

**CITY OF COLUMBIA CITY COUNCIL  
SPECIAL CALLED MEETING MINUTES  
SEPTEMBER 11, 2013 – 6:15 P.M.  
EAU CLAIRE PRINT BUILDING  
3907 ENSOR AVENUE**



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The Columbia City Council conducted a Special Called Meeting on Wednesday, September 11, 2013 at the Eau Claire Print Building located at 3907 Ensor Avenue, Columbia, South Carolina. The Honorable Stephen K. Benjamin called the meeting to order at 6:23 p.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Tameika Isaac Devine, The Honorable Leona K. Plough, The Honorable Brian DeQuincey Newman, The Honorable Cameron A. Runyan and The Honorable Moe Baddourah. 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.

**ORDINANCE – FIRST READING**

[Ordinance No.: 2013-111](#) – An Ordinance to Set a Special Election for Change of Form of Government Pursuant to a Petition for Referendum on November 5, 2013 - *Approved on first reading by a vote of four (4) to three (3). Voting aye were Mr. Runyan, Mr. Newman, Mr. Davis and Mayor Benjamin. Voting nay were Mr. Baddourah, Ms. Plough and Ms. Devine.*

Mr. Kenneth E. Gaines, Esq., City Attorney amended the title of Ordinance No.: 2013-111 as follows: An ordinance to set a special election on the Question of Changing the Form of Municipal Government from Council-Manager to Mayor-Council. He quoted the amended ordinance as follows:

Whereas, S.C. Code §5-5-20 authorizes Council by ordinance to call for a special election on the question of a change in the form of municipal government;

Be it ordained by the Mayor and Council of the City of Columbia this 11<sup>th</sup> day of September 2013, as follows:

Section 1. A special election shall be held on the 5<sup>th</sup> day of November, 2013 on the following question as set forth in S.C. Code Ann. §5-5-40:

Shall the municipality of the City of Columbia change its form of government from Council-Manager form to Mayor-Council form?

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'."

Section 2. Public notice of the special election shall be published in The State newspaper at least three weeks in advance of the date of the special election as set forth in S.C. Code Ann. §5-5-50.

Section 3. If a majority of the votes cast by the qualified electors of the City of Columbia are in favor of the change in the form of government, the change from Council-Manager form to Mayor-Council form shall be implemented on \_\_\_\_\_ (*Council would need to decide on a date for implementation*) and upon implementation the Mayor shall assume all responsibilities and powers as set forth in S.C. Code Ann. §5-9-30 (2004) which shall be later codified by ordinance.

Section 4. This ordinance shall be effective upon final reading.

As requested by Councilman Runyan.

Mayor Benjamin said this is the ordinance that was considered by Council last month; it does not make a special election, because of the petition, but it is the will of Council to set the special election.

Councilor Newman made a motion to give first reading approval of the ordinance with the special election date of November 5, 2013.

The motion was seconded by Mr. Runyan.

Councilor Plough said as a point of privilege of Council, she would ask for a copy of what was read to them. She asked that the motion be held until they have that document. She made a substitute motion to modify the motion that was posted at 11:00 a.m. today as follows: If the Richland County Election Commission certifies the petition and it is received by the City of Columbia before we actually place this item on the ballot, I am deleting the specification of November 5, 2013 as a specific date of the election.

The motion was seconded by Mr. Baddourah.

Councilor Plough clarified that the intent is that if a certified petition is presented, at the time it is done by the Richland County Election Commission, this Council would then move forward to place this item on the ballot for a vote.

Mayor Benjamin said we are required by law to do that; it is not the will of Council. He said the people of Columbia have done something quite historic; they have come together like never before; and people did not believe that the signatures could be gathered. He reported that 12,500 verifiable signatures were gathered and they will be certified in three weeks, to resolve an issue that Columbia has discussed, debated and dodged for nearly two decades. He said the people have spoken; there will be a referendum on the form of government. He said the issue before us how much this is going to cost the taxpayers and that's up to this Council; we can act now and put this issue on the November ballot or we can wait for a special election costing taxpayers upwards of \$150,000. He noted that the petition has 4,000 more signatures than the people who voted in the last city election; over 10,000 more signatures than the people who voted for Councilman Baddourah; over 7,000 more signatures than the people who voted for Councilman Runyan; over 11,000 more signatures than the people who voted for Mr. Newman; 9,000 more signatures than the people who voted for Ms. Plough; 3,500 more signatures than the people who voted

for Ms. Devine; 9,600 more signatures than the people who voted for Mr. Davis; and almost 2,000 more signatures than the people who voted for Mayor. He said we need to find a way to listen to the people and save taxpayer dollars.

Councilor Devine said she came here, because she hoped we would get some answers; she did not think we would go immediately into motions and voting. She said November 5<sup>th</sup> sounds like a reasonable date, since we are already having an election. She asked what the time constraints are to November 5<sup>th</sup> and if there is opportunity to wait until the signatures are certified before setting that date.

Mr. Kenneth E. Gaines, Esq., City Attorney explained that according to Mr. Jackson with the Election Commission, the constraint is that he would only have two days to certify the question and the absentee ballots are going out 45-days before the election, which is September 20<sup>th</sup>. He explained that if the petition is certified, under the statute, you must pass an ordinance calling for a special election and you can't have the election earlier than 30 days or later than 90 days. He said if there is a favorable vote to change the form of government, the Council would have to enact an ordinance changing the form of government; ask the Secretary of State to change the form through a certificate of incorporation; and the ordinance would also change the powers and duties of the City Manager to the Mayor at that point and time.

Councilor Devine asked if there is a prohibition for us to pass an ordinance on next Tuesday setting November 5<sup>th</sup> as the election date.

Mayor Benjamin said the challenge is the timing.

Mr. Kenneth E. Gaines, Esq., City Attorney said the certified petition is what kicks off the requirement for an election. He said if we received a certified petition on Monday and we did an ordinance on Tuesday to set an election, we'd have to set it at least 30 days down the road, but not more than 90 days.

Councilor Devine said November 5<sup>th</sup> would fall within that timeframe. She said at this point, we do not have a certified petition and that is why Mr. Newman's motion is to revisit the previous motion that wasn't voted on a few weeks ago and Ms. Plough's motion is to wait until after the certification.

Mr. Kenneth E. Gaines, Esq., City Attorney said if this ordinance is given a favorable vote tonight, you will have to hold a special called meeting on September 18<sup>th</sup> to give second reading.

Councilor Davis said his questions were answered regarding the purpose of the meeting. He understands that the petition period is over and it appears that the numbers are there, which says that we would have to comply with the request of the majority that signed. He doesn't want to be in a position where it appears that the action taken tonight pits him against legitimate voters. As this conversation moves forward, he hopes we can resolve this. He understands the Mayor's concerns regarding costs to the taxpayers and just as he respects the right to petition, there is also a process. He would like for them to bridge those two positions before a vote is taken.

Councilor Runyan said that Ms. Plaugh's motion was a restatement of state law.

Councilor Plaugh said the motion is carrying out what she understands in state law and the Council often passes ordinances that reference state law. She said the original motion doesn't have a caveat dealing with any certification of the petition and that gives her pause, because it is revisiting what was voted on previously. She said if we have a certified petition and the citizens of this city want us to put this on the ballot, we should do it post haste. She said she has a problem with having assumptions about something that is going to be certified; let it be certified. She said it is set up in state law so that we can have a reasonable process. She said this Council spends a lot of money and she nitpicks most of it, but if citizens want us to proceed with an election, we need to proceed with an election and the cost will not exceed \$150,000. She said the \$150,000 came from opening precincts that aren't normally opened in a municipal election and they are being opened because there is a countywide bond issue; many of those precincts don't have city voters. She acknowledged that there will be legitimate costs and we will find the money.

Councilor Runyan asked how Ms. Plaugh's motion differs from state law. He asked if we can vote down state law. He said we would have to do this under state law anyway.

Mr. Kenneth E. Gaines, Esq., City Attorney said the ordinance builds in contingencies so that we can comply with state law; it has language regarding petitions being certified; compliance with the timeframes in §5-5-20; and contingencies allowing the Election Commission to get absentee ballots out in accordance with state law. He noted that those contingencies are built in because of possible problems down the road.

Councilor Runyan said he is trying to understand the appropriateness of Ms. Plaugh's motion, because if we receive a certified petition we are required under the statute to set an election.

Councilor Plaugh said the ordinance talks about how you deal with absentee ballots, printed material and setting a special election. She said there are provisions in there that provide for an orderly process. She said the ordinance has to reference state law.

Mayor Benjamin told Mr. Runyan that the substitute motion is that if we receive a certified petition we will set an election date, which is what we are required to do; it would be a motion for Council in fact to do nothing. He said having a separate election is a waste of taxpayer money. He urged the Council to show leadership and set an election date.

Councilor Davis sought further clarification of the timelines for getting this on the ballot if there is no action tonight. He urged Council to resolve this tonight. He said that he is not going to be perceived as opposing people who signed a petition; this validation is a part of the process. He said he spent all of his life fighting on the side of people who don't have a voice. He said the people have spoken and his position on changing the form of government is very clear. He acknowledged that the argument has shifted. He stated that the petition settled the question of whether or not we put it on the ballot; do we do it now or do we do it later; the issue is how we give the folks what they want as a result of participating in that petition.

Mr. Kenneth E. Gaines, Esq., City Attorney said the only time constraint is getting the absentee ballots out 45 days before the election; if you gave the ordinance second reading on the 18<sup>th</sup>, that would mean the Election Commission would have two (2) days to have the referendum question certified and tested. He noted that September 21<sup>st</sup> is 45 days from the election and they would mail the ballots out on September 20<sup>th</sup>.

Councilor Davis asked what would happen if Council moved to place it on the ballot tonight.

Mr. Kenneth E. Gaines, Esq., City Attorney said there would be the same constraints.

Mayor Benjamin said we must act today for it to be on the November 5<sup>th</sup> ballot.

Councilor Devine said she struggles with this, because no matter what we do, those of us who had a position it continues to be spun as though we don't want the voters to vote and we're trying to block the voices of the voters. She said when you have petitions put in front of people and they are not told what they are signing, she's not sure that we are letting the voters' voices be heard. Her position has always been that we need to have a dialog in this community about the current form of government, what the proposed change is and the pros and cons of each. She said that has not happened and it's not going to happen in the next 45 to 60 days. She struggles with understanding that we are trying to make our city the best it can be and we want the best government for it, but we are effectively silencing voters by not having a real dialog about what this means for us. She knows several people who signed that petition who did not know what they were signing; they were misled as to what they were signing. She said it is deplorable that people were paid per signature. She said we may have a petition that comes forward and it may have the requisite signatures validated, the voters may vote, but she hopes that we do not continue down this path and not engage our community in an honest dialog, no matter what our positions are. She acknowledged that there are good reasons for a position opposite to hers. She said we must look at the way we're doing business. She said we talk about voters being empowered and engaged, but we come into a called meeting, we post the ordinance six (6) hours before the meeting, and the motion is different from what the voters saw posted. She said this is not the way citizens want to be engaged and we all need to look at ourselves and the way we are handling this and understand that this is not the best for our voters; we need to engage them in a real process and a real dialog. She said the outcome of that dialog is what it is, but the way this has happened is really disconcerting.

Councilor Plough echoed Ms. Devine's comments. She dared to say that there's not a single person sitting up here that wouldn't want to put it on the ballot if that is the will of the people. She said it is not a money issue; it is a process issue; and we need to go through the process as it has been laid out before us. She said we can't specify when we will put it on the ballot, because she wants to give the Richland County Election Office an opportunity to take their time to certify it properly and when that's done, we will continue with our education process; we will put it before the people; and we will have the kind of dialog that this city is known for where we are all talking together about what is in the best interest of this city.

Councilor Baddourah said when going through this process three weeks ago there were concerns with timing and we were told that August 23, 2013 would be the last day to submit a petition; then The State Newspaper reported that it was September 4<sup>th</sup> or 5<sup>th</sup>; and now we are hearing that next Monday is the last day to certify the petition signatures. He said we can't even figure out the deadline for the signatures to be certified, yet we are asked to vote on this historical moment.

Mr. Kenneth E. Gaines, Esq., City Attorney said Mr. Jackson with the Election Commission gave us the August 23<sup>rd</sup> date and we relied on that information. He said there's nothing in state statute §5-5-20 that requires a petition to be certified within any amount of time. He noted that there is another statute that talks about changing the number of Council members or the makeup of Council and that petition has to be certified within six (6) months by our Municipal Election Commission. He restated that he hasn't found any deadline for certification.

Councilor Baddourah said the history with the Richland County elections last year put distrust in the citizens and the voters. He feels like rushing this process will continue to put mistrust in the voters, because we are pushing it and shoving it down their throats. He doesn't think the timing is correct or putting this on November 5<sup>th</sup> is in the best interest of this city. He said that he has a lot of respect for those who signed the petition, even though the petition says strong mayor and weak mayor form of government. He insisted that in the ordinance there is no such thing as strong mayor or weak mayor, there is no correlation between the petition they signed and the ordinance we are being asked to vote on. He said that will continue the confusion and mistrust between the government and the citizens of Columbia. He said it is unfair to bring this up today for Council to vote on it even though there are a lot of issues with the way the petition was submitted, the signatures were received and the process of certifying all the signatures to meet that deadline.

Mr. Kenneth E. Gaines, Esq., City Attorney said he has not seen the petition and that strong mayor and weak mayor are nicknames for the Mayor-Council form of government and the Council form of government.

Councilor Baddourah said there is not enough knowledge of any regular citizen who signed that petition that know that strong mayor is equal to Mayor-Council government.

Mayor Benjamin said that when they ran for office, each of them were asked whether or not they supported a strong mayor form of government; they gave their positions and he hopes that they were educated on it and that they trust the voters to be educated on this; however, in partnership with the League of Women Voters and many others, the city has launched its voter education outreach efforts; it kicked off this past Monday; and we need to make sure that the forms of government information is looped into the effort that the Clerk and City Manager have been working on. He announced that on September 25, 2013, the Community Relations Council will host an effort to educate voters on the forms of government; we need to share the forms of government insert in our water bill; and we need to work with the Municipal Association to produce a Form of Governments informational public service announcement that should be regularly looped in on our City access channel and our website. He further suggested that we reach out to local television

news outlets; hold a public information telethon where voters can call in and have their questions answered about the forms of government; produce a form of government pamphlet and distribute it at all city functions including booths at the State Fair; and create and maintain an online Frequently Asked Questions page with an email address for responses. He urged his peers not to underestimate the people in the City of Columbia; they run their homes; they run their businesses; they make good decisions every single day. He said this discussion is not about whether you support one form of government or the other; it is about whether we are going to make a decision as a Council to save money. He said the estimate received from the Election Commission was for \$190,000 including the cost of a run-off election. He said \$150,000 will buy the City of Columbia 275 bullet proof vests, support Housing First, purchase a new kitchen for the homeless shelter or reduce the water and sewer transfer by \$150,000. He said this is real money that some have suggested we should not make an effort to save.

Councilor Plough said that was awesome, but while we could spend the money those other ways, what we have chosen to do many times over is spend \$7 million on the Palmetto Compress. She said she questions our spending and we have staff that truly tries to do their best in the expenditure of our dollars, but this is not about the expenditure of money, it is about responding to the people and letting the people be educated and vote in the right process. She said it's not appropriate to minimize the fact that some of us really want it to be an open process where people have an opportunity to ask questions. She said she pulled together neighborhood leadership from District Four and there was phenomenal attendance at the meeting; many people walked in not knowing the difference between the forms of government; the City Attorney presented an unbiased outline; we had a lively discussion; and people walked out of that meeting very educated and well instructed individuals. She said the people sent her a very strong message to not vote to put this petition on the November 5<sup>th</sup> ballot.

Mayor Benjamin said you were able to educate your constituents in one evening, but we can't educate the rest of the city in 45 days.

Councilor Plough said we want a legitimate education process and once the petition is certified let us vote and have a concurrent education process to go with it.

Mayor Benjamin said we are not changing our form of government; we are letting our citizens decide. He clarified the language in the petition as follows:

*I support the proposal to let the voters decide in a referendum whether the City of Columbia wants a Weak-Mayor (Council Manager) Form of Government or Strong Mayor (Mayor-Council) Form of Government.*

A substitute motion made by Ms. Plough and seconded by Mr. Baddourah to modify the ordinance that was posted at 11:00 a.m. today as follows: *If the Richland County Election Commission certifies the petition and it is received by the City of Columbia before we actually place this item on the ballot, we will delete November 5, 2013 as a specific date of the election, failed by a vote of three (3) to four (4). Voting aye were Mr. Baddourah, Ms. Plough, and Ms. Devine. Voting nay were Mr. Runyan, Mr. Newman, Mr. Davis and Mayor Benjamin.*

Mayor Benjamin called for the question on the original motion.

Councilor Plaugh said this is an emergency meeting of City Council; we are being asked to reconsider our earlier vote to place the change in form of government on the November ballot without a caveat, without the petition reference; it's a reconsideration of what we have already voted on. She asked why and what has changed. She said we had a petition drive that was undertaken and only 26 hours ago the City was presented with signatures that were acquired by an out-of-state canvasser; these have been properly turned over by our staff to the Richland County Election Commission for validation of the signatures and for the certification of the petition; that's the process and it is working. She continued to ask why City Council should preempt this established procedure. She said this reminds her of two other instances when City Council held emergency meetings with little notice to the public to vote on the Palmetto Compress Building, costing the city tax payers \$7 million and Bull Street, where citizens asked for a two week delay and that was denied and that's a \$70 million taxpayer ticket. She said here we are two to four months following these urgent sensitive votes and no deal has been finalized on either of those. She asked what is the rush is; is this the type of leadership we can expect in the future. She said today we talked again about a fundamental change to our governmental structure in the City of Columbia; moving from a Council-Manager to a Mayor-Council form of government. She said in both forms the Mayor cannot be required to serve full-time; he won't have term limits; he cannot be recalled; and the powers will be vested with future mayors. She said the Mayor was quoted in the State Newspaper on August 11, 2013 as saying "I'm a committee of one on Council in support of a stadium. So I have to build consensus or change the form of government." She said surely this is not about bringing a minor league baseball team to Columbia for taxpayers to subsidize. She asked if this is worth completely overhauling our form of government that has served this city well for 60 years. She said the city has already voted to hold public education forums in conjunction with the League of Women Voters; we owe it to all citizens to proceed with these educational forums and to do it concurrently while the petition is being certified. She said this matter should be put before the voters once the petition is certified. She said if we can spend \$7 million on the purchase of the Palmetto Compress Building, she is sure we can find the money to conduct a special election with proper notice and important voter education. She has concerns with taking a revote and preempting the certification of the submitted petition.

Councilor Baddourah said on August 6<sup>th</sup>, the Mayor brought changing the form of government to the attention of Council, allowing no time to debate, no time to discuss, only one (1) week to decide and vote on an ordinance. He said as we sit here today discussing the change of history with a small price tag on how much the election will be, we get criticized for spending money, but this is the one time he will justify spending money to change history and to educate voters. He prefers the option of holding an election 90 days after the signatures are certified by the Richland County Election Commission; this will allow us time to plan ahead; and voters will know who they will be voting for as the strong mayor. He said if the petition is not certified, we should plan ahead for the November 2014 election cycle. He said it is a false choice to say November 5<sup>th</sup> is the only day we can put this referendum on. He said it is clear that the Mayor is playing politics with people and not addressing the public's concerns. He said all three (3) candidates attended the public meeting last night and most of the public concerns

were about police, water, sewer, Bull Street, the Palmetto Compress Building and other services that are provided by the city. He said until the Mayor brought up the strong mayor form of government, none of the people attending the meeting were even asking the question. He said it is premature to vote on this referendum before we get the signatures certified.

Mayor Benjamin said another gentleman actually brought up strong mayor last night. He recalled that Mr. Baddourah had a 3-point reform plan when he ran for office. He said Mr. Baddourah told the voters of District Three on no less than six (6) different times that he would support a strong mayor referendum on the form of government and no less than two (2) weeks after the election he changed his mind. He agreed that Mr. Baddourah had the right to change his mind; but he also has the responsibility to keep his campaign promises. He told Ms. Plough that any decision to fund a stadium or anything else like that requires Council's support and when and if those decisions ever come up we will have that full discussion before Council. He said this is incredible foot dragging, fighting and kicking to simply not let the voters have a chance to choose. He said we are talking about giving the voters the opportunity to make a decision and it is amazing that we will fight it every step of the way. He said Columbia has over 130,000 people; they are bright people; they are educated people; they care about this city; they are people that will take the responsibility to learn about the changes in the form of government; and some will vote for it and some will vote against it, but he trusts their decision. He said we discussed this issue last spring and at the end of the summer and the issue before us is not whether you support one of the three (3) forms of government allowed to South Carolina municipalities under state law, this issue will be before the voters this year; the question before us is whether or not we will take the leadership role as a Council to save the taxpayers money. He noted that we can save the people of this city well over \$100,000. He said it is your prerogative to choose not to do so. He said in old records it was said if there was a groundswell of support from citizens that would be a good reason to put this on the ballot. He stated that 15,000 registered voters in this city submitted a petition to the people of Columbia asking for this issue to be on the ballot; it's going to be on the ballot; the only question before us is when. He said if in fact we choose to move affirmatively and quickly, we can possibly have this on the November 5<sup>th</sup> ballot. He said we are not preempting a process; we are taking a leadership role in trying to stop leading from behind; and decide we are going to join the citizens of this city, engage in this discussion, engage in the education process and allow people to make their own decisions.

Councilor Davis said when you understand this process and the politics of it, the petition has neutralized him for the mere fact that voters have said that they want to decide on the form of government. He understands all forms of government; it's not a question of his position on that, but he has to answer some questions from the folks that are going to make a decision on him. He told the Mayor that he has some concerns about the window we are faced with and he hopes we can work this out tonight. He asked how can we satisfy the window and still get this on the November ballot.

Mr. Kenneth E. Gaines, Esq., City Attorney said it's all dependent on having the absentee ballots out by September 20<sup>th</sup> and you cannot deny voters the right to vote absentee. He said we have two (2) days from the 18<sup>th</sup> to get ballots printed and mailed. He said we have been dialoging with Richland County and they have already started the process to certify the November 5<sup>th</sup> election and if we add this to the process it may delay that and it will put Mr. Jackson in quite a predicament. He said the petition calls for two (2) ballot questions: Mayor-Council form of government and the Council-Manager form of government.

Mayor Benjamin clarified that the petition asked do you support a referendum to change the form of government.

Mr. Kenneth E. Gaines, Esq., City Attorney said if they can't get the question on the absentee ballot and get the absentee ballots out on the 20<sup>th</sup>, you would be denying those persons the right to vote and he doesn't think you would have a valid election.

Ms. Teresa Wilson, City Manager acknowledged that along with the City Clerk and City Attorney talked, she spoke with Mr. Jackson today. She said it is so important for City Council to have clarity from the people who are charged with doing this the right way. She explained that they are in the process of certifying the signatures and Mr. Jackson provided an estimated time of when he thought they would accomplish that. She further explained that it is more about the database they have already designed and that they would have to add to that database; the 20<sup>th</sup> is the trigger for the database to be sent off and for that process to be completed. She said upon completion of the certification, the question becomes if you all want it included in the database. She said Mr. Jackson has other options to consider such as using a separate ballot; however, she doesn't want to speak to those matters on behalf of Mr. Jackson.

Mayor Benjamin said the issue before us today is an ordinance that will require two (2) readings. He said the request was to bring this up so that we could avoid having to pay for two (2) elections. He said this first reading would be today and the second reading would be on the 18<sup>th</sup> and we would immediately transfer this to the Election Commission. He said if in fact the Director of the Election Commission thought he would have some difficulty in meeting deadlines, he would have to express that to us and we would have to act accordingly. He said the issue is whether or not we are going to give ourselves the time to have two (2) readings for this ordinance and allow this election to happen. He said even if the signatures are certified today, it would still take two (2) readings for a city ordinance and that's what's before us today.

Councilor Plough asked that Mr. Jackson be contacted by telephone, because she wants to hear from him on this major item and we want to respect those petitions once they are certified. She said we are struggling with approving this tonight without a caveat. She said we are talking about providing adequate time for the petition to be certified and it would be helpful for Mr. Jackson to tell us what works for him.

Councilor Devine said she has received calls and emails and she doesn't believe that this is about letting voters vote. She said there is a clear misunderstanding about a lot of things. She reiterated that there is no statutory requirement for the Mayor to be fulltime

under either form; the people want the Mayor to be fulltime; and they need to clearly understand that. She thinks the Mayor is currently fulltime and she doesn't foresee a problem with that, but people need to understand that it's not a requirement. She said part of the concern is the way the discussion has occurred to date and the rush to not fully understand what it means. She questioned who would manage the education process; who would pay for the process; and where that information will come from. She is very concerned about misinformation that has already been put into the public discussion and how we ensure that we are providing impartial and objective information to the voters. She said the Municipal Association's information was lacking on the real facts.

Mayor Benjamin said it is not wise to put Mr. Jackson on the cellphone speaker. He said Ms. Devine's questions are the issues that Council should be discussing. He said we have a partnership with the League of Women Voters that is moving forward primarily on the issue of changing the date; they can be engaged as a partner; and we can certainly resource a public education campaign.

Councilor Plough said this Council doesn't talk about things and we all bear responsibility for that. She said the dialog that takes place at these meetings should have a different tenor. She said they need to know how long Mr. Jackson thinks it will take to properly certify the petition. She is not opposed to putting this on the November 5<sup>th</sup> ballot, if the timeframe works. She said it is a disservice to not take the signatures seriously.

Councilor Davis said he is hearing that it is likely to have the certification between first and second reading and the education process is underway.

Councilor Devine said as she understands it, if there is a vote of this Council, the verification process would cease.

Mayor Benjamin said that's not correct.

Councilor Devine said if Council votes on second reading next week and the signatures aren't verified at that point, but it is later determined that there aren't the requisite signatures, Council still would have voted to put it on the ballot. She said the first ordinance provided a contingency, but the motion before us does not contemplate a petition at all. She said if Council passes this, there is still going to be an election without a certification.

Mr. Kenneth E. Gaines, Esq., City Attorney said the petition certification process will continue.

Councilor Devine said if Council gives second reading next week, but there aren't a requisite number of signatures, the referendum would still be on the November ballot.

Mayor Benjamin said if the goal or attempt is to prolong the discussion in an attempt to kill it then state that. He announced that tonight is a significant event in the history of this state, this country and this city; tonight we will be commemorating the events of September 11, 2001 and we are also commemorating the 50<sup>th</sup> anniversary of integration

for the University of South Carolina. He insisted that the issue is very basic and it is very clear; do we want to set the election date. He said if you don't want to do it then you can vote in the adverse; if you do want to do it, you can vote in the positive. He said there will an election and he encouraged his colleagues to let the people vote. He said there is a strong groundswell of support out there for people to make the decision. He stated that there are some people that support the current form of government, but they signed the petition. He said the power in the United States of America belongs to the people; they elected each and every one of us; let's trust them.

Councilor Davis said it is likely that the validation process will be completed by second reading.

Mr. Kenneth E. Gaines, Esq., City Attorney said yes.

Councilor Davis asked Council to consider that. He said the petition process went through; his position is clear; and he can live with the outcome in November.

Councilor Plaugh asked what the compromise would be.

Mayor Benjamin said he would strongly urge the Election Commission to move forward with the process.

Councilor Baddourah said let's educate the people and give them enough time to make an educated decision. He noted that the Mayor changed his mind on the Palmetto Compress Building when he withdrew his application for historic preservation. He said people change their minds. He said his first official public hearing was this year.

Councilor Plaugh asked what happens on second reading if the petition is not certified, is incomplete or the signatures aren't there. She sought clarification on the expectations for second reading.

Mayor Benjamin said if the certification fails, you have the opportunity to vote your conscience next week just as you are doing tonight. He said the question before us now is will we take the leadership role in deciding that we are going to establish a date for the people to make this decision without having the expense of an additional election. He said if the information is available in advance of a second reading, then we will have that information and can make an informed decision.

Councilor Plaugh asked the Mayor if this initiative to change our form of government is tied to building a baseball stadium.

Mayor Benjamin said absolutely not. He said the ability to build a baseball stadium is for our Council to make that decision after significant public debate.

Upon a motion made by Mr. Newman and seconded by Mr. Runyan, Council voted four (4) to three (3) to give first reading approval to Ordinance No.: 2013-111 – An Ordinance to Set a Special Election on the Question of Changing the Form of Municipal Government from Council-Manager to Mayor-Council. Voting aye were Mr. Runyan, Mr. Newman, Mr. Davis and Mayor Benjamin. Voting nay were Mr. Baddourah, Ms. Plough and Ms. Devine.

Mayor Benjamin advised Council of the need to schedule a Special Called Meeting on Wednesday, September 18, 2013.

▪ **Council opened the public comment period at 7:55 p.m.**

Mr. Joe Azar said the petition did not include a concise written explanation; the signatures haven't been validated; and the petitions are required to be submitted 60 days in advance, but they were not. He said Council has an obligation to the people to allow a reasonable period of time for community discussion. He said your people want that time to discuss it; not to push it through; we are tired of that; we are disgusted with that; and we don't want that anymore. He said the citizens find it suspect that a councilmember that was known to be on vacation was not notified of this meeting. He said they are willing to wait so that they don't make a mistake. He said this is truly a Chamber of Commerce issue. He said people who do not live in our city or our county is trying to buy our Council and our Mayor; we don't want that; we want to deal with our own issues. He said maybe we need citizens to put up a petition for term limits.

Mr. Harold Murray said he is appalled that the Mayor was shucking and jiving, because he wants to use the issue of spending money as the reason why things should go his way, but that wasn't an issue when the city lost money on an ice skating rink last winter. He said there is no way to certify the names on the petition as registered voters. He asked if individuals were asked to show their photo id before signing the petition. He said if this petition goes through; there will be a petition to reverse it. He noted that there is no city channel on the Dish network. He said that councilmembers have time to hold town hall meetings with their constituents. He said the problem is with leadership and that we need intelligent leadership. He agreed that there needed to be intelligent discussions about this matter.

Mayor Benjamin raised the fact that he finds the term shucking and jiving highly offensive.

Mr. Howard Duvall said he hopes to change some minds prior to the second vote. He reported that he spent the day at the Election Commission monitoring the petition count and they completed 20 pages today containing approximately 232 signatures. He said they struck 70 signatures as being disqualified resulting in a 30% strike rate. He noted that he was only looking at the process as the Election Commission staff worked hard all day. He explained that they look at the petition; compare the signature with the original application; and if the signature matches they verify whether or not the individual is qualified to vote in the city election. He hopes there will not be a certified petition nor will this be placed on the November 5<sup>th</sup> ballot. He insisted that the controversy over the petition and the controversy over the explanation of the forms of government are too

important to mix up with a political election that includes the mayor whose office is up for debate. He prays that cooler heads will prevail as this petition is certified. He insisted that the cost of a special election is minor in comparison to the cost that future generations will have to bear if you go forward with changing the form of government.

Mr. Mel Jenkins asked for common courtesy from the Mayor and Council and asked to not be interrupted as he makes his statements. He said this should not be carried forward; this is not appropriate civic government. He said it is good business for the Chamber of Commerce and the people who want to deal with the City of Columbia. He quoted Thomas Jefferson “I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion.” He said there has not been an informing of the discretion of the voters of South Carolina or of the City of Columbia. He said he has no confidence in the arranged educational process at this moment. In closing, he stated that he is increased in his respect for several members of Council.

Mr. Femi Oluleni said he hears the word educate the citizens and he looks at the seven Council members who have been on this topic and aren't as educated as they should be. He said a lot of folks who don't live in the city want to dictate how we should live. He said we will have our turn to vote. He said you call everybody here to vote, but you have petitions that have been counted. He insisted that haste makes waste. He said we can't do what just one person says; that's why we elected each of you. He encouraged the Council to educate themselves about the ordinances, forms of government and not to compare us to any other city that has its act together. He said we want Columbia to move forward, but not on one man's platform.

Upon a motion made by Mayor Benjamin and seconded by Mr. Runyan, Council voted unanimously to adjourn the meeting at 8:13 p.m.

Respectfully submitted by:

Erika D. Moore  
City Clerk