

**CITY OF COLUMBIA CITY COUNCIL  
WORK SESSION MINUTES  
APRIL 18, 2013 – 1:00 P.M.  
PARKING SERVICES CONFERENCE ROOM  
820 WASHINGTON STREET**



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The Columbia City Council met for a Work Session on Thursday, April 18, 2013 in the Parking Services Conference Room located at 820 Washington Street, Columbia South Carolina. The Honorable Mayor Stephen K. Benjamin called the meeting to order at 1:24 p.m. and the following members of Council were present: The Honorable Sam Davis, The Honorable Leona K. Plough, The Honorable Brian DeQuincey Newman, The Honorable Cameron A. Runyan and The Honorable Moe Baddourah. The Honorable Tameika Isaac Devine was not present during roll call. 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.

**EXECUTIVE SESSION**

Upon a motion made by Mr. Baddourah and seconded by Mr. Davis, Council voted unanimously to enter into Executive Session at 1:25 p.m. for the discussion of **Items 1** through **5** as outlined. Ms. Devine was not present for the vote. Ms. Devine arrived during Executive Session.

1. Discussion of negotiations incident to proposed contractual arrangements – *This item was discussed in Executive Session. No action was taken.*
2. Discussion of negotiations incident to the proposed sale of property – *This item was discussed in Executive Session. No action was taken.*
3. Receipt of legal advice which relates to a matter covered by attorney-client privilege – *This item was discussed in Executive Session. No action was taken.*
4. Receipt of legal advice which relates to a pending, threatened or potential claim – *This item was discussed in Executive Session. No action was taken.*
5. Discussion of the employment of an employee – *This item was discussed in Executive Session. No action was taken.*

Upon a motion made by Ms. Devine and seconded by Mr. Baddourah, Council voted unanimously to adjourn the Executive Session and convene the Work Session at 4:05 p.m.

## **ORDINANCE – SECOND READING**

6. [Ordinance No.: 2013-017](#) - Amending Section 9 of the Franchise Agreement between South Carolina Electric & Gas Company ("SCE&G") and the City of Columbia dated February 20, 2002 and amended February 15, 2011 – *A Public Hearing was held and first reading approval was given on February 5, 2013. - Approved on second reading as amended.*

Mr. Kenneth E. Gaines, Esq., City Attorney stated that the 9<sup>th</sup> Whereas Clause in the ordinance will be amended to reflect December 31, 2013 instead of December 23, 2013. He explained that the 5% franchise fee was advanced to the City by SCE&G and SCE&G collects it from the rate payer the year after it is advanced to us. He further explained that even though the City is reducing the fee to 3%, SCE&G would continue to collect 5% from May 1, 2013 to December 31, 2013 from the rate payer in order to reimburse themselves for what they already advanced to us. He noted that in the agreement with SCE&G that's subject to Resolution 2013-050, we are paying them the franchise fee that they would have collected from May 1, 2013 to December 31, 2013. He stated that if we did nothing, SCE&G would continue to collect the 5% franchise fee that was advanced to us until they are made whole. He said the City is assuming the obligation for the additional 2%.

Upon a motion made by Mr. Newman and seconded by Mr. Davis, Council voted unanimously to give second reading approval to Ordinance No.: 2013-017 - Amending Section 9 of the Franchise Agreement between South Carolina Electric & Gas Company ("SCE&G") and the City of Columbia dated February 20, 2002 and amended February 15, 2011, subject to amending the 9<sup>th</sup> Whereas Clause to reflect December 31, 2013 instead of December 23, 2013.

## **RESOLUTION**

7. [Resolution No.: R-2013-050](#) - Authorizing the City Manager to execute a contract between the City of Columbia and South Carolina Electric and Gas Company (SCE&C) for payment of the two (2%) percent franchise fee from May 1, 2013 to December 31, 2013 – **Note:** *The agreement is a draft and subject to further revision by the parties. – Approved*

Mr. Kenneth E. Gaines, Esq., City Attorney explained that Exhibit A contains confidential taxpayer information and is exempt from public disclosure pursuant to State Statute §6-1-120. He stated that the penalties under this statute are very severe. He added that Franchise Fees are confidential taxpayer information and exempt from the Freedom of Information Act.

Mayor Benjamin stated for the record that we are engaged in negotiations and discussions with the Central Midlands Regional Transit Authority to make the City and taxpayers whole and that is an agreement that will be worked out prospectively for them to pay us back within a reasonable period of time, but as quickly as possible.

Upon a motion made by Mr. Davis and seconded by Mr. Newman, Council voted unanimously to approve Resolution No.: R-2013-050 - Authorizing the City Manager to execute a contract between the City of Columbia and South Carolina Electric and Gas Company (SCE&G) for payment of the two (2%) percent franchise fee from May 1, 2013 to December 31, 2013.

## **CITY COUNCIL BUDGET WORKSHOP**

### 8. [Fiscal Year 2013 / 2014 Proposed Budget](#)

Ms. Teresa Wilson, City Manager stated that the River Alliance was under the impression that they were due another \$25,000 from the City. She noted that they already received \$25,000 from the Hospitality Tax Fund. She said the River Alliance is also under the impression that they are operating under an agreement.

Ms. Libby Gober, Assistant to City Council explained that the agreement they are referring to is from 1995 and it only reflects 1995. She noted that the City has been giving the River Alliance \$50,000 a year since then; this year they were only approved for \$25,000; and they are expecting the other \$25,000.

Mayor Benjamin inquired about the balance of funds. He recalled that at a recent meeting with the River Alliance they received a report on the progress of the Greenway. He stated that we are there as a region and finally on the eastern side of the river. He also recalled receiving a report from Grimball Cotterill and other partners on the last piece for EdVenture and that should be done in two (2) weeks. He noted that they have had very productive discussions with the Guignard Family on the temporary crossing of their tract. He said that the River Alliance has been the one constant in the project and he would not want to cut their funding if the resources are there.

Ms. Teresa Wilson, City Manager sought guidance from Council as to where they should be funded along with deliverables.

Councilor Davis asked if we are close to an agreement with the Guignards.

Mayor Benjamin said yes, it has been a very healthy discussion; they have significant economic interest involved.

Councilor Devine added that for a number of years the River Alliance has been able to operate without a lot of deliverables. She said that we have a better understanding of what we expect from them and we are in a different place now. She said that hospitality tax funding is limited and they might not be eligible for the whole \$50,000. She said if we have deliverables we just need to say we are going to fund you at this level based on those deliverables and we need to determine where the money is coming from.

Councilor Plough hopes that we don't get off on a tangent about groups that need more money; we need to look at the budget.

Ms. Teresa Wilson, City Manager clarified that the request is for the current year, but it is related to next year's budget, too.

Councilor Baddourah asked where the money is coming from.

Councilor Davis recalled that deliverables were put into place last year.

Ms. Teresa Wilson, City Manager said most of the groups have been realigned, except for the River Alliance and Black Expo. She said that the other groups have been placed in the appropriate department's budget. She said that the proposed Fiscal Year 2013/2014 budget funds them the same as last year, but that doesn't mean you have to choose that. She noted that we haven't received a formal request from them. She presented a list of groups that have submitted formal requests for next year.

Councilor Baddourah asked if the groups went through the formal application process. He suggested that they be sent through the application process.

Ms. Teresa Wilson, City Manager replied no. She noted that all requests won't be eligible for hospitality tax funding.

Councilor Plough suggested that they start the discussion on Tuesday by focusing on the General, Parking and Water and Sewer Funds before the Hospitality and Accommodations Tax Funds, because we need to know what the core budget is and make sure we are solid.

Ms. Teresa Wilson, City Manager added that they need to discuss the Busted Plug and other legacy projects, because there is the hospitality tax bond idea. She noted that the legacy projects and debt service will impact the budget. She added that the Police Department is working on a targeted approach for the citywide camera system; it would be less than what was proposed; and you need to decide if you want to use \$100,000 of the fund balance for cameras in the Hospitality Districts. She noted that some of these decisions will also impact how you handle hospitality tax funding.

There was a consensus of Council to schedule another Budget Workshop on Tuesday, April 23, 2013 at 9:00 a.m.

- **Council adjourned the meeting at 4:25 p.m.**

Respectfully submitted by:

Erika D. Moore  
City Clerk