

**CITY OF COLUMBIA CITY COUNCIL
WORK SESSION MINUTES
MARCH 27, 2012 – 2:00 P.M.
CITY HALL - 1737 MAIN STREET**



The Columbia City Council met for a Work Session on Tuesday, March 27, 2012 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Stephen K. Benjamin called the meeting to order at 2:10 p.m. The following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Belinda Gergel and The Honorable Brian DeQuincey Newman. The Honorable Leona K. Plough arrived at 2:13 p.m. The Honorable Daniel J. Rickenmann was absent. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Moore, City Clerk. This meeting was advertised in accordance with the Freedom of Information Act.

CITY COUNCIL DISCUSSION / ACTION

1. 2011 Management Letter – Mr. Bud Addison, Audit Manager / Webster Rogers, L.L.P.

Mr. Bud Addison, Audit Manager of Webster Rogers, L.L.P reported that the audit was previously furnished to the City; an unqualified opinion was received; and continued improvement was made. There were no real significant deficiencies or misunderstandings. The General Fund broke slightly even. There was a little deficit due to a couple of transfers that were not able to be made. Most of the areas that needed improvement stems from federal grants and grants compliance. You've made significant strides in that area. All of the findings for this year's audit can be found in the Internal Control Report and they are all related to the federal grants. There were no reports related to the financial statement or the general accounting process as a whole. Most of that had to do with the sub-recipient monitoring and some of the allowable costs with the Community Development Block Grant (CDBG) and the Empowerment Zone. Overall improvement continues to be shown and you are a lot better off than you were three (3) years ago.

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

2. Bull Street Planned Unit Development – Ms. Krista Hampton, Director of Planning and Development Services

Ms. Krista Hampton, Director of Planning and Development Services provided an overview of the Bull Street Planned Unit Development (PUD). She stated that the basis for the Bull Street PUD is a form-based model code, which is known as SmartCode. She explained that SmartCode was designed by Duany and his DPZ Team for use around the country to fix the urban fabric and to create new communities that better reflect walkable development patterns. The idea came from transects, which are ecosystems that provide habitats. Transects were developed as the proper development for humans as opposed to conventional sprawl development. A SmartCode can be applied in many ways.

Miami was one of the first cities to apply SmartCode to the entire city. We have used PUDs for many years and they are enabled by state law to be large scale, mixed-use developments. This is a perfect example of where a PUD is appropriate. They are established for those times when your local codes might not necessarily provide the development that you want to see. Transects range from T1 to T6, which goes from an absolute natural state to a very urban state. We are in a T4 and T5 zone, which is general urban to an urban center. General urban is primarily residential with mixed-use and smaller blocks. The urban center zone is higher density with a good mixture of uses in those areas and a good network of streets for easy walking. When SmartCodes are implemented, you go through a process called calibration, which takes into account the local conditions and the vision for the area to figure out which zone to apply. The beauty of SmartCode in the long-term is a lot of work is done

upfront to get a very specific set of standards so that later on you can have more administrative review of the plans. In this case, there is one more district type established in SmartCode called Special District. It's understood that you can't always have mixed-use areas and sometimes in Special Districts you must have an industrial area or a shopping center. There will be a place to develop Special Districts in the Bull Street Planned Unit Development.

Mayor Benjamin said that tonight we will look at a PUD that the Planning Commission has forwarded to us, unanimously.

Ms. Krista Hampton, Director of Planning and Development Services said that approval is subject to the staff report attached to the Planning Commission case summary.

Councilor Devine asked if the major staff comments are about committees.

Ms. Krista Hampton, Director of Planning and Development Services said it's about governance.

Mayor Benjamin asked if we are adopting the SmartCode or is the Developer adopting the SmartCode for this property.

Ms. Krista Hampton, Director of Planning and Development Services said usually within a PUD, you create a new zoning district. To create the zoning district for this PUD, they are using the SmartCode concept. We will not be adopting a SmartCode option as a city. When we start writing our codes, we will certainly investigate that. We are adopting a PUD that uses SmartCode as a guiding principle. In the future, we will have to enable through a text amendment SmartCode to be able to apply it elsewhere.

Mayor Benjamin said that he is trying to get to the specifics. Are we approving the PUD and they are going an extra mile by adopting more rigorous development standards and adopting the SmartCode. If they chose not to do so would governance be an issue at all.

Ms. Krista Hampton, Director of Planning and Development Services said it will still be an issue.

Mayor Benjamin asked how this differs from an architectural review board in any other development.

Ms. Krista Hampton, Director of Planning and Development Services said it is zoning controls and not design controls.

Mayor Benjamin asked if we would retain jurisdiction over zoning matters under the proposed PUD.

Ms. Krista Hampton, Director of Planning and Development Services said there are specific zoning matters that are delegated to a developer.

Mayor Benjamin stated that he wants to make sure we retain the proper jurisdiction of the municipality and don't get into some delegation issues. We don't want to strangle the ability of this to move forward.

Councilor Gergel said it was her understanding that the development agreement would be a part of this PUD.

Ms. Krista Hampton, Director of Planning and Development Services said that it doesn't have to be a part of the PUD, but generally you will have it track similar courses.

Councilor Gergel recalled from previous discussions in 2009, Council wanted a development agreement to be a part of the plan. For that reason, each member of Council appointed members to a

committee to formulate the city side of a development agreement. I am having great difficulty with moving forward with this PUD without the agreement. I am curious how we ended up with no development agreement.

Ms. Krista Hampton, Director of Planning and Development Services said it hasn't been submitted.

Councilor Gergel asked if the city has asked for it. Where are we with the development agreement? We had a committee that sent to the city recommendations for elements of the city side of the development agreement. My thought was after that the city would have said to the developer these are the things that we think are important before we got to this point. Has a discussion been held with the developer since the city side of information came in?

Ms. Krista Hampton, Director of Planning and Development Services said it's my understanding that he has the guiding principles that were set forth by that committee and he referenced them in the beginning of the PUD.

Councilor Gergel asked when the development agreement would be available.

Ms. Krista Hampton, Director of Planning and Development Services said I can't tell you; I am not sure.

Councilor Plaugh asked Ms. Hampton to outline the required submittals under our current ordinance. What do we have? What do we not have?

Ms. Krista Hampton, Director of Planning and Development Services said that you are required to have a generalized development plan and a descriptive statement in a large scale PUD.

Councilor Plaugh asked if the plan meets our test.

Ms. Krista Hampton, Director of Planning and Development Services said we interpret that it does, because the standards within the PUD as part of the SmartCode make up for what is lacking in a plan. It is very rare to not see a plan with a PUD.

Councilor Plaugh asked where the development agreement is referred to.

Ms. Krista Hampton, Director of Planning and Development Services said it's optional. It's enabled by state law for local governments to enter into these development agreements to provide certainty to the developer that the zoning won't change over time. if it's making an investment. Also, it guides to what kind of infrastructure investments are going to be made by the city. It provides both parties certainty. I don't believe we have it authorized in our code, but it's enabled in state legislation.

Councilor Devine said I don't believe us not having a development agreement is intended to prolong the process. I think there have been several moving points he is trying to deal with and my impression is that he hasn't gotten to that piece yet. She asked the City Attorney if Council will be prohibited from approving the PUD without a development agreement, if the other questions are answered.

Mr. Kenneth E. Gaines, City Attorney stated that Council should read the ordinance on the PUD first and when you have second reading you want to have the development agreement with you. We will talk about it in Executive Session. We have Mr. David Tedder from Beaufort who has done several development agreements.

Councilor Newman asked when is seconded reading.

Mr. Kenneth E. Gaines, City Attorney said we are going to talk about the PUD in executive session and that may cause it to go back to the Planning Commission, if changes are made. We are expected to have the development agreement with a resolution in conjunction with the second reading ordinance.

Councilor Davis said that the basic restrictions are governed by the PUD. That would take into account the developers considerations, the input that was provided by the contiguous neighborhoods and the recommendations from the city's advisory group.

Councilor Plough said I think for the first time we are looking at SmartCode in a unique way. A large scale PUD will give the developer a fair amount of latitude, but some more certainty about what will be where. What I see in the SmartCode is more of the framework of what will be developed, but not necessarily what would be where. With that latitude comes under the CRC, the changes are controlled by the developer. We are trying to incentivize a behavior on the part of the developer. I think that's what SmartCode tries to do. The question in my mind comes when we start using public resources. This starts to change the dynamics, because you are no longer using land use controls to incentivize behavior, you are actually using public dollars.

Mayor Benjamin asked what type of actions could or couldn't a developer do without having to come back before the Planning Commission or City Council, prospectively.

Ms. Krista Hampton, Director of Planning and Development Services said they could change a good deal of the regulations within the PUD.

Mayor Benjamin asked if they were going to talk about the height of buildings.

Ms. Krista Hampton, Director of Planning and Development Services said that there is a height provision within Council's purview.

Mayor Benjamin inquired about ingress and egress and access to the north, south and west.

Ms. Krista Hampton, Director of Planning and Development Services said that's under the CRC's purview.

Mayor Benjamin asked Ms. Hampton to ensure that we are all on the same page.

Councilor Davis said that ingress and egress is not required by city code.

Ms. Krista Hampton, Director of Planning and Development Services said there is a graphic illustration in the plan about where the connections will be made and a statement about continuing the grid and providing connections. But the question was who can modify that and it's not in Council's purview to modify that. The CRC can modify that.

Councilor Davis said that those are the kinds of things that we and the developer need to be clear on so that the public can understand. There are things required especially when you think about the PUD. If changes are made, where do they go? I understand the impact of the city overall, but there are still some immediate impacts to the contiguous neighborhoods. As we move forward, I would hope that we would clarify what is permissible through the CRC.

Councilor Gergel said that all of this is referencing the developer. Suppose the developer sells this property in five (5) years.

Ms. Krista Hampton, Director of Planning and Development Services said that zoning runs with the land.

Councilor Gergel said that she is concerned about the latitude a new developer would have with the CRC.

Councilor Newman asked if Ms. Hampton or any other staff has had dialog with the developer in terms of laying out which items Council specifically has control over.

Ms. Krista Hampton, Director of Planning and Development Services said we can tell you what they proposed and we can tell you what we recommend.

Councilor Newman said the reason I asked this question is because there has been a great deal of confusion, misinformation and rumors that are contrary to what the developer has put out there. My request to you is that we nail this down before the presentation on tonight. My understanding is that the wall along Calhoun Street is an issue that will be taken up before Council.

Ms. Krista Hampton, Director of Planning and Development Services said that the wall is a landmark.

Councilor Newman said that some are under the impression that you can just roll through Robert Mills and knock down a part of the wall and that's not the case. We must clarify some of this at the hearing on tonight.

Councilor Devine said that the developer is not drawing down and purchasing parcels until it will be developed. The possibility that he sells it in five years unless he has moved forward with some kind of development; it won't even be his at that point. It's my understanding it will be taken down on a parcel by parcel basis.

Mr. Kenneth E. Gaines, City Attorney said I think that's the way the contract reads; he will develop it in phases. I will go back and look at it.

Councilor Devine said as he is ready to develop, then the title will transfer to that parcel. Unless it will be developed, he will not own the entire one hundred eighty one (181) acres in the next three (3) years and be able flip it to someone else. There will be new developers that he will bring it to the table.

Ms. Krista Hampton, Director of Planning and Development Services said even once it's sold, he will retain control with the covenant restrictions.

Councilor Davis asked if covenants and PUDs are transferable with parcels.

Ms. Krista Hampton, Director of Planning and Development Services said that our zoning is in place regardless of ownership.

Mr. Kenneth E. Gaines, City Attorney said the developmental agreement locks it for five (5) years. It's state law.

Councilor Gergel asked where the design guidelines are within this PUD.

Ms. Krista Hampton, Director of Planning and Development Services stated there are none. You have the form-based code, which gives you more than regular zoning.

Councilor Plough said that it might be helpful tonight to articulate everything the CRC controls.

EXECUTIVE SESSION

Upon a motion made by Ms. Devine, and seconded by Mr. Newman. Council voted unanimously to go into Executive Session at 2:45 p.m. for the discussion of **Item 3** as presented.

3. Receipt of legal advice which relates to matters covered by attorney-client privilege - *This item was discussed in Executive Session. No action was taken.*
 - **Mr. Newman left at 3:02 p.m.**
 - **Ms. Devine left at 3:15 p.m.**
 - **Council adjourned the Executive Session at 3:45 p.m.**
 - **Council reconvened the Work Session at 3:54 p.m.**
4. Business Services Review Taskforce Report – The Honorable Sam Davis and Ms. Dana Higgins, City Engineer

Councilor Davis recalled that the city entered into a partnership to look at how to be more effective with the business community. We have three (3) appointees and we are about to enter into draft recommendations that will be coming back to the three (3) entities. Staff has done most of the work in terms of carrying out the mandate of the community.

Ms. Dana Higgins, City Engineer recalled that the Business Friendly Task Force was formed as a partnership between the business community, the City of Columbia and Richland County to work together to enhance our community's business friendly environment and to increase our ability to retain and attract businesses. The focus was to review governmental approval processes and to identify our strengths and weaknesses. We recommend not just improving, but also establishing measurable goals and standards to increase the speed, consistency and customer service concerns. She noted that Mr. Davis, Ms. Ryan Nevius and she were the city appointees. The Chamber of Commerce appointees were Mr. David Brandes of Genesis Corporation, Mr. Mickey Layden of LCK Construction Services and Mr. Anthony Lawrence of GMK Architects. Richland County appointees were Mr. Kelvin Washington, County Council Member, Mr. Milton Pope, County Administrator and Mr. Stewart Mungo, Developer of Mungo Homes. Our first meeting was on September 8, 2011. Our objective was to compile a flowchart of city processes and organizational charts to see how we function and interface with businesses to include the development community. We also planned and conducted a community meeting to receive stakeholder input and to find out the general feeling of those who do businesses with the city. We looked at our budget and training opportunities. We also looked at the policies and procedures as a whole with the city and county. On October 17, 2011, we conducted a public meeting. There were approximately fifty (50) participants to include real estate developers, agents and business owners. Some of the topics discussed were zoning ordinances, DDRC processes, plan view time frames, business license fees and sewer tap fees.

5. Council Meeting Schedule

Councilor Plough suggested an alternate date for the District IV Evening Meeting. She said that she would like to meet on Wednesday, April 18, 2012. She noted that the work session will be held at City Hall and asked the Clerk's Office to check the availability of Hampton Park. The alternate date change is contingent upon approval from full Council and their availability.

EXECUTIVE SESSION

Upon a motion made by Ms. Plough and seconded by Mr. Davis, Council voted unanimously to go into Executive Session at 4.14 p.m. for the discussion of **Items 6** through **8** as presented.

6. Discussion of negotiations incident to proposed contractual arrangement. - *This item was discussed in Executive Session. No action was taken*
7. Discussion of the employment of an employee. - *This item was discussed in Executive Session. No action was taken*
8. Discussion of the compensation of an employee. - *This item was discussed in Executive Session. No action was taken*
 - **Ms. Devine returned at 4:35 p.m.**
 - **Mr. Newman returned at 4:37 p.m.**
9. Update on the Renaissance and Innovista Redevelopment Plans – The Honorable Tameika Isaac Devine. - *This item was not discussed.*
 - **Council adjourned the Work Session at 6:00 p.m. to convene the Regular Meeting.**

Respectfully submitted by:

Erika D. Moore
City Clerk



CITY OF COLUMBIA
CITY COUNCIL MEETING MINUTES
TUESDAY, MARCH 27, 2012
6:00 P.M.
CITY HALL – COUNCIL CHAMBERS
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting and a Zoning Public Hearing on Tuesday, March 27, 2012 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:20 p.m. The following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Belinda F. Gergel, The Honorable Leona K. Plaugh and The Honorable Brian DeQuincey Newman. The Honorable Daniel J. Rickenmann was absent. Also present were Mr. Steven A. Gantt, City Manager and Ms. Erika D. Moore, City Clerk. This meeting was advertised in accordance with the Freedom of Information Act.

PLEDGE OF ALLEGIANCE

INVOCATION

Chaplain Darrell Croft, Columbia Fire Department offered the invocation.

ADOPTION OF THE AGENDA

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to adopt the agenda with the following amendments:

- Add the appointment of two (2) representatives to the Richland County Transportation Study Committee to consider the proposed ballot initiative.
- Defer consideration of the appointment to the Planning Commission.

PUBLIC INPUT RELATED TO AGENDA ITEMS

No one appeared at this time.

APPROVAL OF MINUTES

1. Minutes of January 10 and 17; February 7 and 21; and March 13, 2012 – *Consideration of this item was deferred.*

CONSENT AGENDA

Upon a single motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to approve the **Consent Agenda Items 2. through 15.**

CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS

2. Council is asked to approve an Addendum to Administrative Services Agreement for an Employee Health Clinic. Award to Blue Cross Blue Shield of South Carolina in the amount of \$755,250.00. This vendor is located in Columbia, South Carolina. *Funding Source: 6048933 Health Insurance Benefits - **Note:** This agreement is contingent upon approval of the lease. - Approved*

3. Council is asked to approve the Purchase of Eight (8) Flygt Submersible Pumps, as requested by the Wastewater Treatment Plant Division. Award to Xylem Water Solutions, as a Sole Source in the amount of \$72,132.98. This vendor is located in Charlotte, NC. *Funding Source: (Metro Wastewater Treatment Plant/Machinery & Equip-Capital, 5516208/658300; \$68,429.71) and (Metro Wastewater Treatment Plant/Small Hand Tools & Other Equipment, 5516208/623100; \$3,703.27) - Approved*
4. Council is asked to approve Capital Improvement Projects WM4250 and SS7214; An Agreement for General Engineering Services Relating to Water and Sewer Activities, as requested by Utilities and Engineering. Award to Brown & Caldwell in the amount of \$75,000.00. This vendor is located in Walnut Creek, CA. *Funding Source: Water Maintenance Fund, 5516210-WM4250-636600 and Sewer Maintenance Fund, 5516212-SS7214 – **Note:** The original budgeted amount is \$75,000.00 - Approved*
5. Council is asked to approve Capital Improvement Project SS7217; An Agreement for General Engineering Services in Conjunction with Operation of the Metro Wastewater Treatment Plant and Respective Collection System, as requested by Utilities and Engineering. Award to Florence & Hutcheson, Inc., in the amount of \$75,000.00. This vendor is located in Columbia, SC. *Funding Source: Sewer Improvements Fund; 5529999-SS7217-658660 – **Note:** The original budgeted amount is \$75,000.00 - Approved*
6. Council is asked to approve the Purchase of Materials to Complete the Update of Obsolete Network Equipment at 1401 Main Street and Washington Square, as requested by the Information Technology Department. Award to Alphanumeric Systems, using the SC State Contract in the amount of \$99,512.90. This vendor is located in Wake Forest Road, NC. *Funding Source: Technology Replacement/Computer/Elec Equip-Capital, 6218954-658600 - Approved*
7. Council is asked to approve Capital Improvement Project SS7058; Change Order #4, Disinfection Improvements for the Metro Wastewater Treatment Plant, as requested by Utilities and Engineering. Award to M.B. Kahn Construction Co. Inc., in the amount of \$129,143.85. This vendor is located in Columbia, SC. *Funding Source: Sewer Improvement Fund – **Note:** This change order was initiated by the city and the contract will extend until May 1, 2012. - Approved*
8. Council is asked to approve the Purchase of a Cues Camera Truck, as requested by the Wastewater Maintenance Division. Award to Southern Municipal Equipment Co., as a Sole Source in the amount of \$198,740.00. This vendor is located in Lexington, SC. *Funding Source: Utilities Wastewater Maintenance/Auto, Trucks, Heavy Equip-Capital, 5516205-658500 - Approved*
9. Council is asked to approve Local Business Preference Program Project CP105201; Vista Greenway 14' Wide Asphalt Sidewalk, as requested by Utilities and Engineering. Award to AOS Specialty Contractors, Inc., the lowest, responsive and responsible bidder in the amount of \$159,019.50. This vendor is located in Columbia, SC. *Funding Source: Special Contracts; 4139999-658300 / CP105201-658300 – **Note:** This project has an authorized contingency of \$16,000.00 and will be managed by the City of Columbia Construction Management Division. The original budgeted amount is \$281,500.00 - Approved*

10. Council is asked to approve Capital Improvement Project SS7206; An Agreement for Engineering Services to Provide a Large Diameter Sewer Line Manhole Survey, as requested by Utilities and Engineering. Award to Florence & Hutcheson, Inc., in the amount of \$251,000.00. This vendor is located in Columbia, SC. *Funding Source: Sewer Improvement Fund, 5529999-SS7206-658660 – **Note:** Chao & Associates, Inc. (Columbia, SC) will provide surveying assistance for \$12,600.00, 5% of total contract. The original budgeted amount is \$251,000.00 - Approved*
11. Council is asked to approve Local Business Preference Project WM4186; 8” Water Mains, Fire Services, Water Meters, Speed Bumps and Signs at Crowson Hill Road, Ft. Jackson Boulevard, and Datura Road, as requested by Utilities and Engineering. Award to LAD Corporation, the lowest, responsive and responsible bidder in the amount of \$933,529.00. This vendor is located in Lexington, SC. *Funding Source: Special Contracts Maintenance, 5516210-638300 - Approved*
12. Council is asked to approve Capital Improvement Project WM4230; An Agreement for Engineering Services for Design and Construction of Disinfection, Residuals Handling & Pumping Improvements for the Lake Murray Water Treatment Plant, as requested by Utilities and Engineering. Award to Black & Veatch Corporation in the amount of \$1,900,000.00. This vendor is located in Greenville, SC. *Funding Source: Water Improvements Fund 5529999-WM4230-658660 - **Note:** Howard Engineering (Marietta, SC) will provide Electrical and Instrumentation System Design Assistance at 4.4% of the total contract; S2 Engineering & Consulting (Irmo, SC) will provide Civil Site Design, Permitting, and Operational & Safety Evaluation at 2.6% of the total contract; K&P Engineering, LLP(Lexington, SC) will provide Structural Design Services at 1.7% of the total contract; Terracon (Columbia, SC) will provide Geotechnical, Environmental & Materials Testing for 2.76% of the total contract; Robert J. Probst Architect, P.A. (West Columbia, SC) will provide Architectural Design Services at 1.1% of the total contract; Summit Engineering Group, LLC (Spartanburg, SC) will provide Surveying Services at .8% of the total contract and Felkel & Hastings, Inc., (Columbia, SC) will provide Mechanical Building Systems Design Services for .6% of the total contract. The original budgeted amount is \$1,900,000.00. - Approved*

ORDINANCES – SECOND READING

13. Ordinance No.: 2012-013 – Granting an encroachment to the Bonham Center for installation and maintenance of landscaping and irrigation within the right of way area of the 900 block of Richland Street and 1800 block of Lincoln Street adjacent to 914 Richland Street Richland County TMS #09081 – *First reading approval was given on March 13, 2012. –Approved on second reading.*
14. Ordinance No.: 2012-018 – To Grant to South Carolina Telecommunications Group Holdings LLC, d/b/a Sprint Communications, its Successors and Assigns the Right, Power and Authority to Construct, Install, Maintain and Operate In, Over, Upon and Under the Streets and Public Places of the City of Columbia, its Lines, Poles, Wires, Cables and other Telecommunications Facilities to Render Telecommunications Service to its Customers in the Limits of the City of Columbia for such period as provided Herein; and to Provide for the Payment of Compensation for the Use of the Streets and Public Places – *First reading approval was given on March 13, 2012. – Approved on second reading.*

15. Ordinance No.: 2012-019 – Authorizing the transfer of 2111 Georgia Elam Lane, Richland County TMS #11506-10-73 to Ronald Hayes and Evelyn Hayes – *First reading approval was given on March 13, 2012. - Approved on second reading.*

CITY COUNCIL DISCUSSION / ACTION

16. Neighborhood Street Lighting Requests – Mr. Dave Brewer, Director of Traffic Engineering - *Approved*

Neighborhoods Listed by Priority	Existing Lights	Requested Lights	Current Lease Cost / Annually	Increased Amount	Total Year to Date
Northwood Hills	3	1	\$356.76	\$118.92	\$12,504.27

Upon a motion made by Mr. Davis and seconded by Ms. Plough, Council voted unanimously to approve the installation of an additional street light within Northwood Hills at 537 Romford Road.

17. Four-Way Stop Request - *Approved*

Upon a motion made by Dr. Gergel and seconded by Ms. Plough, Council voted unanimously to approve the installation of a Four-Way Stop Control on Wilmot Avenue at Ott Road.

18. Neighborhood Traffic Control Request - *Approved*

Upon a motion made by Dr. Gergel and seconded by Mr. Newman, Council voted unanimously to approve the installation of Speed Humps and Warning Signs at the proposed locations on St. James Street, Henderson Street and Rice Street within the Wheeler Hill Neighborhood.

19. Endorsement of the 2012 Emergency Shelter Grant Proposals - *Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to approve the endorsement of the 2012 Emergency Shelter Grant Proposals for the following nonprofit organizations applying for Emergency Shelter Grant Program funds through the Office of the Governor: St. Lawrence Place, The Women’s Shelter, United Way of the Midlands, Cooperative Ministry, Transitions: Midlands Housing Alliance, Salvation Army, Sistercare, Family Shelter and Alston Wilkes Society.

20. Capital City / Lake Murray Country Regional Tourism Board Funding Request - *Approved*

Upon a motion made by Ms. Devine and seconded by Mr. Newman, Council voted unanimously to approve the request from Capital City/Lake Murray Country Regional Tourism Board to grant an exception, which would allow the board to submit two (2) applications for Hospitality Tax funding for FLW Outdoors and the Forrest Wood Cup. The Hospitality Tax Ad-Hoc Committee was asked to establish a process for considering similar requests, to recommend an amount for a Hospitality Tax Contingency Fund to cover shortfalls and to recommend an amount for a Hospitality Tax Reserve Fund. The Committee was also asked to commission a study of the Hospitality Tax Fund to determine what is being funded, the City’s return on investment and how to strategically allocate Hospitality Tax funding.

21. Council is asked to reaffirm the motion made on March 13, 2012 to allocate funding in the amount of \$167,000 from the unallocated Hospitality Tax Surplus Fund to the Central Carolina Community Foundation for the marketing of overall arts events by One Columbia.

Upon a motion made by Dr. Gergel and seconded by Mr. Davis, Council voted unanimously to reaffirm the motion made on March 13, 2012 to allocate funding in the amount of \$167,000 from surplus Hospitality Tax funding to the Central Carolina Community Foundation for the marketing of overall arts events by One Columbia, subject to verification that it meets the legal criteria for the Hospitality Tax Fund.

- 21a. **Richland County Transportation Study Committee

Upon a motion made by Mr. Davis and seconded by Ms Devine, Council voted unanimously to approve the appointment of The Honorable Brian DeQuincey Newman and Ms. Teresa Wilson, Assistant City Manager to the Richland County Transportation Study Committee to consider the proposed ballot initiative.

ZONING PUBLIC HEARING

- **Council opened the Zoning Public Hearing at 7:01 p.m.**

ANNEXATIONS WITH MAP AMENDMENTS – FIRST READING

22. **1831 Hazelwood Road**, TMS# 19205-02-02; annex and zone the property RS-1. The property is zoned RS-LD in Richland County. – *Approved on first reading.*

Council District: 4
Proposal: Annex and zone property RS-1. Primary Area
Applicant: Caro Nell Kaufmann
PC Recommendation: Approve RS-1 zoning, (6-0) 02/06/12
Staff Recommendation: Approve

Ordinance No.: 2012-017 – Annexing 1831 Hazelwood Road, Richland County TMS #19205-02-02 – *Approved on first reading.*

No one appeared in support of or in opposition to this matter.

Upon a single motion made by Ms. Plough and seconded by Ms. Devine, Council voted unanimously to give first reading approval to the *Map Amendment* for 1831 Hazelwood Road, TMS# 19205-02-02; annex and zone the property RS-1 **and** Ordinance No.: 2012-017 – Annexing 1831 Hazelwood Road, Richland County TMS #19205-02-02.

23. **2426 McKinley Street**, TMS# 11504-30-49; annex and zone the property C-3. The property is zoned GC in Richland County. – *Approved on first reading.*

Council District: 2
Proposal: Annex and zone property C-3. Donut Hole Area
Applicant: Loretta D. Nolan
PC Recommendation: Approve C-3 zoning, (6-0) 02/06/12
Staff Recommendation: Approve

Ordinance No.: 2012-016 – Annexing 2426 McKinley Street, Richland County TMS #11504-30-49 – *Approved on first reading.*

Ms. Pamela Smith McFadden, 120 Duck Pond Road / Owner of 3121, 3121 ½ and 3113 Farrow Road and 2427 McKinley Road distributed photos of McKinley Street. She expressed concerns about there not being enough room for two (2) cars to go down the street at the same time; inadequate parking; and code enforcement violations. The property was abandoned for six (6) years and the new triplex has created a lot of pressure on the water lines.

Mayor Benjamin asked Ms. McFadden to provide the addresses to Fire Chief Jenkins.

Upon a single motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to give first reading approval to the *Map Amendment* for 2426 McKinley Street, TMS# 11504-30-49; annex and zone the property C-3 **and** Ordinance No.: 2012-016 – Annexing 2426 McKinley Street, Richland County TMS #11504-30-49.

24. **23.17 acres, W/S Woodcreek Farms Road**, TMS# 25800-03-28 (portion); annex and zone the property PUD-R. The property is zoned PDD in Richland County. – *Approved on first reading.*

Council District: 4
Proposal: Annex and zone property PUD-R. Primary Area
Applicant: Woodcreek Development Partnership
PC Recommendation: Approve PUD-R zoning, (6-0) 01/09/12
Staff Recommendation: Approve

Ordinance No.: 2012-015 – Annexing 23.17 acres, West Side of Woodcreek Farms Road, known as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, Common Area #1, Park Area, Brushfield Park Drive 50' R/W, Alley 1, Alley 2, Alley 3 and Alley 4, Woodcreek Farms Section A-11, The Park, Phase 1, Richland County TMS #25800-03-28 (portion) – *Approved on first reading.*

No one appeared in support of or in opposition to this matter.

Upon a single motion made by Ms. Plough and seconded by Mr. Newman, Council voted unanimously to give first reading approval to the *Map Amendment* for 23.17 acres, W/S Woodcreek Farms Road, TMS# 25800-03-28 (portion); annex and zone the property PUD-R **and** Ordinance No.: 2012-015 – Annexing 23.17 acres, West Side of Woodcreek Farms Road, known as Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, Common Area #1, Park Area, Brushfield Park Drive 50' R/W, Alley 1, Alley 2, Alley 3 and Alley 4, Woodcreek Farms Section A-11, The Park, Phase 1, Richland County TMS #25800-03-28 (portion).

25. **223 Club Ridge Road**, TMS#28906-08-01 and 28900-01-32; annex and zone the property PUD-R. The property is zoned PDD in Richland County. – *Approved on first reading.*

Council District: 4
Proposal: Annex and zone property PUD-R. Donut Hole Area
Applicant: Ronald L. and Catherine O. Dance
PC Recommendation: Approve PUD-R zoning, (6-0) 02/06/12
Staff Recommendation: Approve

Ordinance No.: 2012-006 – Annexing 223 Club Ridge Road, Richland County TMS #28906-08-01 and 28900-01-32 – *Approved on first reading.*

No one appeared in support of or in opposition to this matter.

Upon a single motion made by Ms. Plough and seconded by Mr. Davis, Council voted unanimously to give first reading approval to the *Map Amendment* for 223 Club Ridge Road, TMS#28906-08-01 and 28900-01-32; annex and zone the property PUD-R **and** Ordinance No.: 2012-006 – Annexing 223 Club Ridge Road, Richland County TMS #28906-08-01 and 28900-01-32.

CASES WITH MAP AND TEXT AMENDMENTS – FIRST READING

26. A. **(Map Amendment) 1631 Main Street**, TMS# 09014-10-09; request to rezone to add –DP overlay to C-5 zoning classification to designate structure as a Group III Landmark. – *Approved on first reading.*
- Council District: 2
- Proposal: Rezone to add –DP overlay to designate as a Group III Landmark.
- Applicant: Krista M. Hampton, Director of Planning and Development Services
- PC Recommendation: Approve, (6-0) 02/06/12
- DDRC Recommendation: Approve, (8-0) 01/12/12
- Staff Recommendation: Approve
- B. **(Text Amendment) Amend §17-691(d) Landmarks Buildings and Sites List**, to add **1631 Main Street**, TMS# 09014-10-09 as a Group III Landmark.
- Proposal: Amend §17-691(d) Landmarks Buildings and Sites List, to add 1631 Main Street, TMS# 09014-10-09 as a Group III Landmark
- Applicant: Krista M. Hampton, Director of Planning and Development Services
- PC Recommendation: Approve, (6-0) 02/06/12
- DDRC Recommendation: Approve, (8-0) 01/12/12
- Staff Recommendation: Approve

Ordinance No.: 2012-023 – 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 sites list, (d) to add 1631 Main Street, TMS# R09014-10-09 – *Approved on first reading.*

Upon a single motion made by Mr. Newman and seconded by Ms. Devine, Council voted unanimously to give first reading approval to the *Map Amendment* for 1631 Main Street, TMS# 09014-10-09; request to rezone to add –DP overlay to C-5 zoning classification to designate structure as a Group III Landmark **and** Ordinance No.: 2012-023 – 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 sites list, (d) to add 1631 Main Street, TMS# R09014-10-09. Mayor Benjamin abstained from voting due to a conflict of interest.

MAP AMENDMENT – FIRST READING

27. **2100 Bull Street**, TMS# 11501-01-01; request to rezone from C-1 -DP to PUD-LS, – DP. – Bull Street Planned Unit Development – *Updated Public Comments – Comments from Liveable Links - Approved on first reading, subject to Mayor Benjamin and the City Manager working aggressively with Mr. Hughes to address all concerns to include staff comments, dialogue from citizens and specifically regarding the Consolidated Review Committee (CRC) in an effort to resolve these issues to the satisfaction of City Council prior to second reading consideration on April 10, 2012.*
- Council District: 2
- Proposal: Rezone property from C-1 -DP to PUD-LS, –DP
- Applicant: Hughes Development Corporation
- PC Recommendation: Approve conditioned upon staff comments, (6-0)
03/05/12
- Staff Recommendation: Approve conditioned upon staff comments

Ms. Krista Hampton, Director of Planning and Development Services explained that this is a rezoning of 181 acres to a large scale PUD. Its basis is a form based code known as a SmartCode, which is transect based zoning that relies heavily upon the form and functioning of the district as opposed to focusing on the separation of uses. The lack of detail is balanced by the more specific guidance provided for in the development standards of the SmartCode. Staff is genuinely excited about the possibility of using the SmartCode as the guiding principle for this development. Our concerns deal primarily with governance. The plan contemplates that upon approval of the PUD; there would be no further review of the development plans by the City, except for building and fire codes. These tasks instead would be managed by a Consolidated Review Committee (CRC) consisting of five (5) members. The result is that significant portions of the code that establish the basic character of the development are subject to modification or elimination by the CRC. From a planning perspective, if the project doesn't have a master plan and the regulations established in the PUD to accommodate that void are not guaranteed, regrettably we are left with little to go on. While we have these governance concerns, it doesn't diminish our admiration and appreciation to Mr. Hughes and his team for pursuing this type of code and the vision that is expressed within this PUD. We see it as a model for future development in this city.

Mr. Bob Hughes, Hughes Development Corporation noted that they received unanimous approval from the Planning Commission subject to four (4) conditions. He said that they are trying to do something that is meaningful, authentic to Columbia's aspirations and both economically and environmentally sustainable. Condition one was to clarify major and minor amendments and grant planning staff a bigger role. The SmartCode has three (3) divisions of responsibility. The City Council has the most important decisions and they have the most decisions. The Planning Commission staff has the second most important decisions and they have the second most decisions. The remaining decisions are administered by us. We never received a specific request for what authority needs to be in or out. We've met all specific requests. Condition two was to provide provisions for traffic calming where the streets meet at Calhoun Street and to discourage through traffic. The Calhoun Street connections are the same connections that have been on the Bull Street Plan for eight (8) years. Our interior streets are inherently calm streets. Your streets outside are very calm. We believe we've met this requirement. Condition three is to establish conditions for traffic studies. We've added the document traffic studies using Institute of Traffic Engineer Standards. Condition four was to establish standards for how warrants are granted. We are not sure what this means; there are standards in the document. Those standards will be changed over the years, because the types of and nature of warrants will change. They will be adopted as we do them. Our effort was to be more transparent and collaborative and to reflect the wishes so clearly stated, so often by the people in Columbia. In the spirit of cooperation, we

offered the city a seat on our internal neighborhood board and now that very offer is being used against us. We locked down the big elements with so much specificity that we need the flexibility to make changes. Staff asked us to bring you a Planned Unit Development. We imposed a SmartCode on ourselves.

Mr. Eric Emerson, State Historical Preservation Officer for the South Carolina Department of Archives and History explained that the agency is responsible for the maintenance of the National Register of Historic Places in South Carolina. The jewel on this site is the Babcock Building, which was built between 1857 and 1885. It was listed on the National Register of Historic Places on October 31, 1981. Since that time, the agency declared nine (9) other buildings on that site eligible. Columbia designated the center section as a landmark and removing any such part of that property would significantly reduce the chance for you to use state or federal income tax credits.

Councilor Gergel asked if all nine (9) buildings are being preserved in the PUD.

Mr. Bob Hughes, Hughes Development Corporation stated that the buildings are not guaranteed to be preserved.

Mayor Benjamin asked Mr. Emerson to provide a list of the buildings and structures that are eligible.

Councilor Gergel requested a list of the buildings that are eligible, but will not be preserved.

Ms. Robin Waites, Executive Director of the Historic Columbia Foundation explained that in 2009, the Historic Columbia Foundation worked with local and statewide preservation partners, historic neighborhoods and city staff in support of a historic overlay for the Bull Street Campus. This proposal would have provided local protection and/or review for eighteen (18) structures within the historic core of the campus, but it was withdrawn by Council in October 2009. This is a quote from the minutes: "Any contract of sale of any portion of the State Hospital site that includes the overlay, will include a binding provision that the purchase of the property cannot be completed until the seller has reached a mutually satisfactory development agreement with the city that addresses the preservation of the structures which lay in the parameters of the proposed overlay." Today, this agreement doesn't exist. As a result, the planning has moved forward at the site, which is driven by the developer without any clear parameters from the City regarding the historic structures and landscape that define this Bull Street Campus. The only protection is the landmark designation of the central portion of the Babcock Building and the south gate and wall along Calhoun Street. In the PUD, the developer has designated six (6) historic elements as "precedent structures". We would ask Council to change any modification of this designation to a major amendment, which means that it would be reviewed by the city. She also asked Council to designate the ten (10) remaining structures as precedent buildings. In the PUD, it is written that "The preservation and renewal of historic buildings should be facilitated to affirm the continuity and evolution of society." There is no where in Columbia that provides a better opportunity to make that affirmation.

Mayor Benjamin asked Ms. Waites to submit her recommendations to the City Manager.

Councilor Gergel asked Ms. Waites how this development impacts the Robert Mills Historic District.

Ms. Robin Waites, Executive Director of the Historic Columbia Foundation said that they see it as a positive in terms of the folks that will be able to move through Bull Street into the neighborhood. There is a great pedestrian access system at Pickens Street to the University and

we've talked with Mr. Hughes about utilizing that connection. We are interested in sharing the exit and entry of the Bull Street Campus along Calhoun Street. The Calhoun Street overlay is a nice addition that ensures that the area closest to the Mill District has some regulations.

Mr. Steven D. Smith, South Carolina Institute of Archeology and Anthropology explained that the resources at the Asylum are very important and these are resources that are invisible. I am here to request that the Council be aware of the important archeological resources that are also there. We are interested in Camp Asylum, which was a confederate prison camp. I can't think of anything more meaningful and authentic than preserving the history of Columbia's archeological resources.

Mayor Benjamin suggested that all speakers submit their recommendations to the City Manager for City Council, staff and Mr. Hughes' consumption.

Ms. Susan Creed reiterated and emphasized her great support for Mr. Smith and Ms. Waites. The City must have the framework to provide oversight and determine what is needed. The best thing for Columbia is to be able to honor its history and move forward. The developer and the city have so much at stake that they have no option but to be entirely and mutually cooperative. My feeling is that the CRC should be made up of equal votes of city and developer depending on the goodwill of each entity. I am concerned with the special district areas along Colonial Drive and Harden Street to the east of Gregg Street. I understand that the city will be investing in these areas in terms of a stadium, baseball field and parking garages in the future. We already have a stadium. Why not use that area where the hard scape is paid for. A stadium will have negative implications. She suggested that Smith Branch be brought above ground and serve as a water cleansing reservoir. She agreed with Councilor's Devine remark about it being time to think outside the box.

Mr. Bill Strangler, Congaree River Keeper said that this proposed development represents a unique opportunity for our city to move forward in a responsible and intelligent manner. We would like to see innovative storm water management techniques used in this project. We would like to see low impact development and green design to include pervious pavements and vegetative swells. This would improve water quality for Smith Branch, Broad River and the Congaree River while greatly reducing long-term infrastructure and maintenance costs to the storm water system. These things are easy to incorporate into the SmartCode plan for this development. We would like to see the portion of Smith Branch on this site that has been piped underground, restored and turned into green space for the community. I have concerns over the make-up of the CRC.

Mr. Bob Guild, Environmental Law Attorney said that he was asked by Sustainable Midlands to review the PUD for the proposed -LS zoning and determine whether or not it comports with the City's code requirements for adoption of such a zoning change. My opinion is that it does not. He cited Code §17-305(c) (8) (a). The provision for governance with respect to the functioning of the Consolidated Review Committee fails to comport with this essential requirement of your PUD ordinance. Delegating what is a normal function of government in approving variances, special exceptions, deviations and warrants from otherwise mandatory requirements of your zoning code is a government function. It is a function that should not be delegated to a private entity in any respect. I would urge you in conformance with the staff's comments to require that the CRC be reconstituted to ensure that it is a public function with adequate procedures and standards for decision-making with regard to all decisions that have been delegated to CRC. Only then would I urge you to approve the proposed PUD. I urge you to exercise your authority to provide special conditions, because of the relaxation of normal zoning.

Ms. Ryan Nevius, Executive Director of Sustainable Midlands and Member of Livable Links stated that the Bull Street development is a great opportunity for our city and getting it right is one of the most important things that this Council will do in its term. After an extensive review of the documents, conversations with SmartCode experts and discussions with planning staff, we agree that staff modifications are required to ensure that this development's outcome is a positive one and has a great impact on our city. The developer says he is submitting a PUD, yet he chose to take the flexibility from the SmartCode and yet remove the oversight from that SmartCode. Sustainable Midlands has three (3) major concerns. The developer is claiming complete control of the CRC. National experts of SmartCode know of no other case where a developer has the majority vote in the CRC. This plan allows for up to sixty-three (63) acres of special purpose districts in addition to the 12-acre ballpark district. Special purpose districts in this proposed plan are at the discretion of the CRC. The proposed plan doesn't specify techniques to manage storm water. There are many environmental modules for SmartCode. Our third area of concern is that we have seen conflicting directions in key areas including the CRC and building and tree preservation. We ask that the development agreement be done before the plan is adopted.

Mr. Michael Criss, Founding Member of Livable Links stated that their focus on the Smith Branch Watershed and their immediate interest is in the sale and development of the Bull Street property, including its potential for stream restoration. We're asking you to support the City staff recommendations. Please empower your planners to lead the regulation of this signature development project. In the spirit of cooperation and urgency, we initiated a grant from the Central Carolina Community Foundation under the sponsorship of Sustainable Midlands. This \$2,000 award enabled the presentation to City Council members and staff by Nathan Norris on SmartCode implementation. Please allow sufficient time in your decision-making to thoroughly consider such independent advice for the ultimate success of this major urban redevelopment.

Ms. Rebecca Haynes, Livable Links reiterated the request for City Council to support the City's Planning staff's recommendations on the Bull Street neighborhood plan. We have real concerns about adopting a hybrid of a PUD and SmartCode for this development project. After extensive research and consulting SmartCode professionals, we are unable to find an example of such a plan. All of the traditional developer advantages awarded in a PUD and SmartCode are being requested without the checks and balances inherent in SmartCode and/or the specifications of a PUD master development plan. Spartanburg, Greenville and Beaufort have or are in the process of adopting SmartCode under a contract with SmartCode professionals to work with their planners on city master plans. All of them created their plans prior to the adoption of SmartCode. Although never formally adopted by the city, the DPZ Master Plan has strong community buy-in and unfortunately has been removed from the latest version of the Bull Street plan. In speaking to SmartCode consultants and South Carolina city and county officials, the overwhelming consensus was to implement SmartCode in the traditional manner and avoid a hybrid approach. To minimize public and private risks in the creation of the Bull Street neighborhood, the recommended protocol from SmartCode professionals is to develop a master plan or adopt the 2006 DPZ master plan with alterations. Next, create and adopt a code to implement the plan. Then keep the zoning authority at the local level, embedded in the existing city structure and specify procedures for special district consideration and work with the developers on implementation.

Ms. Jeannie Eidson, Livable Links explained that they would like to develop a master plan, create and adopt a code to implement it, keep the zoning authority at the local level and then work with the developer. She compared aspects of the Duany Master Plan of Bull Street to the current details of the Bull Street PUD. Duany stated that the single-family homes were deemed not marketable. All of the homes were designated in the Hall Institute property and we can't develop in that area. In eliminating all single-family homes, these images show how much of the plan can still be implemented. If we are buying into adopting SmartCode plans for Mr. Hughes because of

its market flexibility, then SmartCode used as the foundation for this plan should still be adoptable. SmartCode isn't usually adopted without a master plan. In addition, the developer has asked for a huge amount of the land to be classified as special purpose districts. Special districts would encompass the entire designated area of 32-acres and 45-acres without any size limitations. Over 50% of the developed land are special districts, all exempt of coding and in control of the developer. They are not required to implement the SmartCode on these properties. The large districts are not elegant. Please do not vote until you see a plan.

Ms. Banu Varlik, Founding Member of Livable Links stated that they are supportive of the city's planning staff's recommendation regarding this project. Please use the Central Carolina Community Foundation's grant award to gain expertise from nationally known planning and development officials with local knowledge to expedite this process and avoid an impasse. We all want this project to succeed. She cited statements made in The State Newspaper by the developer and the seller. Mr. Hughes is working with challenges that require an extension including new flood boundaries, adding the Hall Institute, a final report on the Babcock Building and an arborist report. Zoning belongs to the land and not the landowner. The vision of the city is seated with the elected officials representing the public interest.

Mr. Mike Bedenbaugh, Palmetto Trust for Historic Preservation stated that they've been standing before Council for 3 ½ years talking about this place that tells an incredible story that if it's not remembered in this new development, it will not reach the full potential that this place can give the community of Columbia and the state. The buildings that were referenced are the most important assets this place has for future development. The traffic counts will not make this place work alone; it will be about getting people to want to come. Greenville is alive and vibrant at night, because leaders wanted to make a city that was livable. It took planning and a community. I don't doubt that Hughes Development isn't the best organization to make this happen. We will consistently remind you that we must remember the story of the place in order to make it work. The buildings that are there need to be protected and need to be a part of the plan.

Ms. Ellen Cooper, President of the Cottontown/Bellevue Historic District and the Downtown Coalition of Neighborhoods stated that they are excited to have another city neighborhood to be developed on the Bull Street property. I was concerned tonight to hear Mr. Hughes say that this is his neighborhood. Your neighborhoods have the right to come before you to talk about what we need, to express concerns about our City and to look to you for guidance and improvements. If you live on the Bull Street property, you will have to go to the CRC, which has no neighborhood representation. We would ask you to keep this as a city neighborhood with the same rights and responsibilities that your other neighborhoods have. I have submitted my concerns in writing. We do ask you to maintain your authority over this property. Mr. Hughes will have a traffic study done and that is very good, because it is going to be a real problem on through streets.

Dr. Don McInnes, Chair of the Columbia Tree and Appearance Commission stated that the purpose of the Commission is to encourage the protection and care of the city's trees. The trees at the State Hospital include many that are worthy of protection. The trees at the site were recognized as a Treasure Trees grove in 2007 and include at least one state champion. Many of the trees are over 100 years old. As we understand the current proposal, the trees on the State Hospital site are afforded no real protection. Any tree on the property can be removed to make way for buildings and roads. There has been no bona fide tree inventory of the campus. We urge Council to make sure the vague and contradictory language and exhibits pertaining to trees be clarified before final approval. We ask that a professional tree inventory of the site be completed. We also ask that Council not abdicate its power and responsibility. We ask that the developer not be exempted from the city's landscape ordinance while controlling a majority on the CRC. He asked Council to join the CTAC on Friday at 4:30 p.m. for a botanical tour of the campus.

Councilor Devine asked if a tree inventory had been done for the Bull Street property.

Ms. Nancy Lee Trihey, City Land Development Planner said that a tree survey is needed.

Ms. Susie Heyward stated that this is a 20-year build out on a piece of property that's a gem. The SmartCode presentation from Nathan Norris was one of the most enlightening things I've heard. It did make me a fan of SmartCode, but we don't need a hybrid, we need a SmartCode that really works. We want a win-win situation. One of the things that concern me is the CRC. I don't think that should be turned over to the developer. I served 9 years on the Planning Commission and we had a number of fights. We fought about a neighborhood oversight committee that was controlled by the developer. It was a nightmare. I really think you need to keep city control over this and over the changes. This is such a new way of development. Also, zoning goes with the land. If for whatever reason Mr. Hughes doesn't fix the development, whoever comes in will get to appoint the CRC as the developer. I don't see this being in the best interest of the city or the people who buy into this area. I am concerned about buffers between commercial and residential areas. I want to make sure the landscape ordinance is applicable to this, even though it is a special purpose district. I was involved in a tree study that was done. I don't know that it was ever formalized. Dick Trice, a former employee of Forestry and Beautification, would be the one to contact. We walked that property several times, marking trees that were diseased. Some of those trees may still be marked.

Mayor Benjamin asked how long ago that was.

Ms. Susie Heyward said that it was 7 or 8 years ago.

Councilor Gergel asked Mr. Hughes to respond to the concerns expressed during the hearing. Many of them center on issues that have already been raised. What kind of reaction do you have to the concerns expressed by the citizens and the members of this Council?

Mr. Bob Hughes, Hughes Development Corporation explained that he tried to address all of those during his opening statement. There are a number of misunderstandings about how this works. This is only about doing a nice project for the city. My reaction is if we do everything that everyone in this room has asked for there is not money to do any of those things. The Department of Mental Health has been very careful in the development and wants to make it work and preserve what can be preserved. We've written something that preserves a lot of trees, buildings, and character and yet preserves some value for the mentally ill. That's the balance we must strike and I think that's what we've done. I've responded to everything that I have been asked and I will continue to do that, but requests for just more are not productive and are not moving this matter forward.

Councilor Gergel expressed concerns about the composition of the CRC. It needs greater city presence in the governance. She expressed concerns about the historic buildings and the need to rehabilitate those buildings. She also expressed concerns about the lack of a development agreement and design guidelines.

Councilor Plough expressed concerns about the absence of a master plan and the adaptation of SmartCodes.

Mr. Bob Hughes, Hughes Development Corporation explained that there are eight (8) master plans. This code is not being used city-wide. When we know what the zoning is then we know what the development agreement says. What we are striving for is more residential, more offices over shops. If we are not as successful we will be more residential like the Mills neighborhood.

We can't promise either one, but we can promise nothing more and nothing less.

Councilor Plough expressed that the CRC is likened to a homeowner's association, but it's not. There are some concerns about what the CRC controls. There are concerns that you can regulate design plans, the approval process and change/modify who's on there. There is not a public process in it.

Councilor Davis said that he isn't concerned about the development agreement. He suggested that Mr. Hughes schedule another forum to review his plans for the Bull Street property. He understands the concerns about the CRC. Let's continue to talk, because everybody wants to see something good happen at that location.

Mr. Bob Hughes, Hughes Development Corporation explained that precedent buildings cannot be unlabeled or torn down. If we label new buildings precedent, it cannot be unlabeled or torn down. If we sell you an acre, we can decide if you can build a building that fits the whole acre or half an acre. We can decide if your parking is in the second or third tier. We can decide if the driveways can be wider going into the internal roads. You would be surprised as to how little we can do.

Councilor Devine stated that she has no doubt that we can get where we need to be. The problem is specificity and people not knowing what is going to happen. We do need to articulate and formalize the plan so that people understand. There has to be flexibility in the plan. We need to have more public meetings over the next couple of weeks. There is a desire to get this worked out, but we have to understand the need to formalize the plans.

Councilor Newman asked Mr. Hughes to elaborate on the timeline for adopting a master plan for the project.

Mr. Bob Hughes, Hughes Development Corporation said that the important thing is to build a community; we need people to live, shop and work there. The point of planning is to know what options are available to us. We are thinking big. I need flexibility to move between the plans without having to come back to Council with each change.

Councilor Newman said that the need for flexibility highlights the issue we have today. I have the responsibility of representing the future residents of the Bull Street community. There is a void in information. We need a better way of communicating everyone's role in this process. He asked that Mr. Hughes review the comments that have been made and the documents that have been shared tonight. Be cognizant of our concerns and help us to clarify the responses as much as possible.

Councilor Plough asked how Mr. Hughes would market the site without a plan. What assurances are you able to give other developers?

Mr. Bob Hughes, Hughes Development Corporation said that all plans will be shared with professional developers. We turned down as many developers as we've accepted.

Councilor Davis referred back to the term neighborhood. It's important to note that it's a neighborhood between neighborhoods and it's a showcase to those passing through the community. Keep in mind that the new neighbors want to be a part of this, not negatively impacted by this.

Mr. Bob Hughes, Hughes Development Corporation stated that they will be a part of it and if we are successful in making it the place we want it to be, it will be everybody's neighborhood.

Mayor Benjamin said that there are some things that you focus on every single day, but the reality is that 20, 50, 100 years from now, those things won't matter; no one will remember those things. They will remember your impact on the public realm; the way in which communities interact; the way in which you've used your power and ability through zoning and all the authority given to us under state law to help raise and improve the quality of life. Those are the things that you have to pay very close attention to. You see an effort here, not just by those on this Council, but a number of citizens whose opinion we respect, to also have some impact on that process. We take it very seriously. This is an awesome piece of property and I thank the Department of Mental Health for its stewardship of this property and the way in which they've handled this process. This project has to be done right. There are guiding principles that the committee put forth. There are significant concerns about the composition of the CRC. I would ask everyone to make sure you send your comments to members of Council, the City Manager and Bob Hughes.

A motion was made by Mayor Benjamin to give first reading approval to the *Map Amendment* for 2100 Bull Street, TMS# 11501-01-01; request to rezone from C-1 -DP to PUD-LS, -DP, subject to Mayor Benjamin and Mr. Steven A. Gantt, City Manager working aggressively with Mr. Hughes to address all concerns to include staff comments, dialogue from citizens and specifically regarding the Consolidated Review Committee (CRC) in an effort to resolve these issues to the satisfaction of City Council prior to second reading consideration on April 10, 2012.

Councilor Gergel made it clear that during this two (2) week period, we're going to address the composition of the CRC; we're going to take a look at the historic properties and decide which ones this Council wants to go to bat for. I want to raise questions about the development agreement. In October 2009, we clearly had a commitment by that Council to look at a development plan for those historic buildings; for the preservation; for the decision-making that would take care of the future of that property. I want to know more about the design guidelines and how we can ensure that the greatest possible design is going to take place on this property. I am going to vote for the first reading, but those questions have to be worked on by Mr. Hughes, Council and staff with great input from the public.

Councilor Plough clarified that the term development agreement refers to the role of the developer, the role of the city, public participation, and infrastructure. We haven't seen that and that gets back to my issue of making sure we have the correct balance between risks and control.

Upon a motion made by Mayor Benjamin and seconded by Mr. Newman, Council voted unanimously to give first reading approval to the *Map Amendment* for 2100 Bull Street, TMS# 11501-01-01; request to rezone from C-1 -DP to PUD-LS, -DP, subject to Mayor Benjamin and Mr. Steven A. Gantt, City Manager working aggressively with Mr. Hughes to address all concerns to include staff comments, dialogue from citizens and specifically regarding the Consolidated Review Committee (CRC) in an effort to resolve these issues to the satisfaction of City Council prior to second reading consideration on April 10, 2012.

- **Council recessed at 9:04 a.m.**
- **Council reconvened the Zoning Public Hearing at 9:09 a.m.**

TEXT AMENDMENTS – FIRST READING

28. **Amend §17-699 (g)(2) Special Property Tax Assessments for Rehabilitated Historic Properties** to bring ordinance into conformance with SC statute.

Proposal: **Amend §17-699 (g) (2) Special Property Tax Assessments for Rehabilitated Historic Properties** to bring ordinance into conformance with SC statute to permit transfer of assessment when property is sold.

Applicant: Krista M. Hampton, Director of Planning and Development Services

PC Recommendation: Approve (6-0) 01/09/12

Staff Recommendation: Approve

Ordinance No.: 2012-010 – 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 5, Special Property Tax Assessments for Rehabilitated Historic Properties, Sec. 17-699 Process (g) Decertification – *Approved on first reading.*

No one appeared in support of or in opposition to this matter.

Upon a motion made by Ms. Plough and seconded by Dr. Gergel, Council voted unanimously to give first reading approval to Ordinance No.: 2012-010 – 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 5, Special Property Tax Assessments for Rehabilitated Historic Properties, Sec. 17-699 Process (g) Decertification.

29. **Amend §17-55 Definitions** to clarify definitions for **restaurant and drinking place.**

Proposal: **Amend §17-55 Definitions** to clarify definitions for restaurant and drinking place to specify procedures for determining principle use of facility.

Applicant: Krista M. Hampton, Director of Planning and Development Services

PC Recommendation: Approve (6-0) 01/09/12

Staff Recommendation: Approve

Ordinance No.: 2012-020 – 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. 17-55 Definitions to add Banquet Hall, and amend Drinking place and Restaurant, and Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258 Table of permitted uses, Division G, Retail Trade, SIC 58 Eating and drinking places and Division H, Finance, Insurance and Real Estate to add SIC 6512 Banquet Hall – *Approved on first reading.*

No one appeared in support of or in opposition to this matter.

Upon a motion made by Mr. Davis and seconded by Ms. Plough, council voted unanimously to give first reading approval to Ordinance No.: 2012-020 – 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. 17-55 Definitions to add Banquet hall, and amend Drinking place and Restaurant, and Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258 Table of permitted uses, Division G, Retail Trade, SIC 58 Eating and drinking places and Division H, Finance, Insurance and Real Estate to add SIC 6512 Banquet Hall.

30. **Amend §17—55 Definitions and §17-258 Table of Permitted Uses** to establish use category for **Banquet Hall**.

Proposal: Amend §17—55 Definitions and §17-258 Table of Permitted Uses to establish use category for Banquet Hall.

Applicant: Krista M. Hampton, Director of Planning and Development Services

PC Recommendation: Approve (6-0) 02/06/12

Staff Recommendation: Approve

Ordinance No.: 2012-020 – 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. 17-55 Definitions to add Banquet hall, and amend Drinking place and Restaurant, and Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258 Table of permitted uses, Division G, Retail Trade, SIC 58 Eating and drinking places and Division H, Finance, Insurance and Real Estate to add SIC 6512 Banquet Hall

No one appeared in support of or in opposition to this matter.

Upon a motion made by Dr. Gergel and seconded by Ms. Plough, council voted unanimously to give first reading approval to Ordinance No.: 2012-020 – 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. 17-55 Definitions to add Banquet hall, and amend Drinking place and Restaurant, and Division 8, District Descriptions; Use and Dimensional Regulations, Sec. 17-258 Table of permitted uses, Division G, Retail Trade, SIC 58 Eating and drinking places and Division H, Finance, Insurance and Real Estate to add SIC 6512 Banquet Hall.

- **Council adjourned the Zoning Public Hearing at 9:14 p.m.**

RESOLUTIONS

31. Resolution No.: R-2012-026 – Authorizing the City Manager to execute a Fee Agreement for Election Costs between the City of Columbia and Richland County - *Approved*

Upon a motion made by Ms. Devine and seconded by Ms. Plough, Council voted unanimously to approve Resolution No.: R-2012-026 – Authorizing the City Manager to execute a Fee Agreement for Election Costs between the City of Columbia and Richland County.

32. Resolution No.: R-2012-028 – Authorizing City Attorney’s Office to institute a civil action in the Richland County Court of Common Pleas against Open Living Community, LLC, seeking termination of the lease agreement between the City of Columbia and Open Living Community, LLC for the lease of 5406 Farrow Road, (9.90 acres), Richland County TMS No. R11612-04-01 – *Consideration of this item was deferred.*

A motion made by Ms. Devine and seconded by Mr. Davis to approve Resolution No.: R-2012-028 – Authorizing City Attorney’s Office to institute a civil action in the Richland County Court of Common Pleas against Open Living Community, LLC, seeking termination of the lease agreement between the City of Columbia and Open Living Community, LLC for the lease of 5406 Farrow Road, (9.90 acres), Richland County TMS No. R11612-04-01 was withdrawn.

33. Resolution No.: R-2012-030 – Joining as a party in support of the County of Santa Clara, California’s Amicus Brief in re: Arizona v. United States - *Approved*

Upon a motion made by Mr. Davis and seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: R-2012-030 – Joining as a party in support of the County of Santa Clara, California’s Amicus Brief in re: Arizona v. United States.

34. Resolution No.: R-2012-031 – Establishing Procedures for Processing Development Agreements in the City of Columbia, South Carolina - *Approved*

Upon a motion made by Mr. Davis and seconded by Dr. Gergel, Council voted unanimously to approve Resolution No.: R-2012-031 – Establishing Procedures for Processing Development Agreements in the City of Columbia, South Carolina.

APPOINTMENTS

35. Planning Commission – *Consideration of this item was deferred.*

CITY COUNCIL COMMITTEE REPORTS

Councilor Gergel announced that the Arts and Historic Preservation Committee will meet on Tuesday, April 10, 2012 at 11:00 a.m.

Councilor Plough encouraged everyone to support Ms. Holly Cavanaugh of Charleston who is now one of nine remaining American Idol contestants. Ms. Cavanaugh is a school teacher and a vocal coach. She asked that we bring media attention Ms. Cavanaugh’s participation in American Idol.

APPEARANCE OF THE PUBLIC

Mr. Keith Costello, Rosewood Community Resident appeared before the members of Council to express concerns about the problems experienced at Valencia Ballpark since the renovation project. The City of Columbia was involved in it and it has taken a major trickle effect. You don’t see it from the road, but we have problems. There was \$350,000 spent of taxpayers’ dollars and a lot of the public got involved to help with the difference of \$200,000. Now, we have issues of (50) violations for our canteen. We can’t even sell hot dogs. When the park shut down for remodeling, we requested that the items we purchased be put back in or replaced. You might say that it’s a DHEC situation, but it started with the city. We sold 60 hotdogs before we were cited on February 23rd by DHEC. We can’t sell hotdogs or chili. We don’t have a microwave. They didn’t put a 3-tier sink into the facility. We have a water heater up top and if it ever bursts it’s going to be a

bigger problem. For all this contracting that the city was behind, when it called for industrial sinks and toilets and handicap access, they put in residential. I am asking you to pay close attention. Go to the park. Let's get what the park deserves. I am hearing that it's not just Valencia Park that can't sell hotdogs; it's a lot of parks. He also expressed concerns about the baseball schedule not being in sync with the Dixie Youth Handbook. We only get to play ten games. The Dixie Youth Handbook states that a minimum of fifteen (15) games need to be played in order to be an all-star.

Mayor Benjamin referred Mr. Costello to Jeff Caton, the new Director of Parks and Recreation.

Councilor Devine asked that staff address all parks.

Upon a motion made by Ms. Plough and seconded by Dr. Gergel, Council voted unanimously to conduct the District IV Evening Meeting on Wednesday, April 18, 2012 at 6:00 p.m. at Hampton Park. The meeting was originally scheduled for Tuesday, April 17, 2012, which is a run-off election day.

Upon a motion made by Dr. Gergel and seconded by Mr. Davis, Council voted unanimously to adjourn the meeting at 9:35 p.m.

Respectfully submitted by:

Erika D. Moore
City Clerk of Council