



CITY OF COLUMBIA  
CITY COUNCIL MEETING and  
ZONING PUBLIC HEARING  
MINUTES  
WEDNESDAY, JANUARY 23, 2008  
9:00 A.M.  
CITY COUNCIL CHAMBERS  
1737 MAIN STREET

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The Columbia City Council conducted a Meeting and a Zoning Public Hearing on Wednesday, January 23, 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 9:08 a.m. The Zoning Public Hearing was called 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.

### **PRESENTATIONS**

1. \*\*Requests for Sidewalks – The Honorable Bernice Scott, Richland County Council

The Honorable Bernice Scott, Richland County Council, introduced Ms. Veronica Edwards as one of her constituents that wants to talk with City Council about sidewalks.

Ms. Veronica Edwards, Avalon Place Apartments, said that she resides in a senior community with residents that utilize wheelchairs and scooters. Some are blind, but it is an independent apartment complex that doesn't have proper sidewalk access to various venues on Garners Ferry Road such as the Wal-Mart. She has spoken with Ms. Melissa Gentry, Director of Public Works about installing sidewalks from Atlas Road to Garners Ferry Road.

Ms. Melissa Gentry, P.E., Director of Public Works said that the department did receive a request for sidewalks from the Avalon Place Apartments near Atlas Road to Garners Ferry Road. Staff reviewed the request and contacted SCDOT. An estimate was developed in the amount of \$40,000 just to complete the project along Atlas Road. SCDOT has no funding to complete the project; however they suggested that we also install sidewalks along Garners Ferry Road so that the residents can get to Wal-Mart and the Lowes Shopping Center. This would then be an \$80,000 project. The city would not be able to complete the project for one year due to the current workload.

Councilor Finlay stated that there should be \$250,000 set aside in the Capital Improvements Program (CIP) budget that has not been fully designated and this is the type of need that addresses basic services. I will make a motion to ask staff to review the CIP budget to determine how much funding is available and then put this project at the top of the list. He asked Councilwoman Scott if Richland County could contribute to the project.

Councilor Devine stated that there are other neighborhoods waiting on sidewalks and those requests should not be put on hold. She suggested that staff look into other grants that may help fund and move these projects along. She noted that DHEC may have a grant available to promote healthy living.

Councilor Sinclair concurred with Ms. Devine and further suggested that staff look under every rock to identify a source of funding with the understanding that city forces could not do the work for one year from now without bumping another project.

Ms. Veronica Edwards, Avalon Place Apartments, explained that in the meantime senior citizens are taking that route and turning over their wheelchairs in the road. She requested that the city move forward with constructing the sidewalk on Atlas Road first. The residents are also working to have the timing adjusted on the signal control so that they have more time to cross the street.

Upon motion by Mr. Finlay, seconded by Mr. Rickenmann, Council voted unanimously to direct staff to review the city's Capital Improvements Project list to determine the pending requests for sidewalks and any funding available for this request from the Capital Improvements Program. Staff was further directed to identify other possible sources of funding and a timeline for the first phase of this request on Atlas Road up to Garners Ferry Road. Council requested a complete listing of pending CIP Projects. A report should be provided.

2. \*\*Criminal Domestic Violence (CDV) Task Force Update – The Honorable Tameika Isaac Devine

Councilor Devine provided an update on the Criminal Domestic Violence Taskforce that was established one year ago. She recognized members of the Taskforce that were present. They have been working to establish goals to work towards in 2008. There is State Legislation which is going forward to improve our laws on domestic violence.

Upon motion by Ms. Sinclair, seconded by Mr. Finlay, Council voted unanimously to endorse the following goals for the Criminal Domestic Violence Taskforce to pursue during 2008:

1. Begin a year long Public Service Campaign in which they will be working through the city's Public Relations Department.
  2. Apply for grants for Public Service Announcements through the South Carolina Department of Transportation.
  3. Work with Richland School District One to get information into schools for students that may be living in homes with domestic violence.
  4. Work with area restaurants to get information into female restrooms about domestic violence and available resources.
  5. Prepare recommendations for Criminal Domestic Violence Court and suggestions for Law Enforcement.
3. S.C. State Museum OPT Project – Mr. Willie Calloway, Director of Museum and Ms. Adrienne Huffman, Director of Museum Foundation

Ms. Adrienne Huffman, Director of the State Museum Foundation, presented the Observatory Planetarium Theater (OPT) Project to the members of Council. They feel like the project will have a tremendous impact on economic development, tourism, cultural advancement, history, art, science, technology and innovation. The State Museum provides free admission for about 70,000 school children each year.

Mr. Willie Calloway, Director of the State Museum, stated that a new product is needed at the museum to offer innovative and unique ways to stimulate the minds of visitors. He stated that the OPT Project is three prong. The Observatory has a refracting telescope that has been uplifted to digitize images and allow for remote viewing via the internet. The Planetarium is a 50 foot dome with video and laser projection that shows real time images from space. The 4-D Theater will be a renovation of the existing auditorium that will show signature films about the heritage and history of South Carolina. The entire bottom floor of the museum will be free to the public. He stated that the incremental costs of the project will be covered by incremental revenues.

Ms. Adrienne Huffman, Director of the State Museum Foundation, explained that the goal is to open the doors to the new OPT Center by 2010. They have already received \$11.5 million from the State; \$2 million from NASA; \$1 million pledge from Blue Cross Blue Shield and they plan to privately raise \$7 million. The Museum is requesting \$2.5 million from the City of Columbia.

Councilor Davis said that he has been supportive of many projects in the Vista, but he is hard pressed to say that he supports a \$2.5 million destination project when others can't seem to receive funding.

There was a consensus of Council to continue discussions regarding the request for \$2.5 million to construct an Observatory Planetarium Theater (OPT) at the SC State Museum.

4. Recognition of Planning Commission and Design / Development Review Commission – Mr. Chip Land, Director of Planning

Mr. Chip Land, Director of Planning, stated that these are volunteer boards and commissions that offer no compensation. He noted that they are long serving members, some have served as chairperson and they deal with all of the Historic Districts and the Vista Design Guideline Area. They have reviewed over \$1 billion worth of projects over the past ten (10) years. They conduct subcommittee and special meetings resulting in at least two (2) meetings each month.

Council recognized the following individuals for their outstanding service on the Design Development Review Commission (DDRC):

Mr. James Mancini  
Mr. James Byrum  
Ms. Nancy McCormick

Mr. Chip Land, Director of Planning, prepared to introduce former members of the Planning Commission. Members of the Planning Commission make recommendations to Council on annexations, rezoning and site plan reviews.

Council recognized the following individuals for their outstanding service on the Planning Commission:

Ms. Susie B. Heyward	Mr. James Hilderbrand
Ms. Isabelle Mandel	Ms. Nancy Reid-Barksdale
Ms. Jenny Screen	Mr. Jonathan King Vipperman

5. Recognition of Green Business Members – Ms. Melissa Smith Gentry, Director of Public Works

Ms. Melissa Smith Gentry, Director of Public Works, stated that the Green Business Program is facilitated by the City of Columbia in partnership with experts and concerned citizens that make up the Climate Protection Action Committee. They assist businesses with operating in a more environmentally friendly manner. She introduced the following businesses as Green Business Member inductees.

Carolina Imports	Sonoco Recycling
Roof Basket Works	BP Barber & Associates
Studio 2LR Inc.	

6. Monthly Business Spotlight – Mr. Tony Lawton, Director, Office of Business Opportunity

Mr. Angelo McBride, Office of Business Opportunities recognized University Dental, P.A. and its President, Dr. Loretta Felder McKelvey as the January 2008 Business Spotlight Honoree. This business is located at 2329 Devine Street and has seen an increase in employees, patients and services. The business started with two (2) employees in 1988 and plans to relocate and expand in the near future.

Dr. Loretta Felder McKelvey, President of University Dental, P.A., thanked the members of Council and the Office of Business Opportunities for having the vision to create the Business Spotlight Program and for making things a little easier for small businesses in the City of Columbia.

7. Recommendations for Accommodations Tax and Hospitality Tax Funding for 2009 – Ms. Libby Gober, Ombudsman

Ms. Libby Gober, Ombudsman reminded the Council that she was directed to come back with an update and recommendations for the 2008/2009 funding. She asked Council for their revisions so the process can move forward. The intent of the Accommodations Tax Advisory Committee is to recommend that the Accommodations Tax dollars go to the Conventions and Visitors Bureau (CVB) and Lake Murray. This would put all the other groups in the tourism related arena in the Hospitality Tax funding pool. In order to do this, we talked about conducting several workshops throughout the city, advertising in The State Newspaper, asking Public Relations to release this information to other media outlets, advertising on the city's website and Channel 2. The committee would conduct three (3) workshops in February in different parts of the city at different times. The Hospitality Tax Committee will schedule presentations with all applicants, because this is the only pot of money the organizations can apply for. The organizations are asked to submit one (1) application for all of the funding they are requesting.

Councilor Sinclair suggested that Council take this report under advisement. She asked that the committee begin thinking through the workshops.

Councilor Cromartie requested that letters be sent to all organizations that have applied for funding in the past and that a copy of the letter is sent to the members of Council. He suggested that the meetings be disseminated throughout the city to increase participation.

Councilor Davis expressed concern for the smaller organizations that normally don't qualify for funding. He wants this to be a part of the committee's discussion.

Councilor Devine suggested that they vote on these recommendations by February 6, 2008 so that organizations will know what to apply for and not waste their time. She further suggested that the Council discuss concerns with Ms. Gober in hopes of clearing some of the issues these smaller groups are having.

There was a consensus of Council to review the funding recommendations for fiscal year 2008/2009 on February 6, 2008 prior to the approval of the committee's recommendations concerning the workshops and application process. Council directed staff to send letters to all past applicants to ensure they are aware of the possible changes and to continue planning for the proposed workshops. Council members are encouraged to discuss any specific concerns about funding an organization with Ms. Gober.

## **CITY COUNCIL DISCUSSION / ACTION**

8. Council is asked to approve the Disposition of four hundred thirteen (413) Narcotic Cases (to include paraphernalia), as requested by the Police Department's Evidence and Property Unit. - *Approved*

Upon motion by Mr. Finlay, seconded by Ms. Sinclair, Council voted unanimously to approve the Disposition of four hundred thirteen (413) Narcotic Cases (to include paraphernalia), as requested by the Police Department's Evidence and Property Unit.

9. Council is asked to approve the Disposition of Fifty Three (53) bicycles for charity, as requested by the Police Department's Evidence and Property Unit. Award to Ms. Jacqueline Smalls with A.J. Lewis Greenview Elementary School and Epworth Children's Home. - *This item was removed from the agenda. Mr. Cromartie requested that ten (10) bicycles go to the Columbia Housing Authority and that five (5) bicycles be given to Second Nazareth Baptist Church.*

## **UPDATES AND REPORTS**

10. **\*\*City Manager's Report - Mr. Charles P. Austin, Sr., City Manager**

Mr. Charles P. Austin, Sr., City Manager reported on a recent water main break on Shirley Street and the need to upgrade the city's outdated infrastructure; the availability of financial reports during Council meetings; and the receipt of a recent Law Enforcement Block Grant.

Upon motion by Mr. Davis, seconded by Ms. Sinclair, Council voted unanimously to authorize the City Manager to move forward with the purchase of portable Shot Spotter equipment from the Law Enforcement Block Grant recently received by the Columbia Police Department in the amount of \$138,000.

- **Council recessed at 10:41 a.m.**
- **Council reconvened at 10:46 a.m.**

## **ZONING PUBLIC HEARING**

### MAP AMENDMENTS / REZONINGS – FIRST READING (*Continued from the November 28, 2007 Zoning Public Hearing.*)

11. **6430 Norris Street.** TMS# 16505-02-05; rezone from M-1 (Light Industrial) to RG-2 (General Residential). *The Zoning Public Hearing was held on November 28, 2007 and continued until January 9, 2008. Council voted unanimously to continue the January 9, 2008 Zoning Public Hearing until January 23, 2008.*

**1002 Drake Street,** TMS#16408-01-01; rezone from M-1 (Light Industrial) to PUD-R (Residential Planned Unit Development) and RG-2 (General Residential). *The Zoning Public Hearing was held on November 28, 2007 and continued until January 9, 2008. Council voted unanimously to continue the January 9, 2008 Zoning Public Hearing until January 23, 2008.*

Upon motion by Mr. Finlay, seconded by Mr. Rickenmann, Council voted unanimously to defer the Zoning Public Hearing and first reading consideration for this item to April 16, 2008.

### ANNEXATIONS WITH REZONING – FIRST READING

12. **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).

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to defer the Zoning Public Hearing and first reading consideration of this item until February 6, 2008.

### MAP AMENDMENTS/REZONINGS – FIRST READING

13. **3400 Margrave Road**, TMS# 13804-14-10; rezone from RS-2 (Single-Family Residential) and RG-1 (General Residential) to PUD-R (Residential Planned Unit Development).

Upon motion by Mr. Rickenmann, seconded by Ms. Sinclair, Council voted unanimously to defer the Zoning Public Hearing and first reading consideration until February 6, 2008.

### CONFIRM ZONING OF PREVIOUSLY ANNEXED PROPERTIES – FIRST READING

14. **36.48 acres, Clemson Frontage Road**; TMS# 25700-02-04 & 10; confirm C-3 zoning.

Upon motion by Mr. Finlay, seconded by Mr. Rickenmann, Council voted unanimously to defer the Zoning Public Hearing and first reading consideration until February 6, 2008.

### PUBLIC HEARING ONLY

15. **Interim Measures for Community Character Protection**, create new and/or amend pertinent sections of Zoning Ordinance relating to providing interim measures for community character protection.

Mr. Marc Mylott, Director of Development Services, explained that in August 2007, City Council directed staff to provide a list of suggestions that they could use to address the following three (3) issues: 1) The practice of subdividing new residential lots from existing residential lots where the existing lot is at least twice the size of the minimum lot size for the underlying zoning district; 2) The practice of constructing houses that exceed the size of houses within the surrounding neighborhood; and 3) The practice of demolishing a large house upon a large lot and the resulting subdivision of that lot into many new residential lots. At the same time City Council recognized that the process to establish the protections we have in place is often very lengthy due to the amount of research and documents required. Some types of measures were needed to bridge the gap and prevent the most egregious of behaviors that would potentially compromise the character of neighborhoods. On September 19, 2007 staff presented recommendations to Council for a process whereby new neighborhoods could make the request for interim measures without being recognized by the Columbia Council of Neighborhoods; DDRC or staff-level review of demolition or relocation permits for any structure 50 years old or more; additional setback and height requirements upon newly created (subdivided) lots; and a 2 year sunset clause so that the respective neighborhoods, as selected by Council, can come back with a status report and potentially ask for a short extension. He requested that Council consider the recommendations and provide directions to staff on how to proceed. He noted that the Planning Commission had very little debate over the actual interim measures; however, the majority of debate centered on the process that lead us to this. Today, Council will consider interim measures for community character protection for Cottontown, Hollywood/Rosehill, Shandon, Wales Garden and Sherwood Forest. Heathwood is not included, because they did

not provide the additional documentation required by Council prior to the first opt in deadline. The Planning Commission approved the interim measures, provided that within 4 months of City Council approval each neighborhood except Wales Garden should provide the city with documentation showing that over 50% of the landowners support the interim measures. He noted that staff has concerns from a resource allocation perspective.

Councilor Devine asked staff to explain which neighborhoods are not impacted, because some already have a designation, but are getting confused about the interim measures.

Ms. Amy Moore, Historic Preservation Planner, listed the following neighborhoods that already have an overlay of protection and are not impacted by the interim measures: Earlewood, Elmwood Park, University Neighborhood, Melrose Heights, West Gervais Street Commercial District, Oakwood Court and Old Shandon/Lower Waverly. She reiterated that the interim measures are for those that are interested in some type of protection but need time to go through the process.

Councilor Finlay stated that the boundaries of the Heathwood Neighborhood were expanded by the Columbia Council of Neighborhoods in 2004 and only a portion of the neighborhood is going for this designation. He commended and thanked the neighborhood leaders in that area. He asked what date the interim measures begin tolling from.

Mr. Marc Mylott, Director of Development Services, recalled that the direction of City Council was to issue public notice for January 16, 2008 and then we continued that to January 23, 2008; therefore; we could invoke pending Ordinance doctrine. In fact, these measures have already been in place to the extent that we would not issue a permit that was contrary to them. The effective date to two (2) years out would be the effective date of second reading of the Ordinance.

Mayor Coble asked for the Planning Commission's definition of a property owner.

Mr. Marc Mylott, Director of Development Services, noted that the Planning Commission did not elaborate on the definition of a property owner.

Councilor Sinclair asked Mr. Mylott to articulate the concerns that staff have.

Mr. Marc Mylott, Director of Development Services, recommended that if Council is inclined to consider something analogous to what the Planning Commission recommended, that you not take action, but to extend the Zoning Public Hearing for four (4) months so that these petitions are actually made part of your documentation for the sole reason that staff doesn't have the resources to verify ownership of 3,400 to 3,600 parcels and to authenticate the signatures to ensure validity.

Councilor Rickenmann requested that the maps be revised to include the current boundaries. He asked if the interim measures would supersede existing covenants. He asked if there is a way to find out what's registered and get copies of those to make sure we are in line.

Mr. Marc Mylott, Director of Development Services, stated that the interim measures would be in addition to any private restrictions that buyers and sellers have agreed to. The interim measures would not supersede or be subservient to any covenant restrictions. The State passed a law that requires the city to ask an applicant if there are any prior restrictions or covenants prior to issuing a permit. He noted that for the last 6-8 months the Zoning Division has asked this question, which is a nice balance.

Councilor Finlay prefers the initial requirements established by the Council versus the Planning Commission's recommendation. This about neighborhoods trying to get better. He suggested

that the Legal Department really focus on this to make sure it's done correctly, because we don't need another law suit.

Councilor Davis suggested that the information be as clear to everyone as possible, because there are portions of areas that are eligible for designation and some are not.

Councilor Rickenmann noted that historic designations are not the only answer to neighborhood issues. He added that it is important for the neighborhoods and the city to work together.

Councilor Sinclair stated that the opt-in process is very important, because we are working towards neighborhoods determining their own destiny. She said that umbrella organizations are not able to opt-in and there should be a mechanism in place to allow this to occur without harming the current process.

Councilor Devine stated that they have to be cognizant of quality of life issues as well and they have a duty to bring parts of the city up by reducing the problems inflated by absentee landlords.

▪ **Council opened the Zoning Public Hearing at 11:17 a.m.**

Ms. Ruth Thomas, Environmentalists Inc., appeared before the members of Council in favor of the interim measures, because they provide much guidance; however, she has not heard a discussion about trees and their contribution to a community. It is unclear how the objectives of keeping Columbia clean and cool is being factored into decisions as proposals are made by developers.

Mr. Michael Cooper, President of the Bradley Community Council / 3226 Danfield Drive, appeared before the members of Council in favor of the interim measures, noting that their neighborhood is in the final stages of the opt-in process with only one (1) resident voting no. They spent ninety (90) days educating the residents about the process and even allowed them to vote by proxy so that everyone could be included in the process. He asked Council to stick with the original recommendations.

Ms. Tracey Swartout, 516 Santee Avenue, appeared before the members of Council in support of the staff recommendation, which removes the 50% requirement. She said that residents received propaganda that misrepresented the facts.

Mr. Earl McLeod, Executive Director of the Homebuilders Association / 625 Taylor Street, appeared before the members of Council in support of the Planning Commission recommendation, because it would direct neighborhoods to hear from all residents and to adopt maps that clearly outline the boundaries of the area. He is concerned about the proposal for a 6-month construction moratorium and how it would impact the housing and employment market.

Ms. Coles Lawton, Wales Garden Neighborhood Association President / 143 Saluda Avenue, appeared before the members of Council in support of the staff recommendation, without the 50% voter requirement.

Ms. Beth Bilderback, President of the Hollywood / Rosehill Neighborhood Association / 724 Pinewood Drive, appeared before the members of Council on behalf of the Neighborhood Presidents for Heathwood, Sherwood, Shandon and Cottontown and in support of the original interim measures. When the character of a neighborhood is threatened, so are the rights of homeowners.

Councilor Sinclair clarified the fact that four (4) neighborhoods are in the first tier, because they have been working through the designation process for several years now and are not required to opt-in.

Mr. Dan Elswick, Earlewood Neighborhood Association / 3004 Gadsden Street, appeared before the members of Council in support of the interim measures, because the process is fair. He noted that the Earlewood Neighborhood Association is already protected.

Ms. Nancy Kreml, Wheeler Hill Neighborhood / 111 Southwood Drive, appeared before the members of Council in support of the interim measures as proposed by staff. She said she no longer lives in the neighborhood she bought into due to the subdivision of lots.

Ms. Lotte Chakowski, 1603 Crestwood Drive, appeared before the members of Council in support of the original interim measures, because she lives on a lot that could be subdivided, but she doesn't want the money. She said that our old neighborhoods need to be preserved.

Ms. Pat Gilmartin, Hollywood / Rosehill Neighborhood, appeared before the members of Council in support of the original proposal, because any additional hurdles would be unrealistic.

Mr. Patrick Hubbard appeared before the members of Council with mixed opinions as it relates to the interim measures, noting that we are giving neighborhood associations a formal quasi-legal role. He asked how do you determine who counts in the neighborhood and who is an owner. He urged the Council to look at the big picture to determine what we are going to do, if we can do it and how we will do it.

Ms. Susie Heyward, Wales Garden Neighborhood Association / 421 Edisto Avenue / Planning Commission Member, appeared before the members of Council in support of the original recommendation. She does not favor the 50% voter requirement. She noted that people are moving back into downtown Columbia in droves.

Mr. Peter Mayers, Rosewood Community Council, appeared before the members of Council in support of the interim measures, because we do have an environmental situation now. He noted that Development Services has the boundaries outlined in the Geographical Information System.

Ms. Susan Lake, 2519 Heyward Street, appeared before the members of Council in support of the interim measures, noting that this is a complicated process with various levels of designation.

Mr. Ron Anderson, Planning Commission Member / Shandon Neighborhood, appeared before the members of Council in support of the Planning Commission recommendation; because he made the amendment related to the 50% voter requirement and feels that it is important for Council to support some level of voter participation. He noted that the volume of participation changes from neighborhood to neighborhood.

Mr. Tony Brown, 4200 Devine Street, appeared before the members of Council in support of the Planning Commission recommendation and asked Council to consider the 50% amendment. He said that he would be adversely impacted by this procedure, because he purchased a home with a large lot in hopes of subdividing it and building his retirement home, but with this proposal he can't do this due to the corner lot requirement.

Ms. Cathy Lee Chuck, Hollywood / Rosehill Neighborhood Association subcommittee, appeared before the members of Council in support of the original interim measures, because it would be difficult to get 50% voter participation. She stated that Hollywood / Rosehill consist of a mix of owner occupied and rental units and that having a designation doesn't mean you can't develop your property.

Ms. Mary Stuffy, Kipling Drive, appeared before the members of Council in support of the interim measures. She asked about existing homes that may be expanded out to the property line and then over shadow the neighbors home. She asked that the interim measures apply to all new structures and additions to current structures.

Mr. Travis Wheeler, President of the Rosewood Community Council, appeared before the members of Council in support of the interim measures. Since the Rosewood Community Council is an umbrella organization, he suggested that they have a default opt-in that would allow the individual neighborhood associations under them to opt-out and to allow the Rosewood Community Council to work with the City of Columbia to provide an overlay for qualifying areas.

Ms. Sylvie Dessau, Waverly resident, appeared before the members of Council in support of the staff recommendation. She said that neighborhood associations have limited resources and suggested that the developers fund the neighborhood associations to increase communication.

Ms. Jennifer Gardner appeared before the members of Council in support of the interim measures presented by staff. She asked how to protect those that are affected by the development of huge houses. She said that this should be a debate. She considers herself an absentee landlord of property she owns in Shandon and asked Council to define an absentee landlord so we can move forward.

Mr. Brian Boyer, 3006 Monroe Street, appeared before the members of Council in support of the interim measures as a compromise to a city-wide construction moratorium. He urged the Council to put politics aside and protect our in town neighborhoods with a text amendment to the current zoning regulations.

▪ **Council closed the Zoning Public Hearing on this matter at 12:07 p.m.**

Councilor Finlay suggested that the Interim City Attorney provide a written opinion on the interim measures. He is willing to move forward. He urged the neighborhoods to make sure their documents are correct and that they keep their minutes. He urged staff to make sure the maps are accurate in Development Services. And he urged all to be careful about calling people's homes McMansions.

Councilor Devine said that absentee landlords are people who own property and don't invest in it, they don't communicate with the community and they don't respond to mail from the City regarding maintenance of the property.

Councilor Sinclair stated that the interim measures require additional review of demolitions and expansions, but doesn't prohibit subdividing or demolitions. She is a proponent for people having property rights, but no piece of property is an island in itself.

Councilor Cromartie supports the interim measures as presented and views it as a balanced approach in development.

Councilor Davis supports the interim measures as originally passed. He said that you look at people that live day to day in a particular area. He talked about the impact of absentee landlords, because the maintenance of properties impacts the quality of life. He said that neglected properties are often renovated or demolished to create a more positive experience.

Councilor Rickenmann stated that a timeline needs to be posted, because this will improve communication between residents. He added that we are all on the same page and we all want smart and sensitive in fill development. He said that we are not arguing about the measures themselves, but about the process itself.

Mayor Coble thanked the neighborhood leaders and Mr. Earl McLeod of the Homebuilders Association, because we have to have builders in our city.

Mr. Marc Mylott, Director of Development Services said that staff would target the meeting of February 6, 2008 for first reading consideration, but no later than February 20, 2008. The pending Ordinance would still apply.

Upon motion by Mayor Coble, seconded by Ms. Sinclair, Council voted unanimously to direct staff to prepare an Ordinance that would be in line with City Council's original proposal {Staff memo dated September 19, 2007} on Interim Measures and to direct the Interim City Attorney to provide an opinion on those measures. This Ordinance should be given first reading consideration on February 20, 2008.

Upon motion by Ms. Sinclair, seconded by Mayor Coble, Council voted unanimously to direct staff to draft an amendment to the Interim Measures that would allow umbrella organizations to opt into the Interim Measures process. Such provisions should be presented to City Council for review and consideration prior to being submitted to the Planning Commission.

- **Council recessed at 12:26 p.m.**
- **Council reconvened the Zoning Public Hearing at 12:35 p.m.**

#### CONFIRM ZONING OF PREVIOUSLY ANNEXED PROPERTIES – FIRST READING

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to *Confirm Zoning of Previously Annexed Properties* related to **Items 16.** through **22.** as presented. Mr. Finlay and Ms. Devine were not present for the vote. No one appeared in support of or in opposition to these items.

16. **26 Bayleaf Court, 55 Redbay Road, 52 Redbay Road, 15 Redbay Court, and 12 Redbay Court;** TMS# 28812-02-04, 28812-02-06, 28812-02-08, 28812-02-16, and 28808-03-09; confirm PUD-R zoning. – *Approved on first reading.*
17. **106.87 acres, N/S Atlas Road (A/K/A Congaree Pointe)** TMS# 13500-02-04, 13510-01-03; confirm PUD-R zoning. – *Approved on first reading.*
18. **N/S Hickory Forest Drive (Canary Woods: Phases II, IV and V);** TMS# 22012-01-02, -03, -04, -09, 22109-02-05; confirm RS-3 zoning. – *Approved on first reading.*
19. **1055 Berea Road,** TMS# 11206-03-03; confirm M-2 zoning. – *Approved on first reading.*
20. **3396 Broad River Road,** TMS# 06114-01-03; confirm C-3 zoning. – *Approved on first reading.*
21. **5213, 5243, and 5247 Forest Drive,** TMS# 16706-03-34, -35, -36; confirm C-3 zoning. – *Approved on first reading.*
22. **7655 Garners Ferry Road,** TMS# 16314-03-21; confirm C-3 zoning. – *Approved on first reading.*

#### MAP AMENDMENTS/REZONINGS – FIRST READING

23. **SS 2900 block Leesburg Road,** TMS# 19216-06-05(p); rezone 3.42-acre portion of parcel from C-3 (General Commercial) to M-1 (Light Industrial). - *The Applicant withdrew this request.*
- **Ms. Devine and Mr. Finlay returned to the meeting at 12:37 p.m.**

24. **3101 Devine Street**, TMS# 13804-14-10; rezone from C-1 (Office and Institutional) to PUD-C (Commercial Planned Unit Development). – *Approved on first reading.*

Upon motion by Ms. Sinclair, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning* of 3101 Devine Street, TMS# 13804-14-10; rezone from C-1 (Office and Institutional) to PUD-C (Commercial Planned Unit Development) with the following caveats: **1)** The applicant does not allow parking within the front yard, and **2)** The applicant closes the curb cut on Greenwood and/or Kirkwood Roads. No one appeared in support of or in opposition to the matter.

25. **4630, 4628 and 4626 North Main Street & 1304, 1308 and 1312 Columbia College Drive**, TMS# 09215-09-01, 09215-09-03 and 11603-01-01 (p); rezone from C-3 (General Commercial) and RG-2 (General Residential) to PUD-C (Commercial Planned Unit Development). – *Approved on first reading.*

Upon motion by Mr. Davis, seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning* of 4630, 4628 and 4626 North Main Street & 1304, 1308 and 1312 Columbia College Drive, TMS# 09215-09-01, 09215-09-03 and 11603-01-01 (p); rezone from C-3 (General Commercial) and RG-2 (General Residential) to PUD-C (Commercial Planned Unit Development), provided that the pervious pavement or surface is only allowed within the parking lot where it is necessary to promote tree preservation. No one appeared in support of or in opposition to this matter.

26. **3.54-acres on Atlas Road**, TMS# 16311-02-05; rezone from C-3 (General Commercial) to PUD-R (Residential Planned Unit Development). – *Approved on fist reading.*

Upon motion by Mr. Rickenmann, seconded by Mr. Cromartie, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning* of 3.54-acres on Atlas Road, TMS# 16311-02-05; rezone from C-3 (General Commercial) to PUD-R (Residential Planned Unit Development) with the following caveats: **1)** the development does not encroach into the floodway. Lot #14 may need to be removed because of its location within the floodway. City Floodplain Administrator will make determination; **2)** Fence along Atlas Road may be 6-feet high but cannot impede sight visibility; and **3)** Where PUD is silent; RG-1 standards shall apply. Ms. Devine abstained from voting due to a conflict of interest. No one appeared in support of or in opposition to this matter.

27. **3601 Ridgewood Avenue**, TMS# 9209-24-04; rezone from RS-2 (Single-Family Residential) to PUD-R (Residential Planned Unit Development). – *Approved on first reading.*

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval to the *Map Amendment / Rezoning* of 3601 Ridgewood Avenue, TMS# 9209-24-04; rezone from RS-2 (Single-Family Residential) to PUD-R (Residential Planned Unit Development), *including relief necessary to allow vehicles to back from parking spaces into ROW, 7-2 (12/03/07)*. No one appeared in support of or in opposition to this matter.

## TEXT AMENDMENTS – FIRST READING

28. **Private Dormitories**, amend §17-55, §17-258, §17-305, §17-321 of Zoning Ordinance to establish use classification and associated regulations for Private Dormitories.

Ordinance No.: 2008-004 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division I, Generally, Sec. 17-55, Definitions; Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258, Table of permitted uses; Division 9, Supplementary District Regulations, Sec 17-305, Planned unit developments; and to add Sec. 17-321 Private Dormitory. – *Approved on first reading.*

Councilor Sinclair explained that members of Council asked staff to draft this Ordinance, because increased private dormitory housing is being crammed into areas where it isn't working. She noted that the practical reality is that the area long the runway and near the Airport are protected by Federal guidelines, which will trump whatever the city does.

Mayor Coble noted that the Airport Commission is concerned about their runway area. He asked that staff provide a report back on the Commission's concerns and how they were addressed. Mr. Marc Mylott, Director of Development Services, explained that the buffer from single family residential housing by virtue of Edisto Court largely covers the approach to Owens Field. He explained that this Ordinance outlines certain criteria for the development of private dormitories.

Councilor Cromartie is concerned about residential housing being used by students and asked what the difference between the two is.

Mr. Marc Mylott, Director of Development Services, explained that when a developer asks for an exception for more than three (3) unrelated residents they are automatically considered a private dormitory, whether the residents are students or not.

Councilor Finlay asked if an on-site manager could be mandated twenty four hours per day through zoning regulations.

Mr. Marc Mylott, Director of Development Services, responded that staff would double check that clause prior to second reading and explained that dormitories are analogous to nursing facilities and other facilities wherein the current definition says on-site, twenty-four hour care.

Upon motion by Ms. Sinclair, seconded by Mr. Cromartie, Council voted unanimously to give first reading approval to Ordinance No.: 2008-004 – Amending the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article III, Zoning, Division I, Generally, Sec. 17-55, Definitions; Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258, Table of permitted uses; Division 9, Supplementary District Regulations, Sec 17-305, Planned unit developments; and to add Sec. 17-321 Private Dormitory.

- **Council adjourned the Zoning Public Hearing at 12:48 p.m.**

**CONSENT AGENDA**

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve the **Consent Agenda Items 29.** through **G.** as presented.

**CONSIDERATION OF BIDS AND AGREEMENTS**

- 29. Council is asked to approve the Purchase of MSA disconnects and belt clips, as requested by the Fire Department. Award to Newton’s Fire & Safety Equipment, the lowest bidder in the amount of \$10,387.56. This vendor is located in Swepsonville, SC. *Funding Source: 1012305-627100 - Approved*
- 30. Council is asked to approve the Purchase of a Mini Excavator, as requested by Water Distribution. Award to Linder Industrial Machinery, the lowest bidder in the amount of \$35,450.00. This vendor is located in West Columbia, SC. *Funding Source: 5516203-658500 - Approved*
- 31. Council is asked to approve the Purchase of vehicles, as requested by the various departments. Award to Capitol Chevrolet; Herndon Chevrolet, Inc; and Vic Bailey Ford, Inc, the lowest bidders in the amount of \$45,786.00. *Note: Vehicle for Engineering is Flex Fuel; Vehicle for Information Technology is Flex Fuel; Vehicle for Parks & Recreation is not Flex Fuel, it’s equipped with a V-6 engine. Approved*

<u>Department</u>	<u>Type</u>	<u>Qty</u>	<u>Funding Source</u>	<u>Vendor</u>	<u>Amount</u>
Engineering – Real Estate Water;	Chevrolet	1	5516227-658500	Capitol Chevrolet	\$7,585.00
Engineering – Real Estate Waste	Impala		5516228-658500		\$7,585.00
Information Technology – GIS	Chevrolet	1	5511121-658500	Herndon Chevrolet, Inc	\$18,047.00
	Uplander				
Parks Recreation – Parks Rangers	Ford F-150	1	1015116-658500	Vic Bailey Ford, Inc	\$12,569.00

- A. Council is asked to approve Project #SD8341; Repairing a Storm Drain at Finlay Park, as requested by Utilities and Engineering. Award to McClam and Associates, the lowest bidder in the amount of \$147,835.00. This vendor is located in Little Mountain, SC. *Funding Source: 5549999-SD831401 - Approved*
- B. Council is asked to approve the Purchase of three (3) Backhoes, as requested by Water Distribution and Wastewater Maintenance Divisions. Award to Interstate Equipment (Lot 1) and Altman Tractor (Lot 2), the lowest bidders in the amount of \$184,254.00. These vendors are located in West Columbia, SC. *Funding Sources: 5516205-658500 (\$54,218.00) and 5516203-658500 (\$130,036.00) - Approved*
- C. Council is asked to approve Project #WM4143; Rehabilitation (cleaning & lining) and fire hydrant improvements, as requested by Utilities and Engineering. Award to Carolina Tap and Bore, the lowest bidder in the amount of \$3,268,980.00. This vendor is located in West Columbia, SC. *Funding Source: WM414301-851500 - Approved*

**ORDINANCES – SECOND READING**

- D. Ordinance No.: 2007-111 – Authorizing transfer of approximately 1.28 acres (55,757 square feet), more or less, of the Heyward Street right of way located between Assembly Street and the Railroad right of way at Park Street and approximately 0.89 acres (38,768 square feet), more or less of the Park Street right of way located south of Whaley Street

- to Assembly Station Columbia, LLC *First reading approval was given on January 9, 2008. – Approved on second reading.*
- E. Ordinance No.: 2007-112 – Authorizing transfer of 1929 High Street, Richland County TMS# 11504-05-02 to Palmetto State Base Camp, Inc. *First reading approval was given on January 9, 2008. – Approved on second reading.*
  - F. Ordinance No.: 2008-002 – Authorizing the closing and transfer of a portion of Kirkwood Road adjacent to Richland County TMS No.: 13804-13-02 and 13804-14-10 to Lutheran Church of the Incarnation and Dandy Lion, Inc. *First reading approval was given on January 9, 2008. – Approved on second reading.*
  - G. Ordinance No.: 2008-003 – An Ordinance Dissolving the Special Tax Allocation Fund for the Congaree Vista Redevelopment Area and Terminating the Designation of such Redevelopment Area as a Redevelopment Project Area for Purposes of Title 31, Chapter 6 of the Code of Laws of South Carolina 1976 as amended; and other matters relating thereto *First reading approval was given on January 9, 2008. – Approved on second reading.*

### **ORDINANCES – FIRST READING**

Upon motion by Mr. Rickenmann, seconded by Ms. Sinclair, Council voted unanimously to give first reading approval to **Items H.** through **L.** on a single motion and as presented.

- H. Ordinance No.: 2007- 085 – Granting encroachment to the University of South Carolina for installation and maintenance of brick walkways, brick planters, landscaping and an irrigation system within the right of way areas of the 1200 and 1300 block of Greene Street – *Approved on first reading.*
- I. Ordinance No.: 2007-102 – Granting encroachment to Pulaski Street, LLC for construction and maintenance of off-site parking and landscaping within the rights of way areas of the 900 block of Pulaski Street, 500 block of Pendleton Street and 500 block of College Street for 900 Pulaski The Village – *Approved on first reading.*
- J. Ordinance No.: 2007-109 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina Chapter 23, Utilities and Engineering, Article III, Water Service, Sec 23-68, Separate meter required for each structure; exceptions – *Approved on first reading.*
- K. Ordinance No.: 2008-005 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 23, Utilities and Engineering, Article V, Water and Sewer Rates, Sec 23-144, Special water service fees – *Approved on first reading.*
- L. Ordinance No.: 2008-007 – Dissolving the special tax allocation fund for the Urban Core Redevelopment area and Terminating the designation of such redevelopment area as a Title 31, Chapter 6 of the code of laws of South Carolina 1976 and amended; and other matters relating thereto – *Approved on first reading.*

### **RESOLUTIONS**

Upon motion by Mr. Cromartie, seconded by Ms. Sinclair, Council voted unanimously to approve **Resolution Items M.** and **N.** as presented.

- M. Resolution No.: R-2008-001 – Permitting the Fire Department to collect money for the Muscular Dystrophy Association - *Approved*

- N. Resolution No.: R-2008-002 – Authorizing change of signatures on checking accounts - *Approved*

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

Upon motion by Mr. Cromartie, seconded by Mr. Rickenmann, Council voted unanimously and on a single motion to approve the reappointment / appointment of the following individuals to the Citizens Advisory Committee: Mr. Bruce Sanders (Cromartie), Ms. Regina Mills (Devine), Mr. Nigel Mahaffey (Finlay), Ms. Naomi Jones (Mayor Coble), Ms. Laura Easley (Sinclair), Mr. Robert Weston Sr. (Davis) and Mr. Paul Grime, Jr. (Rickenmann) **and** the appointment of Mr. Milton Kimpson, Sr., to the Election Commission.

- O. Citizens Advisory Committee for Community Development – *Please refer to the above motion.*
- P. Election Commission – *Please refer to the above motion.*
- Q. Mini Grant Committee - *Consideration of this item was deferred.*

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

No one appeared at this time.

### **EXECUTIVE SESSION**

Upon motion by Mr. Davis, seconded by Mr. Cromartie, Council voted unanimously to go into Executive Session at 1:23 p.m. for the discussion of **Items R.** through **T.** as presented.

- R. Discussion of negotiations incident to proposed contractual arrangement  
*This item was discussed in Executive Session. No action was taken.*
- S. Discussion of negotiations incident to the proposed sale of property  
*This item was discussed in Executive Session. No action was taken.*
- T. Receipt of legal advice, which relates to matters covered by attorney-client privilege  
- Employee Health Insurance  
*This item was discussed in Executive Session. No action was taken.*

- **Mr. Davis left the meeting at 3:00 p.m.**
- **Council adjourned the Executive Session discussion at 3:04 p.m. to reconvene the meeting.**

Upon motion by Mr. Rickenmann, seconded by Mr. Cromartie, Council voted unanimously to appropriate \$500,000 to the Two Notch Development Corporation (TNDC) from the sale of the property to Holder for the purchase of 16 acres on Beltline Boulevard. This funding is to be repaid to the Land Acquisition Fund within twelve (12) months.

- **Council reconvened the Executive Session at 3:05 p.m. with the discussion of Items R. and T. as outlined above.**
- **Council adjourned the meeting at 3:30 p.m.**

Respectfully submitted by:

Erika D. Salley  
City Clerk