



CITY OF COLUMBIA
WORK SESSION MINUTES
TUESDAY, SEPTEMBER 3, 2013
2:00 P.M.
EAU CLAIRE TOWN HALL
3905 ENSOR AVENUE

The Columbia City Council met at the Eau Claire Town Hall, 3905 Ensor Avenue, Columbia, South Carolina on Tuesday, September 3, 2013. The Honorable Stephen K. Benjamin called the meeting to order at 2:19 p.m. and the following members of Council were present: The Honorable Tameika Isaac Devine, The Honorable Leona K. Plough, The Honorable Brian DeQuincey Newman and The Honorable Cameron A. Runyan. The Honorable Sam Davis arrived at 2:23 p.m. The Honorable Moe Baddourah arrived at 3:19 p.m. Also present were Ms. Teresa B. Wilson, 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

Ms. Teresa Wilson, City Manager said they are bringing back options on national search firms as requested, but they don't have a contractual arrangement as of yet. She said they are prepared to discuss the police chief search openly if that is the preference of Council.

Mayor Benjamin sought to waive attorney-client privilege on the following items and discuss them in open session: compensation of the mayor under the Mayor-Council Form of Government and a feasibility study for a potential baseball stadium.

1. Introduction of Mr. Wayne Gregory as the new Director of Economic Development – Ms. Teresa Wilson, City Manager

Ms. Teresa Wilson, City Manager introduced Mr. Wayne Gregory as the new Director of the Economic Development Office. She said that Wayne comes from Georgetown County where he served as the Executive Director for Economic Development since August 2005 and he brings a wealth of knowledge from the Upstate to the Low Country to include project management. She looks forward to growing our business friendly model. She noted that an ombudsman/business liaison will be hired by Mr. Gregory very quickly.

- **Mr. Davis joined the meeting at 2:23 p.m.**

Mr. Wayne Gregory, Director of Economic Development said there is so much potential in the City of Columbia and he is excited about what we can do. He said that having the strategic plan in place gives them a roadmap to move forward into the future. He stated that they will focus on creating a business friendly environment that is needed for success. He added that job creation within all areas of the city is the number one priority.

Ms. Teresa Wilson, City Manager referenced the Economic Development Strategic Plan that was delivered to Council today. She noted that the plan includes a peer city comparison. She reminded everyone about the recognition and welcome reception for Jim Gambrell and Wayne Gregory scheduled for Thursday, September 5, 2013 from 5:30 p.m. to 7:00 p.m. at the Hall at Senates End.

2. Business Friendly Progress Committee – The Honorable Sam Davis

Councilor Davis reported that they are in the second phase in ensuring that the city is perceived and does operate from a business friendly posture. He said that David Brandes is serving as chairperson of the Progress Committee and the committee is in the process of looking at the Business Friendly Taskforce's recommendations to see how far we've come and to ensure that everybody is on the same page. He said the things we do are going to be enticing and less stressful to people who go into the various office components of the city to conduct business.

Ms. Dana Higgins, City Engineer presented a spreadsheet being used to track the city and county recommendations. She said the Progress Committee was created to ensure that the city and county stay on track with the recommendations. She reported that they have met twice and they will continue to meet every third Monday of the month at 4:00 p.m. She noted that Richland County has hired an ombudsman that attended the last meeting and they are eager for the City of Columbia to bring an ombudsman on board. She said there were concerns with the dissemination of information and the committee will discuss that on September 16, 2013. She said the city's Human Resources Director attended the last committee meeting to discuss customer service training. She said they are in the process of implementing EnerGov, a permit tracking software.

Mr. David Brandes, Chair of the Business Friendly Progress Committee said that they have focused on things that can happen quickly. He stated that staff worked to streamline their checklists; to make parking spaces available to customers; and to look into how they track approvals. He said that tracking software is needed, but they are looking at short term solutions to include training. He said they are working to determine how to quickly disseminate the progress being made and this will be discussed at the next meeting.

Ms. Teresa Wilson, City Manager noted that training and the customer experience are being addressed holistically; it's systemic. She asked that she and Tony McDonald be made aware of the direction of the committee so that they can provide the needed resources and supplement the resources already in place.

Mr. David Brandes, Chair of the Business Friendly Progress Committee said mixing the two (2) entities has been very valuable and it adds a lot to the whole process. He said they are looking at how to advertise and get the information out about the progress being made without getting ahead of the process.

Councilor Plough asked how much time can be trimmed off of the permit process; what is the average we are aiming for; and how much progress has been made to date.

Ms. Krista Hampton, Director of Planning and Development Services said when cases are brought to any of the land use boards we want them to be approved quickly and the best way to do that is to get any staff comments to the applicant ahead of time so that they may address them. She said staff has one week to respond to applications. She said they are fortunate enough to be a beta test for the lean process, which will help identify deficiencies.

Councilor Plough asked about the opportunities to give staff more approvals.

Ms. Krista Hampton, Director of Planning and Development Services stated that will be with the ordinance rewrite, because we need to take a holistic approach. She said they will most likely allow for administrative adjustments from the Zoning Administrator within certain thresholds and under certain conditions, which is the same process that was implemented for Bull Street. She noted that the agreement for the ordinance rewrite will be on the October 15th agenda.

Mr. David Brandes, Chair of the Business Friendly Progress Committee stated that as a community you are hampered by your own regulations, because you were one of the early communities to come up with zoning and that type of zoning stayed for a long time; a lot of your zoning code was not updated as quickly as it should have been. He agreed that the rewrite of the zoning code will give staff more latitude.

3. [Pavement Management Study](#) – Mr. Destine Goins, Assistant Superintendent of the Street Division

Councilor Devine explained that this was presented to the Environment and Infrastructure Committee last month and they asked that it be brought to City Council. She said there have been lots of requests from constituents to have roads repaved; staff has utilized new technology to evaluate the condition of our roads and rank them to determine where maintenance is needed. She said the committee was impressed with the presentation and that the full Council needed to understand the technology and how it is being used.

Mr. Destine Goins, Assistant Superintendent of the Street Division presented the Pavement Management and Preventive Maintenance Plan. He reported that the state maintains seventy two percent of the roads in the city and this system only includes city roads. He said this system allows the city to be proactive in identifying which roads need to be paved, the type of maintenance needed and when it is needed, which also maximizes the value and life of the pavement network. He explained that the Mirco-PAVER system was used to create a street inventory and it has tools that allow us to calculate current conditions, the cost to maintain specific roads and a maintenance plan based on the amount of funding available. He explained that an internal inspection team used the American Society for Testing and Materials (ASTM) standards to hand inspect every street owned by the City of Columbia. He reported that one-third of our roads are good, one-third of our roads are satisfactory and the remainder is in fair condition. He reported that a road loses forty percent of its quality within fifteen years and then it only takes three-years to drop another forty percent.

Mayor Benjamin asked at which point a road becomes unsafe.

Mr. Destine Goins, Assistant Superintendent of the Street Division said a rating of four (4) is unsafe and a forty percent rating is poor condition. He noted that the city's average condition rating was eighty percent in 2011. He presented examples of streets in poor and fair conditions. He explained that asphalt is a surface; there's no structure to it; the sub-base is the structure of the road. He further explained that the process of reclaiming pavement is recycling the existing asphalt and adding cement to stabilize the subgrade. He noted that reclamation is a 30-year solution. He presented examples of streets in fair to good condition. He explained that the City presented a five-year plan to the County Transportation Committee; it was approved; and \$3.7 million was allocated for preventive maintenance only. He noted that by using \$700,000 a year for preventative maintenance, roads would improve by eight percent each year. He outlined the other funding that has been secured for road repairs to include: \$3.5 million from the County Transportation Committee for preventive maintenance; \$111,320 from the Community Development Block Grant (CDBG) Fund for Dorrah Street; \$133,000 CDBG for Bailey Street; \$820,000 from the Richland County Transportation Committee for Columbiana Drive; and \$43,000 from the Lexington County Transportation Committee for their portion of Columbiana Drive. He outlined the percentage of city streets within each Council District; the target amount of funding to be spent in each district per year; and the 2012/2013 rehab list.

Councilor Newman asked what percentage of city roads have gone through the reclamation process and now have a 30-year life span.

Mr. Destine Goins, Assistant Superintendent of the Street Division said the projects that are currently underway are the first to go through the reclamation process, but SCDOT has done this on several roads and we know this is a good process.

4. Allocation of Additional Hospitality Tax Funding in the amount of \$33,000 for Security at the Palmetto Capital City Classic – The Honorable Mayor Stephen K. Benjamin

Mayor Benjamin said there were over 30,000 at the last event and probably another 30,000 outside. He explained that this additional funding will go towards security. He noted that security at this game is different than a traditional game, because there is traffic and a sedentary cruising element. He said we want to ensure that all aspects are covered and he supports the additional funding for the Classic.

Councilor Devine said it is hard to equate this with USC, because USC's infrastructure is different. She said this is one game and Benedict is out of their area, because they don't have the law enforcement infrastructure that USC has, resulting in the increased amount in security costs.

Councilor Plough asked if the committee denied this due to a lack of resources.

Ms. Libby Gober, City Council Assistant said exactly. She noted that the committee did increase the funding from \$35,000 to \$37,500, but the lack of funds at the time was definitely a factor. She said this really is a classic between Benedict and SC State; this will be a much bigger game. She clarified that the other funding allocation was used for marketing for the entire week of events associated with the Palmetto Capital City Classic. She clarified that the funding request being considered today is for security.

Councilor Plough asked if this is from the Hospitality Tax fund balance or the contingency.

Ms. Libby Gober, City Council Assistant said it would come from the fund balance. She noted that the unaudited balance is \$134,000.

Councilor Plough sought clarification on the balance in the Hospitality Tax Fund.

Ms. Missy Caughman, Budget Director explained that on August 16, 2013 there was \$459,000 and City Council allocated \$325,000 leaving \$134,000.

Ms. Teresa Wilson, City Manager recalled that Council had pending funding allocations for the line item groups. She explained that she has received calls about the traffic for this game. She said security and traffic control has been problematic in the past and she is supportive of the request going towards those resources.

Mayor Benjamin asked if the request is for an additional \$33,000 or an additional \$70,000.

Councilor Devine said that Coach Jeffries requested \$75,000, but she found out that they did not receive their original allocation of \$37,500.

Ms. Libby Gober, City Council Assistant said members of the committee mentioned \$70,000 and she thought that was the amount being considered by City Council today. She clarified that they originally requested \$100,000, which included security. She noted that they did not know the amount, because they were waiting for the law enforcement entities to tell them what they needed in terms of security; it was a lot more than they anticipated.

Mayor Benjamin confirmed that the request is for \$70,000.

Mr. Newman made a motion to allocate additional funding in the amount of \$70,000 for the Palmetto Capital City Classic. The motion was seconded by Mr. Davis.

Councilor Plough expressed hesitancy towards supporting this without a formal request, but she would support a lower number.

Mayor Benjamin asked that the cost estimates provided to the Classic from the law enforcement entities be provided to the committee and City Council, with the understanding that this issue is time sensitive.

Councilor Newman amended the motion to request that all cost estimates for law enforcement be provided to the committee and City Council. He recalled that the original funding request was higher, but he remains supportive of this request because it will generate economic impact for the area.

Upon a motion made by Mr. Newman and seconded by Mr. Davis, Council voted five (5) to one (1) to allocate an additional \$70,000 to the Palmetto Capital City Classic from the Hospitality Tax fund balance. Voting aye were Mr. Runyan, Mr. Newman, Ms. Devine, Mr. Davis and Mayor Benjamin. Ms. Plough voted nay.

5. ****Police Chief Search – Ms. Pamela Benjamin, Human Resources Director**

Ms. Teresa Wilson, City Manager explained that Ms. Benjamin will present the research that she has brought back from the last discussion about moving forward with a firm to assist with the police chief search on a national scale, but understanding that you don't need a firm to do that; we could do it internally; a local firm can conduct a national search; or a national firm can conduct a national search. She said Ms. Benjamin will present the options on how to proceed.

Ms. Pam Benjamin, Human Resources Director explained that based on Council's directive at the last meeting, she conducted research on firms that have done recruitment efforts for police chiefs for cities within and outside of South Carolina. She identified four (4) firms, noting that a Request for Proposals (RFP) was not done, but it is an option. She said that firms provide services ranging from the initial needs assessments, updating job descriptions, creating search committees, posting the position nationally and electronically, assisting with interview panel and applicant screenings; coordination of interviews and transition efforts for the candidate once a decision is made. She said all of the firms will provide a variety of assistance for us with the understanding that the City Manager ultimately has the responsibility of choosing that person. She noted that costs ranged from \$17,850 to \$55,000 depending on the level of the firms involvement. She said that Developmental Associates, LLC of North Carolina is in the process of conducting Spartanburg's chief of police search using an emotional intelligence model and other unique techniques to evaluate candidates. She reported that Spartanburg's Human Resource Director is very pleased with the process and complimentary of the services. She reported that the City of Charleston engaged the Police Executive Research Forum (PERF) of Washington, DC, which has partnerships with local law enforcement entities throughout the country. She said they use those partnerships to recruit and they have an extensive list of candidates that they place. In closing, she asked if Council is interested in utilizing any of the search firms she researched or issuing a RFP.

- **Mr. Baddourah joined the meeting at 3:19 p.m.**

Councilor Plough requested an update on the external SLED investigation of the Police Department. She said in fairness to everybody and our ability to attract internal or external candidates, we really need to put that behind us before moving forward.

Ms. Teresa Wilson, City Manager said it was her understanding that the investigation should be completed. She said they were always prepared to move down this path; we want to be ready depending on what direction you all prefer.

Ms. Pam Benjamin, Human Resources Director said they have gathered basic information; they haven't secured any contracts or done anything extensive.

Mayor Benjamin asked if Chief Keel provided any information regarding timing. He agreed that we want to wrap this up before moving forward. He noted that PERF came highly recommended from Mayor Riley and the US Conference of Mayors and they conduct national searches all across the county. He said it needs to be made clear that we are waiting for a clean slate to move forward.

Councilor Baddourah asked if there is a budget for the search process.

Ms. Teresa Wilson, City Manager said they are asking for the level of involvement that Council prefers. She has a lot of confidence in Ms. Benjamin, but she understands the need for having an exhaustive search; we would do that anyway. She asked if Council wanted the search firm to be involved with drafting the job description, vetting the candidates or scheduling interviews; it can be detailed or we can craft the level of involvement that you all feel comfortable with.

Mayor Benjamin asked about fund balance from vacant senior positions in the Police Department.

Ms. Teresa Wilson, City Manager said we've filled in gaps with our senior command level staff that has played a role in this interim capacity. She agreed to look at the Police Department's budget and the City Manager's budget.

Councilor Devine suggested that the City Manager determine a funding source and be prepared to move forward once the investigation is over. She would like to know more about what the process entails.

Councilor Plough asked if Spartanburg and Charleston did an RFP.

Ms. Pam Benjamin, Human Resources Director stated that Spartanburg did an RFP, but she will ask about Charleston.

Councilor Devine noted that issuing an RFP would extend the process by 30 to 45 days.

Councilor Baddourah asked if we have a job description.

Ms. Pam Benjamin, Human Resources Director said we have one, but if the firm recommends additional standards, we can certainly incorporate that into the job description. She noted that the current job description was created during the last classification and compensation study.

Councilor Davis said everything else is in line. He said we may not have a final determination on the investigation but we need to know where it is. He said he would like to see us move forward and he is confident that we can get where we need to be shortly. He agreed that there are some things that might have influence on potential candidates, but a cop's cop is willing to accept the challenge to come in and get it done.

Ms. Teresa Wilson, City Manager said the purpose of the discussion was for her to know Council's appetite toward the level of engagement of an external group to assist us. She said if you are comfortable with us using our best judgment as to how they can assist us, then we will be ready to go.

Councilor Davis said we've been through this a number of times and there is a process; we have the experience with or without a headhunter.

Ms. Teresa Wilson, City Manager agreed to bring back a budget.

6. **Mayor's Compensation under the Mayor-Council Form of Government

Upon a motion made by Mayor Benjamin and seconded by Mr. Davis, Council voted unanimously to waive attorney-client privilege for the receipt of legal advice in executive session on the mayor's compensation under the Mayor-Council form of government.

Mayor Benjamin said in the interest of clarity on the police chief search, the ability to move forward post haste will be freed up as soon as the SLED investigation is over. He asked the City Manager to identify sources of funding that might cover all of the potential options and let's be ready.

Councilor Plaugh hoped that whatever process we use, we do it with an understanding of our history and the process we've used in the past to try and make sure that we learn from those.

Mayor Benjamin noted that processes which included a level of community engagement worked well in the past and should be implored at some stage in this process. Leading into the discussion of compensation, he asked the City Attorney if he need to recuse himself.

Mr. Kenneth E. Gaines, Esq., City Attorney said no. He noted that a petition calling for a referendum for a Mayor-Council form of government is being circulated. He explained that if the referendum is certified by the County Election Commission and there is a favorable vote on the petition, we might end up with the current mayor serving as a strong mayor without compensation for two (2) years, because State Law §5-7-170 says that Council determines by ordinance the annual salary of its members and it goes on

further to say that an ordinance establishing and increasing Council salaries does not go into effect until the commencement date of the terms of two or more members elected at the next general election following the ordinance's adoption. He said if a salary is going to be set for the strong mayor, we need to adopt that ordinance prior to November 5, 2013 and we need to set compensation contingent upon there being a referendum vote and passing the referendum. He added that the ordinance will go into effect after the mayor is sworn in. He sought guidance from City Council.

Councilor Devine asked if that statute applies if you are not operating under the same form of government.

Mr. Kenneth E. Gaines, Esq., City Attorney said yes. He said that the ordinance will be presented for the September 17, 2013 meeting with those contingencies. He noted it would not go into effect if the referendum failed. He said Council would implement a change in the form of government by ordinance and pick and implementation date.

Councilor Newman asked Mr. Gaines to prepare the ordinance.

Councilor Devine noted that Charleston's salary for the mayor is \$163,000, which is the highest salary in the state and North Charleston is \$148,900.

Councilor Plough asked if they have to set salaries for other unknown staff positions.

Mr. Kenneth E. Gaines, Esq., City Attorney said yes; if Council chose to hire an Administrator to assist the mayor, they would have to set those salaries, but not by ordinance. He said this statute assumes that you could or could not be re-elected after the next general election, so there is no conflict in you voting for the salary now.

Councilor Davis said the Council would only vote on salaries if it was brought to them as a budgetary item.

Councilor Plough said Charleston has two advisors and the mayor directly supervises all of the departments.

Councilor Devine noted that North Charleston has a population of 97,000.

Councilor Newman suggested that Mr. Gaines prepare the ordinance and that the Human Resources Director assess what the salary should be using the municipalities already mentioned and the salary of higher level administrators. He asked Ms. Devine to share her information with Council. He said if it passes, he doesn't know if a strong mayor needs to be the highest paid person or have a similar salary to Ms. Wilson; there needs to be an increase to whatever it currently is.

Councilor Plough said it's full-time; how do you address that.

Councilor Newman said all of us are full-time.

Councilor Plough said if you don't adequately compensate them for it to be a full-time job, you put them in the position of going out and doing something else and we need somebody full-time; from 8 a.m. to 7 p.m.

Councilor Devine said if this is approved, there will be budget implications for half of this year that we'd have to consider.

There was a consensus of Council to ask Ms. Benjamin, Human Resources Director to bring back an assessment of salary comparisons of mayors and administrators under the Mayor-Council form of government for other municipalities and Mr. Gaines, City Attorney to prepare the ordinance and Council will fill in the salary once the additional research is provided.

Councilor Devine asked if the mayor would be prohibited from having another job if the form of government changes.

Mr. Kenneth E. Gaines, Esq., City Attorney agreed to look into that.

Councilor Devine recalled seeing where other municipalities have done charters to change the form of government and certain things are enumerated. She recalled that Scott Slatton kept saying "unless Council states otherwise". She is unclear as to what type things he was referring to. She asked Mr. Gaines if there is the ability for this Council to set the salary and prohibit outside employment. She said they need to know that, but she doesn't think it is permissible.

Councilor Davis said with fulltime employment, sometimes there is agreed upon situations for organizations and in government, too. He said we have time to discuss this.

Councilor Devine added that the mayor's salary in Goose Creek is \$30,000 and there is an administrator that makes \$162,000.

Councilor Plough noted that Mayor Riley makes \$163,000 with four (4) years of experience; he did not start there.

Councilor Runyan asked how big Charleston is.

Councilor Devine noted that the population is 120,000.

****Mr. Sam Johnson**, Special Assistant to the Mayor reported that there are eleven (11) Mayor's Fellows this semester for a total of 76 participants to date. He introduced the two (2) newest Mayors Fellows: Renee Asamoah, a political science major with three (3) minors in communications, international studies and Spanish at Columbia College and Brandon Lofele, an economics and political science double major at the University of South Carolina.

7. **Feasibility Study for a Baseball Stadium

Mayor Benjamin said we are not close to having discussions about building or financing a stadium, we do know that a condition precedent to it is having some type of feasibility study done. He recalled that Ms. Plough and Mr. Baddourah raised this issue.

Mayor Benjamin continued to report that staff has talked with several firms about rendering services for a feasibility study. He asked Council for their thoughts.

Councilor Plough agreed that a feasibility study is needed, but it needs to be paid for by the private sector; those people interested in bringing minor league baseball here. She suggested that the city review the private sector feasibility study and do our own analysis of it. She said it starts with the private sector being vested enough to do their own research.

Councilor Devine asked how much it would cost.

Mr. Jeff Palen, Chief Financial Officer said they have contacted firms and the pricing ranges from \$50,000 to \$100,000. He said if we do financing for the stadium we would have to sponsor a study.

Councilor Devine asked if the city conducted an analysis of another study can that be independent enough to help with financing. She said if it is done by the developer or someone else trying to encourage us to finance it, will that be viewed as an independent study. She thinks we should pay for a study that we can rely upon.

Mr. Jeff Palen, Chief Financial Officer said he will check with other creditors.

Mayor Benjamin said that a market study, feasibility study and potential financing options are needed. He agreed that it is appropriate for the private sector to pay for it and maybe using an arbiter such as the Chamber, Central Carolina Community Foundation or another agency.

Councilor Davis agreed with using another organization as long as the document is viewed as credible by potential financing authorities.

Ms. Teresa Wilson, City Manager said one of the entities we are talking would act on behalf of the city in this process.

Mr. Jeff Palen, Chief Financial Officer added that the firm will also look at potential partners, how to set up a public private partnership, and different financing abilities.

Mayor Benjamin asked if we can commission a study and have someone else pay for it.

Councilor Plough said we should keep options open in terms of the location. She said a team needs to be a part of the deal so you're not doing a feasibility analysis with no real possibilities.

There was a consensus of Council for staff to bring a recommendation back on September 17, 2013 as to whether or not we can commission our own study and have it paid for by the private sector.

**Ms. Teresa Wilson, City Manager reminded Council of the motion made previously with regards to the appointment of a Bull Street Committee. She noted that this committee could discuss the recommendations from a feasibility study and other matters.

Mayor Benjamin clarified that each councilmember doesn't have one appointment.

Councilor Devine suggested that a recommendation for a representative from the Downtown Coalition of Neighborhoods come from the neighborhood association.

Mayor Benjamin said it is important that whoever is appointed is committed to the success of Bull Street.

There was a consensus of Council to submit appointees to Connie Lucius by Monday, September 9, 2013.

EXECUTIVE SESSION

Upon a motion made by Ms. Plough and seconded by Mr. Baddourah, Council voted unanimously to go into Executive Session at 4:10 p.m. for the discussion of **Items 8 through 11** as outlined.

8. Receipt of legal advice which relates to a pending, threatened or potential claim - *This item was discussed in Executive Session. No action was taken.*
9. Receipt of legal advice which relates to matters covered by attorney-client privilege - *This item was discussed in Executive Session. No action was taken.*
10. Discussion of negotiations incident to proposed contractual arrangements - *This item was discussed in Executive Session. No action was taken.*
11. **Investigative proceedings regarding allegations of criminal misconduct - *This item was discussed in Executive Session. No action was taken.*

Councilor Plough sought clarification on the discussion of the employment of an employee.

Mayor Benjamin insisted that Council was already in Executive Session.

12. Discussion of employment of an employee - *This item was discussed in Executive Session. No action was taken.*

- **Council adjourned the Executive Session at 6:00 p.m.**

Respectfully submitted by:

Erika D. Moore
City Clerk

DRAFT