



CITY OF COLUMBIA
CITY COUNCIL MEETING &
ZONING PUBLIC HEARING MINUTES
TUESDAY, FEBRUARY 1, 2011
6:00 P.M.
COUNCIL CHAMBERS – 3RD FLOOR
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting and a Zoning Public Hearing on Tuesday, February 1, 2011 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:04 p.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann, The Honorable Belinda F. Gergel, The Honorable Leona K. Plough and The Honorable Brian D. Newman. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Salley, City Clerk.

PLEDGE OF ALLEGIANCE

INVOCATION

Chaplain Clyde Waters, Columbia Police Department offered the Invocation.

APPROVAL OF MINUTES

1. Minutes of September 8, 15 and 29, 2010; October 6 and 19, 2010; November 2, 9 and 16, 2010; and December 7 and 14, 2010 – *Consideration of **Item 1.** was deferred.*
2. Minutes of January 25, 2011 – *Consideration of **Item 2.** was deferred.*

**Councilor Plough introduced Master Whit Bouknight, an 8th grader at Heathwood Hall. He's working to earn his Communications Badge.

**Mr. John Dooley, Ret. Director of Utilities and Engineering introduced students from the after-school program that's conducted at the Community CME Church in sponsorship with the Ebenezer Lutheran Church. Ms. Queen Bonaparte is the Program Director and we help with their homework and we provide an enrichment hour.

The program participants introduced themselves to the members of Council.

CITY COUNCIL DISCUSSION / ACTION

3. Fiscal Year 2010/2011 Hospitality Grant Funding Recommendations – Ms. Libby Gober, Administrative Liaison to City Council

Ms. Libby Gober, Administrative Liaison to City Council stated that applications for 3rd quarter funding are due on April 1, 2011.

Upon a motion made by Ms. Plough and seconded by Mr. Rickenmann, Council voted unanimously to approve the Hospitality Grant funding recommendations for the 2nd quarter of fiscal year 2010/2011, as presented.

4. Council is asked to approve a Memorandum of Agreement for the use of the Charles R. Drew Wellness Center for Richland School District One's Elementary School Water Safety and Swimming Instruction Program. – *Approved with conditions.*

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to approve a Memorandum of Agreement for the use of the Charles R. Drew Wellness Center for Richland School District One's Elementary School Water Safety and Swimming Instruction Program through April 2012. Council directed the City Manager and Senior Assistant City Manager to engage in conversations with the Superintendent of Richland School District One and other pertinent staff to determine how we should handle this agreement prospectively. Guidance should also be sought from the Charles R. Drew Wellness Center Scholarship and Program Advisory Committee.

CONSENT AGENDA

- **Mayor Benjamin left the meeting at 6:22 p.m. and Mayor Pro-Tempore Gergel is now presiding.**

Upon a single motion made by Ms. Plough and seconded by Mr. Rickenmann, Council voted unanimously to approve the **Consent Agenda Items 5.** through **15.** and **17.** Consideration of **Item 16.** was deferred.

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

5. Council is asked to approve the Purchase of a Railroad Encroachment Permit for Project #SS7103; Sanitary Sewer Extension for Senior Matters, as requested by Utilities and Engineering. Award to Norfolk Southern Railway Company in the amount of \$11,200.00. This vendor is located in Philadelphia, PA. *Funding Source: Sanitary Sewer Capital Improvement Fund 5529999-SS7103-659200* **Note:** *The Real Estate Division is requesting permission on behalf of the City of Columbia to perform work adjacent to the railway maintained rights-of-way.* – *Approved*
6. Council is asked to approve Project #SS7159 (3); Purchase of one (1) Goulds Centrifugal Pump Impeller for the Metro Wastewater Treatment Plant, as requested by the Utilities and Engineering. Award to Charles R. Underwood, Inc., the lowest bidder in the amount of \$17,946.59. This vendor is located in Sanford, NC. *Funding Source: Sanitary Sewer Maintenance Fund 5516212-638300* – *Approved*
7. Council is asked to approve the Purchase of Seven (7) Stryker Stair-Pro 6252, as requested by the Columbia Police Department's Homeland Security Division. Award to Stryker, the lowest bidder meeting specifications in the amount of \$18,407.42. This vendor is located in Mount Pleasant, SC. *Funding Source: Homeland Security Grant Control-Special Departmental Supplies/JL: MMRS Homeland Sec 2007-Special Departmental Supplies; GL 2549999-627100/JL 9601000207-627100* – **Note:** *The Stryker Rescue Chair will be used by trained medical technicians (EMT's) in Richland and Lexington Counties. When non-ambulatory persons need to be removed from the upper floors of a building, rescuers can safely remove patients with little to no injury to the patient or the rescuer.* – *Approved*
8. Council is asked to approve a Six (6) Month Maintenance Renewal of the Unisys Libra Software, as requested by the Information Technology Department. Award to Potomac Systems in the amount of \$27,380.23. This vendor is located in Richmond, VA. *Funding Source: Information Technology/Maintenance & Service Contracts 1011120/638200* **Note:** *This software drives the operating systems for Municipal Court and the Business License Division.* – *Approved*

9. Council is asked to approve Mentor Protégé Program Project #WM4219; An Agreement for Engineering Services relating to Canal Water Treatment Plant Chlorine Modifications, as requested by Utilities and Engineering. Award to Black & Veatch Corporation in the amount of \$39,500.00. This vendor is located in Columbia, SC. *Funding Source: Water Improvements Fund 5529999-WM421901-636600* **Note:** *Based on a recent review of the disinfection system for the Columbia Canal Water Treatment Plant, the City wishes to upgrade the system through the installation of electronically actuated emergency shut-off valves mounted directly to the chlorine ton cylinders. Howard Engineering, Inc. is the Protégé for this project and will provide electrical and instrumentation system design services at 7.6% of the total contract. – Approved*
10. Council is asked to approve the Purchase of a Fuel Master 3500 Series Fuel System, as requested by the Fleet Services Division. Award to Jones and Frank, the lowest bidder meeting specifications in the amount of \$117,694.65. The vendor is located in Columbia, SC. *Funding Source: Equipment Services-Computer/Electronic Equipment, 6308971-658600 – Approved*
11. Council is asked to approve Project #SS7165; Purchase of Two (2) Replacement Backhoes for the Wastewater Maintenance Division, as requested by Utilities and Engineering. Award to Flint Equipment Company, using the State Contract Pricing in the amount of \$172,112.00. This vendor is located in West Columbia, SC. *Funding Source: Sanitary Sewer Maintenance Fund 5516212-658500 – Approved*
12. Council is asked to approve Project #SS7099 (19); Increase in Project Amount for Emergency Valve Repair and Weir Installation, as requested by Utilities and Engineering. Award to McClam & Associates in the amount of \$250,000.00. This vendor is located in Little Mountain, SC. *Funding Source: Sanitary Sewer Maintenance Fund 5516212-638300* **Note:** *McClam & Associates, Inc. is currently servicing the Metro Wastewater Treatment Plant valves standby pumps. The valves needed to be repaired immediately in order to use the standby pumps to divert the flow to the equalization basin. The valves continue to experience problems with the flow to the basin; therefore, we are requesting an extension of time and an increase in the project amount. – Approved*
13. Council is asked to approve the Purchase of Two (2) Knuckleboom Loader Trucks, as requested by the Fleet Services Division. Award to Columbia Truck Center, the lowest bidder meeting specifications in the amount of \$357,006.00. This vendor is located in Columbia, SC. *Funding Source: Capital Replacement-Auto Truck Heavy Equipment >\$5,000; 6308972-658500* **Note:** *These trucks are used to pick up yard trash and debris along with fallen limbs and trees after a storm. – Approved*
14. Council is asked to approve Project #SS6790(3); Increase in Project Amount for the North Columbia Lift Station Bypass Pumping and Pump Repair and Replacement, as requested by Utilities and Engineering. Award to McClam & Associates in the amount of \$400,000.00. This vendor is located in Little Mountain, SC. *Funding Source: Sanitary Sewer Improvement Fund 5529999-SS679003-851200* **Note:** *McClam & Associates, Inc. is currently servicing the North Columbia Station by providing temporary bypass piping to ensure continued operation within the station. The station continues to experience severe problems with inflowing debris consistently damaging the pumps; therefore, we are requesting an extension of time and an increase in the project amount. – Approved*

15. Council is asked to approve Project #SS7120; Increase in Project Amount for Emergency Bypass at the West Columbia Pump Station, as requested by Utilities and Engineering. Award to McClam & Associates in the amount of \$640,000.00. This vendor is located in Little Mountain, SC. *Funding Source: Sanitary Sewer Maintenance Fund 5516212-638300* **Note:** *This project needs to be extended for an additional eight months to help prevent overflows until the construction of the West Columbia Pump Station Improvements Project begins.* – Approved

ORDINANCES – SECOND READING

16. Ordinance No.: 2010-154 – Authorizing the City Manager to execute an Agreement of Sale and Purchase between the City of Columbia and Baker and Baker Real Estate Developers, LLC for the sale of approximately 64,469 square feet known as 319 Blanding Street and 22 Williams Street, Richland County TMS #09005-02-44 and #09005-02-23 – *First reading approval was given on January 25, 2011 with conditions.* – *This item was discussed in Executive Session. No action was taken.*
17. Ordinance No.: 2011-002 – Authorizing the City Manager to execute an Agreement of Sale and Purchase between the City of Columbia and Baker and Baker Real Estate Developers, LLC for the sale of approximately 0.08 acres (3,477.92 square feet) at the southwest corner of Huger Street and Laurel Street, known as Richland County TMS #09010-14-02 – *First reading approval was given on January 25, 2011.* – *Approved on second reading.*

ORDINANCES – FIRST READING

18. Ordinance No.: 2010-161 – Authorizing the City Manager to execute lease between the City of Columbia and Lockhart Power Company for the Canal Hydroelectric Plant – *This item was discussed in Executive Session. No action was taken.*

RESOLUTIONS

Upon a single motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to approve **Resolution Items 19.** through **23.**

19. Resolution No.: R-2011-004 – Amending Resolution R-2010-096 authorizing consumption of beer and wine at the River Rocks at the Columbia Canal Park – *Approved*
20. Resolution No.: R-2011-007 – Authorizing consumption of beer and wine at Frame of Mind Series/Art Crawl at Boyd Plaza and in the 1500 block of Main Street between Hampton Street and Taylor Street – *Approved*
21. Resolution No.: R-2011-008 – Authorizing consumption of beer and wine within Boyd Plaza adjacent to the Columbia Museum of Art for the Contemporaries Oyster Roast – *Approved*
22. Resolution No.: R-2011-010 – Authorizing consumption of beer and wine at the Crafty Feast at Indie Grits in the 900 block of Main Street and 1200 block of College Street – *Approved*
23. Resolution No.: R-2011-014 – Authorizing consumption of beer and wine at Five Points Association's 5 After 5 Concert Series – *Approved*

CITY COUNCIL COMMITTEE REPORTS

24. The Administrative Policy Committee seeks authorization to explore the establishment of a City Ethics Policy that will apply to City Council, City appointed boards, committees and commissions, and senior staff

Upon a motion made by Mr. Rickenmann and seconded by Ms. Devine, Council voted unanimously to authorize the Administrative Policy Committee to explore the establishment of a City Ethics Policy that will apply to City Council, City appointed boards, committees and commissions, and senior staff.

25. The Administrative Policy Committee seeks approval of the following City Council operational guidelines:
- (a) City Council Regular Meeting set for the first and third Tuesday of each month at 6:00 p.m. Any change must be voted on and approved by the majority of City Council;
 - (b) City Council Work Sessions – set for the first Tuesday of each month at 2:00 p.m.;
 - (c) City Council Special Work Sessions set for the third Tuesday of each month at 3:00 p.m. on an as needed basis and when voted on and approved by a majority of City Council; and
 - (d) Development of guidelines to be adopted by City Council as to when a group will present at a regular city council meeting versus a city council work session. This would include setting time limits for these presentations.

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to approve the operational guidelines as recommended by the Administrative Policy Committee.

26. Council is asked to refer the proposed ban on texting while driving to the Public Safety Committee.

Upon a motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to refer the proposed ban on texting while driving to the Public Safety Committee for review.

27. Council is asked to provide committee reports and/or present motions to refer specific matters to a particular Council Committee at this time.

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to refer a request from Ms. Brenda Miller and Real World Artisans, LLC to establish a creative and inspiring arts center in the basement and first floor areas of the Tapp's Building at 1644 Main Street.

**Councilor Devine invited everyone to the Together We Can Read 2011 Press Conference on Wednesday, March 16, 2010 at 3:30 p.m. in Council Chambers at City Hall. She asked for volunteers to Read "Tori Explores South Carolina" by Author Ashlye V. Rumph-Geddis to all 3rd Graders in Richland School District One on Thursday, March 17, 2010.

EXECUTIVE SESSION

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to go into Executive Session at 6:35 p.m. for the discussion of **Items 28.** and **29.** as amended.

28. Receipt of legal advice which relates to a pending, threatened or potential claim – *This item was discussed in Executive Session. No action was taken.*
 29. Discussion of negotiations incident to proposed contractual arrangements
 - **Ordinance No.: 2010-154
 - **Ordinance No.: 2010-161*Items were discussed in Executive Session. No action was taken.*
- **Council adjourned the Executive Session at 6:55 p.m.**

ZONING PUBLIC HEARING

- **Council opened the Zoning Public Hearing at 7:00 p.m.**

CASES WITH MAP AND TEXT AMENDMENTS – FIRST READING

30. **2300 WILMOT AVENUE (Text Amendment), TMS# 11311-04-01; Amend Section 17-691(c) to add structure as a Group II Landmark**

Ordinance No.: 2010-153 – Amending the 1998 Code of Ordinance 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 Building and site list, (c) to add 2300 Wilmot Avenue, TMS #11311-04-01 – *Approved on first reading.*

- 30a. **2300 WILMOT AVENUE (Map Amendment), TMS# 11311-04-01; Rezone to add –DP overlay to designate structure as a Landmark. – Approved on first reading.**

No one appeared in support of or in opposition to **Items 30.** and **30a.**

Upon a single motion made by Ms. Devine and seconded by Dr. Gergel, Council voted unanimously to give first reading approval to **Item 30.** Ordinance No.: 2010-153 – Amending the 1998 Code of Ordinance 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 Building and site list, (c) to add 2300 Wilmot Avenue, TMS #11311-04-01 and **Item 30a.** 2300 Wilmot Avenue (Map Amendment), TMS# 11311-04-01; Rezone to add –DP overlay to designate structure as a Landmark.

31. **1620 MAIN STREET (Text Amendment), TMS# 09014-04-17; Amend Section 17-691(d) to add structure as a Group III Landmark**

Ordinance No.: 2011-003 – 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) to add 1620 Main Street, Richland County TMS #09014-04-17 – *Approved on first reading.*

- 31a. **1620 MAIN STREET (Map Amendment), TMS# 09014-04-17; Rezone to add –DP overlay to designate structure as a Landmark.** – *Approved on first reading.*

No one appeared in support of or in opposition to **Items 31.** and **31a.**

Upon a single motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to give first reading approval to **Item 31.** Ordinance No.: 2011-003 – 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) to add 1620 Main Street, Richland County TMS #09014-04-17 and **Item 31a.** 1620 Main Street (Map Amendment), TMS# 09014-04-17; Rezone to add –DP overlay to designate structure as a Landmark.

MAP AMENDMENT – FIRST READING

32. **4054 Water Street, 3869 Shaw Street, 3863 Shaw Street** – TMS# 11602-10-01, 11602-10-02, 11602-10-03; rezone from RS-3 (Single-Family Residential) to RG-3 (General Residential). – *Approved on first reading.*

No one appeared in support of or in opposition to **Item 32.**

Upon a motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to give first reading approval to the Map Amendment for 4054 Water Street, 3869 Shaw Street, 3863 Shaw Street – TMS# 11602-10-01, 11602-10-02, 11602-10-03; rezone from RS-3 (Single-Family Residential) to RG-3 (General Residential).

33. **4626, 4628, 4630 North Main Street, 1304, 1308, 1312 Columbia College Drive** – TMS# 9215-09-01, 9215-09-03, 11603-01-01 (portion); rezone from PUD-C (Planned Unit Development) to MX-1 (Mixed-Use), -NC North Main Corridor).

- **Mayor Benjamin returned at 7:06 p.m. and is now presiding.**

No one appeared in support of or in opposition to **Item 33.**

Upon a motion made by Mr. Davis and seconded by Mr. Rickenmann, Council voted unanimously to give first reading approval to the Map Amendment for 4626, 4628, 4630 North Main Street, 1304, 1308, 1312 Columbia College Drive – TMS# 9215-09-01, 9215-09-03, 11603-01-01 (portion); rezone from PUD-C (Planned Unit Development) to MX-1 (Mixed-Use), -NC North Main Corridor).

34. **301 Greystone Boulevard**, TMS# 07309-02-11; Rezone from PUD-C (Planned Unit Development – Commercial) to C-3 (General Commercial). *The Zoning Public Hearing was continued until the next scheduled Zoning Public Hearing.*

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to continue the Zoning Public Hearing for **Item 34.** until the next scheduled Zoning Public Hearing.

ANNEXATION WITH MAP AMENDMENT – FIRST READING

35. **6903 Deloach Drive**, TMS# 16415-04-28; request recommendation concerning application to annex and zone property RS-1 (Single-Family Residential). The property is zoned RS-LD (Single-Family Residential) in Richland County. – *Approved on first reading.*

Ordinance No.: 2011-007 – Annexing 6903 Deloach Drive, Richland County TMS #16415-4-28 – *Approved on first reading.*

No one appeared in support of or in opposition to **Item 35.**

Upon a single motion made by Ms. Plough and seconded by Dr. Gergel, Council voted unanimously to give first reading approval to the Map Amendment for 6903 Deloach Drive, TMS# 16415-04-28; request recommendation concerning application to annex and zone property RS-1 (Single-Family Residential). The property is zoned RS-LD (Single-Family Residential) in Richland County and Ordinance No.: 2011-007 – Annexing 6903 Deloach Drive, Richland County TMS #16415-4-28.

36. **6 Bay Berry Mews, Capital Heights, and 4219 Lester Drive**; TMS# 11611-02-15 thru 41, 11611-03-01, 11611-03-03 thru 40, 11611-07-01 thru 26, 11611-08-01 thru 33, 11611-09-01 thru 08, 11612-04-06, 11612-04-10 thru 45, 11612-06-01 thru 05, 11612-07-04 thru 16, and 11612-08-01 thru 20; request recommendation concerning application to annex and zone Bayberry Mews RG-2 (General Residential) and rezone Capital Heights RG-2 (General Residential) from C-3 (General Commercial). The property is zoned RM-HD (General Residential) and GC (General Commercial) in Richland County. – *The Zoning Public Hearing was continued to May 17, 2011.*

Ordinance No.: 2011-008 – Annexing Bay Berry Mews, Capital Heights and 4219 Lester Drive, Richland County TMS #11611-08-09, 11611-03-03, 11611-03-04, 11611-03-05, 11611-03-06, 11611-03-07, 11611-03-08, 11611-03-09, 11611-03-10, 11611-03-11, 11611-03-12, 11611-03-13, 11611-03-14, 11611-03-15, 11611-03-16, 11611-03-17, 11611-03-18, 11611-03-19, 11611-03-20, 11611-03-21, 11611-03-22, 11611-03-23, 11611-03-24, 11611-03-25, 11611-03-26, 11611-03-27, 11611-03-28, 11611-03-29, 11611-03-30, 11611-03-31, 11611-03-32, 11611-03-33, 11611-03-34, 11611-03-35, 11611-03-36, 11611-03-37, 11611-03-38, 11611-03-39, 11611-03-40, 11611-07-01, 11611-07-02, 11611-07-03, 11611-07-04, 11611-07-05, 11611-07-06, 11611-07-07, 11611-07-08, 11611-07-09, 11611-07-10, 11611-07-11, 11611-07-12, 11611-07-13, 11611-07-14, 11611-07-15, 11611-07-16, 11611-07-17, 11611-07-18, 11611-07-19, 11611-07-20, 11611-07-21, 11611-07-22, 11611-07-23, 11611-07-24, 11611-07-25, 11611-07-26, 11611-08-01, 11611-08-02, 11611-08-03, 11611-08-04, 11611-08-05, 11611-08-06, 11611-08-07, 11611-08-08, 11611-08-10, 11611-08-11, 11611-08-12, 11611-08-13, 11611-08-14, 11611-08-15, 11611-08-16, 11611-08-17, 11611-08-18, 11611-08-19, 11611-08-20, 11611-08-21, 11611-08-22, 11611-08-23, 11611-08-24, 11611-08-25, 11611-08-26, 11611-08-27, 11611-08-28, 11611-08-29, 11611-08-30, 11611-08-31, 11611-08-32, 11611-08-33, 11612-06-01, 11612-06-02, 11612-06-03, 11612-06-04, 11612-06-05; 1611-02-15, 11611-02-16, 11611-02-17, 11611-02-18, 11611-02-19, 11611-02-20, 11611-02-21, 11611-02-22, 11611-02-23, 11611-02-24, 11611-02-25, 11611-02-26, 11611-02-27, 11611-02-28, 11611-02-29, 11611-02-30, 11611-02-31, 11611-02-32, 11611-02-33, 11611-02-34, 11611-02-35, 11611-02-36, 11611-02-37, 11611-02-38, 11611-02-39, 11611-02-40, 11611-02-41, 11611-09-01, 11611-09-02, 11611-09-03, 11611-09-04, 11611-09-05, 11611-09-06, 11611-09-07, 11611-09-08, 11612-04-06, 11612-04-10, 11612-04-11, 11612-04-12, 11612-04-13, 11612-04-14, 11612-04-15, 11612-04-16, 11612-04-17, 11612-04-18, 11612-04-19, 11612-04-20, 11612-04-21, 11612-04-22, 11612-04-23, 11612-04-24, 11612-04-25,

11612-04-26, 11612-04-27, 11612-04-28, 11612-04-29, 11612-04-30, 11612-04-31, 11612-04-32, 11612-04-33, 11612-04-34, 11612-04-35, 11612-04-36, 11612-04-37, 11612-04-38, 11612-04-39, 11612-04-40, 11612-04-41, 11612-04-42, 11612-04-43, 11612-04-44, 11612-04-45, 11612-07-05, 11612-07-06, 11612-07-07, 11612-07-08, 11612-07-09, 11612-07-10, 11612-07-11, 11612-07-12, 11612-07-13, 11612-07-14, 11612-07-15, 11612-07-16, 11612-08-01, 11612-08-02, 11612-08-03, 11612-08-04, 11612-08-05, 11612-08-06, 11612-08-07, 11612-08-08, 11612-08-09, 11612-08-10, 11612-08-11, 11612-08-12, 11612-08-13, 11612-08-14, 11612-08-15, 11612-08-16, 11612-08-17, 11612-08-18, 11612-08-19, 11612-08-20, 11612-07-04; and 11611-03-01 – *The Zoning Public Hearing was continued to May 17, 2011.*

Upon a motion made by Ms. Devine and seconded by Dr. Gergel, Council voted unanimously to continue the Zoning Public Hearing for **Item 36.** until May 17, 2011.

CASES WITH MAP AND TEXT AMENDMENTS – FIRST READING

37. HEATHWOOD TEXT AMENDMENT- Amend Section 17-681(c) to add Heathwood Neighborhood as a Protection Area District

Ordinance No.: 2011-004 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 17, Planning, Land Development and Zoning, Article V, Historic Preservation and Architectural Review, Division 3 Landmarks and Design Protection Districts, Sec. 17-681 District identified (c) to add (6) - *Denied*

37a. HEATHWOOD DP (DESIGN PRESERVATION) MAP AMENDMENT - Generally Bounded On The North By Devereaux Road, On The East By Kilbourne Road, On The South By Devine Street, And On The West By Adger Road, TMS# 13804-04-01 through -03; 13804-04-05; 13804-05-01 through -04; 013804-05-06; 13808-01-01 through -04; 13808-02-01; 13808-02-03 through -06; 13808-03-01 through -05; 13808-03-07 through -16; 13808-04-01 through -06; 13808-05-01 through -05; 13808-12-01 through -07; 13808-13-01 through -11; 13808-13-13; 13808-14-01 through -08; 13905-12-01 through -07; 13905-13-01; 13905-13-02; 13905-13-04 through -09; 13905-14-02; 13905-14-04 through -10; 13905-14-12; 13905-15-01 through -11. - *Denied*

37b. HEATHWOOD CC1 (COMMUNITY CHARACTER) MAP AMENDMENT - Generally bounded on the north by Devereaux Road, on the east by Kilbourne Road, on the South by Devine Street, and on the west by Adger Road, TMS# 13804-04-01 through -03; 13804-04-05; 13804-05-01; 13804-05-02; 013804-05-06; 13808-01-01 through -04; 13808-02-01; 13808-02-03 through -06; 13808-03-01 through -05; 13808-03-07 through -16; 13808-04-01 through -06; 13808-05-01 through -05; 13808-12-01 through -07; 13808-13-01 through -11; 13808-13-13; 13808-14-01 through -08; 13905-12-01 through -07; 13905-13-01; 13905-13-02; 13905-13-04 through -09; 13905-14-02; 13905-14-04 through -10; 13905-14-12; 13905-15-01 through -11; rezone to add -CC1 (Permanent Community Character) overlay – *Approved on first reading with conditions.*

The following individuals appeared before the members of Council to comment on **Items 37., 37a. and 37b.**

Mr. John Montague
Mr. Bill Cantey
Mr. Billy Cantey
Mr. Wade Mullins
Mr. Sam Waters
Mr. Robert McElveen

Upon a motion made by Ms. Plough and seconded by Dr. Gergel, Council voted six (6) to one (1) to give first reading approval to **Item 37b. HEATHWOOD CC1 (COMMUNITY CHARACTER) MAP AMENDMENT**, subject to deferring second reading consideration until further notice to allow time for staff to meet with Mr. Wade Mullins, other residents, neighborhoods currently under CC-1 guidelines and neighborhoods considering these guidelines as soon as possible to clarify what is required and prohibited within the CC-1 guidelines. The City Attorney is to be involved in these discussions. Voting aye were Mr. Davis, Ms. Devine, Mr. Rickenmann, Dr. Gergel, Ms. Plough and Mr. Newman. Mayor Benjamin voted nay.

Upon a single motion made by Ms. Plough and seconded by Mr. Rickenmann, Council voted unanimously to deny **Item 37. Ordinance No.: 2011-004 and Item 37a. HEATHWOOD DP (DESIGN PRESERVATION) MAP AMENDMENT.**

- **Council adjourned the Zoning Public Hearing at 7:47 p.m.**

APPOINTMENTS TO BOARDS AND COMMISSIONS

38. Charles R. Drew Wellness Center Scholarship and Program Advisory Committee – *Consideration of this item was deferred.*

ORDINANCES – FIRST READING

39. Ordinance No.: 2011-001 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Article IV, Offenses Against the Public Peace and Order to add Sec. 14-106 Hours of sale restricted for commercial establishments which allow for on-premises consumption of beer, ale, porter and/or wine

The following individuals appeared in opposition to Item 39.:

Mr. Will Green
Mr. Aaron Johnson
Ms. Evelyn Morales
Mr. Matthew Butler
Mr. Shawn Sabario

Mr. Scott Linaberry, President of the Five Points Association / Co-Chair of the Hospitality Taskforce described the financial impact this ordinance may have for bar owners.

A motion made by Dr. Gergel and seconded by Mr. Rickenmann to give first reading approval to Ordinance No.: 2011-001 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Article IV, Offenses Against the Public Peace and Order to add Sec. 14-106 Hours of sale restricted for commercial establishments which allow for on-premises consumption of beer, ale, porter and/or wine, was not voted upon.

Upon a substitute motion made by Mr. Rickenmann and seconded by Ms. Plough, Council voted five (5) to two (2) to give first reading approval to Ordinance No.: 2011-001 – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Article IV, Offenses Against the Public Peace and Order to add Sec. 14-106 Hours of sale restricted for commercial establishments which allow for on-premises consumption of beer, ale, porter and/or wine, subject to the following caveats. Voting aye were Mr. Davis, Ms. Devine, Mr. Rickenmann, Ms. Plough and Mr. Newman. Voting nay were Dr. Gergel and Mayor Benjamin.

- A. Adopt the Ordinance with the special permit with the caveat that the special permit will allow the bars to close at their discretion;
- B. Add required LRADAC training program prior to second reading approval; and
- C. Schedule forums for public comment and discussions with bar owners.

Councilor Gergel requested that the City Manager contact Aiken, Rock Hill, Charleston, North Charleston, Myrtle Beach, Greenville, Hilton Head and Summerville to ask if their mandatory 2 a.m. bar closing has increased their costs for law enforcement; the City Manager designate an employee to gather the information needed to address questions and move forward with the curfew; the City Manager provide Council with recommended funding sources for the release of the Request for Proposals for a study of the Hospitality Districts as requested by Council during the fall of 2010; and that Mayor Benjamin and Councilor Rickenmann have discussions with the University of South Carolina concerning the serious events that are happening in the neighborhoods surrounding the Five Points area, as discussed in the City Council Work Session.

Mayor Benjamin asked the Hospitality District Safety Taskforce for comments on the 2 a.m. bar closing and the curfew recommendations being adopted together or not at all and for new feedback from the Taskforce on the changes to the 2 a.m. bar closing recommendations.

**Councilor Devine recognized Mr. Eddie Banks with the Eisenhower Foundation. She said that the City of Columbia has a very long history with the Foundation; they've helped us with the KOBAN for many years. She recognized Sgt. Melron Kelly, who started out in our Residential KOBAN. Mr. Banks is here to launch the new safe haven location in Hammond Village.

APPEARANCE OF PUBLIC HAVING BUSINESS WITH CITY COUNCIL

Mr. Eddie W. Banks, Director of Field Operations for Problem Oriented Community Policing Programs for the Eisenhower Foundation announced that the Eisenhower Foundation has invested \$300,000 over the next three (3) years for the Safe Haven Program in Hammond Village. I just finished a Town Hall Meeting in Hammond Village where we brought the Police and the residents of the community together to identify problems and solutions for them to work together to resolve those problems. He thanked Councilor Devine for her continued support.

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to adjourn the meeting at 8:41 p.m.

Respectfully submitted by:

Erika D. Salley
City Clerk