

Aiken City Council Minutes

SPECIAL CALLED MEETING

May 29, 2014

Present: Mayor Cavanaugh, Councilmembers Dewar, Diggs, Ebner, Merry, and Price.

Absent: Councilmember Homoki

Others Present: Richard Pearce, Gary Smith, Sara Ridout and a Public Safety Officer.

Mayor Cavanaugh called the special called meeting to order at 5:32 P.M. He asked if there was a motion to go into executive session.

Mr. Pearce stated before a motion is made there was one matter that he wanted to put on the record. He said he was out of town when he received a message on Wednesday, May 28, 2014, that a meeting was going to be held on Thursday, May 29, 2014. He said he had contacted all Councilmembers via email and phone messages as well. He said any concern that Council may have, he was more than willing to discuss it with them at their convenience at any time.

PERSONNEL

Mayor Cavanaugh asked if there was a motion to go into executive session to discuss a personnel matter.

Councilman Dewar moved that Council go into executive session to discuss employment, appointment, compensation, promotion, demotion, discipline, or release of an employee regulated by City Council pursuant to Section 30-4-70(a)(1) of the South Carolina Code of Laws, and that the executive session be for Councilmembers only. The motion was seconded by Councilman Merry. The motion was unanimously approved.

Mr. Gary Smith, City Attorney, stated he would like to ask Council a brief question. He said he was understanding that Council wants to be in executive session with no other staff members or counsel. He said the Freedom of Information Act allows Council to do that if that is what they want to do. He said he serves at Council's pleasure. He said if Council wanted him to stay here while Council is in the meeting in case there is a question that arises, he would be happy to stay. He said he had provided a memo to all of Council today to guide Council through the process if they decide they do not want him to stay. He said it did not matter to him. He said he was happy to be here, but if Council does not want him here he would be happy to leave. He said Sara Ridout, City Clerk, has to stay. Ordinarily when Council is in executive session, Ms. Ridout is in the room with Council and you vote to come out of executive session in the room. That would not be appropriate if Ms. Ridout is not in the room. He said Council needs to come out of Room 204 and into the Council Chambers and vote to come out of executive session. Mr. Smith said usually Council comes out to the Chambers and reports that they have been in executive session, but Council votes to come out of executive session in Room 204 because Ms. Ridout is in the room with Council. He said it needs to be on the record, and Ms. Ridout needs to record the vote of Council to come out of executive session.

Mr. Smith stated the notice for the meeting only talked about the executive session. He said it would not be appropriate for Council to come out after the executive session and take care of any business or have any votes other than the vote to come out of executive session.

Mr. Smith stated he always reminds Council that what happens in executive session should stay in executive session. He said Council goes into executive session for a reason, and that is so Council can have a private conversation. When Council comes out

of executive session, Council should not be sharing that private conversation with other people.

Councilman Dewar stated when Council comes out of executive session the Mayor would say Council met in executive session and took no action. Mr. Smith stated that is correct.

Councilman Merry stated as far as he was concerned, if Mr. Smith did not mind staying he would like for him to stay in case Council has any questions or concerns.

Council went into executive session at 5:36 P.M.

After discussion Mayor Cavanaugh stated Council had returned to the Council Chambers from the executive session. Council came out of executive session at 8:12 P.M. He said no action was taken.

Councilman Dewar moved that Council come out of executive session. The motion was seconded by Councilwoman Diggs and unanimously approved.

Mr. Pearce stated that Councilmember Homoki was not present as he is out of town.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:13 P.M.


Sara B. Ridout
City Clerk