



CITY OF COLUMBIA  
CITY COUNCIL MEETING MINUTES  
TUESDAY, MAY 8, 2012  
6:00 P.M.  
CITY HALL – COUNCIL CHAMBERS  
1737 MAIN STREET

The Columbia City Council conducted a Regular Meeting and Public Hearings on Tuesday, May 8, 2012 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 6:10 p.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Daniel J. Rickenmann, The Honorable Belinda F. Gergel, The Honorable Leona K. Plough and The Honorable Brian DeQuincey Newman. 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

Boy Scout Troop 110 of Saint John Baptist Church led the Pledge of Allegiance.

### INVOCATION

Chaplain Byron Powers, Columbia Police Department offered the Invocation.

### ADOPTION OF THE AGENDA

\*\*Mayor Benjamin and Mr. Steven A. Gantt, City Manager pinned the fourth star on Police Chief Randy Scott. The honor was bestowed upon Chief Scott for his dedication and commitment to Columbia's citizens in the year that he has been the City's top cop.

Police Chief Randy Scott said that he appreciates the opportunity that he has been given and that he's not going to stop. He expressed gratitude for how hard each member of City Council works. He said that the Council and City Manager do what's best for the City of Columbia.

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

- Add Resolution No.: R-2012-049 as **Item A**.
- Defer **Item 1**.
- Withdraw **Item 19**.

## **RESOLUTIONS**

- A.     \*\*Resolution No.: R-2012-049 –Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Columbia and Richland County for Firefighter Operation of EMS Ambulances - *Approved*

Upon a motion made by Mr. Rickenmann and seconded by Ms. Plough, Council voted unanimously to approve Resolution No.: R-2012-049 –Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Columbia and Richland County for Firefighter Operation of EMS Ambulances.

## **PUBLIC INPUT RELATED TO AGENDA ITEMS**

*No one appeared at this time.*

## **APPROVAL OF MINUTES**

1.     Minutes of April 18 and April 24, 2012 – *Consideration of this item was deferred.*

## **PRESENTATIONS**

2.     Teen Pregnancy Prevention Month Proclamation – The Honorable Tameika Isaac Devine

Mayor Benjamin and the members of City Council proclaimed May as Teen Pregnancy Prevention Month in the City of Columbia.

3.     National Drinking Water Week Proclamation – Mr. Joey Jaco, Director of Utilities and Engineering

Mayor Benjamin and the members of City Council proclaimed May 7-12, 2012 as National Drinking Water Week.

## **PUBLIC HEARING**

4.     Community Development Fiscal Year 2012 / 2013 Annual Action Plan – Ms. Deborah Livingston, Director of Community Development

Ms. Deborah Livingston, Director of Community Development reported that in accordance with federal regulations, the Community Development Department has drafted their Fiscal Year 2012/2013 Annual Action Plan.

Mr. Tige Watts, Chair of the Citizens Advisory Committee presented the 2012 Annual Action Plan for the Community Development Block Grant (CDBG) in the amount of \$868,564; HOME Investment Partnership (HOME) Fund in the amount of \$468,151; and Housing Opportunities for Persons With Aids (HOPWA) Fund in the amount of \$1,584,363.

Councilor Gergel inquired about the application submitted for Edisto Court.

Ms. Deborah Livingston, Director of Community Development explained that necessary information was missing from the application packet for Edisto Court.

Councilor Devine said that Ms. Livingston will contact Ms. Watson regarding the application.

Councilor Plough thanked staff for doing an outstanding job, but also cautioned them about the use of funds, specifically the recommendation to move \$750,000 income that would normally go to the housing program to the Maxcy Gregg Park Pool project. She said that it diminishes the availability of funds.

Ms. Deborah Livingston, Director of Community Development explained that those funds are for housing rehab and the fund had not been utilized until recently.

Upon a motion made by Dr. Gergel and seconded by Mr. Newman, Council voted unanimously to endorse the Community Development Fiscal Year 2012 / 2013 Annual Action Plan.

### **CONSENT AGENDA**

Upon a single motion made by Mr. Newman and seconded by Mr. Davis, Council voted unanimously to approve the **Consent Agenda Items 6 through 18, 20 and 21. Item 5** was approved by way of Resolution No. R-2012-049 –Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Columbia and Richland County for Firefighter Operation of EMS Ambulances. **Item 19** was withdrawn from the agenda.

### **CONSIDERATION OF BIDS, AGREEMENTS and CHANGE ORDERS**

5. Council is asked to approve an Intergovernmental Agreement between Richland County and the City of Columbia for Firefighter Operation of County EMS Ambulances. – *This item was approved by way of Resolution No. R-2012-049 – Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Columbia and Richland County for Firefighter Operation of EMS Ambulances. Please refer to **Item A**.*

6. Council is asked to approve a Federal Assistance Application for Fiscal Year 2011 /2012 Edward Byrne Memorial Justice Assistance Grant. Award to the Columbia Police Department in the amount of \$91,457.00. – **Note:** *The grant will be used to purchase Electronic Control Devices to include Tasers and other less-lethal weapons. - Approved*
7. Council is asked to approve Mentor Protégé Program and Local Business Preference Policy Project SS6986; Replacement of Existing 8” Sanitary Sewer Line along Moore Hopkins Road and Stoneridge Drive, as requested by Utilities and Engineering. Award to Trussell Bros. Construction, the lowest responsive and responsible bidder in the amount of \$143,326.50. *Funding Source: Maintenance Fund-Special Contracts, 5516212-638300 – **Note:** Corley Construction (Protégé) is implementing 5.12% of the project contract value. The original budgeted amount is \$158,050.00. - Approved*
8. Council is asked to approve the Purchase of DeZurik Plug Valves, as requested by the Wastewater Treatment Plant. Award to Carotek Inc., as a Sole Source in the amount of \$177,198.42. This vendor is located in Matthews, NC. *Funding Source: Utilities Metro Wastewater Plant/Machinery & Equipment-Capital, 5516208/658300 - Approved*
9. Council is asked approve the Purchase of Flygt Submersible Pumps and Parts for Seven (7) Lift Stations, as requested by the Wastewater Treatment Plant Division. Award to Xylem Water Solutions, as a Sole Source in the amount of \$200,689.20. This vendor is located in Charlotte, NC. *Funding Source: Metro Wastewater Treatment Plant/Machinery & Equip-Capital, 5516208/658300 - Approved*
10. Council is asked to approve Capital Improvement Project SS7120; Increase in Project Amount for an Emergency Bypass at the West Columbia Pump Station. Award to McClam & Associates, Inc., in the amount of \$221,247.97. This vendor is located in Little Mountain, SC. *Funding Source: Sanitary Sewer Maintenance Fund; 5516212-638300 – **Note:** This Project was an emergency bypass of the West Columbia Pump Station. This change order is necessary to close the project and provide enough funds for final payment. The pump station is currently under construction by another contractor who is handling all necessary bypass. The original budgeted amount was \$600,913.00 - Approved*
11. Council is asked to approve Local Business Preference Project CM1037; Re-Roofing of 1136 Washington Square Building, as requested by Utilities and Engineering. Award to Aqua Seal Manufacturing. and Roofing, the lowest, responsive and responsible bidder in the amount of \$281,500.00. This vendor is located in Cayce, SC. *Funding Source: CIP-Roofing Maintenance; 4039999-CP080102 – **Note:** The original budgeted amount is \$452,550.00 - Approved*

12. Council is asked to approve Subcontracting Outreach Program and Local Business Enterprise Preference Project WM4219; Canal Water Treatment Plant Chlorine System Modifications, as requested by Utilities and Engineering. Award to M.B. Kahn Construction, the lowest, responsive and responsible bidder in the amount of \$478,500.00. This vendor is located in Columbia, SC. *Funding Source: 5529999-658650 – **Note:** M.B. Kahn Construction achieved at 41.6% subcontractor outreach participation in their bid submittal. The original budgeted amount is \$603,785.00 - Approved*
13. Council is asked to approve the Purchase and Installation of Security Systems, as requested by the Support Services Division. Award to Schneider Electric, the lowest bidder meeting specifications in the amount of \$487,232.00. This vendor is located in Morrisville, NC. *Funding Source: General Capital Projects/Professional Services for Capital Projects, 4039999/658660; \$417,116.00 and Parking CIP Project/Special Contracts Capital Projects, PG 001109/658650; \$70,116.00 – **Note:** The following locations are included: Public Works, City Hall, Police Department Headquarters, Fire Department Headquarters and Parking Services. - Approved*
14. Council is asked to approve Change Order #5, Capital Improvement Projects WM3175 and WM3823; Improvements to the Raw Water Pump Station and High Service Pump Station at the Canal Water Treatment Plant, as requested by Utilities and Engineering. Award to PC Construction Company in the amount of \$1,027,114.00. This vendor is located in South Burlington, Vermont. *Funding Source: Water Improvement Fund – **Note:** This request was initiated by the city and is necessary to perform emergency repairs to an existing 72” x 60” Storm Sewer Tunnel. The tunnel lies beneath and supports critical piping associated with the Columbia Canal Water Treatment Plant. - Approved*
15. Council is asked to approve Subcontractor Outreach Program and Local Business Preference Project SS711502; Congaree River Sewer Force Main Improvements, as requested by Utilities and Engineering. Award to D.S. Utilities, Inc., the lowest, responsive and responsible bidder in the amount of \$8,913,519.00. This vendor is located in Little Mountain, SC. *Funding Source: Sanitary Sewer Improvement Fund; 5529999-658650 / SS711502-658650 – **Note:** The original budgeted amount is \$8,770,850.00 - Approved*

ORDINANCES – FIRST READING

16. **941 Spears Creek Court**, TMS# 25714-01-07; annex and assign M-1 interim zoning to the property. The property is zoned M-1 in Richland County. – *Approved on first reading.*

Council District: 4  
Reason for Annexation: Contiguous with available water service (primary area)  
Staff Recommendation: Annexation with M-1 interim zoning  
PC Recommendation: Approve M-1 zoning (6-0) 4/02/2012

Ordinance No.: 2012-029 – Annexing 941 Spears Creek Court, Richland County  
TMS #25714-01-07 – *Approved on first reading.*

RESOLUTIONS

17. Resolution No.: R-2012-039 – Authorizing consumption of alcoholic beverages, beer and wine within the Amphitheater Area of Finlay Park for the Famously Hot Music Festival - *Approved*
18. Resolution No.: 2012-043 – Authorizing consumption of beer and wine at the Main Street Latin Festival - *Approved*
19. Resolution No.: R-2012-042 – Approving a Second Amendment to the Articles of Incorporation of Columbia Public Facilities Corporation (Columbia Metropolitan Convention Center) – *This item was withdrawn from the agenda.*
20. Resolution No.: R-2012-040 – Release and Abandonment of a Portion of the City’s existing Water Main Easement along Richland County TMS# 13616-02-58 (Portion); 22 Old Trace Court; Lot 50, Hampton’s Grant, Phase 3; CF #154-20B - *Approved*
21. Resolution No.: R-2012-046 – Release and Abandonment of a Portion of the City’s Existing Sanitary Sewer Easement along 103 West Passage (Lot 31, Wexford, Phase 2) Lexington County TMS #001837-01-011 (Portion); CIP Project #SS7141; CF#250-289 - *Approved*

## **PUBLIC HEARING**

22. Forms of Government – Mr. Kenneth E. Gaines, Esq., City Attorney and Mr. Scott Slatton, Senior Field Services Manager for the Municipal Association of South Carolina

Ordinance No.: 2012-035 – An Ordinance to Set a Referendum on the Question of Changing the form of Municipal Government from Council-Manager to Mayor-Council – *Denied by a four (4) to three (3) vote.*

Ordinance No.: 2012-036 – An Ordinance to Set a Referendum on the Question of Changing the Form of Municipal Government from Council-Manager form to Council form – *This item was not voted upon.*

Mr. Kenneth E. Gaines, Esq., City Attorney recalled that City Council requested a presentation on the forms of government. He introduced Mr. Scott Slatton, Senior Services Manager for the Municipal Association of South Carolina as the presenter.

Mayor Benjamin said that we have a significant and august body with us tonight and he would be remiss if he did not recognize former Councilman Hamilton Osborne, Jr. and Mr. G.C. Robinett, Jr. as individuals that have given decades of service to the people of Columbia.

Councilor Plough recognized Ms. Betty Conway for working closely with Mr. Robinett over the years.

Mr. Scott Slatton, Senior Field Services Manager for the Municipal Association of South Carolina stated that the Municipal Association does not intend to take a position or support any form of government, because they support members with all three (3) forms of government. He said that he will try to avoid making value statements/judgments on any of the forms of government; that part of the process is up to you and your citizens.

Mayor Benjamin explained that this is an opportunity to hear what the citizens have to say. He said that we did not want advocacy from the Municipal Association; we wanted information. He said that there are several different opinions on Council about the forms of government and this is meant to be education for all of our citizens.

Mr. Scott Slatton, Senior Field Services Manager for the Municipal Association of South Carolina provided the following details:

*All municipal governments in South Carolina operate under one of three forms of government: Mayor-Council, Council or Council-Manager. The forms of government in South Carolina were reformed by the Local Government Act of 1975 also known as the Home Rule Act, which granted municipal county governments expanded powers beyond those they previously had. At that time, the State Constitution was changed to allow for up to 5 forms of municipal government across the state. Three were authorized by statute*

*and can be found in Title 5 of the Code of Laws. The Home Rule act clearly states that local governments are units of state government and are subservient in many ways to state government.*

*In all three forms of municipal government, the council sets the policy and it's up to the chief administrative officer to enact that policy. The individual responsible for the execution of that policy by way of the administration depends on the different forms of government. The legislative/policy-making function remains with the council under all forms of government.*

*The three forms of municipal government are distinguished by who is responsible for the administration. The powers, roles and responsibilities that are exercised by the mayor, council and the chief administrative officer are dictated by state law in two of the forms and in the council form there isn't a statutory definition of that person's responsibilities.*

*There are 270 cities in South Carolina. There is diversity in the level of services delivered by those municipalities. Most of them are very small with 209 having 5,000 or fewer in population. The mayor-council form of government is utilized in 157 of the 270 cities and 91 of those cities are less than 1,000 in population; 81 have the council form; and 32 have the council-manager form of government.*

Councilor Rickenmann inquired about the numbers on a national level. He read that 58% of cities with a population of over 100,000 utilize the council-manager form of government.

Mr. Scott Slatton, Senior Field Services Manager referred Mr. Rickenmann to the International City/County Management Association's website at [www.icma.org](http://www.icma.org). He noted that the strong-mayor form of government is not an option in the State of North Carolina. Most of the cities in North Carolina use the council-manager form. He continued to provide the following details:

*Under the Mayor-Council (Strong Mayor) form, the mayor is granted by state law the right to exercise the legislative and executive administrative authority. Those are statutory authorities the mayor is given.*

*Council serves as the legislative body; the council sets policy and it's up to the mayor to execute that policy. The mayor can only execute those duties given to him by statute or authorized explicitly by council. The council appoints the city attorney, city judge and municipal clerk. The council approves the annual budget and it directs the mayor and staff through the policies that it sets.*

*State statute designates the mayor as the presiding officer. In other forms of government, the mayor presides over meetings by tradition. The mayor serves as the chief administrative officer, who is responsible for the preparation; administration; and reporting of the budget/ financial condition of the city to the council and oversees the departments and day to day operations. The mayor is responsible for all personnel*

*decisions except as provided by law and council. The mayor insures the faithful execution of laws; makes the annual financial reports to the public and council; reports to council on the operations of departments; and may hire an administrator with the approval of council to assist the mayor in carrying out his or her duties. The mayor votes as a member of council on every matter, unless he or she has to be recused.*

Councilor Rickenmann asked if the mayor can move line items within the budget as long as he doesn't exceed what has been passed by council. He asked if council would have to prepare policy regarding the change in government.

Mr. Scott Slatton, Senior Field Services Manager replied that it's up to the Council to decide what authority it will give the Mayor with regard to administering the finances of the City. He said that State law doesn't speak to this specifically. He stated that you shouldn't have to change your policies/procedures and internal controls dramatically based on the change in the form of government.

Councilor Plough asked if Council can approve, disapprove or modify a budget prepared by the mayor.

Mr. Scott Slatton, Senior Field Services Manager replied that the Mayor presents the budget to you and it's up to the council to decide how much or what to pass. He said that it's similar to the way you have it set now with the council- manager form.

Councilor Plough said that it was her understanding that the council can hire the administrator.

Mr. Scott Slatton, Senior Field Services Manager for the Municipal Association of South Carolina said that the Council has to approve the hiring of an administrator to assist the mayor. He noted that it's typically someone of the mayor's choosing.

Councilor Plough asked if the mayor can fire the administrator.

Mr. Scott Slatton, Senior Field Services Manager said that once an employee comes on board he or she is subject to the administration and the hiring and firing authority of the mayor. He suggested that they review this further.

Councilor Gergel sought to clarify that all the internal controls we have in place for our City Manager could be put into place for the mayor for the administration of the budget.

Mr. Scott Slatton, Senior Field Services Manager advised that it would need to be revised, but the principles are the same.

Mr. Kenneth E. Gaines, Esq., City Attorney clarified that there is a difference in an appointed person such as the clerk, municipal judge and the city attorney; they serve at the pleasure of the council. He stated that once you hire an administrator, that administrator becomes an employee of the municipality and is subject to the same personnel policies as any other employee. He clarified that the mayor has the right to fire employees and would have the authority to fire the administrator.

Councilor Devine asked is there any policy the council can adopt to limit the mayor's authority.

Mr. Kenneth E. Gaines, Esq., City Attorney said that you cannot change the mayor's statutory powers, but anything not authorized by state law can be set by a policy.

Councilor Devine asked if the mayor would have any veto authority over matters approved by council.

Mr. Kenneth E. Gaines, Esq., City Attorney stated that the Mayor has one vote as any member on council.

Councilor Davis asked if the neutral position of the clerk and attorney would diminish under the strong-mayor form.

Mr. Kenneth E. Gaines, Esq., City Attorney said that they are appointed by the council and an appointed person serves at your pleasure and an employee is subject to the same personnel policies and would be hired and fired by the mayor.

Councilor Davis asked if there could be a personnel policy change by the Council to negotiate the slate of powers that the Mayor has.

Mr. Kenneth E. Gaines, Esq., City Attorney said that if it is statutory, then it's sticks and stones; if not, you can change it.

Mayor Benjamin cited S.C. Code of Laws §5-7-160.

Councilor Newman inquired about policies that council can pass related to the administrator. He inquired about the proper recourse for council members when concerns arise with the administrator.

Mr. Kenneth E. Gaines, Esq., City Attorney stated that you would go through the mayor, because an administrator would be assisting the Mayor on a day-to-day basis; however, you cannot force the mayor to fire the administrator.

Mr. Scott Slatton, Senior Field Services Manager continued to provide the following details:

*The Council form of government is the 2<sup>nd</sup> most popular form of government and is also known as weak mayor, because it refers to the mayor's lack of formal executive authority. There is no separation of powers between executive and legislative functions. It's considered the most democratic forms of government, because all power is vested in the council. The council establishes all departments and agencies for the government. The council appoints the city clerk, attorney, judge and all employees. The council may hire an administrator, whose job duties are set forth by ordinance. In all forms, the Council is responsible for adopting a balanced budget. The mayor's powers are to perform administrative duties as authorized by council. The mayor presides at meetings by tradition. The council could elect or appoint its own presiding officer. The mayor exercises informal authority as the head of the council or the local government and often acts as the spokesperson for the council. The chief administrative officer is chosen by council and his or her duties are limited by council as set forth in an ordinance. A chief administrative officer is different from a city manager.*

*The Council-Manager form was first adopted by the City of Sumter in 1912 and they recently celebrated 100 years of this form of government. It employs the business methods of a private corporation. Council and the mayor are forbidden by law from interfering with the operation of departments and agencies under the direction of the manager. They are not to have any direct involvement with the hiring and firing of city employees. Council serves as the legislative body, sets policy, hires and fires the city manager, and appoints the municipal attorney and judge. Unlike the other two forms, the city manager appoints the city clerk. The mayor has no powers except that of being a member of council. By tradition he presides over council meetings. He acts as the informal leader of council and spokesperson. The city manager serves at the pleasure of council. State statute defines the powers of the city manager. He serves as the chief executive officer. He has the power to appoint, remove and affix the salary of all employees. He prepares and submits a balanced budget to council. He is responsible for administering that budget. He performs any duties as prescribed by law or council. He prepares and presents financial reports. He advises council on the financial conditions of the city. He also advises council on board appointments and can designate a manager to take over during temporary absences.*

*There are two methods that can be used to change the form of government. The first is the ordinance method in which council can call for a referendum on the question. The second is the petition method where citizens can submit a petition with at least 15% of a municipalities qualified electors requesting that the council put the question to a vote. The majority must vote in favor of the referendum for a change. If the referendum fails they have to hold off on another referendum for four years.*

*This information is available at [www.masc.sc](http://www.masc.sc) or in the South Carolina Code of Laws Title 5 - Chapters 5, 9, 11 and 13.*

Mr. Kenneth E. Gaines, Esq., City Attorney explained that once Council makes the decision to pass an ordinance for a referendum to change the form of government or a petition is filed, you have 30 to 90 days to hold a special election. He explained that the question is set forth in state law and the statute states that existing members of a governing body after adopting a change will continue to serve; you will not eliminate anyone's term. He provided a breakdown of the terms if this matter is placed on the ballot in November and timelines for the election. He added that the change in form of government would be effective in April 2016 and Justice Department approval is required for all changes. *Click here to view the Chart*

Mayor Benjamin inquired about the effective date of any changes.

Mr. Kenneth E. Gaines, Esq., City Attorney explained that in 2010 he requested an Attorney General opinion asking what would happen if the election was held before July 1, 2010 and the Attorney General indicated that the change of government would take place July 1, 2014. He agreed to seek further clarification on the effective date from the Attorney General's office along with the Municipal Association.

Mr. Scott Slatton, Senior Field Services Manager indicated that the last several changes in the forms of government that have taken place throughout the state took effect fairly immediately and did not follow a staggered approach.

Councilor Rickenmann inquired about any case law that covered the start of the new form of government. He further stated that it doesn't seem appropriate to put it on the ballot in November and it would take effect in January.

Mr. Kenneth E. Gaines, Esq., City Attorney said that there is no case law, but there is a series of 5 opinions.

Councilor Gergel asked if the municipalities that changed their form of government did it through a referendum.

Mr. Scott Slatton, Senior Field Services Manager said that it can only be done by way of a referendum. He said that Council can vote to put the referendum on the ballot or Council can be petitioned by citizens to place the question on the ballot.

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

Mr. Mel Jenkins, 3324 Montgomery Avenue stated that his sense of democracy leads him to feel that any consolidation of power is most often not called a democracy. He said that it is clear where he would land if this question came up for his vote. He suggested that the city take a leadership role in how to best handle the structure of city government.

Mr. Peter Kennedy, 2311 Lincoln Street said that nobody answered the phone at 3 p.m. today at City Hall. He said that we need to look very closely at the forms of government to determine what is best for the citizens not City Council. He suggested that they consider having term limits on whatever they decide to do. He expressed his support for the strong-mayor form of government.

Mr. Clarkson expressed his opposition to the strong-mayor form of government. He said that if Council moves forward on this proposition, he would endorse the idea of term limits and the institution of a recall method or some form of safeguard.

Mr. G.C. Robinett, Jr., former City Manager / 3644 Deerfield Drive said that he has worked and listened to government for 38 years. He noted that we had a commission form of government prior to 1950 and about 1,200 people voted for it and 650 voted against it. He said that the present form of government has served the city well; we have made advances. He stated that the City Manager form of government means that we have a good professional team that hires good employees and that the mayor form of government is not a utopia; it can and will have problems. He stated that the department heads would change every time we get a new Mayor.

Dr. John Stucker, 911 Laurens Street said that this matter is straight forward and it should be placed on the ballot for voters to decide what kind of government they want in the 21<sup>st</sup> century. He said that we should not be afraid of democracy and we should not be afraid of the people. He said that people can and do make good decisions when they go to the ballot box, after all that's why all of you sit here.

Mr. William Depass, 1338 Sinkler Road said that he has been a resident of the City since 1972 and he has been involved in a number of things involving city government over the years. He said that he worked with Mr. Gantt when we were fighting the Convention Center Hotel. He said that Mr. Gantt is competent, but City Council has a terrible history of not depending on a City Manager. He stated that the idea of a strong mayor system lends itself to the building of a political machine and he fails to see how it would solve the problems of the City of Columbia any better than they are now. He noted that he wrote a letter to the Mayor telling him how he could be Mayor for life, but not with a strong mayor.

Dr. Albert Reid, 428 Easter Street said that he loves the present City Council form of government that we have; the 4-2-1 plan; no changes, it's just, fair, balanced, equitable and diverse. He said that it has stood the test of time. He recalled the long legal battles that it took to get this system in place. He said that this thing called the strong mayor is a code name. He questioned who is asking us to vote in a dictator instead of a truly representative body. He expressed opposition to the strong-mayor form of government.

Mr. Bob Amundson, 964 Laurie Lane/Rosewood Community Resident said that he can debate the strengths and weaknesses of both governments. He said that it's about people; we are the people; and the citizens are capable of making a decision. He urged the Council to put this on the referendum and add structure to this in order to give citizens more information.

Mr. Ryan Barnes said that he attended this meeting to support the strong mayor form of government, but he is going back to the neutral side. He asked why we are having this debate. He stated that we have very strong neighborhoods and diversity, but that holds us back a lot of times. He urged the Council to promote the idea of One Columbia whether we change the form of government or not and to do what's best for the City of Columbia and not specific neighborhoods.

Ms. Rita Paul, League of Women Voters said that in 2005, the League participated in the Restructuring Commission. She said that they did not make a recommendation on changing the form of government, but they made recommendations to strengthen government and to make the Mayor full-time with an appropriate salary. She said that there is purpose in making democracy work for all citizens. She urged Council to take this to the citizens and hold forums across the whole city. She said that the League of Women Voters would participate in the forums.

Mr. Howard Duvall, 4103 MacGregor Drive urged Council to maintain the current form of government, because it was the correct decision in 1949 and it still is the best form of government for the City of Columbia. *Click here to read Mr. Duvall's full statement*

Mr. John Crangle, Executive Director of Common Cause expressed his support for the strong mayor form of government. He said that it is time to have this debate with the citizens. He said that it should be put on a ballot and if the voters are not convinced, they can vote against it; if they are in support of it, they can vote for it. He said that we don't want to preclude the opportunity to have this referendum.

Mr. Joe Azar, Five Points Business Owner said that part of the problem is the frustration that people have with the city. He said that we have people to go to now and if we dilute the system, we can only go to the Mayor. He said that the strong mayor becomes a political thing and not a professional city administrator. He asked what we would do if the strong mayor is a bad administrator. He added that any system needs term limits and a recall method.

Mr. Hamilton Osborne, 10 Heathwood Circle / former City Councilmember said that he served for 15 years and he supports the current form of city government. He said that he supports strengthening the office of the Mayor under our current form of government. He commended the Council for taking a big step in the right direction for establishing a staff for the Mayor. He stated that the Mayor's compensation is grossly inadequate and should be examined immediately. He said that Council can address the inadequacy of the Mayor's staff. He stated that the form of government is not the problem.

Mr. Pringle Boyle, President of the Hampton Ridge Neighborhood Association stated there are 120 families in his neighborhood and 96 are connected to e-mail of which 70% oppose the change; 20% were unsure or had not studied the issue; and 10% favored changing to the Mayor-Council form of government. He said that the Council-Manager form of government provides a process for hiring an experienced city manager when the need arises. He stated that experience and knowledge is more important than providing on the job training for a Mayor every four years. He asked that Council table this discussion.

Mr. Sewell Gelberd, 1110-A Barnwell Street said that this referendum potentially diminishes the power of City Council. In terms of growth of the city, he supports the strong mayor. He said that the current system is cumbersome at best and as citizens we deserve the right to debate this.

Ms. Barbara Gelberd, 1110-A Barnwell Street said that she has seen cities with strong mayors that weren't corrupt. She said that we should debate this issue and have a referendum.

Dr. Lonnie Randolph, Jr., President of the South Carolina Conference of the NAACP commended the City Manager for what he does as one of the best City Managers. He stated that the NAACP Executive Committee met yesterday to discuss this issue. He said that succession seems to be a part of the demeanor of South Carolina. He stated that the 4-2-1 Plan has given hope to South Carolina; we've made progress and assured that all citizens are represented on Council. He said that the recommended plan takes away the influence of the citizens of Columbia. He asked Council to maintain the current plan with some modifications and some emphasis on showing equality for all neighborhoods. He urged the Council to be very careful. He stated that the NAACP supports the efforts to ensure that all citizens have an opportunity in this city.

Mr. Tige Watts, 1314 Cedar Terrace Way said that too much importance is being put on "Strong Mayor" and "Weak Mayor". He said that we are dealing with the Mayor-Council and Council-Manager forms of governments; full and part-time Mayor Systems. He said that he doesn't consider Mayor Benjamin to be a weak Mayor. He insisted that we can have a strong Mayor system with our current form of government. He noted that we can elect a weak mayor, too. He further noted that if we had a weak mayor under a strong mayor system, the citizens would have to wait until the next election. He said that our form of government does work and he doesn't see the need for change.

Ms. Ryan Nevius, 1620 Crestwood Drive stated that we have to ask ourselves what is generating all of this discussion about the form of government and putting it on the ballot. She said that it is a concern of vision and where we are going as a city. She urged the Council to do some strategic planning and visioning to find out where we want to be as a city.

Mr. Femi Oluleni, 1007 Pine Street said that we all want to be heard. He asked what we would do with our council representatives. He stated that if he wanted a dictator he would have moved to Colombia, South America. He said that we, the citizens of this great city, appreciate the greatness of our current system.

Dr. Jeannie Eidson, 230 South Edisto Avenue referred to an article regarding strong mayor form of government from the International City/County Management Association (ICMA). She said that the council-manager form of government has proven its adaptability over 100 years and today it's the most popular choice by structure among US communities with populations 2,500 or greater. She said that the Council-Manager form of government frees up the elected body to establish policy and the Manager is accountable to the entire Council.

Mr. John McLean, 1703 Ogletree Street urged the Council to leave the system like it is.

▪ **Council closed the Public Hearing at 8:17 p.m.**

Councilor Newman said that he appreciates the current form of government. He said that he would also support a referendum and allow the voters to decide. He believes that it would be odd for him to vote to change the role he has on Council. He is concerned that this would affect the premise of the 4-2-1 Plan. He asked what sort of recourse district representatives would have, noting that if there is absolutely no recourse then there is a problem. He believes that our government can run openly and efficiently either way. He stated that it would be wrong to not allow the public to have a voice on this matter and that we need more information on a recall method and term limits before there is a referendum.

Councilor Plough said that she brought District IV neighborhood leadership together with the City Manager and City Attorney to ensure that they received accurate information. She said that one president asked why this is being discussed. Her response was there is a sense that nobody is in charge. She said that this is an issue that has to be discussed. She said that they may need to consider the Mayor's compensation. She said that they need to address the issue of vision. She sensed that there is not a swelling need to put this on the ballot and if there was a ground swell they would have a petition put before them.

Councilor Gergel said that our citizens should decide what form of government we should operate under. She said that we are here to decide whether or not to put this question out to our citizens and whether or not that part of democracy can work in this City. She asked that Council take the steps necessary to get this question on the November ballot. She said that if our citizens tell us that they want to change the form of government, we should be willing to address these issues. She said that she doesn't know how the vote will turn out, but she is prepared to move that we take the first vote tonight to put this out to referendum in November. She noted that if they don't take the second vote by August 8<sup>th</sup>, they won't have the chance for another four years.

Councilor Rickenmann said that he thinks about what Senator Patterson would say. He said that he moved here in 1988 and he has seen this city grow; we have continued growth; and there will always be challenges. He said that citizens aren't knocking on our door. He said that he received four e-mails; one in favor and three against. He stated that we can make Mayor Benjamin a full-time Mayor without changing the form of government. He said that he didn't vote for him, but he supports what he's doing. He stated that nothing has been said that makes him want to vote for a referendum. He insisted that people aren't asking him about the form of government; they want their streets fixed and they want to move forward. He insisted that The State Newspaper is driving the debate and they aren't in the City; they don't pay taxes. He stated that citizens want sidewalks, streets, and flowerbeds and we are getting side tracked. He said that this is what happens in all levels of government. He urged the Council to get back to business and forget this nonsense.

Councilor Devine asked the City Attorney to clarify what the question would be on the referendum.

Mr. Kenneth E. Gaines, Esq., City Attorney cited the following from the SC Code of Laws §5-5-40: *In any election to determine a change of a form of government of a municipality, the question must be framed by the governing body and printed on the prepared ballot in the following form: "Shall the municipality of (name of municipality) change its form of government from (form selected by council or by prior election) to (form or forms requested by petition or by ordinance)?*

*Yes [ ]*

*No [ ]*

*Those in favor of the question shall deposit a ballot with a check or cross mark in the square after the word 'YES', and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word 'NO'." To effect a change in the form of government a proposed form must receive a majority of the votes cast by the qualified electors of the municipality in the election.*

Councilor Devine stated that she has a position on what form of government she likes, but she believes they could work in any form, because they care about what they do. She clarified that the question is whether or not to vote to put it on the ballot. She stated that eventually, there will be a time when the citizens want to vote, but she hasn't heard an overwhelming majority that wants this. She agreed that this issue has been driven by The State Newspaper and others. She sent out emails and newsletters and heard from five people regarding this. She noted that one person wasn't sure about the forms of governments. She said that buzz words allow people to think one thing and not be educated. She said that there are questions that we don't have answers to and we need time to inform people. She said that ultimately, we will have to put this on the ballot and allow citizens to vote. She asserted that she will not be voting to put this on the ballot for November.

Councilor Davis said that he saw a number of people here tonight that he thought would be opposed to the current form of government and he was pleasantly surprised that they support this form of government. Since he has been on Council, he has not heard one person say that we need to change the form of government. He said that he has a deep respect for the 4-2-1 Plan that was voted into existence. He said that he can appreciate the fight, the reason for the fights and the reason we have the current form of government. He was going to vote to put this on the ballot, but after listening to the remarks, he is not compelled to put it on a ballot. He said that he supports Mayor Benjamin and believes he is going to be a strong leader; Columbia needs a strong leader. He said that you find strengths and weaknesses in any form of government. He noted that it is a question of strong leadership. He asked when will we get cameras for our neighborhoods and how do we improve code enforcement. He insisted that we need adequate and safe vehicles for law enforcement. He said that he understands why the majority of cities have strayed from the strong-mayor form of government; power goes to people's heads.

Mayor Benjamin said that he loves this job, his colleagues, and the people of this city. He believes that you can get a strong Mayor under any form of government and that you can lead with vision, passion and a back bone and it is amazing what you can get done. He said that he struggled over the course of the campaign and for years while looking at the agendas and what council was doing. He said that the City Council spent more time consensus building than getting things done. He said that the single greatest surprise has been working with City staff and Steve Gantt, with whom he developed a strong respect for and a personal friendship. He said that Mr. Gantt has assembled a top notch team in helping to deliver to the people each and every day. He said that this has been a thoughtful and productive dialog and he is happy with the level and depth of discussion. He recalled that his parents taught him that well-meaning people can look at the same issues and see them very differently. He believes in leading from the front; head first and heart first. He said that we had the ability to get a great number of things done over the last two (2) years under the current form of government: we established an ethics policy for Council, our staff and appointees. He insisted that this is not a part time job, it is an overtime job and the compensation issue is not an issue for him. He reminded everyone that he took half his salary during the first year and devoted that money back to employee bonuses. He reiterated that this issue has been debated for seven (7) years. Mayor Benjamin pledged to lead this city until the people decide that he will no longer lead this city. He said that in terms of accountability, the Mayor-Council form of government is the way to go.

Councilor-Elect Baddourah said that a month ago they were all for it and he always supported it in his campaign. He stated that after hearing the arguments today, he is not 100% supportive of the strong-mayor form of government, but he is willing to continue discussions. He said that our Mayor is a strong mayor and I don't think he is looking for that title. He told Council that if he was in their chair, he would not vote to put it on a referendum tonight. He said that people in the city aren't educated about this. He received a 50/50 response from people who knew what was going on.

Councilor-Elect Runyan said that this is a challenging and emotional topic. He said that he heard a lot of good things and some facts that he didn't know; he heard some misunderstanding and hyperbole, as well. He stated that this issue was at the forefront of our minds during the campaign, because it's at the forefront of the people's minds in this community. He said that this government doesn't belong to us it belongs to the people. He said that he has a position, but he's not advocating one way or another. He stated that if he was up there tonight, he would vote for it. He urged Council to give them a chance to have their voice heard.

Mayor Benjamin asked the City Attorney if this affects the 4-2-1 Plan.

Mr. Kenneth E. Gaines, Esq., City Attorney stated that this has no effect on the 4-2-1 Plan. He reiterated that upon second reading, Council has 30 to 90 days to hold the election. He suggested that Council give 2<sup>nd</sup> reading on August 8<sup>th</sup> at a Special Called Meeting; will begin the Justice Department approval process; and that will give us 90-days until the 2012 general election.

Council voted four (4) to three (3) to deny a motion made by Dr. Gergel and seconded by Mayor Benjamin, to give first reading approval to Ordinance No.: 2012-035 – An Ordinance to Set a Referendum on the Question of Changing the form of Municipal Government from Council-Manager to Mayor-Council. Voting Aye were Mr. Newman, Dr. Gergel and Mayor Benjamin. Voting nay were Ms. Plough, Mr. Rickenmann, Ms. Devine and Mr. Davis.

#### **APPEARANCE OF THE PUBLIC**

*No one appeared at this time.*

Upon a motion made by Dr. Gergel and seconded by Ms. Devine, Council voted unanimously to adjourn the meeting at 9:03 p.m.

Respectfully submitted by:

Erika D. Moore  
City Clerk