



CITY OF COLUMBIA
WORK SESSION MINUTES
TUESDAY, APRIL 5, 2016
CITY HALL – 1737 MAIN STREET
2nd FLOOR CONFERENCE ROOM

The Columbia City Council met on Tuesday, April 5, 2016 at City Hall, 1737 Main Street, Columbia, South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 3:47 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 Moe Baddourah, The Honorable Howard E. Duvall and The Honorable Edward H. McDowell, Jr. Also present were Ms. Teresa Wilson, City Manager and Ms. Erika D. Moore, City Clerk. This meeting was advertised in accordance to the South Carolina Freedom of Information Act.

CITY COUNCIL DISCUSSION

1. Administrative Policies and Procedures – The Honorable Leona K. Plough

Councilor Plough, as chair of the Administrative Policy Committee explained that the document is a combination of comments in sections that were reviewed by the committee, sections that were held for Council's review and language from the Municipal Association.

Ms. Jeanne Lisowski, Esq., Assistant City Attorney said the Municipal Association provided form ordinances related to the administration of local government and that caused us to review and update our current ordinances. The document is a conglomeration of the City's current Code of Ordinances, recommendations from the Administrative Policy Committee and other changes from a variety of sources. The first proposed change to Chapter 2 is to create Sec. 2-3, which clarifies that the mayor is considered to be a member of Council.

Councilor Duvall asked that the reference to Sec. 5-11-30 be removed, because it is from the Council form of government.

Ms. Jeanne Lisowski, Esq., Assistant City Attorney agreed to remove Sec. 5-11-30. She continued to explain that Sections 2-3, 2-4 and 2-5 are being added as language from State law.

Councilor Davis inquired about the meaning of an absence in Sec. 2-6.

Ms. Jeanne Lisowski, Esq., Assistant City Attorney said this section refers to the mayor's absence from a meeting where the mayor pro tempore would preside. She said the language from MASC and State law differs in terms of the election of the mayor pro tempore.

There was a consensus of Council to appoint the mayor pro tempore on an annual basis for a one-year term.

Ms. Jeanne Lisowski, Esq., Assistant City Attorney continued to explain that sections 2-7, 2-8 and 2-9 were added as suggestions from MASC. She highlighted Sec. 2-8, which adds “*the date of the oath of office and effective date of service shall be prescribed by city ordinance*”. She said Council will need to enact an ordinance prescribing when the victors will take their oath of office and when the effective date of service is.

Councilor Duvall suggested that the date of service would be the first meeting in January, which would serve as the organizational meeting of Council.

Councilor Devine said when we changed the election we set the term to begin January 1st. We could add that an official would take the oath of office on or before January 1st to allow individuals to plan for their ceremonies. She suggested that Council have less lag time between the election and the swearing-in. She asked if both oaths are required.

Ms. Jeanne Lisowski, Esq., Assistant City Attorney said both oaths are required. She also recommended that there not be any lag time between administering the oaths of office and the effective date of service.

Mayor Benjamin said we must be sure that Council is able to conduct the business of the City and to press upon each and every one of us the importance of being present.

There was a consensus of Council to schedule the first meeting in January after an election as the swearing-in ceremony and orientation for newly elected officials.

Ms. Jeanne Lisowski, Esq., Assistant City Attorney explained that proposed Section 2-9(b) would place the current Sec. 2-32 as it relates to the compensation of council members. She said language was added regarding the ability to roll over council expense accounts.

Councilor Plough clarified that City Council is reimbursed for actual expenditures; there is no per diem. She asked Council to revisit the vote on the rollover of Council expense accounts.

Councilor Davis agreed with revisiting that discussion. He said he doesn't have a problem with the rollover of Council expense accounts.

Mayor Benjamin said this isn't a good practice. If we don't allow our departments to it, why do we think it's good for us?

Councilor Plough said this is good for Council, because there is a limited amount of money available to members of City Council to deal with travel and other expenses. The rollover money allows us to better manage our resources and then we are not rushing to spend all of our money at the end of the year.

Mayor Benjamin stated that Council is paid much too little.

Councilor Duvall sought clarification on what happens with the account balances.

Ms. Teresa Wilson, City Manager clarified that the funds rollover into a leadership travel expense account.

Councilor Devine said training for travel is very appropriate. She said some Council members never attend training or professional development, but they continue to rollover their funds to spend on things that are questionable. We don't allow staff to rollover their funds. On July 1st, we receive new funds and we are expected to manage that.

Mayor Benjamin said the various discussions aren't mutually exclusive. He noted that he remains active in many associations. He encouraged professional development and interaction with peers outside of Columbia as much as possible. We have to decide if we will rollover funds and if we will support Council and staff development; we need to encourage it and appropriate accordingly.

Councilor Plough agreed that the issues aren't mutually exclusive. She applauded councilmembers that have been active in national organizations. She said some members were not able to use their resources due to health reasons, the money that was rolled over from multiple years was pulled away and that didn't seem right.

Councilor Devine said funding was allocated for constituent communications. She said councilmembers have to determine what his or her priority is.

Councilor Baddourah suggested that the money be added to councilmember salaries.

Mayor Benjamin agreed to move forward with allowing the rollover of expense accounts and to look at mimicking Richland County's constituent communications budget along with having an open discussion on leadership travel.

Ms. Jeanne Lisowski, Esq., Assistant City Attorney reviewed the duties of the City Manager, which were combined in Section 2-33. She highlighted subsection (d) related to the emergency procurement powers of the City Manager.

Councilor Plough asked if Council wants the authority to declare a state of an emergency.

Ms. Jeanne Lisowski, Esq., Assistant City Attorney said it would be an automatic trigger to confer contracting powers onto the City Manager during the declaration of a state of an emergency.

Councilor Plough asked if that paragraph should reside within the City Manager's responsibilities or the procurement code.

Ms. Teresa Wilson, City Manager said it could appear in both sections. She noted that Council would always ratify the actions of the City Manager.

Councilor Duvall suggested that the City Manager, City Attorney and City Clerk be removed from the policies and procedures and put back into the personnel section.

There was a consensus of Council to group all personnel together in the Code.

Ms. Teresa Wilson, City Manager said a timeline for the City Manager's evaluation was requested. She explained that an annual work plan was developed to get us through July 1, 2016. That puts us on a regular schedule from July 1st to June 30th for an evaluation period that's also in line with the priorities set by Council.

Ms. Jeanne Lisowski, Esq., Assistant City Attorney explained that all personnel are not listed under one section, because some employees are appointed and others are hired.

Ms. Pamela Benjamin, Human Resources Director distributed copies of the proposed timeline for the City Manager's evaluation to include the steps that have been taken, next steps and the evaluation instrument. She recommended that Council return the instrument to her by April 12, 2016.

Councilor Devine said the residency requirement for the City Manager needs to be clarified. She suggested using MASCs language, which gives City Council the ability to allow the City Manager to live outside the city limits.

Councilor Davis said the City Manager should live in the city.

Mayor Benjamin said he has always opposed the residency requirement, because we are the center of a vibrant region; we have real talent and we hire locally.

Councilor Baddourah said the voting rights were discussed in a committee meeting and the committee agreed that a councilmember needed to be present in order to vote. He said we need to discuss being able to vote in an emergency type situation when absent from a meeting after receiving the supporting information. He said an emergency would include a surgery, birth or family death.

Mayor Benjamin said he supported voting telephonically, because we are in the 21st century. He said there should be parameters in place. He reminded Council that they needed to re-engage the committee discussion; it has been a valuable process.

Councilor Plough suggested that the mayor pro tempore not chair a committee.

Councilor Duvall suggested that committees be a separate discussion and then added to the policies and procedures.

2. [Honorary Street Renaming Policy](#) – Ms. Teresa Wilson, City Manager – *Consideration of this item was deferred.*
3. One Columbia Update – Mr. Lee Snelgrove, Executive Director of One Columbia for Arts and History

Mr. Lee Snelgrove, Executive Director of One Columbia distributed a written outline of One Columbia's initiatives and accomplishments, the cover letter for One Columbia's 2016-2017 hospitality tax application, 2016 and 2017 proposed budgets, and other foundational documents related to One Columbia's relationship with the City. He reported that One Columbia helps to amplify arts organizations through its comprehensive calendar of arts events and other programs such as the Cultural Passport Program, Film Columbia/Capture One Columbia and public art. He noted that the Gallery at City Hall is coordinated by One Columbia, which creates an extra gallery on Main Street. One Columbia works to enhance the visitor experience in the hospitality districts by building the busking community. The Artline Event was an opportunity for chalk artists to demonstrate their work in the Lincoln Street Tunnel. One Columbia participated in Make Music Day and worked with the City to create the Poet Laureate position. He noted that One Columbia also provides basic resources for arts organizations to include the use of meeting space and technology. He continued to report on the many initiatives and accomplishments of One Columbia. He stated that if One Columbia isn't able to have its operational expenses funded in full, it would put the organization in direct competition for private funds or local grants. He said we hope to continue this progress and advance the quality of life with you.

Mayor Benjamin said the benefit of the work One Columbia has done over the last several years is undeniable. He said now you can quantify the economic impact of the arts. He said there was a reluctance of Council to establish an office of cultural affairs. He said the work done by each of you in your perspective organizations is awesome. He also recognized the wonderful leadership role that the late Steve Morrison had.

Councilor Plough asked Mr. Snelgrove to contrast this year's budget with next year's budget. She asked about staffing.

Mr. Lee Snelgrove, Executive Director of One Columbia explained that some programs no longer have the initial startup costs they once had. He suggested that they would use those funds to turn a current part time position into a full time position to support One Columbia's partnerships and activities. The executive director is the only full time employee; there is one part time employee, and one consultant that is the liaison to the arts.

Councilor Duvall said our auditors told us that the hospitality tax is being improperly used. He said you relied on the former City Attorney's opinion, but I don't interpret it as One Columbia being given carte blanche funding for their full budget. He said we cannot fund the accessories of this budget out of the hospitality tax fund. He said the Council needs to take action today to support our auditor's request to use hospitality tax funds for legitimate purposes.

Mayor Benjamin asked Libby Gober how many organizations are funded overwhelmingly by hospitality tax funds.

Ms. Libby Gober, Assistant to City Council said there are others, but this is the highest percentage.

Councilor Davis said he can appreciate the challenges and the accomplishments of One Columbia. He asked how the organization would function if a portion of the funding was not provided.

Mr. Lee Snelgrove, Executive Director of One Columbia said we could seek private funds, but that puts us in competition against the arts organizations that we serve.

Councilor McDowell asked if they have spoken with investors to augment their budget.

Mr. Lee Snelgrove, Executive Director of One Columbia said that funding model doesn't work in Columbia; investors want to fund organizations directly.

Councilor Duvall asked if they considered charging a membership fee.

Mr. Lee Snelgrove, Executive Director of One Columbia said some organizations or individuals may not be able to pay a fee.

Councilor Baddourah said the General Fund shouldn't be used to fund One Columbia. He said he has been in the hospitality and tourism field for a long time and other organizations don't feel like you are helping them. He said you have done a great job creating new functions, but you were created to support other organizations. Having a calendar online is not enough.

Mayor Benjamin told Mr. Baddourah that the groups in the room support One Columbia and would disagree with your characterization. The legal opinion endorsed the use of funds by One Columbia; the letter from our auditor called this into question. We must invest in the arts and we need to continue to invest in One Columbia. We have different community development corporations that work with the City and are structured in a similar manner as One Columbia. He asked if Council should consider bringing the Executive Director in house. Those funds would come directly from the General Fund wholly and consistent with the law and our auditors recommendations.

Councilor Davis agreed that periodic evaluations of funding should occur. We need to do our best to ensure that there are no questions in terms of how the dollars are spent, because that hurts everybody. I am open to fixing this and determining what the relationship with this partner will be.

Councilor Duvall said the auditor has spoken for two years and has said that if we don't do something he will issue a finding that will affect our rating and funding.

Councilor McDowell said he is open to the discussion; we are stuck and we could do something haphazardly. We need to be responsible.

Mayor Benjamin asked the City Attorney how to handle fiscal year 2015/2016.

Ms. Teresa Wilson, City Manager said staff will not go against the auditor. She said we have to use good judgment on the use of public funds. She said it took some doing when One Columbia was created; it is disheartening to now be in a place where certain expenditures are being called into question. She said this is a wonderful organization that we need to support. We need to work with you to find the eligible expenses that are left for this fiscal year and offset those with the ineligible expenses that have already been paid for. Council will have to give directions if they want to use a different funding source outside of the hospitality tax. She urged all organizations to use good judgment when using public funds.

Councilor Baddourah suggested hiring an outside firm to do an audit for all hospitality tax recipients to determine if expenditures were within the law. He asked the City Manager to review the request and provide a recommendation.

Councilor Duvall said it would go back to the 2014/2015 fiscal year.

Mayor Benjamin said we have to be careful not to be incredible burdens on organizations that are already running on a shoestring. An audit is not a simple or an inexpensive proposition.

Councilor Duvall suggested that it be an internal audit of the information submitted to Libby Gober by the organizations.

Councilor Devine said Libby Gober notifies organizations of ineligible expenses. She cautioned Council against going to the extent of auditing organizations. She said we need to understand what we want done moving forward. She told Mr. Snelgrove that Mr. Baddourah didn't intend to offend anyone. She reported that organizations do say that they don't need One Columbia, but there are independent artists that One Columbia is very important to. She said there is a balance and Council needs to determine what they want and how to achieve that.

Councilor Baddourah said an outside audit to examine the expenses for the past two years is needed, because the auditor said there are variances in expenses that do not apply to the State hospitality tax expenses allowed. He said 99% of the organizations are completely within the law, but we need to look beyond the auditor's concerns.

Mayor Benjamin said part of the issue is not just One Columbia's expenditures; the auditor has taken exception to the approach taken by the previous legal counsel. In the end it comes back to Council. He asked if there is grave concern with taking a bifurcated approach. This is a 501(c) (3) organization and we need to articulate what we want to see.

He asked if there is hesitancy to fund staff and other expenditures from the General Fund and eligible expenditures from the hospitality tax fund.

Councilor Devine agreed to allow the City Manager to meet with Lee Snelgrove and then Council can make a decision based on the information that is brought back.

Mayor Benjamin asked Council about moving forward with 2016/2017 using funds from the General Fund and the Hospitality Tax Fund.

Councilor Davis shared how he received funding from the South Carolina Arts Commission to start his artist blacksmithing venture. He said the process has come a long way and it is more complicated now.

There was a consensus of Council to allow City Manager Teresa Wilson to meet with Lee Snelgrove and bring back specific recommendations on funding One Columbia for the current fiscal year and next year.

A motion made by Ms. Plaugh and seconded by Mr. McDowell, Council voted unanimously to adjourn the Work Session at 6:04 p.m.

EXECUTIVE SESSION - Pursuant to S.C. Code §30-4-70(a)

4. Receipt of legal advice which relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege – S.C. Code §30-4-70(a)(2)
 - *Municipal Continuing Disclosure Cooperation Initiative*
 - *Hospitality Tax Funding*
 - *Soda City*
 - *Israel Miller v. City of Columbia*
 - *Tyra Mitchell, et al. v. City of Columbia*

5. Discussion of negotiations incident to proposed contractual arrangements - S.C. Code §30-4-70(a)(2)
 - *Customer Care Program*

Respectfully submitted by:

Erika D. Moore
City Clerk