

MINUTES OF THE FOREST ACRES CITY COUNCIL MEETING April 10, 2018

Mayor Frank Brunson, Mayor Pro-Tem Curt Rye, Council members, Ginger Dukes, Beau Powell, and Shell Suber were present, along with City Administrator Shaun Greenwood, Assistant City Administrator/Finance Director Andy Smith, Police Chief Gene Sealy and City Attorney Lee Holloway.

Mayor Frank Brunson called the meeting to order at 5:15 p.m.

1. Invocation and Pledge of Allegiance

Ms. Ginger Dukes led the invocation and the Pledge of Allegiance.

Public Hearings:

1. AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, BE AMENDED BY REVISING SECTION 21.4.2 (ZONING MAP) OF SAID CODE; PROVIDING FOR A CHANGE IN THE DISTRICT BOUNDARIES OF THE CITY ZONING MAP FOR PROPERTY LOCATED ON THE EASTERN SIDE OF SUNNYSIDE DRIVE CONSISTING OF APPROXIMATELY TWENTY-SIX (26) ACRES NEAR BROOKWOOD COURT (TMS 13907-01-09) FROM AN EXISTING PUBLIC AND SEMIPUBLIC DISTRICT (P-1) TO A PLANNED DEVELOPMENT DISTRICT (PDD).

Attorney Holloway opened the hearing at 5:18 p.m. and stated that the purpose of the public hearing was to entertain questions, comments or concerns regarding the request to rezone the above-named property from P-1 to PDD. Attorney Holloway described the permitted uses allowed under existing zoning and under the PDD district.

Mr. Holloway turned the floor over to Bob Fuller, attorney representing the applicant, Tuscan Gardens of Forest Acres, LLC. He noted that the parent company is principled in Orlando, doing work throughout the southeast. He introduced the team proposing the project (developer, environmental consultants, engineers, etc.). The project property is approximately 26.5 acres consisting of the north end of the old Carolina Children's Home property (the rest of the property having been acquired by Epworth Children's Home and two churches near the property). Mr. Fuller noted that, while the developer is out of Orlando, much of the project team consists of many Midlands-area professionals. The existing P-1 zoning is too specific to do much that would efficiently utilize the property, so the proposal is a PDD that will attempt to coherently and cohesively develop the entire tract creating a senior living environment which would include a memory-care facility, assisted living facility, and a section of cottages (small townhouses). There is a significant amount of the property that will remain very much as it is now and will remain undeveloped.

Mr. Fuller turned the floor over to developer, Buddy Smith, who noted that while he lives in Orlando, he is from Walterboro and graduated from University of South Carolina and knows the Midlands and SC well. The purpose of this project is to meet an increasing demand for senior living. He noted the importance for many people that they "age-in-place", staying with existing doctors, churches, etc. The typical resident, then, will be local. But, he also anticipates residents consisting of aging folks who move to Columbia to be near children and other relatives. He noted that this would be an ideal neighbor to the Epworth Children's Home because the two types of uses have similar rhythms, despite the age difference of the residents. Mr. Smith reiterated the mix of unit types –independent living, assisted living, and memory-care living.

Mr. Smith turned the floor over to Yancey McLeod. Mr. McLeod noted that he has a history of fighting development plans in the Midlands, clarifying that he's not against development, just against what he considers inappropriate development. He noted that appropriate development can only be determined on a site-by-site basis by a team of experts studying the physical, biological, and chemical

characteristics of the property. He noted that this developer did the right thing by bringing in such consultants, determining the sensitive areas of the property, and agreeing to protect all such areas. Mr. McLeod gave his full endorsement for this proposal (which he considered to have a light footprint, well-thought out use of land, and sensitivity to environmental concerns). Mr. McLeod further discussed the intended use of large setbacks, planting, and avoidance of wetlands to create buffers from adjacent properties. The plan calls for the entirety of the flood plain up to the 500-year flood plain line, flood way and wetlands, to be protected. The area that is adjacent to Tanglewood will also be protected.

Mr. McLeod turned the floor over to Laura Baker, Senior Engineer with Cox and Dinkins, who discussed water quality and quantity for the site. They will utilize low impact development techniques (e.g., rain-gardens around parking lots, which filter and recharge groundwater). She noted area examples: Whole Foods parking lot, Gamecock stadium and the former farmer's market property.

Ms. Baker, turned the floor over to Steven Park, architect/designer, who discussed building design. He noted the importance of wellness and aesthetics for Tuscan Gardens. The intention is to use the beauty of the site to their advantage working with the topography in creating a "hillside village", which will have a minimal impact on the site while maximizing the enjoyment of the site by the residents and visitors. He shared a conceptual design that illustrated the buildings nestled within the site pointing out that parking would be dispersed around the neighborhood screened by natural features and other design features helping foster community. Their goal is for the buildings to "interact" with the site and keep an organic architectural expression. Further, design materials would be durable and long-lasting and design features would be detailed. He noted that their previous designs (in Florida) have had a Mediterranean design but that they would make sure that designs for this site would be appropriate for the location.

Mr. McLeod reiterated his complete support of this proposal.

Councilman Suber asked for clarification of the property line. Mr. Fuller clarified the property lines. Councilman Powell asked about the potential traffic situation. In representation of the developer, Mr. Dinkinson stated they have met with SC DOT and the decision was made by DOT that the proposed development would not generate enough traffic to warrant a traffic impact study. Kimley Horn was hired to conduct a traffic analysis. The results of that analysis supported the DOT decision that the threshold for a traffic impact study was not warranted. The maximum peak hour trips generated for both AM and PM are only about fifty percent of the threshold.

Attorney Holloway opened the hearing to questions from the public. Gene Reeder asked if the capital for the project has been fully secured. Mr. Smith said that a combination of private equity, institutional equity, and institutional debt have not been secured yet but will be secured and fully bonded prior to any development. This project will be approximately \$50 million. Twenty percent of the funds will be from private and institutional equity and eighty percent will be from institutional debt. Reeder asked how many facilities Tuscan Gardens has currently and the number of occupants. Mr. Smith said they have four operational, one under construction, and one that is fully entitled, and construction will begin within the next three months. Occupancy in one facility that has been open for sixteen to seventeen months is at one hundred percent in assisted living and fifty percent in memory care. The other properties are at approximately ninety percent plus. Reeder asked what the egress would be to Sunnyside. Ms. Baker said that there will be a single road with one lane in and one lane out of the property. Reeder asked if there have ever been any sanctions in the state of Florida with any of these facilities. Mr. Smith replied no. Then continued to say that he was not aware of any sanctions. Bill Sargent interjected his concerns about speeding and would like speed bumps to be considered. Mr. Fuller said that SC DOT is the entity that makes the determination of any changes on the roads, intersections, speed limits, etc. Mr. Smith said he was present during the aforementioned meeting with SC DOT and the question was brought up to SC DOT about various traffic calming devices and it was DOT's position that changes are not required. Dana Turner asked if there was any discussion in the

meeting with DOT about line of sight for the entrance on Sunnyside and if any vegetation would have to be removed. Ms. Baker said that she did the sight distance and some vegetation will have to be removed but it will not be a substantial amount. Deb Drotor asked if there were plans to add planting along the areas that are currently dirt only. Ms. Baker said yes. Gene Reeder asked where sanitation dumpsters would be located. Ms. Baker located the area on one of the plans and said that there would be screening. Elizabeth Fouche asked how long the green spaces would be protected. Mr. Smith said that once the site-plan is in place and a legal description can be written some sort of conservation easement will be obtained and the greenspace will be in perpetuity. Mr. McLeod supported Mr. Smith. Connor Gibson asked if pedestrian access would be cut off at the dirt road on Sunnyside. Mr. Holloway said that this is private property and the developer would be able to fence the property if they so choose.

Mr. Holloway asked if any parties present wanted to speak in favor of the zoning change. Five resident audience members stood in favor of the rezoning.

Mr. Holloway asked if any parties present wanted to speak in opposition of the zoning change. Following two residents speaking in opposition, five resident audience members stood in opposition of the rezoning.

With nothing further, Attorney Holloway closed the public hearing on the rezoning request at 6:42 p.m.

Break

2. AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, BE AMENDED BY REVISING SECTION 21.6.1(f) OF THE ZONING ORDINANCE OF SAID CODE, PROVIDING FOR NON-CONFORMING USES, REPAIR AND ALTERATION

Attorney Holloway opened the hearing at 6:49 p.m. and stated that the purpose of the public hearing was to entertain questions, comments or concerns regarding a text change in the zoning ordinance that addresses non-conforming uses, repair and alteration. A non-conforming use is a structure that is not in compliance with existing zoning of a property. The text change would increase the percentage of fair market improvements from ten percent to fifty percent.

Administrator Greenwood added that a fifty percent threshold is a common guideline being used across the state.

With there being no parties present speaking in favor or opposition to the request, Attorney Holloway closed the public hearing at 6:53 p.m.

2. Approval of Minutes:

- a. City Council Meeting held March 13, 2018
Mayor Brunson asked that the minutes be amended in that he said he has been on council nineteen years and he has actually been on council twenty-three years. Chief Sealy said Ron Canon's retirement announcement was in recognition of his career and years of service.
On a motion by Mr. Rye seconded by Mr. Powell, Council unanimously approved the previous months minutes.

3. Mayor's Issues & City Projects:

- a. TPAC Report – Jack Oliver
Mr. Oliver reported that the sidewalk project on Harrison Road area is scheduled to begin within three months and the sidewalk project on Percival Road is scheduled to begin within six months. The sidewalk will stop before Forest Drive off of Harrison.

- b. Responses to Community Forum Items –
No items to report.

4. New Business:

- a. Approval of Hospitality Tax program guidelines and application
On a motion by Mr. Rye seconded by Ms. Dukes, Council unanimously approved the guidelines and application.
- b. Proclamation recognizing Turning Pages
Mayor Brunson recognized Turning Pages with a proclamation for literacy assistance to adults for ten years of services.
- c. Consideration of a proposed Stormwater Easement at 3100 Grace Hill
Attorney Holloway said that the matter seems to have resolved itself through SC DOT and Richland County.

5. Old Business:

- a. First Reading: AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, FOR A CHANGE IN THE DISTRICT BOUNDARIES OF THE CITY ZONING MAP FOR 5838 SPRING COURT (TMS 14209-03-12).
On a motion by Mr. Rye seconded by Mr. Powell, Council unanimously approved rezoning request.
- b. Continued discussion of a proposed Ordinance amending Section 2-75 and 2-76 relating to the structure and operating procedures of the Planning Commission
Administrator Greenwood asked Council to review the redlined copy of the proposed changes of member meeting attendance and rotation of the chair and vice chair members. Mayor Brunson asked Mr. Greenwood to move forward with the next stage.
- c. Continued discussion of a proposed Ordinance amending Section 21.236 relating to the structure and operating procedures of the Zoning Board of Appeals
Administrator Greenwood said this proposed change will have to go to the Planning Commission for their consideration and a public hearing will have to be scheduled prior to any further action.

6. City Administrator Report:

- a. Budget preparation
Mr. Greenwood said that he and Andy Smith have begun working on the budget for FY 2018-2019.
- b. Citadel Park update
Mr. Greenwood continues working on a solution for the surfacing and additional equipment costs with various contractors.

7. Finance Director Report:

Assistant City Administrator/Finance Director Smith stated that the city's budget is performing as expected for this period in the fiscal year that revenues and expenditures are consistent with the same period in prior years. Mr. Smith reviewed the semi-annual investment report with Council. As CD's are maturing funds are being moved into the Local Government Investment Pool. The nominal interest rate has risen slightly in the investment pool. The primary objectives in our investment policy are safety, liquidity, and return and the City's investment decisions are following those objectives.

8. Police Chief's Report:

Chief Sealy reported that on April 28 Forest Lake Elementary will host a fundraiser called Run Forest Run that includes a 10K, 5K, and one-mile run.

In comparison to 2017 crime in Forest Acres is comparable. However, there has been a rising trend in driving under suspension.

9. Community Forum:

No items to report.

10. Council Items:

No items reported.

11. Executive Session:

- a. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by Attorney-Client Privilege
- b. Discussion of negotiations related to the construction of a new City Hall
- c. Discussion of negotiations related to the Stormwater issues around Forest Lake Place
- d. Discussion of a personnel matter related to the City Administrator's performance evaluation

12. Adjourn:

With no action taken in Executive Session on a motion by Mr. Rye seconded by Mr. Powell at 9:00 p.m., the meeting was adjourned.

Respectfully submitted,

Maria Queen
Administrative Assistant
City of Forest Acres