assistance – Mr. Michael Manis, Executive Director of the Eau Claire Development Corporation (ECDC)

Councilor Finlay is concerned about the financial viability of the Eau Claire Development Corporation after reviewing its audit. He requested an opportunity to meet with staff to discuss this matter in an effort to ensure financial viability. He suggested that a work session be scheduled.

Mr. Mike Manis, Executive Director of the Eau Claire Development Corporation (ECDC) explained that this request is totally project related and does not have anything to do with ECDC's operational funding. He noted that the audit for ECDC is incomplete at this time.

Councilor Finlay agreed that it wasn't an audit, but it was the numbers from last year that appeared to be what he called a "liquidity issue". He said that it will be addressed by more liquidity from Council or future project involvement will be tough. He wants financial staff to walk him through the income statement and balance sheet to better understand ECDC's liability and future funding sources.

Councilor Rickenmann suggested that we profit share if the project is ever sold to a private

entity so that the money could be used to further invest in the surrounding community.

Upon motion by Mr. Davis, seconded by Ms. Devine, Council voted unanimously to approve an allocation in the amount of \$170,800 for the Lofts at College Place from the Land Acquisition Fund with the understanding that this matter will be revisited in order to fulfill the request for \$200,000. The balance of funding needed is \$29,200. Council has agreed to profit share if the project is ever sold to a private entity so that the city's investment can be reinvested into the surrounding community.

15a. \*\*Conventions and Visitors Bureau – The Honorable Tameika Isaac Devine

Councilor Devine explained that the Conventions and Visitors Bureau (CVB) has major issues and are about to layoff some staff. She suggested that it would be appropriate to approve funding from the surplus Accommodations Tax funds. She further explained that the previous year's numbers were not accurate and that the new Director has determined that this year's budget is not where it needs to be.

Councilor Finlay cited that the sales projections were set too high; the new Director discovered this; they are now in a hole where revenues are \$500,000 less than expected and is attempting to recover; and we believe that there is \$120,000 worth of surplus accommodations money that we will plug into the CVB to help that shortfall.

Councilor Devine agreed with Mr. Finlay's assessment and noted that Mr. Luber has already cut travel, marketing and are aggressively addressing the budget as well. They are seeking assistance from Richland and Lexington Counties as well.

Mr. Charles P. Austin, Sr., City Manager explained that he and Ms. Libby Gober, Ombudsman did meet with Mr. Luber and they were both satisfied that he has taken reasonable steps to address the issue.

Councilor Sinclair added that Mr. Ric Luber of the CVB has documentation of the impact of the CVB throughout the area and that's the first time she's seen that kind of information to include what's happening in the unincorporated areas of Richland and Lexington Counties.

Mayor Coble clarified that the Convention Center is above revenue projections.

Upon motion by Ms. Devine, seconded by Ms. Sinclair, Council voted unanimously to approve an allocation in an amount up to \$120,000 from the Accommodations Tax Surplus Fund. Staff is directed to confirm the balance of the account prior to disbursing the funds.

## **CONSENT AGENDA**

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve the **Consent Agenda Items 17.** through **22.**, **24.**, and **26.** through **30.** on a single motion and as amended. **Items 16.**, **23.** and **25.** were withdrawn from the agenda. The second reading consideration of **Items 31.** through **C.** was deferred.

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

16. Council is asked to approve a Contract for Marketing Services Rendered for the Charles R. Drew Wellness Center, as requested by the Parks and Recreation Department. Award to Ferillo and Associates, Inc. in the amount of \$10,800.00. This firm is located in Columbia, SC. *Funding Source: 1015115 – 636600 - Consideration of this matter was deferred.*
17. Council is asked to approve the Purchase of Hydraulic Fluid, as requested by the Fleet Services Division. Award to Southern Lubricants, Inc., the low bidder, in the amount of

\$11,459.70. This vendor is located in Columbia, SC. *Funding Source: 6308970-672300 - Approved*

18. Council is asked to approve the Purchase of Forty (40) Watch Guard Belt Pack Transceiver and Desktop Chargers for the Digital In-Car Video System, as requested by the Police Department. Award to Watch Guard of Plano, TX, as the low bidder, in the amount of \$16,863.20. *Funding Source: 1012402-627100 - Approved*
19. Council is asked to approve Phase II of Renovations at 1225 Lady Street, as requested by General Services. Award to Preferred Construction Co., Inc., the low bidder, in the amount of \$29,473.00. This firm is located in Columbia, SC. *Funding Source: 1011202-639900 - Approved*
20. Council is asked to approve the Purchase of a Backhoe / Loader Tractor, as requested by the Wastewater Maintenance Division. Award to Steen Enterprises, the low bidder, in the amount of \$34,100.00. This firm is located in Adams Run, SC. *Funding Source: 5516205-658500 - Approved*
21. Council is asked to approve the Purchase of an Aerial Lift Device, as requested by the Traffic and Engineering Department. Award to Map Enterprises, Inc., the low bidder, in the amount of \$38,439.75. This vendor is located in Graham, NC. *Funding Source: 1013204-631700 - Approved*
22. Council is asked to approve Project #SD8313; Storm Drain Improvements West of Camellia, Devereaux and Kilbourne, as requested by the Utilities and Engineering Department. Award to Ideal Construction, the lowest bidder, in the amount of \$39,655.00. This firm is located in White Rock, SC. *Funding Source: SD831301-656200 - Approved*
23. Council is asked to approve an Agreement for Consulting Services to Develop and Implement a Public Information and Community Relations Initiative for Utility Construction of the North Main Street Improvements Project, as requested by Engineering Operations. Award to P. J. Noble and Associates in an amount not to exceed \$60,000.00. This MBE firm is located in Columbia, SC. *Funding Source: 413999-9307000101 - Consideration of this matter was deferred.*
24. Council is asked to approve Project #WM4106; Construction of 4" and 6" Waterlines in Macon Road along Cardiff, Timmons, Christopher and Wembley Streets, as requested by the Utilities and Engineering Department. Award to JWG's, Inc., the low bidder, in the amount of \$191,790.98. *Funding Source: WM410601-851500 - Approved*
25. Council is asked to approve Project #SS7052; Emergency Sanitary Sewer Repair of 54" Sewer at the Intersection of Williams Street and Calhoun Street, as requested by Engineering Administration. Award to Trussell Brothers Construction Co., Inc. in the amount of \$162,000.00. This firm is located in Columbia, SC. *Funding Source: Sewer Improvement Fund - Consideration of this matter was deferred.*
26. Council is asked to approve the Purchase of Uniforms, as requested by the Fire Department. Award to the lowest bidder of each lot meeting specifications in the total amount of \$205,894.75. *Funding Source: 1012303-624100 and 2082306-624100 (50/50 Split) - Approved*

Lot A	Uniform Dress Shirts	Design Lab, Inc.	Greenville, SC	\$15,970.00
Lot B	Uniform Coats & Trousers	Design Lab, Inc.	Greenville, SC	\$60,500.00
Lot C	T-Shirts	Design Lab, Inc.	Greenville, SC	\$25,235.00
Lot D	BDU Shirts and Pants	U.S. Patriot	Columbia, SC	\$81,420.00

Lot E	Three Season Jackets	Galls	Lexington, KY	\$9,300.00
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- 26a. **\*\*Council is asked to approve CIP WM4152: A Pay Difference Agreement for an 18" Water Main along Wilson Boulevard and Blythewood Farm Drive to service Blythewood Crossing; City File #295-06, as requested by Engineering Administration. Award the \$51,960.00 reimbursement to Timberlake Holdings, LLC. *Funding Source: Water Improvements Fund - Approved***

**ORDINANCES – SECOND READING**

27. Ordinance No. 2008-014 - Annexing 942 Broad River Road, 938 Broad River Road, 934 Broad River Road and 810 Broad River Road, Richland County TMS #07311-05-01, 07311-05-11, 07311-05-10 and 07310-02-01 – *Consideration of this item was deferred.*
28. Ordinance No. 2008-015 - Annexing 1103 Hazelwood Road, Richland County TMS #19103-01-05 – *Consideration of this item was deferred.*
29. Ordinance No.: 2008-016 - Annexing 21 Bayleaf Court, 22 Bayleaf Court, 25 Bayleaf Court, 60 Redbay Road, 66 Redbay Road and 68 Redbay Road – *Consideration of this item was deferred.*
30. Ordinance No.: 2008-017 - Annexing 611 and 615 Suber Street, Richland County TMS #13708-04-02 – *Consideration of this item was deferred.*

Councilor Finlay stated that he has gone through the numbers provided by Mr. Chip Land on these annexations and perhaps he doesn't understand, but he did notice that the main driver seems to be what Mr. Land projects as the market value.

Mr. Chip Land, Director of Planning / Annexation Coordinator, stated that is correct, because the more valuable the property the more the taxes might be.

Councilor Finlay asked Mr. Land to walk him through the process, because the lots are already zoned in the county; there is no zoning change for coming into the city; and they are under the city's covenant of water such that we could annex them at anytime. He noted three of the six scenarios are very negative to the city, two are very positive and one is a wash. Why would we undertake this risk today when we can wait 3-4 years when we will know what the houses are worth?

Mr. Chip Land, Director of Planning / Annexation Coordinator, explained that it is typically better and easier before the parcels are developed, so that we are not dealing with individual property owners and residents and instead staff deals with the developer. He said that we have already annexed phases two and three of the project

Councilor Sinclair explained the problems that the city has incurred after annexing individual parcels within a development. Those problems include storm water, roadway, water and sewer and others. Once in the city, residents expect the problems to be handled right away. It is best to annex property before it's developed to ensure that it meets our codes.

Councilor Finlay said there is no real benefit in the mass annexation of large lots. He has a problem with not knowing the financial impact of annexations.

Mayor Coble stated that our city needs to grow and the only way to increase millage is for the cost of living index to go up or by increasing the population. The only way to get new residential areas is to annex them prior to development.

Councilor Cromartie further explained that the larger our population, the larger the Community

Development Block Grant and other federal funds we'll receive based on census numbers.

Councilor Rickenmann said that we talked about annexing donut holes; we don't know what's coming out of the ground in these developments so the census argument doesn't work; until we can afford to achieve the Public Safety goals, we can't continue to annex; and we went through the same exercise with Spears Creek Church Road and we agreed not to move forward out there. We need to consider how this will truly impact us.

Councilor Devine said that annexation is a balancing act and that these residential properties may get us to the commercial properties we need. We may need to achieve the balance and retain it. There are other non-financial goals we try to meet through annexation.

Upon motion by Mayor Coble, seconded by Ms. Sinclair, Council voted unanimously to withdraw second reading approval of **Items 27.** through **30.** and to schedule a Special Called Meeting to discuss an annexation policy

31. Ordinance No.: 2008-018 - Annexing 2712 Atlas Road, 2717 Harlem Street, 2721 Harlem Street, 2725 Harlem Street, 2800 Atlas Road, 2716 Atlas Road, 2504 Atlas Road, 2440 Atlas Road, 2533 Harlem Street, 2603 Harlem Street, 2605 Harlem Street, 2613 Harlem Street, 2617 Harlem Street, 2625 Harlem Street, 2629 Harlem Street, 2628 Atlas Road, 2612 Atlas Road, 2608 Atlas Road, 2604 Atlas Road, 2600 Atlas Road, 2532 Atlas Road, 2528 Atlas Road, 2524 Atlas Road, 2520 Atlas Road, 2440 Atlas Road, 2440 Atlas Road, Atlas Road, 2700 Atlas Road, 2704 Atlas Road, 2708 Atlas Road 2700 Atlas Road, 2440 Atlas Road, Atlas Road, 2440 Atlas Road, 2416 Atlas Road, 2412 Atlas Road, 2408 Atlas Road, 2501 Harlem Street, 2501 Harlem Street, 2505 Harlem Street, 2513 Harlem Street, 2513 Harlem Street, 2517 Harlem Street, 2404 Atlas Road, Atlas Road, 2328 Atlas Road, and 2324 Atlas Road, Richland County TMS # 13509-01-01, 13509-01-05, 13509-01-06, 13509-01-07, 13509-01-17, 13509-01-18, 13510-02-01, 13510-02-02, 13510-02-03, 13510-02-04, 13510-02-05, 13510-02-06, 13510-02-07, 13510-02-08, 13510-02-09, 13510-02-11, 13510-02-12, 13510-02-13, 13510-02-14, 13510-02-15, 13510-02-16, 13510-02-17, 13510-02-18, 13510-02-19, 13510-02-20, 13510-02-21, 13510-02-22, 13510-04-01, 13510-04-02, 13510-04-03, 13510-04-04, 13514-01-01, 13514-01-03, 13514-01-04, 13514-01-05, 13514-01-06, 13514-01-07, 13514-01-08, 13514-01-09, 13514-01-10, 13514-01-11A, 13514-01-11B, 13514-01-12, 13515-06-01, 13515-06-02, 13515-06-03, and 13515-06-36 - *Consideration of this matter was deferred.*

A. Ordinance No.: 2008-019 - Annexing Saskatoon Drive, Lingonberry Drive, 161 Saskatoon Drive, 153 Saskatoon Drive, 149 Saskatoon Drive, 145 Saskatoon Drive, 141 Saskatoon Drive, 137 Saskatoon Drive, 133 Saskatoon Drive, 129 Saskatoon Drive, 125 Saskatoon Drive, 121 Saskatoon Drive, 117 Saskatoon Drive, 113 Saskatoon Drive, 109 Saskatoon Drive, 105Saskatoon Drive, 101 Saskatoon Drive, 114 Saskatoon Drive, 118 Saskatoon Drive, 122 Saskatoon Drive, 126 Saskatoon Drive, 329 Lingonberry Drive, 325 Lingonberry Drive, 321 Lingonberry Drive, 317 Lingonberry Drive, 313 Lingonberry Drive, 309 Lingonberry Drive, 305 Lingonberry Drive, 200 Saskatoon Drive, 204 Saskatoon Drive, 208 Saskatoon Drive, 2 Aronia Court, 6 Aronia Court, 10 Aronia Court, 11 Aronia Court, 9 Aronia Court, 5 Aronia Court, 1 Aronia Court, 222 Saskatoon Drive, 226 Saskatoon Drive, 20 Wishmore Court, 24 Wishmore Court, 28 Wishmore Court, 29 Wishmore Court, 25 Wishmore Court, 21 Wishmore Court, 242 Saskatoon Drive, 241 Saskatoon Drive, 237 Saskatoon Drive, 233 Saskatoon Drive, 229 Saskatoon Drive, 225 Saskatoon Drive, 221 Saskatoon Drive, 217 Saskatoon Drive, 213 Saskatoon Drive, 177 Saskatoon Drive, 173 Saskatoon Drive, 169 Saskatoon Drive, 300 Lingonberry Drive, 178 Saskatoon Drive, 170 Saskatoon Drive, 166 Saskatoon Drive, 162 Saskatoon Drive, 154 Saskatoon Drive, and 144 Saskatoon Drive; Richland County TMS #22016-01-53, 22016-01-43, 22015-01-56, 22016-03-01, 22015-02-09, 22015-02-11, 22015-02-12, 22015-02-13, 22016-01-55, 22016-01-54, 22016-01-52, 22016-01-51, 22016-01-50,

22016-01-49, 22016-01-48, 22016-01-47, 22016-01-46, 22016-01-45, 22016-01-44, 22016-01-42, 22016-01-41, 22016-01-40, 22016-01-39, 22016-01-38, 22016-01-37, 22016-01-36, 22016-01-35, 22016-01-34, 22016-01-33, 22016-01-32, 22016-01-31, 22016-01-30, 22016-01-29, 22016-01-28, 22016-01-27, 22016-01-26, 22016-01-25, 22016-01-24, 22016-01-23, 22016-01-22, 22016-01-21, 22016-01-20, 22016-01-19, 22016-01-18, 22016-01-17, 22016-01-16, 22016-01-15, 22016-01-14, 22016-01-13, 22016-02-01, 22016-02-02, 22016-02-03, 22016-02-04, 22016-02-05, 22016-02-06, 22016-02-07, 22016-02-08, 22015-01-57, 22015-01-58, 22015-01-59, 22015-07-01, 22015-07-02, 22015-07-03, 22015-07-04, 22015-07-05, 22015-07-06, and 22015-07-07 - *Consideration of this matter was deferred.*

- B. Ordinance No.: 2008-020 - Annexing 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, Richland County #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 - *Consideration of this matter was deferred.*
- C. Ordinance No.: 2008-021 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 5, Buildings and Land Regulations, Article IV, Demolition of Structures, Sec. 5-235, Penalty bond - *Consideration of this matter was deferred.*

#### **ORDINANCES – FIRST READING**

- D. Ordinance No.: 2008-026 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article II, Nuisances, Sec. 8-40 Nuisance abatement – *Approved on first reading.*

Upon motion by Ms. Devine, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval to Ordinance No.: 2008-026 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 8, Environmental Health and Sanitation, Article II, Nuisances, Sec. 8-40 Nuisance abatement.

#### **RESOLUTIONS**

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve **Items E.** and **F.** on a single motion.

- E. Resolution No.: R-2008-008 – Authorizing consumption of alcoholic beverages and Five Points Association’s 5 After 5 Spring Concert Series - *Approved*
- F. Resolution No.: R-2008-009 – Authorizing consumption of alcoholic beverages and Five Points Association’s 5 After 5 Fall Concert Series - *Approved*

#### **CITY COUNCIL APPOINTMENTS TO BOARDS AND COMMISSIONS**

- G. Community Promotions Advisory Committee

Upon motion by Mr. Finlay, seconded by Ms. Sinclair, Council voted unanimously to approve the appointment of Mr. John H. Hutto, III to the Community Promotions Advisory Committee for a term to expire on February 1, 2011.

- H. Hospitality Tax Advisory Committee

Upon motion by Ms. Sinclair, seconded by Ms. Devine, council voted unanimously to approve the appointment of Mr. Glen C. Williams to the Hospitality Tax Advisory Committee for a term to expire on February 1, 2010.

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

Mr. Lee Carroll appeared before the members of Council to request that the State Law Enforcement Division (SLED) investigate an incident that led to his arrest in November 2006. He explained that he was found not guilty after spending \$15,000 out of pocket to clear his name.

Mayor Coble asked Mr. Ken Gaines, City Attorney to brief the Council on this matter in Executive Session.

Dr. Marie Faltas appeared before the members of Council to discuss a proposal that she has already sent to the members of Council. She reminded the Council of her warning to exercise better supervision of City Attorneys. She does not want to file a civil lawsuit, because she has submitted a proposal. She asked Mayor Coble to abstain from discussing these matters. She has sent letters to the Council members and tried to speak to them individually. She asked if they had read her proposal. She referred to the proposal as her intellectual property.

### **EXECUTIVE SESSION**

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to go into Executive Session at 2:02 p.m. for the discussion of Items **J.** and **K.** as amended. Mayor Coble was not present for the vote.

- I. Discussion of negotiations incident to proposed contractual arrangements  
*Discussion of this matter was deferred.*
- J. Receipt of legal advice, which relates to matters covered by attorney-client privilege
  - Disability Insurance
  - Eminent Domain Action
  - \*\*Mr. Lee Carroll
  - \*\*Dr. Marie Faltas*These items were discussed in Executive Session. No action was taken.*
- K. Discussion of employment of an employee  
*Items were discussed in Executive Session. No action was taken.*
- **Council adjourned the meeting at 3:45 p.m.**

Respectfully submitted by:

Erika D. Salley  
City Clerk