

REGULAR MEETINGOctober 28, 2002

Present: Mayor Cavanaugh, Councilmembers Clyburn, Cuning, Price, Smith, Sprawls and Vaughters.

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Pete Frommer, Ed Evans, Larry Morris, Anita Lilly, Glenn Parker, Richard Pearce, Sara Ridout, Karen Daily of the Aiken Standard, Josh Gelinas of the Augusta Chronicle and 54 citizens.

Mayor Cavanaugh called the meeting to order at 7:35 P.M. Mr. LeDuc led in prayer, which was followed by the pledge of allegiance to the flag.

APPROVAL OF AGENDA

Mayor Cavanaugh stated Council needed to approve the agenda. Councilman Smith moved, seconded by Councilwoman Price and unanimously approved, that the agenda be approved.

MINUTES

The minutes of the work session of October 7, 2002, and the work session and regular meeting of October 14, 2002, were considered for approval. Councilman Cuning moved that the minutes be approved as written. The motion was seconded by Councilman Sprawls and unanimously approved.

PRESENTATIONNeighborhood DiamondsNorth SideBaseballSchofield Park

Mayor Cavanaugh stated Council would like to make a presentation to those who had headed up the Neighborhood Diamonds.

Mr. LeDuc stated this summer the City started a program called Neighborhood Diamonds to help youth on the northside with an opportunity to learn how to play baseball. The youth ranged from around 8 years old to 13, and all the activities were held at Schofield Park so the youth did not have to travel across town. This program brought baseball into the neighborhood for the first time in a way that it was not served in the past. A few years ago Schofield School had a field surrounding the school that flooded on a regular basis. This was developed into a detention pond and a play area was created that the School District could use during the day and the City could use at night. It was hoped at that time that some sports activities could be held in that area, and that dream has been accomplished.

Neighborhood Diamonds was considered a developmental league and a number of City employees volunteered to participate, including Richard Abney, who headed it up, Ray Scott, Brian Brazier, Ben Harm, David Savage, Keith Glover, and Cynthia Mitchell. There were also a number of community volunteers, including Marcus Jefferson, Roger Abney, and Robin Brazier. Lalita Ashley helped organize this program, who, along with Richard Abney and Lucy McCants, came up with the idea of putting the dream into action. At the last game and practice on Sunday, October 13, approximately 60 excited youth, parents, and citizens cheered on the participants and were very encouraged with their progress.

We would like to thank the leaders of this program, Richard Abney, Lalita Ashley, and Lucy McCants, for all their effort and volunteered time that they gave in getting this started and touching the lives of many of the youth within this community.

Mayor Cavanaugh thanked all those who had participated in the program and worked with the children in the neighborhood. He presented a framed photograph of the children on the team showing their excitement at the last game on Sunday, October 13, to Richard Abney, Lalita Ashley and Lucy McCants, who headed up the effort.

TAXES – ORDINANCE 10282002

Penalty Dates

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to allow staff to set due date for city taxes.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 38-32 OF THE CODE OF ORDINANCES OF THE CITY OF AIKEN, SOUTH CAROLINA.

Mr. LeDuc stated many years ago the City received all tax assessments from the County in August or September. Therefore, our City Code states that the taxes would be sent out before the end of September and that, starting in November, penalties for late payment would be due. Unfortunately over the last several years we have been receiving the tax information in October or November. Since we have been receiving it beyond the date designated in our City Code, we have had to request Council to set new penalty dates for these taxes. This delays us sending out the tax notices by up to a month and causes a loss in revenue of over \$10,000 in interest. To speed up the process and to get the tax bills out in a timely manner, we would like Council's permission to allow the City Manager and Finance Director to set the dates, with a minimum of 45 days for the citizens to pay their taxes before the penalties would be applicable. As stated in paragraph (b) of the ordinance, after the 45 day period there would be a penalty of 5% from 45 to 75 days, a penalty of 10% from 75 – 105 days, and over 105 days a 15% penalty. By passing this ordinance, Council would give the staff flexibility to not have to come to Council to set payment dates and would allow the bills to go out without any further delay, thus allowing the city to receive payments in a timely manner.

The public hearing was held and no one spoke.

Councilwoman Clyburn moved, seconded by Councilman Cunning and unanimously approved, that Council pass on second and final reading an ordinance to allow the City Manager and Finance Director to set due dates for city taxes and that the ordinance become effective immediately.

ANNEXATION – ORDINANCE 10282002A

Hamilton Drive

Gingrey, Bill

TPN 30-037.0-01-046

TPN 30-037.0-01-047

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to annex property on Hamilton Drive.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 5.9 ACRES OF LAND, MORE OR LESS, OWNED BY BILL GINGREY AND LOCATED ON THE NORTH SIDE OF HAMILTON DRIVE, AND TO ZONE THE SAME RESIDENTIAL MULTI-FAMILY HIGH DENSITY (RMH).

Mr. LeDuc stated Bill Gingrey owns two lots totaling 5.9 acres located on the north side of Hamilton Drive and is requesting annexation under the proposed Residential MultiFamily High Density zoning. On one of the two lots is located a single family home and on the second 1.93 acre lot Mr. Gingrey proposes to build town homes. The proposed zoning of Residential Multi-Family High Density (RMH) is compatible to the

area with apartments built on the west side and duplexes across the street from this area. The right-of-way of Hamilton Drive in front of this location is already in the City of Aiken. A drawing showing the proposed units was given to Council as information.

The Planning Commission at their October 8, 2002, meeting unanimously approved this annexation.

The public hearing was held and no one spoke.

Councilman Sprawls moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on second and final reading an ordinance to annex 5.9 acres on the north side of Hamilton Drive as Residential MultiFamily High Density (RMH) and that the ordinance become effective immediately.

PARKWAYS

Cut Throughs Park Commission

Mayor Cavanaugh stated Council needed to consider approval of cut-throughs in city parkways as recommended by the Park Commission.

Mr. LeDuc stated the Park Commission Chairman, Lee Poe, has presented to City Council a list of cut-throughs which the Commission feels should be eliminated. Council discussed this recommendation at their October 7, 2002 meeting and suggested that they all be posted prior to this meeting, except for those cut-throughs on Fairfield Street and the two at either end of Lancaster Street. Council will need to decide if they want to remove any of the following cut-throughs:

<u>Street</u>	<u>Block</u>	<u>Quadrant</u>	<u>Type of Street</u>	<u>Justification</u>
Horry	100	NE	Dirt	Partially closed – Complete restoration of the park
Lancaster	200	SW	Paved	Private home usage (center only)
Marion	100	SE	Paved	Low traffic for church (Iglesia Bautista Cristo Te Ama)
Marlboro	100	SE	Paved	Businesses closed (both side of park)
Marlboro	200	SE	Paved	Business (All State Petroleum) low traffic
Newberry	400	NW	Dirt	No obvious need for cut-Through
Orangeburg	100(C)	SE	Dirt	Business (First South Utility Co.) has another cut-through

<u>Street</u>	<u>Block</u>	<u>Quadrant</u>	<u>Type of Street</u>	<u>Justification</u>
Orangeburg	100(S)	SE	Paved	Business (bowling, antique shop) and Church (Apostolic Faith Church) low traffic
Sumter	100	SE	Dirt	Low traffic for recent cut-Through
Williamsburg	100(N)	NE	Paved	Low traffic for business (Aiken Boxing Club)

These cut-throughs have been posted for approximately 10 days, letting the public know that the closure of these cut-throughs would be discussed at this meeting. Public Safety has reviewed the above list and agrees that those listed for closure would pose no safety problem.

Council reviewed each cut-through on the list.

Council agreed to close the cut-through on the 100 block of Horry Street NE.

Ms. Judith Maddox, of 249 Lancaster Street SW, spoke in opposition to the closing of any of the three cut-throughs in the 200 block of Lancaster Street. She pointed out the cut-throughs are used by those who rent apartments in the area and these people already drive the wrong way on a one-way street. She asked that Public Safety patrol the area to try to control driving the wrong way on the street. She was concerned that if the middle cut through is closed that these people will drive the whole block in the wrong direction and create a traffic hazard.

Mayor Cavanaugh stated his concern about the cut-throughs was that the effort is to try to close as many cut-throughs as possible to reclaim the parkways. He pointed out this particular street has three cut-throughs. He was concerned about others who want to keep one cut-through and this street has three cut-throughs. He said he could see no reason to keep the cut-through in the center.

Mr. Bill Thomas, 231 Lancaster Street, also expressed concern about people driving the wrong way on the one-way street. He stated the center cut-through is probably the most used one on Lancaster Street. He expressed some concern about the angle of the cut-throughs on the ends of Lancaster Street. He stated there is a lot of traffic on Lancaster Street and felt there is a traffic problem on the street.

Councilwoman Vaughters stated she wanted to express the feelings of Maria Floyd, of Lancaster Street. Ms. Floyd pointed out the ditches on Lancaster Street were not cleaned so the drainage does not work properly. She felt a lot of work needed to be done on the street before the cut-throughs are closed.

Councilwoman Vaughters stated she felt if the cut-throughs are paved and are working well she did not see a reason for eliminating the cut-through.

Councilman Smith stated perhaps Council and city staff should look at this area more before taking any action on this cut-through. Council agreed to place this cut-through on hold at this time and remove it from the list.

After discussion Council agreed not to close the cut-through on the 100 block of Marion Street SE because it is used by people going to the church in that area.

Councilwoman Vaughters expressed concern about closing the cut-through on the 100 block of Marlboro Street SE. She pointed out the cut-through is paved and she felt that

there will be businesses in that block in the future and the cut-through would be needed. Council agreed to remove the cut-through from the list at this time.

Council also agreed to remove the 200 block of Marlboro Street SE from the list since it is a paved cut-through. Council asked that they only consider removal of the dirt cut-throughs at this time.

Council agreed to close the cut-throughs on the 400 block of Newberry Street NW, the center cut-through on the 100 block of Orangeburg Street SE, and the 100 block of Sumter Street SE.

Council agreed to keep the paved cut-through on the south end of 100 block of Orangeburg Street SE. Mr. Henry Krippner of Habitat for Humanity expressed concern about this cut-through and stated it was needed by Habitat to be able to load and unload material for Habitat.

Council agreed to keep the paved cut-through on the north end of Williamsburg Street NE.

Councilwoman Price moved, seconded by Councilman Smith and unanimously approved, that Council approve closing of four cut-throughs in the parkways as follows: 100 block of Horry Street NE, 400 block of Newberry Street NW, 100 block of Orangeburg Street SE (center), and 100 block of Sumter Street SE.

HISTORIC LANDMARK- ORDINANCE

McGhee Mile Track

Banks Mill Road 620

Landmark

Mayor Cavanaugh stated an ordinance had been prepared for first reading designating McGhee Mile Track as a Historic Landmark.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE DESIGNATING MCGHEE'S MILE TRACK LOCATED AT 620 BANKS MILL ROAD AS A LANDMARK UNDER THE CITY OF AIKEN HISTORIC PRESERVATION ORDINANCE.

Mr. LeDuc stated over the last month City Council has had several opportunities to discuss alternatives to our current Historic Preservation Ordinance. In particular we focused on the downtown and residential neighborhoods on the north side. At an October 7, 2002, work session Council discussed the Historic Landmark designations and how Council may want to treat a petition from citizens designating a property as an historic landmark. Currently our ordinance states that any historic landmark would need review by the Historic Preservation Commission for any changes, modifications and new construction.

Last spring a petition was brought before the Historic Preservation Commission asking for historic landmark designation for the McGhee Mile. The property owner stated at that meeting and subsequent meetings that he is not in favor of a Landmark designation for his property. The Historic Preservation Commission approved this petition giving them the ability to review plans for any new construction or alteration of existing structures. They would also review whether the proposed changes affected the historic or design integrity of the site or the criteria for designation as a Landmark.

As we discussed Council could consider other alternatives when making a Landmark designation or establishing new districts. For instance, when a similar petition was made by citizens concerning St. Mary's Church and surrounding properties Council limited the number of structures that were included under the Landmark designation. Council also has the ability to change the ordinance to allow the Planning Director to administratively approve Certificates of Appropriateness for property designated as Landmarks or within Historic Overlay Districts.

In the case of McGhee Mile, it is the first time a property owner has been petitioned for Landmark designation without the support of the owner. In checking with the South Carolina Department of Archives and History they were not aware of any Landmark designations approved in the state without the consent of the owner of the property.

As Council reviews the McGhee Mile several avenues are available if you would like to establish a Landmark under the Historic Preservation Ordinance. Council could designate who would do the review, what particular aspects would be reviewed, whether it would include all the construction, some of the alterations, or just those visible from the street right of way. In the last few weeks Council has met at the McGhee Mile to review the track facility. In particular they reviewed the brick barn that was built in the 30's and other structures that have been built at various times since then. Most of these structures are wood construction, except some dormitories that were built by the city made of concrete block and covered by stucco. He also showed us where the new restaurant is proposed, along with grooms quarters and the tack shop, which were approved by the BZA.

The BZA, as part of the approval process for the restaurant, included several conditions for their approval. These included a maximum seating capacity of 50 seats, hours for the restaurant from 5:30 a.m. to 9 p.m., the prohibition of outside entertainment and speakers, and limiting the overall size to 2,500 square feet. In addition, they stated that the restaurant must conform to other structures that are currently located at the track and be designed as described in the applicant's application. If Council desires, they could include as part of this process limiting the size and features of the restaurant or any other new structures as described in the BZA application.

Councilmember Smith has proposed an alternative to the Landmark designation for this property and other horse facilities for Council review. In his proposal he has suggested a new category called "Historic Equestrian Site." It suggests less rigorous design and review standards for any of these sites.

Council will be asked to approve the ordinance, which states that this property will be designated as a Historic Landmark under the review of the Historic Preservation Commission. Council could either approve, disapprove or change the ordinance in whatever way you desire.

For City Council consideration, is first reading of an ordinance designating the McGhee Mile as a Historic Landmark. Upon City Council approval, this will be scheduled for second reading and public hearing at the next regularly scheduled meeting.

Mayor Cavanaugh gave a background on the history of the purchase and sale of the Aiken Mile Track (McGhee Mile Track), how the city got involved in the Mile Track and why. He said the track was built in 1936. In the 1988 to 1989 time frame the city bought the track. He said the city purchased the property because it was felt it was the thing to do at the time, because the property was to be sold for a housing development. It was felt the track was a part of Aiken's history and important to the city. The city bought the track so it could be preserved as a horse racing training area and part of the Triple Crown. The city worked to improve the track and draw more trainers and horses and by 1997 had improved the number of horses at the track from about 30 to 130. During that time the city knew it was not in the horse racing business, but the city did not want it to be sold for housing either. The city started advertising the track for sale sometime around 1992 to 1994, as it was felt the city could not stay in the training track business. In 1996 Mr. Bruce McGhee inquired about buying the track. The city sold the track to Mr. McGhee with conditions and restrictions in 1997, with one being that the track would remain a horse training or racing facility in perpetuity. Another condition was that the buyer would agree to allow the University of South Carolina at Aiken to conduct its spring race at the property as part of the Triple Crown. He pointed out the track is a commercial business and Mr. McGhee was concerned when he purchased it as to how he could make the track a profitable business. He pointed out besides the restrictions in the deed to Mr. McGhee, the track was put into the Horse District, which carries several restrictions. Also, when Mr. McGhee went to the Board of Zoning Appeals and asked for a restaurant, grooms' quarters, tack room, etc. the BZA added stipulations for these additions. He

pointed out this makes three layers of protection or restrictions on the McGhee Mile Track. He said these restrictions make this track the most restrictive of the three horse tracks in Aiken. He also pointed out if Council approves the designation as a Landmark this will be the first time such a designation has been made against the owner's will as far as placing something in the historic district.

Councilman Cunning asked if the agreements already in place protect the use of the tracks. Gary Smith, attorney, stated he did not think it specifically addresses the track, but addresses the use of the real estate itself as a horse facility.

Councilwoman Clyburn stated many people are present and she felt they would like to be heard. She said even though this is first reading of an ordinance she would like to hear comments from the citizens present so Council can know the issues and feelings of the citizens.

Councilwoman Clyburn moved, seconded by Councilman Cunning and unanimously approved, that Council suspend the rules and allow discussion at first reading of the ordinance.

Mayor Cavanaugh asked if anyone would like to make comments regarding the matter.

Councilwoman Vaughters stated the thing she was most concerned about with the property was the track itself. She said it is on the National Register and it is a significant historic site in Aiken. She did not feel it would hurt anything to designate it as a Landmark.

Mrs. Rosamond McDuffie, 5 Oakmont Drive, stated she wanted Mr. McGhee to realize what a treasure he has. She felt designation would not diminish the value of his property, but would be adding to the value of the property. She said historic preservation is keeping the value and the character of the properties intact.

Councilman Cunning stated he was concerned about the track. He said he would like to be sure that the track itself would have some special designation, not necessarily the buildings, but just the track. He said the matter is a land use issue. The neighbors' concern is what is going to happen to the property. They are concerned about a bar on the property. He said he would like to work with Mr. McGhee to be sure the track is protected.

Councilwoman Price stated she struggles with what is fair not only for the McGhees' but also for the designation. She said the designation is something that the McGhees do not want. She said they bought the property under one condition and now there is a movement to change the condition. She said she struggles with what is fair as far as the city, what someone personally wants for their property, and what is fair for the city at large.

Councilman Smith stated he was a believer in fairness, but the city has a Historic Preservation Ordinance. He said there were more than 100 people who signed a petition asking for the designation of the Mile Track as a landmark. He said other interested property owners in the city also need to be heard. He said when the Historic Ordinance was adopted many properties were placed in historic districts when the approval of the individuals was not given. He said he had submitted an amendment to the proposed ordinance at the previous work session on the matter which he thought would be a compromise.

Mr. Will Britt, Attorney for the McGhees, stated the biggest problem they have with a compromise is oversight. He pointed out there is already a great deal of oversight on the property. He said to compromise and put additional oversight on new construction or changing or altering the present building is not acceptable. He said as far as preserving the track he pointed out there is the restrictive covenant which says the property is to be a horse training and racing facility in perpetuity. He said there is also a covenant in the deed which says the Triple Crown has to be hosted on the track. He said there can't be a Triple Crown unless there is a track. He felt there was protection for the track.

Councilman Cuning stated if that is the case would the McGhees agree that just the track could have some kind of designation. He said this is part of the concern of the neighbors. He said he could understand not wanting additional oversight and regulations as a business person.

Mr. Britt stated the McGhees would consider discussing with Council some kind of agreement as to maintaining the track, but not a historical designation that requires oversight. He said if the McGhees had applied for this and asked the city to designate their property, then he felt they would be willing to compromise. He said the problem with this is that others submitted the petition over the McGhees' objection.

Councilman Cuning stated he was basically in support of not making the property historical, but he did feel that the neighbors had some legitimate complaints. He felt there were things which need to be addressed. He pointed out the track is in the middle of a residential area and this is why the neighbors are concerned. He said he was not in favor of making it historical, but there are certain land use issues which he felt Council needed to work out. He said if it can be done with a separate agreement which spells out the issues, he felt this would be in Mr. McGhee's favor. He said historical designation does add layers, restrictions and cost. He said he would like to have some discussion on the restaurant. He said he felt a track restaurant makes sense. He said, however, there was concern about serving alcohol.

Mayor Cavanaugh stated the Board of Zoning Appeals had made a list of restrictions on the approval of the restaurant.

Mr. Britt stated a bar is prohibited in a residential area and also in the BZA Order. He said the BZA Order does not grant permission to have and serve alcohol at the restaurant. He said there is a procedure which must be followed with the Department of Revenue. In order to get a license to sell alcohol public hearings are required. He said there had been no application for this at this time. He pointed out that historic designation does not speak to land use, but only to the exterior of buildings.

Councilwoman Vaughters asked about the in-field, the land that the track surrounds. She said she feels the track is historic and that it should be designated. She did not feel that it would hurt Mr. McGhee. She did not feel that every building on the property should be regulated.

Mr. Britt pointed out that any building on the property has to be granted as a special exception from the Board of Zoning Appeals and that can be appealed to the courts. He said the track is a commercial venture and Mr. McGhee does not get revenue because people come to the site because it is historic. People come to the site and Mr. McGhee generates revenue because it is a state of the art standardbred horse racing facility. He said Mr. McGhee is not going to do anything that will jeopardize the track as a commercial venture.

Councilwoman Clyburn stated she had heard from some of the neighbors in the area and there are some people who feel that the track should have historic designation. She said there are many people present at the meeting and she had thought by suspending the rules that people would make comments regarding their feelings. She said she felt Council should continue with the second reading, especially since the citizens did not make their comments at this meeting. Having the second reading would give another opportunity for citizens to make their comments on the matter. She said she keeps hearing there are a lot of neighbors who are concerned, but they have not spoken at this meeting regarding the matter.

Council asked that Councilman Smith give Council copies of his revised compromise to the proposed ordinance so Council could review it before voting on the ordinance.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh and unanimously approved, that Council pass the proposed ordinance for designation of the McGhee Mile

Track as a landmark on first reading and that second reading and public hearing be set for the next regular meeting of Council.

Mr. Britt stated he would like to have some discussions with the City Attorney before the next public hearing regarding a proposed amendment by Councilman Smith.

Mr. John Ozmint, attorney from Columbia representing several persons who signed the petition for historic landmark designation, stated the people chose not to speak at this time because it would have to be repeated at second hearing. He did state he had not heard a good explanation why the McGhees' would not want the track itself without reference to any of the buildings designated as historic as a compromise. He said he would also like to be involved in discussions with the City Attorney on the matter representing the concerned citizens.

Councilwoman Price left the Council meeting at this point – 9:15 P.M.

AMERICAN RED CROSS - ORDINANCE

Red Cross

Lease

Laurens Street

Colleton Avenue

City Property

Mayor Cavanaugh stated an ordinance had been prepared for first reading to lease city property on Laurens Street at Colleton Avenue to the Red Cross.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE LEASE OF CERTAIN PROPERTY LOCATED ON LAURENS STREET AND OWNED BY THE CITY OF AIKEN TO THE AMERICAN NATIONAL RED CROSS.

Mr LeDuc stated in 1976, the City of Aiken initiated a lease with the American National Red Cross for city property on Laurens Street along the railroad tracks near Colleton Avenue. This lease expired approximately one year ago and the American National Red Cross would like to renew the lease for this property. As they explained at the last work session, they would prefer the same length of lease agreement but Council suggested a shorter period of five years. The shorter time will allow future councils and the American Red Cross to decide whether or not to continue the lease agreement at this location. The lease terms state that in event of such cancellation a 12 month notice would be given to the Red Cross to vacate these properties unless the two parties can agree to an earlier time.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance authorizing a five year lease agreement with the American Red Cross in Aiken for property at Laurens Street and the railroad track and that second reading and public hearing be set for the next regularly scheduled meeting.

PERFORMING ARTS THEATER

Rental Rates

Theater

Playhouse

Washington Center for Performing Arts Theater

Community Playhouse

Newberry Street

Mayor Cavanaugh stated Council needed to consider approval of rental fees for the Washington Center for the Performing Arts Theater.

Mr. LeDuc stated over the last several months the city has been surveying other community theaters to determine comparable rates for rental of the theater building. The

staff is proposing different rates for non-profit versus profit organizations and also rates that would vary between weekdays and weekends. The last rate differential is due to overtime pay for City personnel to be available while the facility is open. The cost of the piano rental and any technical assistance would be based on direct charges from the Playhouse organization. Once the theater has been open for approximately one year, we should have a more accurate analysis of our actual cost and then we can revise this fee structure if necessary. We have already received a firm commitment for the rental of the theater for a couple of dates in December and have received several other calls within the Aiken area and throughout the state for other possible dates.

The proposed rates are as follows:

	Non-Profit	For Profit	Time
Auditorium and Stage	\$400	\$500	Up to 8 hrs. Sunday-Thursday
	500	600	Up to 8 hrs. Friday-Saturday
2 nd Performance same day	200	300	Up to 4 hrs.
Rehearsal Only	100	140	Up to 4 hrs.
Additional Time	75	75	Per hr. fee
Rental-Non Performance			
Seminar/Conference	300	400	Up to 8 hrs.
School Rental	300	300	Up to 8 hrs.
Lobby Only	150	250	Up to 4 hrs.
Upstairs Suite	150	250	Up to 4 hrs.
Load in and Strike	150/day	250/day	
Piano Rental	20	20	
Piano Tuning	Cost of Tuning		Approximately \$125
Damage Deposit	300	300	
Technical Assistance	25/hr/person		

For City Council consideration, this is approval of rental rates for the performing arts theater.

Councilwoman Vaughters asked if there was a possibility that the rate for rental could be less the more days it is used by a renter. Mr. LeDuc stated the staff could look at this possibility. He said the staff needed flexibility to work with the rental rates during the first year rather than having to come to Council with each question.

Councilman Sprawls moved, seconded by Councilman Smith and unanimously approved, that Council approve the rental rates for the Performing Arts Center as recommended by staff and give the City Manager flexibility to adjust the rates during the first year if necessary.

PAVING 2003

Street Paving Resurfacing

Mayor Cavanaugh stated Council needed to consider approval of the street paving list for 2003.

Mr. LeDuc stated every year the City receives over \$200,000 from the State C Funds for the paving of state streets in the City. Yearly the Public Works Department reviews the conditions of all the streets within the City of Aiken to determine which ones have the greatest need for repaving. This information, along with comments we have received from citizens, Council members, and the state is combined to develop a priority listing of streets to represent our paving list for the next calendar year. This year's list includes completing some of the streets that were listed from the 2002 repaving list along with several streets in Crosland Park and the eastern portion of the City. This list is submitted to Council for review and approval.

Upon City Council's approval, this list will be sent to the Local Transportation Committee for their final review and submittal to the State Highway Department for paving. These streets would then be scheduled for resurfacing sometime during the 2003 calendar year. This year we did receive a few minor complaints from citizens concerning the streets that the state paved. The number of complaints was down significantly from those we received last year. We have been discussing these complaints with the Highway Department and feel they have followed up on most of these. The first 6 streets that are listed for repaving for 2003 are left over from last year's approved list from City Council. The South Carolina Department of Transportation did not have enough funding to complete these streets. We propose that the streets be paved in the order in which they are listed and any streets not paved would be rolled over into the 2004 listing.

Street	From	To	Length
Kershaw N&S S441	Abbeville Ave. S176	Barnwell Ave. S177	0.26
Abbeville Ave. S176	Kershaw St. S441	Sumter St. S559	0.1
Palm Drive S1660	Cherry Drive S1661	Palm Drive S1657	0.24
Palm Drive S1657	Palm Drive S1660	Elm Drive S1659	0.25
Dupont Drive S923	Gayle Ave. S556	Rutland Dr. SC 118	0.71
Teague Ave. S380	Columbia Ave. S220	Rutland Dr. SC 118	0.6
Crosland Drive S1703	US 1	US 1	0.40
Wyman St. S1491	Sommer Ave. S1428	Aldrich St. S1425	0.25
Marlboro St. S165	Colleton Ave. S169	Park Ave. S3	0.19
Orangeburg St. S625	S. Boundary S85	Colleton Ave. S169 N&S	0.27
Orangeburg St. S625	Colleton Ave. S169	Park Ave. S3	0.13
East Boundary S680	Banks Mill Rd. S279	South Boundary S85	0.18
East Boundary S679	South Boundary S85	Colleton Ave. S169 N&S	0.27
East Boundary S679	Colleton Ave. S169	Park Ave. S3	<u>0.15</u>
Total			4.00

For City Council approval, staff is recommending the above paving list for 2003 by the State Highway Department.

Councilman Cuning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council approve the street paving list for 2003 as recommended by the staff.

Councilman Cuning stated the 100 block of Newberry Street SW needed work. He stated it was in need of resurfacing. Mr. LeDuc stated the staff would look at the street. Mayor Cavanaugh also suggested that Highland Park needed resurfacing. It was pointed out this is now a city street and would be looked at when considering the city paving list.

SAVANNAH RIVER SITE

Resolution

Modern Pit Facility

SRS

Mayor Cavanaugh stated a resolution in support of the Modern Pit Facility had been prepared for Council's approval.

Mr. LeDuc stated at the last work session Howard Walls reviewed with City Council the missions currently at the Savannah River Site and the need for the Modern Pit Facility. City Council over the last several years made their number 1 goal at Horizon's to support the Savannah River Site. On Tuesday, October 29, 2002, at 7 P.M. at the North Augusta Community Center a public hearing will be held concerning the Modern Pit Facility. They are encouraging individuals to support the vital mission of the Modern Pit Facility at this hearing.

A resolution has been prepared for Council's approval supporting the location of the Modern Pit Facility at the Savannah River Site. For the past 50 years SRS has been the Department of Energy's leader in the production and handling of plutonium, and it is felt

they should continue to be the key player in future plutonium activities. SRS has trained individuals who specialize in plutonium facilities and have shown successfully the construction and operation necessary for the Modern Pit Facility.

The Central Savannah River area has been a strong supporter for DOE programs at SRS in the past. For this reason the Savannah River Site feels they are the logical choice for the Modern Pit Facility.

Councilman Cunning moved, seconded by Councilman Smith and unanimously approved, that Council approve the resolution in support of the Modern Pit Facility being located at the Savannah River Site.

HORSE PLAY

Horses

Aiken Center for the Arts

Accommodations Tax Funds

Mayor Cavanaugh stated Council needed to consider approval of a proposed Horse Play event.

Mr. LeDuc stated City Council reviewed at the work session an event sponsored by the United Way and the Aiken Center for the Arts called Horseplay. This event will display approximately 30 horses from October – March throughout the community and raise approximately \$150,000 for children and senior citizen scholarships for the Center for the Arts. Each of these horses will be decorated by artists in our region and sponsored by businesses and individuals throughout our community. The cost of each horse and the honorarium to the artist plus insurance and liability will be approximately \$3,500. The committee has asked the City of Aiken to sponsor one of these horses. If Council decides to approve the sponsorship, half the money would come out of this year's Contingency Fund and the other half would be placed in next year's budget. They also would like permission to display some of these horses on public right-of-way and would need Council's permission to do so. The exact location for display of these horses would be determined later by City staff and our Park Commission. They would also like the City to help with the advertisements of this event covering a three state area. They expect approximately 9,000 overnight visitors to attend the various events and to see the horses displayed. To cover the anticipated \$30,000 expense for the advertising, they are asking Council's approval of these funds through the city's Accommodations Tax Funds. Yearly we receive approximately \$240,000 in this account, of which half generally pays for city expenses related to overnight stays and beautification within the City. The remaining money is used to help sponsor projects within our community. Over the last couple of years, we gave a \$250,000 grant to the Center for the Arts and have currently scheduled future funds to help pay off the City's debt on the Performing Arts Center. Also, \$40,000 yearly has been committed to the Chamber to help fund an individual to promote tourism and events for the Aiken area.

For City Council approval, the Horseplay committee would like the City to sponsor a horse at \$3,500, provide locations for some of them to be displayed in public areas, and provide \$30,000 from next year's Accommodations Tax Funds.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh, that Council sponsor a horse with \$1,750 to come from the 2002-03 budget Contingent Fund and \$1,750 to come from the city's Accommodations Tax Funds next year, provide locations for the horses to be displayed in public areas, and provide \$30,000 from next year's Accommodations Tax Funds, for a total of \$31,750 from next year's city Accommodations Tax Funds.

Councilwoman Vaughters stated she was concerned about placing the horses in the parkways and she was concerned about public sculpture. She said she liked for the parkways to remain natural.

Mr. LeDuc stated he had suggested that the city staff work with the Park Commission for location of the horses. Mayor Cavanaugh stated it might be appropriate for the horses to

be in some parkways. He said this could be worked out with the staff and Park Commission.

Mr. Pete Peters asked questions regarding the request for Accommodations Tax funds, asking if \$30,000 would be for advertising Horseplay. He said this is a lot of money to spend on advertising. He pointed out those making requests for state Accommodations Tax funds this year got cut substantially. He pointed out that the Steeplechase only got \$5,000 for advertising. He asked if Council felt spending \$30,000 advertising painted horses would bring in more tourists than \$5,000 for the Steeplechase. He felt the \$30,000 request was exorbitant. He did not feel a lot of people as tourists would come to see the horses and stay overnight. He was concerned about the cuts in funds for the Battle of Aiken and the Steeplechase events which he stated had a proven record of bringing tourists to Aiken.

Mr. Bill Reynolds, Chairman of the Horseplay Committee, explained the request for advertising to encourage people to come to Aiken to stay overnight and reviewed the events planned for Horseplay and the funds it was felt would result from the event. He stated the strategy is not just to get people to come to Aiken for the horses, but to see Aiken's story. He stated this is a one time event.

Mayor Cavanaugh called for a vote on the motion to approve \$3,500 for the sponsorship of a horse with \$1,750 to come from the 2002-03 Contingency Fund, provide locations for some of the horses to be displayed, and approve \$31,750 from next year's city Accommodations Tax Funds for the Horseplay event. The motion was approved by a vote of 5 in favor and 1 opposed. Opposed was Councilwoman Vaughters.

PICKENS PLACE

Gregg Avenue
Augustus Drive
Water
Sewer
Stormwater System
Detention Pond
Streets
Resolution
Dedication

Mayor Cavanaugh stated Council needed to consider acceptance of the infrastructure at Pickens Place.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING ACCEPTANCE OF THE ROADS, WATER MAINS, SEWER PIPES, STORM SEWER PIPES, RELATED EASEMENTS AND DETENTION AREAS IN PICKENS PLACE DEVELOPMENT.

Mr. LeDuc stated in the early 1990s, Pickens Place was developed off of Gregg Avenue at Augustus Drive. Typically, sometime after a one year period, the developer or homeowner's association requests the City to accept the infrastructure for these developments. Larry Morris has been working with the Homeowner's Association for Pickens Place and has examined the water, sewer, storm water system, detention pond and streets and finds them to be acceptable for acceptance into our infrastructure system.

Councilman Sprawls moved, seconded by Councilman Smith and unanimously approved, that Council approve the resolution for acceptance of the roads, water, sewer, and storm drainage for the Pickens Place development.

AIKEN DOWNTOWN DEVELOPMENT ASSOCIATIONFunds
Staff

Mayor Cavanaugh stated Council needed to consider approval of funding for the Aiken Downtown Development Association.

Mr. LeDuc stated at City Council's last work session, the ADDA requested assistance for funding a second person for the Aiken Downtown Development Association and asked that the matter be placed on the agenda for Council's approval. Staff suggests funding the amount of \$7,500 starting on January 1, 2003 with the money taken from the Contingent Fund available in this year's budget. We currently have approximately \$85,000 available in this fund.

The additional person would allow Janet Morris to have more daily contact with the merchants in the downtown area and assist them with their various needs, while having someone still available at the office. Also, while she is out of town, the second individual will be able to keep the office open during those times. With this additional funding the City's share of the overall budget would be approximately 50%, or \$55,000, which is consistent with the funding level that most cities give to downtown associations in South Carolina. Presently the city funds \$40,000 each year to the ADDA. The request is for an additional \$15,000 per year for a total of \$55,000 per year.

For City Council consideration, this is approval of \$7,500 to ADDA, on or after January 1, 2003 with funding to come from the General Fund Contingent Fund.

Councilwoman Clyburn moved, seconded by Councilman Smith and unanimously approved, that Council approve \$7,500 from the Contingent Fund for fiscal year 2002-03 for ADDA to help fund a second full time person for ADDA and consider \$55,000 in the budget for 2003-04 for ADDA funding.

ACCOMMODATIONS TAX FUNDSRecommendations
Accommodations Tax Committee

Mayor Cavanaugh stated Council needed to consider approval of requests for Accommodations Tax Funds.

Mr. LeDuc stated yearly the City of Aiken receives funding from motels and hotels in Aiken which is used for projects that increase tourism and overnight stays. This year the City received \$57,248.35 which is approximately \$13,000 lower than we received last year. This money is what remains after a percentage of the funds is set aside for the City of Aiken's General Fund and a portion is given to the Chamber of Commerce. The Chamber of Commerce has been designated by the City as required by state law as the area's local body for tourism promotion.

The Accommodations Tax Advisory Committee has reviewed 22 applications that had requested over \$318,000 in funding. The Committee reviewed these applications based on the guidelines given by the South Carolina Department of Revenue and procedures as set down by the Tourism Expenditure Review Committee. This year the Tourism Expenditure Review Committee has been carefully reviewing each of the funding summaries submitted by the municipalities. This was taken into account by the committee that reviewed the applications, and they compared them to the new guidelines to ensure that only eligible items were approved for funding. Six of the projects were not funded due to these new guidelines set up through the State. The Accommodations Tax Committee also automatically sets aside 5% of the funds to both the ADDA and the Aiken Center for the Arts.

For City Council consideration, this is approval of funding of Accommodations projects as recommended by the Accommodations Tax Advisory Committee.

<u>Project</u>	<u>Amount Requested</u>	<u>Amount Recommended</u>
Battle of Aiken	\$12,029.00	\$ 4,000.00
Triple Crown Street Fair	5,000.00	
Citizens Park Bid Fees	15,000.00	10,000.00
Downtown Aiken Media Kit	1,400.00	800.00
Josef Hofman Piano Competition	2,952.25	830.00
Aiken Triple Crown-Harness Races	3,700.00	2,000.00
Aiken Steeplechase Association	8,995.00	5,745.00
Aiken Soccer Cup	18,430.00	4,880.00
Washington Center for the Performing Arts	15,000.00	5,000.00
Rye Patch Rose Garden	6,316.00	
Memorial Day Parade	5,000.00	2,000.00
Aiken Camellia Show	2,120.00	500.00
Aiken Choral Society 2003 Season	5,480.00	300.00
Aiken Horse Show	7,290.00	1,090.00
Aiken Festival of Trees	6,150.00	2,000.00
Horseplay	38,300.00	2,500.00
Aiken Center for the Arts – Programming and Operations	40,000.00	
Aiken Center for the Arts – Elevator Project	80,000.00	
Antiques in the Heart of Aiken	7,100.80	1,500.00
Aiken Civic Ballet	12,145.00	
US Police Canine Region 2 Detector Trials	660.00	
Aiken Community Playhouse	<u>25,000.00</u>	<u>5,000.00</u>
	\$318,068.05	\$48,145.00

In addition to the above the Committee is recommending \$2,862.40 to both the Aiken Downtown Development Association and the Aiken Center for the Arts towards their annual operating expenses.

Councilwoman Clyburn pointed out that she understood the \$2,500 allocated to Horseplay is no longer needed from this fund so she would like to reallocate that money to the Aiken Festival of Trees. She also asked if funds would be available from the city Accommodations Funds to add to the projects on the State Accommodations Funds list to increase their funding since there were not enough funds available to fund the projects.

Councilman Sprawls stated he would like to see a listing of what organizations received last year from the Accommodations Tax Funds so he could compare the allocations last year.

Mayor Cavanaugh stated he felt Council needed to be very careful in using the city Accommodations Funds to fund projects requested under the State Accommodations Tax Funds. He pointed out the city has a big debt to pay off using these funds for the Playhouse loan. He said some of those funds are being used for Horseplay, but he felt Council needed to be careful in using these funds for anything else. He felt Council needed to study the whole matter before allocating more funds. He pointed out the city would probably never have enough funds to fund all the requests.

Council continued to discuss the matter at length. It was pointed out some of the projects have received funds for many years. Council had discussed in the past about limiting the number of years that a project could be funded, but that was never done. It was pointed out the number of years for a project really doesn't matter, but what does matter is what projects bring people in to stay in the hotels and motels. Council asked if the funds were cut by the Accommodations Tax Committee because of the amount of funds available or because part of the project did not meet the state requirements.

Mr. Parker stated the Committee looked at all the requests. They had requests for much more than funds available. The Committee decided rather than select a few of the projects for funding, they decided to fund each project that would qualify by funding a portion of the request. He also pointed out that portions of some of the projects did not qualify for funds so the cut may not be as much as it appears on the list before Council, as some of the projects did not qualify.

Council discussed the funds at length. They felt they needed more information and wanted to know what portion of the projects did not qualify so they could see what portion of the qualified request was recommended for funding.

Mr. LeDuc suggested that the matter be tabled at this time and the staff would provide more information regarding the amount requested, qualified amount, and amount funded last year. He said this would give the staff more time to look at what funds might be left in the Contingency Fund also. He said if there is money in the Contingency Fund, Council may want to ask the Committee to review the requests again if additional funding is available.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh and unanimously approved, that Council table funding of the Accommodations Tax funds as recommended by the Accommodations Tax Advisory Committee at this time pending further information.

EXECUTIVE SESSION

Redistricting

Voting

Districts

City Council Districts

Election

Mayor Cavanaugh stated Council needed to go into executive session to discuss a proposed redistricting plan for the City of Aiken and to seek legal advice relating to a potential claim. Councilman Cunning moved, seconded by Councilman Smith and unanimously approved, that Council go into executive session. Council went into executive session at 10:15 P.M.

After discussion the executive session ended and Council returned to the Council Chambers at 11:05 P.M. to discuss a proposed redistricting plan for the City of Aiken.

REDISTRICTING

Voting

Districts

City Council Districts

Election

Council Districts

5-1-1 Plan

4-2-1 Plan

Mayor Cavanaugh stated Council had met in executive session to receive legal advice relating to a potential claim and would now like to discuss a proposed redistricting plan for the city.

Mr. LeDuc stated for the last couple of months City Council has been discussing a redistricting plan for the City of Aiken. Currently the City is under a 4-2-1 plan, and, due to the population increases we experienced in the 90s, we now need to redraw the lines so that there would be equal representation in each of the districts. Last year, the City hired Jim Holly, who worked on the 1988 4-2-1 plan and the redistricting plan that was completed after the 1990 census. He received a plan from the State of South Carolina which redrew the lines to represent the 4-2-1 plan which was presented to City Council at the September 23, 2002 work session. At that meeting, City Council directed staff to place this plan on the next agenda. They also asked that the plan be shown to the NAACP and other agencies that may have interest in reviewing it. At the October 14

City Council work session, the NAACP urged City Council to consider a 5-1-1 plan which they had drawn up. This plan would give District 1 a 56.9% and District 2 a 59% African-American voting population compared to the 4-2-1 plan, which would give each of the districts approximately 51.6%. The plan that Council approved after the 1990 census gave District 1 a 57.2% and District 2 a 52.6% African-American voting population.

If Council approves the 4-2-1 plan, it would then need to go to the Department of Justice for clearance. If the Justice Department decides not to approve it, then Council would need to look at changes to the plan.

Should Council decide to hold a referendum for the citizens to share their view of a change in the existing districting and move toward a 5-1-1 plan, the City would need to hold a city-wide referendum of all the voters to approve this change in method of election. The referendum ordinance would have to be reviewed by the Justice Department. If the voters approve this plan, it would then go to the Justice Department for final approval of a specific 5-1-1 plan. Should the citizens not approve a move to a 5-1-1 plan, then Council would again review it and determine what plan they felt would be acceptable for the City of Aiken.

Mayor Cavanaugh stated Council would like to discuss the matter of redistricting and asked if Council would like to suspend the rules to allow citizens present to speak.

Councilman Smith moved, seconded by Councilwoman Clyburn and unanimously approved, that Council suspend the rules and allow discussion on a proposed redistricting plan.

Mr. David Walker appeared before Council and stated to ensure diversity and full representation of all of Aiken's citizens the 5-1-1 Plan meets both criteria. He said it also meets one of the Justice Department guidelines on redistricting which is the Communities of Interest, which states that lines are not to be drawn only by race but by Communities of Interest. He said with the 4-2-1 Plan proposed by the City the Communities of Interest concept is in danger of being erased. He said in the past the citizens have been able to discuss concerns and issues and work together and obtain results that benefit all citizens. He said he was confident that on the issue of redistricting the citizens would work together rather than against each other. He said the Aiken Branch of the NAACP and the Ministerial Alliance support the 5-1-1 Plan and ask that City Council endorse the 5-1-1 Plan and also call for a referendum for the citizens to vote on the issue.

Mr. Walker stated the community of interest is a concept which came from the Justice Department Civil Rights Division about two years ago. This matter indicated in redrawing lines that those entities that have the responsibility of proposing the lines should consider community of interest which includes people that go to the same schools, churches and other activities. He said in the plan proposed by the city the boundaries diminish those communities of interest. He said they felt the 5-1-1 would keep the communities more intact rather than spread out over a wide area. He also pointed out the percentage of African-American population was higher in the 4-2-1 ten years ago than it is in the presently proposed 4-2-1 plan. He said the NAACP wanted to go on record as opposing both 4-2-1 Plans which had been proposed in the redistricting plan for the 2000 census. He said the African-American voting age population percentage in the 5-1-1 Plan is 58.99% for District 1 and 56.87% in District 2.

Councilwoman Clyburn pointed out District 1 goes from Crosland Park to South Aiken High School, and that is a wide span which goes across several communities.

Mayor Cavanaugh stated he felt the 4-2-1 Plan had been good for the city. He pointed out minorities had run at large in the past and had won the election, such as Lessie Price, Willar Hightower and William Clyburn. He also pointed out the percentage in Districts 1 and 2 under the proposed 4-2-1 Plan are still over 50% and minorities have won seats in these districts in the past.

Mr. Walker pointed out that in the next 10 years the Councilmembers presently serving Districts 1 and 2 may decide not to seek reelection and this is why the NAACP wants an increase in security to ensure that a minority will be elected. He said if the present members decide not to seek reelection with the new boundaries being proposed in the 4-2-1, other candidates could take away those seats from minorities even with the percentage being around 51%. He felt 56% or 58% minority is not as easy for someone else to win. He said they want to ensure that diversity remains on City Council and the best way is through the 5-1-1 Plan, which gives minorities a 5% increase or a 7% increase in voting age population in Districts 1 and 2. He said he felt people vote for people based on race. He said the 4-2-1 plan had worked in the past, but the percentages were changing and he was not sure it would work for the next 10 years.

Mayor Cavanaugh stated he was looking at the percentages in the past and the percentage of victory. He said looking at the record he wondered if a higher percentage was really needed to accomplish diversity.

Councilman Smith stated he felt diversity was a worthwhile goal. He said he was a northerner and only came to Aiken three years ago. He said he ran for Council last year and he won. He said he had campaigned in some of the neighborhoods being picked up in District 2 under the 4-2-1 plan and they were integrated neighborhoods and he did not see the racial tensions in Aiken that exist in other places. He felt the city had done well under the 4-2-1 plan where every voter has the opportunity to vote for four positions on Council and he felt this was a worthwhile goal. He said he felt the 4-2-1 plan is fair and still gives a majority advantage in the two minority districts. He said with the voting patterns of the past he felt there was a good opportunity to elect a minority candidate.

Councilwoman Clyburn pointed out that in the last election there was a minority running at large, but she received the least number of votes of the four candidates running. She asked how this could happen when some people are saying blacks can get elected at large. She said if all the blacks voted for the black candidate and there were four candidates, how could the black candidate have received the least number of votes. She said the black candidate was very qualified and very intelligent. She felt something is not right with the 4-2-1 plan. She said some voters feel their votes do not count, and they are not compelled to vote. She felt the black candidate did very good speaking to the issues and was very qualified.

Councilwoman Vaughters pointed out that there were very definite issues in the last election, and the matter was not Republican-Democrat, white-black; there were real issues that the candidates discussed. She felt the results of the election had to do with the issues involved. She said she liked the matter of having at-large representatives. She pointed out in her district she would not be in a community of interest. She also stated there are a lot of qualified candidates who never get elected.

Mayor Cavanaugh pointed out a candidate has to be in the community and be known by the people as well as being qualified. He said a great number of people in the community have to feel that a person is qualified to be elected. He said a person may have the best qualifications in the world and have all kinds of degrees, but nobody knows the person and they will not get elected.

Mr. Walker stated that was why he felt the city needed a 5-1-1. He said he would hate for the city to send up a 4-2-1 plan and have it rejected by the Justice Department. He pointed out the percentages are better in the 5-1-1 plan than the 4-2-1 plan.

Councilman Cuning stated he felt the 4-2-1 plan had served the city well. He was concerned that if Council sends a 5-1-1 plan to the Justice Department and a referendum has to be held and the citizens reject the plan that would not be a good situation. He said he would rather present the 4-2-1 plan to the Justice Department. He said he felt the 4-2-1 plan was in the best interest of the city and its citizens.

Mr. Walker stated if the 5-1-1 plan is submitted and a referendum held and Councilmembers campaign against it, it probably would not succeed. He said if the 5-1-1 is submitted by the way of a referendum then Council would need to support it to the

people at large and in the district. He said if Council denies the 5-1-1 plan he felt Council would be overlooking the voice of 30% of the city's population.

Mr. Ronny Maxwell stated he served on City Council when the city went from a completely at-large to the 4-2-1 plan and he lost in the next election. He said he was not present as a Democrat or representing the NAACP. He pointed out Council debated the same issues back in 1988 and the 4-2-1 plan was the first step towards getting away from a completely at-large election. He said he feels that a 5-1-1 plan is a better plan. He said North Augusta is completely at-large election and the majority of Council all live in a very close geographical area. He said presently that is not the case in Aiken, but under the 4-2-1 plan it could be that a majority of Council could be from one single district and that one district could control the legislation of Council. He felt this was a problem and felt a 5-1-1 plan is fairer and another step towards the fairest system a 6-1 plan.

Mr. William Clyburn, 664 Edrie Street, stated he had some lines redrawn for the 4-2-1 plan to make the districts a little better percentage wise. He stated, however, he never thought the 4-2-1 plan was the best redistricting plan for the city. He said it was obvious in his mind that the Justice Department would have problems with the 4-2-1 plan such as the community of interest and the percentages being just over 50%. He said he felt if the NAACP objected to the 4-2-1 plan the Justice Department would send the plan back. He said he was in favor of the 5-1-1 plan even though the 4-2-1 plan had worked well in the past. He said things may be different in the future.

Mr. Alfred Holmes, Edrie Street, stated he was proud of Aiken and Aiken was his home. He said he would like to see the continued growth of Aiken. He said, however, to be sure that things continue to grow and keep the unity and kind of community that Aiken has been over the years things may have to change. He said the 5-1-1 could ensure that representation on Council will remain diversified. He said he felt Council needed to do what would be in the best interest of all the citizens of Aiken.

Mr. Jim Holly, attorney, stated he would like to clarify that if Council takes up the 4-2-1 plan it would be based on the plan that Representative Clyburn referred to, which was redrawn slightly from the original plan. He said if the Department of Justice chose not to pre-clear a plan sent to them, it would be sent back and Council would have to decide what to do next. He pointed out the percentages are probably the most important thing that the Justice Department looks at, but they do look at other issues and factors. He said he could not say that the 4-2-1 plan has as high as a 50% chance of pre-clearance by the Department of Justice. He said he did feel that it has a reasonable chance of being pre-cleared based on his experience and the factors that he is aware of. He did point out that in 1993 when the Department of Justice pre-cleared the last version of the 4-2-1 the voting age population in District 2 was a little over 52%, not 55%. He said this is an indication that numbers is not the only thing considered by the Department of Justice.

Councilwoman Clyburn reminded Council that there had been numerous annexations from 1993 to 2002. She pointed out over that time the Justice Department would call her whenever an annexation was submitted, especially residential. She said the Justice Department always pointed out that annexations would dilute the minority strength in the city.

Mr. Holly stated the Justice Department does consider annexations and how they might affect voting. He said, however, the total minority population of the city has remained constant from the 1990 census to the 2000 census, still being roughly 30.3% African-American.

Council continued to discuss annexations and the chance of minorities being elected at large, even with the population being more distributed throughout the city.

Representative Clyburn stated he felt that under the 4-2-1 plan the compactness is not reasonable. The districts are spread out over a large area and are not reasonable, especially when compared with the 5-1-1. He said there is no community of interest in the 4-2-1 and that is one of the requirements of the Justice Department.

Councilwoman Vaughters pointed out one reason for the areas being spread out is the shape of the city. She said Hitchcock Woods is a big area that has to be worked around. She said to maintain the districts the population of the districts has to be fairly equal. She said she could never be for single member districts. She came from a city that had single member districts and it was divided all the time.

Representative Clyburn stated one of the Justice Department requirements is compactness so race will not be the main factor. He said he felt it would be quite obvious that the 4-2-1 lines were drawn basically from a race point of view because the lines are so far out. He said looking at the 5-1-1 the lines do not have to be drawn that way. He said if there is a plan that everyone agrees to the Justice Department will have no problems. He said the problem is when there is objection to the plan, and there is opposition to the plan this time, especially when there might not be a unanimous vote of Council for the plan.

Mr. Augustus Stevens, 1033 Bethel Church Road, pointed out what ever system is put into place will be in effect for the next 10 years. He said probably a lot of changes will occur in the City of Aiken during the next 10 years. He said if the right system is not in place there could be problems.

Councilwoman Clyburn moved, seconded by Mayor Cavanaugh, that the city submit the proposed 5-1-1 plan of the NAACP to the Justice Department for pre-clearance.

Mayor Cavanaugh stated there had been changes in the demographics of the community. He said he had been favor of the 4-2-1 and if everything was equal he would still be in favor of the 4-2-1. He said his concern was unity, diversity, and fairness in the community. He said he did not feel that the 4-2-1 would be pre-cleared. He said he did not want to see the community divided. He said he felt there should be diversity on Council and that two minority seats were needed. He said he was in favor of whatever it took to keep diversity in a way that is fair to everybody. He said the 4-2-1 plan had worked well for the city. He said he felt Council should look ahead and do what is best for the future of Aiken. He said there needed to be a system which would still run smoothly in the future and still have diversity. He said he supported the 5-1-1 plan.

Councilman Smith said it had been stated that the plan would be in effect for 10 years. He asked if the plan could be changed before that time. He said if it is found that a plan is not working could it be changed.

Mr. Holly stated redistricting could be done at any time if there is a reason to do so such as tremendous annexations or growth. He said the method of election can be changed by referendum and pre-clearance by the Justice Department. If a referendum is defeated that question cannot be presented to the voters again for two years.

Councilwoman Vaughters stated she would not vote for a 4-2-1 plan if she did not feel that it was fair. She pointed out there are two minority districts with over 50% minority voters and other voters who consistently vote with minority candidates. She said she was part of one of the minority districts, but had not had a problem with fairness partly because there are at-large seats as well. She said she never felt because she was the minority in the district that she never had a chance to run for office. She felt the 4-2-1 plan would be fair and that the city would continue to have the same minority representation as present if candidates are willing to work hard.

Mayor Cavanaugh called for a vote on the motion that a 5-1-1 plan be submitted. The vote was 2 in favor and 4 opposed. Those in favor were Mayor Cavanaugh and Councilwoman Clyburn. Those opposed were Councilmembers Cunning, Smith, Sprawls and Vaughters. The motion did not pass.

AN ORDINANCE AMENDING SECTION 14-1 OF THE AIKEN CITY CODE FOR THE PURPOSE OF ADJUSTING THE BOUNDARIES OF THE FOUR SINGLE MEMBER CITY COUNCIL ELECTION DISTRICTS TO THE 2000 CENSUS.


Councilman Smith moved, seconded by Councilman Cunning that Council pass on first reading an ordinance approving the adjustment of boundaries of the 4-2-1 Plan and that

October 28, 2002

second reading and public hearing be set for the next regular meeting of Council. The motion was approved by a vote of 4 in favor and 2 opposed. Those in favor were Councilmembers Cuning, Smith, Sprawls and Vaughters. Opposed were Mayor Cavanaugh and Councilmember Clyburn.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:15 A.M.


Sara B. Ridout
City Clerk