

**CITY OF COLUMBIA CITY COUNCIL  
WORK SESSION MINUTES  
MAY 8, 2012 – 2:00 P.M.  
CITY HALL - 1737 MAIN STREET  
3<sup>rd</sup> FLOOR – COUNCIL CHAMBERS**

---



The Columbia City Council met for a Work Session on Tuesday, May 8, 2012 in the City Hall Council Chambers located at 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 2:06 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.

**CITY COUNCIL DISCUSSION / ACTION**

1. The Central Columbia Mobility Improvement Project – Ms. Teresa Wilson, Assistant City Manager, Ms. Melissa Gentry, Assistant City Manager and Partners

Ms. Teresa Wilson, Assistant City Manager said that they have been working on this transformative project for a year and it showcases an unprecedented opportunity for several entities in Columbia to partner, collaborate and leverage resources. Tonight, this project also becomes public through the South Carolina Department of Transportation (SCDOT). The project begins to implement a vision for Assembly Street, which for many continues to be a project that has a lot of concerns, but also a lot of potential. This begins to address immediate concerns with safety and connectivity in our downtown core. She invited the members of Council to step outside and look at the University's hydrogen bus. It is being used in a pilot process as one element of this entire project. She introduced representatives for the University of South Carolina (USC), South Carolina Department of Transportation (SCDOT), Central Midlands Regional Transit Authority (CMRTA) and the Central Midlands Council of Governments (COG). The Central Columbia Mobility Improvement Project includes transformative changes to Assembly Street from Elmwood Avenue to Rosewood Drive, Greene Street and several railroad crossings. The aim is to preserve Assembly Street as a major thoroughfare while reducing congestion, creating a pedestrian-friendly atmosphere and improving connectivity for residents, visitors and college students. The current focal point is Assembly Street between Lady and Blossom Streets. It is a pivotal area for employment and educational and transit facilities. The proposed improvements include replacing existing bus stop benches with covered bus shelters; installing new pedestrian crosswalks; providing pedestrian and street lighting; adding landscaping; reducing on-street parking; adding bike kiosks; widening medians; extending existing sidewalks; and burying above-ground utilities. She outlined the events that have taken place to bring us to this point. Ms. Wilson reiterated that this is a multi-phase approach with Phase I being from Blossom to Pendleton Streets. We hope that the first phase will be a template for the entire project which will ultimately address all of Assembly Street. The second phase will be from Pendleton Street to Lady Street.

Mr. Derrick Gringer, Architect for the University of South Carolina stated that development is proliferated on the west side of Assembly Street. With this development comes more intense pedestrian activity. Much of this development is associated with USC and much of the pedestrian activity is part of the University community. We believe that conditions will reach a point soon where it will be unsafe for pedestrians to cross Assembly Street. We engaged a traffic engineer to conduct pedestrian and vehicle counts along three intersections at Assembly Street, Blossom Street and Greene Street with the belief that Greene Street would be the most intensive. We found that 3,000 pedestrian crossings occur at the intersection of Assembly and Greene Streets from 7 a.m. to 7 p.m. We see this number tripling in the near future. This project has to enhance pedestrian safety and fully acknowledge that Assembly Street is an environment that's shared by vehicles and pedestrians. We partnered with SCDOT and the City to realize this problem. The first stage is focused on pedestrian safety at intersections along Assembly Street from Blossom to Pendleton Street. We seek to improve the accessibility of sidewalks; widen and better define crosswalks; deepen the landing; eliminate some parking in the center median to create a safe haven for pedestrians; eliminate left turns at the intersections of Greene and Assembly and Devine and Assembly; eliminate right turns on red at Greene and College Streets; improve lighting and enhance signaling; and increase the awareness of drivers. All of these changes do not reduce or realign the driving lanes. It was important to the University that the project be compatible with the city's overall vision for Assembly Street. Through our coordinated effort, an attempt to achieve pedestrian safety opportunities for mass transit improvement and enhancements beyond those intersections have become part of this vision.

Mr. Derrick Huggins, Associate Vice President of Transportation for the University of South Carolina said that seven (7) modes of transit will be in this area. It will truly be a nexus point. When you start developing nexus points like this, it's very important that we look at the safety features that can protect our passengers and students along this corridor. There will be bus inlays and well lit bus shelters at night so individuals will be able to wait on these different modes of transportation and safely arrive at their destinations. In a college campus area, students tend to cross streets mid-block. As wide as Assembly Street is we have mid-block crosswalks and we have spaces where they can stay if they can't make it across the street. Also, we talked about cultural behavior. We've been working with the City on parking lots and car and bike share programs implemented at University of South Carolina. We will have different types of templates that we will be able to put across the entire City of Columbia.

Ms. Teresa Wilson, Assistant City Manager recalled that back in 1996, the Assembly Street transit facility opened and to many this site represents the core of downtown Columbia. The area is the blending of everyday citizens, the business community and government at work. For this reason, the transit facility has attempted to keep up with growth in the downtown corridor; however, it does not necessarily represent what the City's vision is at this point. As you can see we don't have route maps or information that people need readily available; we don't have vending machines; clean accessible bathrooms; or adequate sheltering, lighting and signage. This would have a potential economic development impact on our Lady Street Garage and the Capitol Center. She introduced the following pilot partners: David Lockwood, Senior Vice President for Colliers, Marsha Davis of Colliers and Matt Kennell from the City Center Partnership. We all have similar concerns about this corridor and they are very supportive of this plan. Such efforts will encourage cultural behavior shifts and garner a

return on investment by attracting more tenants and activity into our downtown area. These proposed improvements to Pendleton Street and Lady Street are in line with the recent Urban Land Institute Study. That study designated the intersection at Gervais Street and Assembly Street, as the civic icon of the state. We secured an initial conceptual design and costs estimates for Pendleton and Lady, which will be Phase II. The next steps include obtaining a National Environment Policy Act (NEPA) document for Phase II; acquiring a detailed design plan for Phase II; and pursuing funding options for construction. She urged everyone to talk with the State Delegation, because this is a transformative project for the state, as well. She encouraged all citizens to attend the SCDOT public information session tonight from 5 p.m. to 7 p.m.

Councilor Gergel asked them to include Sustainable Midlands in the planning for this area.

Councilor Newman reiterated that this has been a collaborative effort with the CMRTA. There was a consensus of the CMRTA Board to commit unallocated federal funds to this project.

Ms. Teresa Wilson, Assistant City Manager stated that they are trying to determine all eligible project costs that could be funded through the FTA dollars.

Councilor Plaugh said that Assembly Street is an important spine in our City that has transformed itself over time. This project is a great first step. She asked how many parking spaces will be eliminated.

Ms. Teresa Wilson, Assistant City Manager said that seventy-nine (79) spaces will be mitigated.

Ms. Melissa Gentry, Assistant City Manager said that they are working with USC to mitigate all wall spaces that are not safety related. We will take the hit for spaces that are being removed for bump outs, but everything else will be mitigated.

Councilor Plaugh inquired about spaces on Assembly Street near the Koger Center and the Arena and a whole lot of things in that area, noting that people come early to park on Assembly Street.

Ms. Melissa Gentry, Assistant City Manager advised there are some spaces in close proximity that are not highly used, because people are using what's on Assembly Street. We should see a higher rate of return on meters we already have in the area and there are garages in the area. We are looking at the value of the meters to be mitigated.

Councilor Plaugh inquired about landscaping.

Ms. Melissa Gentry, Assistant City Manager stated that there will be some trees and landscaping, but the landscaping will not obstruct sight distances.

Mayor Benjamin stated that this is a wonderful project. Staff and all the organizations involved have worked so hard on doing this and doing it right. I'm excited about it. The reality is that the western part of our city has changed dramatically and it is going to change even more so with the fantastic state of the art business school. Pedestrian safety is one very important piece. This has the opportunity to transform the city. He urged the partners to continue to work hard.

Councilor Rickenmann asked what changes are being made to the streetscape as a result of the business school.

Mr. Derrick Gringer, Architect for the University of South Carolina stated the Business School is on the southwest corner of Greene Street and Assembly Street. That substantiates our belief that the number of pedestrians at that intersection will triple. It hasn't been mentioned, but there is a pedestrian tunnel that goes under the road. The tunnel is used, but there are accessibility challenges. This project was an admission on everyone's part that students and the University community will continue to try to cross Assembly Street.

Councilor Rickenmann asked if there is money to be saved by waiting or are you required to spend the money now.

Mr. Derrick Gringer, Architect for the University of South Carolina stated that the schedule for these improvements coincide with the completion of the business school. I'm not sure if the work that is being done at the business school prescribes specific improvements to the street. Traffic and sufficient parking studies are required when you seek a building permit for something of this magnitude. I'm not aware of any improvements required for this intersection.

Councilor Rickenmann inquired about funding from the City of Columbia for this project.

Ms. Teresa Wilson, Assistant City Manager stated that it's a matter of leveraging resources through the help of the COG, Mr. Newman and the CMRTA along with an application to the FTA and submitting the required information they need to determine the eligible expenses. The University has come to the table and we will leverage funding they had set aside for the first phase. We are trying to bring in that nexus and cultural shift changes that would justify the federal dollars. Moving into Phase II we would still have those FTA dollars to use, but it requires an 80/20 match. For now we will continue to address and pursue funding options.

Councilor Rickenmann asked for a backup plan. There will be a massive influx of students and massive parking, driving and traffic congestion.

Ms. Teresa Wilson, Assistant City Manager replied that funding is locked in for Phase I. Funding is needed for Phase II, but we think we will be able to begin implementation.

Councilor Plaugh inquired about the total cost of Phase I.

Ms. Teresa Wilson, Assistant City Manager replied that the total cost is about \$5.8 million from Blossom to Pendleton.

## 2. Ethics Policy Review

Ms. Pamela Benjamin, Human Resources Director gave an overview of the revisions to the Ethics Policy attached to Resolution No.: R-2012-029. The Administrative Policy Committee has worked to update and revise the City's current ethics policy to include a compliance reporting policy for employees, a compliance oath, an ethics code and a compliance reporting policy for public officials in the City of Columbia. This is an attempt to expand the City's current ethical culture and to encourage employees to report any abuse of position or resources that the City is responsible for managing. The City currently has an ethics policy and the City tries to act in a way that is ethical, but we wanted to add additional language to that policy. The policy obligates employees and public officials to help prevent fraud, waste and abuse. The policy adds reporting elements, non-retaliation clauses and whistleblower protection language. It also outlines the City Manager's responsibility in encouraging this culture of ethics. We will be introducing annual ethics training and the new policy will be released to all employees.

Councilor Plough thanked Ms. Benjamin for doing an outstanding job of thoroughly reviewing the policy; checking with other cities; and bringing forth an excellent document. We have an enhancement of the employee policy. It also establishes a policy that deals with elected officials, which includes appointed officials to our boards. It lays out the expectations. A lot of this information was in various places, but had not been consolidated nor had it included an opportunity for an anonymous hotline or where to go and who to contact if you observe something. It's not designed for people to call in and have staff running around in circles trying to resolve issues. That's why training is in effect for public officials, employees and management. The quarterly reports do not include any names, but it comes to Council from the City Manager indicating the types of complaints, the departments involved and what was acted on. I want to thank Bessie Watson, President of the Columbia Council of Neighborhoods, John Crangle of Common Cause and Cynthia Cooper, Vice President/Government Programs Compliance Officer for BlueCross BlueShield of South Carolina for advising us.

Councilor Devine added that it's certainly not an indication of mistrust of employees or boards and commissions. She said that sometimes things happen that are really innocent. The training piece will allow people to use real life scenarios. That will be an opportunity to train ourselves and keep ourselves fresh. We will be far ahead of anyone to do something of this magnitude. This is a great first step for us.

Mayor Benjamin said that this is a major step in the right direction. I congratulate you for collaborating on this. I'm interested in the policy and the step forward. I've heard from friends and foes alike on this issue.

Mr. John Crangle, Director of Common Cause added that the Mayor's campaign emphasized a need for an ethics policy and an ethics committee at one point. We particularly like the non-retaliation/whistleblower protection clauses that are included in this resolution. I'm glad to see you adopt it, because I've been unsuccessful in the last two years in trying to get the people at the other end of the street to adopt a whistleblower and a false claims bill.

Upon a motion made by Ms. Plaugh and seconded by Ms. Devine, Council voted unanimously to approve Resolution No.: R-2012-029 - Approving Ethics Policy for City Employees and Public Officials.

3. Update on Bull Street

Mayor Benjamin stated that he and Mr. Gantt continue discussions with Mr. Hughes on their plans for the Bull Street property. It is an evolving discussion and when it comes back to Council it will reflect several of the concerns raised by our colleagues, particularly the reconstruction of the CRC. It'll give the City a great deal of input and a look at the duties assigned to it; those that remain with the City and the Planning Commission; and those that will remain with the developer. Some of the issues regarding the long term obligations and responsibilities of the CRC will be addressed. I should have a document that will show the historic structures on the property. There are 4 different plans which list different structures that would be preserved or protected. There is not a significant amount of difference between three of the four plans. I requested a chart displaying a side-by-side preview of the structures under each plan and how each plan addresses the protected structures. The contract was extended and we have more time to deliberate and discuss this.

Councilor Plaugh reminded the Mayor that the re-zoning and development agreement should be a part of the documents.

**EXECUTIVE SESSION**

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to go into Executive Session at 3:19 p.m. for the discussion of **Items 4** through **6**.

4. Receipt of legal advice which relates to a matter covered by the attorney-client privilege – *This item was discussed in Executive Session. No action was taken.*
  5. Discussion of negotiations incident to proposed contractual arrangements – *This item was discussed in Executive Session. No action was taken.*
  6. Discussion of employment of an employee – *This item was discussed in Executive Session. No action was taken.*
- **Council adjourned the Executive Session at 4:40 p.m.**

## CITY COUNCIL DISCUSSION / ACTION

- **Council reconvened the Work Session at 5:08 p.m. and Mr. Newman was not present at this time.**

### 7. Consolidation of Government Services

Mr. Kenneth E. Gaines, Esq., City Attorney explained that in the early 1970s the Constitution for the State of South Carolina was amended to allow the Legislature to develop a statutory scheme for the consolidation of municipal governments. In 1992, the Legislature passed an act providing for the consolidation of political subdivisions. That act has not been amended since that time. In 1992 or 1993 the City of Columbia started a consolidated government charter commission to review the legislation. That study found 15 deficiencies in the state statute which would cause problems with consolidation. A municipality cannot call for a consolidation of political subdivisions. This was a preliminary report and it was suggested that the commission meet with the legislature to change the act. There has been no consolidation of political subdivisions in the State of South Carolina under the act. Changes should be made to the legislation so that the consolidation would work smoothly and survive any constitutional challenges.

Councilor Plough said that she believes strongly that it is in the best interest of our tax payers to look at consolidating governments and consolidating services. She hopes that this Council will continue to explore the consolidation of services. We have worked diligently to continue a consolidated fire service. Once that is concluded, maybe we can entertain other discussions.

Mayor Benjamin suggested that they consider making this a part of the City's legislative agenda.

### 8. Timing of Elections

- A. Ordinance No.: 2012-033-A (*even-numbered year*) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 6, Elections, Sec. 6-6 Time of elections; notice and Sec. 6-7 Time of taking office; contested elections
- B. Ordinance No.: 2012-033-B (*odd-numbered year*) – Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 6, Elections, Sec. 6-6 Time of elections; notice and Sec. 6-7 Time of taking office; contested elections

Mr. Kenneth E. Gaines, Esq., City Attorney stated that two (2) ordinances have been prepared. He explained that Council can change the date of the election and to whatever date they want. They can change the time of taking office to whatever date they want; however, the changes require approval from the Department of Justice. The Department of Justice has 60-days from the date of receipt to approve any item and they can ask for additional information, which can extend the approval time. We recently held an election and delayed the effective date of all residential annexations to April 30, 2012. We just submitted those annexations to the Justice Department for pre-clearance and they have 60-days to do that. He presented a chart outlining the effect of changing the election date, noting that this will cause some members' terms to be extended.

Ms. Rita Paul, President of the Columbia Area League of Women Voters explained that their mission is to encourage informed and active participation in government. We study issues and the timing of city elections is something we engaged to study in April 2009. The results of that study are just as critical today as they were in 2009. Our position then was that elections should be moved to the first Tuesday after the first Monday in November of odd numbered years. There has to be a better way to make voting easier, accessible and sensible to citizens. We know that there are legitimate concerns about holding elections along with federal, state and county elections and that's why we propose the odd numbered year. In 2009 we found that more people associate November with voting; training can take place at the same time; there is more media buzz; it lessens the opportunity for confusion for voters; and it is less expensive. She added that Charleston, Mt. Pleasant, North Charleston and six (6) counties in York County changed their election dates to November.

Councilor Rickenmann inquired about the increase in voters for those municipalities.

Councilor Plough noted that voter turn-out in Charleston, Mt. Pleasant and North Charleston increased by 6%.

Ms. Keller Baron, Columbia Area League of Women Voters said that Charleston County did not see a great increase, but they did it to decrease voter confusion and increase voter awareness.

Ms. Carole Cato, Columbia Area League of Women Voters stated that there are many reasons to change the date. She reported that 7 of the 10 municipalities in Horry County moved their date. We represent these to be short-term trends, because the changes were made recently. The Municipal Association of South Carolina supports this. She said that Conway moved their municipal election to the general election date in even numbered years in 2008 and they had a 40% increase in participation.

Councilor Devine said that one of the rationales is the cost of the election, but if we went to an odd numbered year, it would still be one of the only elections. Where would the savings come from? There are other compelling reasons to look at this. I am not sure that we would realize a cost savings.

Ms. Carole Cato, Columbia Area League of Women Voters said that you would need the surrounding municipalities to go along with this. When the precincts overlap, you could share costs at that precinct.

Mayor Benjamin asked if the League would support moving the City elections to an even numbered year.

Ms. Carole Cato, Columbia Area League of Women Voters stated that the League is here to present this information, but we do not have a position. Our letter states odd numbered years.

- **Mr. Newman returned at 5:37 p.m.**

Councilor Gergel said that we have nothing to lose. She noted that County Council elections are held in November, as well.

Councilor Devine stated that there may be concerns with our ballots being non-partisan.

Mayor Benjamin asked about the history of having an April election.

Mr. Kenneth E. Gaines, Esq., City Attorney said that it may have to do with the timing of the swearing-in, which is held in July 1<sup>st</sup> at the start of the next fiscal year.

Councilor Gergel stated that she researched the matter and the elections were also held in March.

Councilor Plaugh stated that citizens are concerned that elections are held during spring break and families are out of town. There are a lot of distractions in April. This is an important item for us to take up and address.

Councilor Davis asked the League about the percentage of shared facilities. It is usually up to the candidates to get their people out to vote. I would stay with April. There is uniqueness about April elections. It won't make a difference in November.

Mayor Benjamin said that he is curious about the fiscal year issue and what challenge that creates. Of course, organizations change fiscal years all of the time; January is an option. We all want greater citizen participation. Let's continue dialog on this and figure it out.

Councilor Rickenmann noted that there would be four (4) members rotating off at one time, but it would not affect the budget.

Mayor Benjamin suggested that the matter be referred to the Administrative Policy Committee. These are all big issues that we must work through.

Councilor Gergel stated that she truly thinks this is the way they should go. This is not that complicated.

Councilor Plaugh said that this is for this Council to discuss, not a committee.

Mayor Benjamin inquired about changing the terms. Voters elected me for four (4) years and I am not in favor of extending terms.

Councilor Devine said that Council has to be thoughtful and this decision can't be made hastily. She asked the League to identify how other municipalities handled the term limits.

Mayor Benjamin suggested that the Mayor's Fellows research this matter.

Councilor Plaugh suggested that this matter be discussed at an upcoming Work Session in June.

Mayor Benjamin disagreed, citing matters such as the budget, Bull Street, Ball Park Project, Assembly Street, Tax Increment Financing, summer schedules. I support this, but we have to figure out a way to justify extending terms for fourteen (14) months. I support moving elections to November.

Councilor Plough suggested that a schedule for discussing this matter be added to next week's Work Session.

Mayor Benjamin asked the City Attorney if the City could do an advisory referendum noting that a change in the election date would also extend Council terms.

Mr. Kenneth E. Gaines, Esq., City Attorney said that he would research the matter.

Upon a motion made by Mr. Rickenmann and seconded by Mr. Davis, Council voted unanimously to adjourn the Work Session at 5:59 p.m.

Respectfully submitted by:

Erika D. Moore  
City Clerk