

Aiken City Council MinutesREGULAR MEETINGMarch 24, 2003

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

Others Present: Roger LeDuc, Gary Smith, Ed Evans, Glenn Parker, Anita Lilly, Pete Frommer, Larry Morris, Richard Pearce, Sara Ridout, Philip Lord of the Aiken Standard, Josh Gelinas of the Augusta Chronicle and 15 citizens.

Mayor Cavanaugh called the meeting to order at 7:35 P.M.. Mayor Cavanaugh 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. Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that the agenda be approved as presented.

MINUTES

The minutes of the work session and regular meeting of March 10, 2003, were considered for approval. Councilman Sprawls moved that the minutes of March 10, 2003 be approved as written. The motion was seconded by Councilwoman Clyburn and unanimously approved.

CABLEVISION – ORDINANCE 03242003ReassignmentFranchise AgreementAgreementNorthland Cable TelevisionSouthland Cable, LLC

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to reassign the cable franchise agreement from Northland Cable Television to Southland Cable, LLC.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE APPROVING THE TRANSFER AND ASSIGNMENT OF THE
CABLE TELEVISION FRANCHISE GRANTED BY ORDINANCE NUMBER
092297A FROM NORTHLAND CABLE TELEVISION, INC. TO SOUTHLAND
CABLE, LLC.

Mr. LeDuc stated the City of Aiken on June 29, 1993, developed a franchise agreement with Robin Cable Systems for cable television within the city limits. This agreement was later transferred in 1997 to Northland Cable Television, and they have been operating it for the last six years. They now want to sell their franchise to Southland Cable, LLC and this requires a reassignment and approval by City Council. Southland Cable is also buying all of Northland's cable systems throughout the western part of South Carolina.

Gary Smith has discussed the various elements involved with this reassignment and has talked to their attorney and feels comfortable with the reassignment of the franchise agreement.

Southland Cable has agreed to honor all of the previous verbal agreements that we have with Northland, including the use of a government channel and the city's use of the cable system throughout our buildings. They have now agreed to the verbal agreements in writing.

The public hearing was held and no one spoke.

Councilman Cunning moved, seconded by Councilman Smith and unanimously approved, that Council pass on second and final reading an ordinance to transfer the cable TV franchise agreement from Northland to Southland Cable, LLC and that the ordinance become effective immediately.

ALCOHOL SALES – ORDINANCE 03242003A

Hours of Operation

Sale of Alcohol

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance regarding the hours of operation for establishments that serve alcohol.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 6-5, AIKEN CITY CODE, TO SPECIFY THE HOURS OF OPERATION FOR ESTABLISHMENTS SERVING ALCOHOL FOR ON-PREMISES CONSUMPTION.

Mr. LeDuc stated that in 2001 the City amended Section 6.5 of our Code to allow businesses serving alcohol to remain open after 2 A.M. as long as they did not continue the alcohol service. This was requested by a southside business owner who adhered to this ordinance, but is no longer in business. There are several other businesses, however, that are staying open past 2 A.M., and it is causing problems, especially on the west side of the city. We have found in some cases the sale of alcohol and although they have been verbally warned, given warning letters and finally charged, they seem to continue to not strictly adhere to the amended law from 2001. This has caused problems not only at these locations, but for surrounding businesses, as individuals are congregating long past the 2 A.M. time period.

Public Safety is recommending a return to our original statute, which states that all business establishments catering to the public and selling beer, wine, liquor or other alcoholic spirits for on-site consumption shall be closed at 2 A.M. We feel with this change it will avoid many of the current problems that we are experiencing.

Mr. LeDuc stated the city has experienced some major problems with some violations in trying to get the businesses to obey the law. He said closing the businesses at 2 A.M. will help Public Safety and the rest of the city to avoid some of the problems.

The public hearing was held.

Ms. Pamela Hall stated she operates a business at 128 Hampton Avenue NE known as Northside Sports Bar and Grill. She said she does a lot of business after 2 a.m. She said she had not had any problems. She said she had been cited once for selling beer after 2 a.m. because she was unfamiliar with the rules and regulations. She said she had made some calls to Public Safety for the removal of local drunks coming into the business, but there had not been fights or drug activities at her business. She said she felt other businesses should not be penalized because of the actions of TNT. She said she abides by the rules. She said she felt her business should be allowed to stay open because she does a lot of sales of food to people from SRS, Kimberly Clark and others who work on shifts. She said 10% of her sales is beer and wine and 90% of her sales are from food sales. She said she did not feel that the actions of one business should affect all businesses and all businesses be required to close at 2 a.m. She said she promotes programs for the community and has programs for children during the summer. She said her business is not based on activities where there is a DJ, a bar, and a dance floor. She said her business is built on serving food. She said the calls to her business were basically when she first opened when she was setting the rules for her business. She said she does not allow people to hang out in the parking lot at her business.

Mayor Cavanaugh stated he felt Council made a mistake when they changed the original ordinance to allow businesses to stay open after 2 a.m. He said it was difficult for Public Safety to have to check the businesses to see if they are obeying the law regarding the sale of alcohol. He said from the information furnished to Council Public Safety has received many calls from the businesses that are open after 2 a.m., with TNT being the business with the most calls. He said he felt having the businesses close at 2 a.m. was the right thing to do, and he was not willing to make an exception. He said he felt this ordinance would help to keep the community safe. He said the ordinance does affect all businesses.

Council continued to discuss the issues addressed by Ms. Hall. Some of the Councilmembers pointed out to Ms. Hall that if only 10% of her business is from the sale of beer and wine, it might be in her interest to weigh if it might be more profitable for her not to sell beer and wine and stay open after 2 a.m. if she had enough food sales to warrant her staying open.

Ms. Hall stated she knew that other businesses such as the Quick Shop had had more calls than she has had, but they close at 11 p.m. She said it is sad that a business calls the police to help them, and this is used against them.

Councilwoman Clyburn suggested to Ms. Hall that she might want to consider whether she wants to continue her beer and wine sales and close at 2 a.m. or if she might want to discontinue the beer and wine sales and stay open after 2 a.m. for food sales. She pointed out Ms. Hall does have a reputable business. Councilwoman Clyburn stated she applauded Ms. Hall for making the calls to Public Safety to ensure that her business is safe.

Mr. Eric Kitchings stated he owns five businesses in Aiken, including two restaurants and two night clubs. The night clubs are Marlboro Station inside the city and Whiskey Junction outside the city. He stated the 2 a.m. closing time would not affect his businesses as his businesses are private clubs and are governed by state laws. He said his establishments had not had the trouble that TNT has had. He pointed out the County does not have regulations for closing at 2 a.m. and the businesses in the County can stay open all night long. He pointed out some of the calls to Marlboro Station which is inside the city is for things like clearing the parking lot. He said it did not seem fair for the calls to Public Safety to be used against the business. He pointed out Wal-Mart probably has a lot of calls.

Mayor Cavanaugh stated in his opinion when a business has to make a lot of calls to Public Safety there is something wrong at the business.

Councilman Cuning pointed out Marlboro Station is basically a bar and most of the business is the bar. He pointed out Ms. Hall's business is basically a restaurant. He pointed out the bars are basically where the problems are. He said it is difficult for the police officers to monitor the selling of alcohol for businesses who are open after 2 a.m. He said for a bar the major source of business is over at 2 a.m. when there are no more alcohol sales. He said the data has shown that allowing the businesses that sell alcohol to stay open after 2 a.m. causes problems.

Councilwoman Clyburn moved, seconded by Councilman Sprawls, that Council approve on second and final reading an ordinance amending Section 6.5 of the City Code to require business establishments that cater to the public and sell beer, wine, liquor or other alcoholic spirits for on-site consumption to close at 2 a.m. and that the ordinance become effective immediately.

Councilwoman Price stated she was torn with lumping all businesses in one category.

Mr. Gary Smith, City Attorney, pointed out the Supreme Court had recently issued an opinion that said it is all right for municipalities to pass curfew ordinances for facilities that sell alcoholic beverages. He said it is all right for Council to pass the ordinance. He said, however, if Council is interested in trying to protect a certain type of business while

still closing down a similar type of business the Supreme Court decision does not address that.

Mr. LeDuc reviewed the history of establishing the closing time at 2 a.m. in 1999. He pointed out that there was a business near Crosland Park called City B's that served alcohol and stayed open all night. There were a lot of complaints and Council passed the ordinance in 1999 for businesses serving alcohol to close at 2 a.m.

Councilwoman Price pointed out considering the number of calls between the hours of 2 a.m. and 6 a.m. which was 22, excluding TNT and Marlboro Station for 33 businesses over a two year period she did not consider the number unreasonable.

Mr. LeDuc pointed out most of the businesses close before 2 a.m. on a regular basis.

Mayor Cavanaugh called for a vote on the motion to pass the ordinance for businesses serving alcohol to close at 2 a.m. The motion was passed by a vote of 6 in favor and 1 opposing. Councilwoman Price opposed the motion.

DEMOLITION PROGRAM – ORDINANCE 03242003B

Substandard Housing

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing of an ordinance to amend the Code regarding the Demolition Program.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 10-4, AIKEN CITY CODE, THE "UNSAFE BUILDINGS, DWELLINGS, APARTMENT HOUSES AND ROOMING HOUSES ORDINANCE".

Mr. LeDuc stated that at the last meeting Council discussed the city's current program for the demolition of substandard housing. Houses are added to this list under one of the following three scenarios. 1) An owner requests the city to remove a substandard home due to its condition, recent fire or desire to construct new housing on this property (similar to the Second Baptist Church program.) 2) Neighbors register a complaint about an abandoned home and ask the city to do something about it. 3) City inspectors through their daily routine identify a home which has been abandoned for a period of time and is substandard.

Prior to the \$200 Demolition Program the city required the owners to make improvements within 120 days or remove the house. If they did not make improvements within this timeframe, they had a hearing with our Building Official. If after several more months went by and they still did not fix up the home the case would go back to the Building Official and eventually a hearing occurred. The Demolition Order would generally give owners additional time to fix up their homes; however, eventually most homes had to be torn down after two or more years of intervention. In most of these cases, the homeowner was required to pay thousands of dollars to remove the home or the city removed it. A lien was then placed on the property. With the new program the city has dealt with a lot of dilapidated homes that needed to be removed without the strife between the city and the owner. However, there are occasions when good houses (like the one at York and Barnwell) are placed on this list after being abandoned for many years. We currently do not have a procedure to deal with basically sound structures that, due to neglect, are scheduled for demolition. In several of these cases we found the titles are clouded, i.e. the house cannot be easily sold.

The city currently has two ways to handle substandard homes. 1) Use code enforcement, and let the City Building Official and the court system deal with these houses. 2) Use the Demo 200 Program as necessary to remove these homes. With either of these two processes, we don't account for homes that are decent and could be fixed up by others if titles are cleared or when the City helps facilitate their rehabilitation through us purchasing them (i.e. yellow house).

Two homes currently on the demolition list at 519 Sumter Street NE and 536 Hampton Avenue are good examples of homes that could be rehabilitated. Both of these buildings are in sound condition, but have been abandoned and are a nuisance to the neighborhood. It is our understanding that there are individuals who would like to buy these homes and fix them up. However, they cannot obtain a clear title. For these reasons, we may want to add a third procedure for these types of homes. We could either use eminent domain authority, or file a civil suit to clear the property title. Then we can condemn the homes to sell them to another party or as a last resort fix them up ourselves for resale. This procedure would pay the owner a fair value for these homes but clear the title by a court order.

We are recommending to City Council the modified procedure for our current program as follows:

1. When a substandard home is identified the Code Enforcement Inspector would evaluate its condition.
2. If a house is dilapidated and structurally unsound the Inspector would talk to the owner about removing it under the existing \$200 Demo Program and post the property for 30 days to allow another party to purchase it for rehabilitation or removal to another site.
3. If the house appears to be structurally sound, the inspector would approach the owner about rehabilitating it or placing it up for sale. If they are willing to fix it, the case would remain open until the rehabilitation is complete. If they want to sell it, the city may either assist them in getting a clear title or condemning the property and possibly buying it if necessary. If either of these scenarios is necessary, we would bring it back to Council for review and approval.

To incorporate the changes stated above City Council needs to revise the provisions of Section 10-4(i) of the Aiken City Code. This will allow the Code Enforcement Inspector to post the buildings for sale that will be demolished for a period of not less than 30 calendar days. It also gives City Council the ability to review apparently sound buildings to determine whatever assistance may deem appropriate to avoid their demolition.

At the last Council meeting Councilwoman Clyburn mentioned that the Schofield Neighborhood Association wants all homes built before 1940 investigated for historical significance. The 30 day posting notice will allow any party to come to Council should they have a concern. Again, if the inspector determines the house is structurally sound, we would bring these back to City Council for further action.

The public hearing was held and no one spoke.

Councilman Sprawls moved, seconded by Councilman Smith, that the ordinance to revise the Code regarding the \$200 Demolition Program be passed on second and final reading to become effective immediately.

Mayor Cavanaugh stated he felt the city had really looked at the program and the process is good.

Councilwoman Price stated she wondered if there should be a committee to evaluate the structures.

Mr. LeDuc stated the city has codes and regulations and forming a committee would be taking the matter out of staff's responsibility. He said a committee would be putting into individual's hands the decision whether a house is sound or not. This could get the city into some difficulty if someone got hurt or something happened to the house. He said the city would not be looking at the houses from a historical standpoint or an architectural stand point, but whether it is a sound structure or not.

Councilman Cunning pointed out the houses will be posted so people would be notified of demolition. He asked if Council would be in favor of renovating unsound houses. He

said that would not be economically sound. He said he felt Council would explore every way possible to save a house if it is sound.

Councilwoman Clyburn pointed out there was a sound house on Sumter Street that burned during the winter. She said she did not want the city to lose any more sound structures that could be renovated and provide housing for someone. She said if the proposed ordinance would do that she felt the city should move forward. She also stated the city would appreciate help from the Neighborhood Association to help the city expedite the program.

Mr. LeDuc pointed out four abandoned houses on the north side had burned during the winter. He said as long as there are abandoned structures there is the possibility of them burning and someone getting hurt in the structures.

Mayor Cavanaugh called for a vote on the motion to amend the Code regarding the demolition program. The motion was approved by a vote of 6 in favor and 1 opposed. Councilwoman Price opposed the motion.

ANNEXATION – ORDINANCE

Hamilton Drive 1536
PMG Enterprises, LLC
TPN 30-037.0-01-062
Whittle, Craig

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to annex 1536 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 .37 ACRES OF LAND, MORE OR LESS, OWNED BY PMG ENTERPRISES, LLC AND LOCATED AT 1536 HAMILTON DRIVE, AND TO ZONE THE SAME RESIDENTIAL MULTI-FAMILY HIGH DENSITY (RMH).

Mr. LeDuc stated PMG Enterprises, LLC would like to annex .37 acres of land at 1536 Hamilton Drive as Residential Multifamily High Density (RMH). Currently a three-unit apartment building occupies the site, which is contiguous to the city on the eastern border. The applicant would like to receive the reduced utility rates and to have Public Safety's protection along with garbage and trash service.

Several other properties on Hamilton Drive have annexed into the city in the past couple of years, including two recent townhome developments further east on Hamilton Drive. The right of way of Hamilton Drive is currently in the city limits.

At their March meeting, the Planning Commission voted unanimously to approve this annexation.

Councilwoman Price moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to annex .37 acres at 1536 Hamilton Drive as Residential Multifamily High Density and that second reading and public hearing will be held at the next regularly scheduled meeting.

ZONING ORDINANCE – ORDINANCE

Historic Preservation

Mayor Cavanaugh stated an ordinance had been prepared to amend the Zoning Ordinance regarding Historic Preservation issues.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO AMEND SEVERAL SECTIONS OF THE CITY OF AIKEN
ZONING ORDINANCE DEALING WITH HISTORIC PRESERVATION.

Mr. LeDuc stated that at the January Historic Preservation Commission meeting, they recommended an amendment to the Zoning Ordinance which would eliminate confusion over the issue of the designation of Landmarks. Currently, Section 5.1.4.a allows a designation to be initiated by the petition of ten city residents. The Commission also recommended several standards for review of projects that were required to receive the Certificate of Appropriateness and different options for designation of an individual property. The main problem is that the term landmark is used in several different ways within our ordinance and district.

The Planning Commission at their March meeting had no problems with the wording changes recommended by the Historic Preservation Commission and also included a change which provides that only a Commissioner or Councilmember can initiate a Landmark designation, thus deleting the initiation by the petition of ten residents of the city. They voted unanimously to approve these changes.

Councilwoman Vaughters moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance be passed on first reading to make amendments to the Historic Preservation provisions in the Zoning Ordinance and that second reading and public hearing be held at the next regularly scheduled meeting.

Councilwoman Vaughters stated she would like for Council to consider in the future the concerns about the downtown area and buildings being able to be torn down without any notice. She said one suggestion had been that a 30 day notice be given before buildings could be torn down in the downtown area.

BOARDS AND COMMISSIONS

Recreation Commission

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to create a Recreation Commission.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 2-142 OF THE AIKEN CITY CODE
REGARDING ESTABLISHMENT OF THE RECREATION COMMISSION.

Mr. LeDuc stated that at this year's Horizons meeting we discussed the development of a Recreation Commission. This commission would advise both the Parks and Recreation staff and Council on various matters. The Commission would be made up of nine voting members and two non-voting students. Seven of the members would be selected by City Council and four students would be selected at large based on recommendations from the Parks and Recreation staff. In the absence of any voting student the non-voting members would be allowed to vote at these meetings.

The Recreation Commission would be involved in offering input on future development, programs, fees, promotions, and operations and recommend these to staff and Council alike. It is envisioned they would be meeting once a month, with each member having a two year term limit.

He stated a copy of the proposed by-laws was given to Council for information.

Council discussed whether the students would be voting members or non-voting members. It was also pointed out that a Councilmember could appoint a student as their appointment to the Commission and they would be voting members. Mr. Gary Smith stated he had drawn the ordinance to keep the appointments the same as other committees with seven appointments by Council. After discussion it was the general consensus of Council that the four students would be non-voting members and the Recreation staff would select four students from the high schools and submit their names to Council for approval.

Councilman Cunning moved, seconded by Councilwoman Clyburn and unanimously approved, that Council pass on first reading an ordinance to approve the establishment of a Recreation Commission and that second reading and public hearing will be held at the next regularly scheduled meeting.

SIGN

Two Notch Road

Boardman Road

S.C. Department of Transportation

Mayor Cavanaugh stated Council needed to consider approval of a 4-way stop sign on Two Notch Road.

Mr. LeDuc stated in the past two years two fatal accidents occurred near the intersection of Two Notch Road and Brandy Road. Both involved motorcycles which were significantly exceeding the posted speed limit of 30 mph. The City asked the State Highway Department to consider a four-way stop at Boardman and Two Notch Road and any other recommendations they felt might be necessary to improve safety in this area. Our Public Safety traffic survey showed the 85th percentile speed at 38 mph on two different occasions, once in December and the other in January. Based on the State's review they have no objection to the installation of a four-way stop at the intersection of Boardman and Two Notch Road. However, they would like to obtain concurrence from the Aiken City Council before proceeding with the installation of this signage.

Based on their recommendation and that of Public Safety we are recommending City Council's approval of these stop signs.

Council discussed what things could be done to notify people that there will be a stop sign installed on Two Notch Road. It was felt there should be some notification of the stop sign being installed as people have driven on Two Notch Road for years without a stop sign.

Councilman Smith moved, seconded by Mayor Cavanaugh and unanimously approved, that Council approve the installation of a four-way stop sign at the intersection of Boardman Road and Two Notch Road as recommended by the South Carolina Department of Transportation.

Mr. Daniel Bruner, 1050 Two Notch Road, stated both motorcycle accidents were almost in his yard. He said he felt both accidents were due in part to speed. He said residents in the area had approached the city about putting up stop signs along Two Notch Road to help break the speed of traffic. He said he felt a stop sign on Two Notch at Boardman will help break the speed of traffic. He said a petition is being circulated requesting other stop signs along Two Notch Road. He said if the stop sign at Boardman does not help they would be asking the city that other considerations be taken.

Mr. Martin Buckley, 1141 Two Notch Road, stated he lives at the corner of Two Notch and Boardman. He said Two Notch is being used as a cut through. He stated the stop sign will be a beginning to help slow down traffic, but he felt other measures will have to be taken to slow down traffic on Two Notch. He suggested that possibly the speed limit could be lowered for the area. He said he hopes the stop sign at Boardman will help, and he is in favor of the sign.

Ms. Lucy Knowles, 1141 Two Notch Road, stated she would like to request a neighborhood meeting for people who live in the area to give the city suggestions other than the stop sign on what should be done to control traffic in this area. She said a lot of people are concerned and feel that other things should be done to slow down traffic.

Mr. LeDuc suggested that a neighborhood meeting be delayed for a few weeks to see how the four-way signs help with the traffic.

Council expressed concern that people know that the stop sign has been installed and that warnings be installed along the road to notify people of the stop sign.

ELECTION

Referendum

5-1-1 Plan

4-2-1 Plan

Mayor Cavanaugh stated this was an opportunity for Council to discuss their feelings on the proposed referendum on redistricting.

Mr. LeDuc stated tonight is the last meeting that City Council will have prior to the referendum for citizens to choose between a 4-2-1 and a 5-1-1 election system. Mayor Cavanaugh asked that Council have an opportunity to discuss this item one last time prior to this referendum. During this time any Councilmembers can make a statement concerning their feelings about the election method and why they support either the existing 4-2-1 Plan or a 5-1-1 Plan.

Mr. LeDuc stated he had furnished Council with a colored map of each district for the 4-2-1 and proposed 5-1-1 Plan along with a percentage comparison of each district for the revised 4-2-1 Plan or the proposed 5-1-1 Plan.

Mayor Cavanaugh stated he felt the referendum for redistricting was a very important issue. He pointed out that whatever is presented to the Department of Justice must meet the intent of the Voting Rights Act. He said the Justice Department likes to have at least a 55% minority voting district and not have districts that are gerrymandered in order to get a certain percentage. He said he had made the decision in support of a 5-1-1 Plan because the city's attorney had said he felt there was a small chance that a 4-2-1 Plan would be approved. He said he also felt the 5-1-1 Plan was a fair plan and would continue to give diversity on Council. He said he felt Council should consider the consequences if the citizens don't pass the 5-1-1 Plan. He said he felt if the 5-1-1 Plan does not pass then the alternate is a 6-1 Plan required by the Justice Department. He said in 1989, because of the history of election of minorities, the city was able to negotiate a 4-2-1 Plan. He said, however, things have changed with the population growth and the shift of some of the minority community into other parts of the city. He said the percentage for the minority districts have decreased to a 51.6%. He said these things need to be considered in deciding on a voting plan for the city. He said the decision is up to the citizens, but he did encourage them to look at all the issues.

Councilwoman Vaughters stated she disagreed with Mayor Cavanaugh and felt the 4-2-1 Plan was an excellent plan for all the voters of the City of Aiken. She said there would still be minority districts that will guarantee the election of minority candidates. She said she had looked at the last election and the percentages that minority candidates received in the districts. She said the percentages in Districts 1 and 2 had only decreased a couple of percentage points. She said she did not consider this regression. She felt the fact that the city had integrated was progress, not regression. She said she did not feel that the 5-1-1 Plan is the only fair plan, implying that any other plan is unfair. She said she felt the 4-2-1 Plan is very fair or she would not support it. She also pointed out gerrymandering had been mentioned, but the way the city is shaped there is no way to avoid that with any plan. She said she felt it was great for every citizen of Aiken to be able to vote for the majority of City Council, the Mayor, two at-large representatives and a district representative. She said since she is elected at large she attends many meetings in the various districts and is contacted by people in all districts. People have told her at the meetings that they are glad to have at-large representation. She felt the citizens should think very carefully before they give up a plan that denies people the right to elect the majority of City Council.

Councilman Cuning stated he felt the same way as Councilwoman Vaughters. He said he felt the 4-2-1 does give the citizens of Aiken the right to vote for the majority of Council. He said when a Councilmember is elected at large you are concerned about every neighborhood. He said another concern he has is that Councilmembers become concerned about their district when there becomes a financial situation and the members

get concerned about projects for their district and may not support projects in other areas. He said a number of people had told him that they support the 4-2-1 and he was concerned about what will happen if the 5-1-1 Plan does not pass and what the Justice Department might do. He felt it might have been better to submit a 4-2-1 Plan in the beginning. He said the plan had worked very good for the city so far.

Councilwoman Clyburn pointed out she was not elected at large but was elected under the first 4-2-1 system. She also pointed out that in the past the Justice Department called her about each annexation, especially on the south side and the Woodside area, asking various questions about the annexation and pointing out that the annexation would be diluting the strength of the black vote. She said she did not see any reason to oppose the annexation, but she was told that if she opposed the annexation that the Justice Department would hold up the annexation of these properties. She said she had faith in the citizens of Aiken that they would do the right thing. She said she hoped the referendum would not be a partisan issue, but remain an issue for the voters. She said she talked to a lot of people earlier, and most of the people did not know what kind of voting system the city has. She said she had faith that the majority of the voters of Aiken will know that when she voted for the annexations that she felt she was doing the right thing. She pointed out that a lot of the voters voting on the referendum will be people who were in the annexations that she voted for earlier that she was told would dilute the minority voting strength. She said she hoped they remember that the way they get to vote is that the minorities voted for the annexation assuming that they would remember that whatever the majority of the members of Council decide would be in the best interest of all the citizens of Aiken.

Councilwoman Price reflected on the big scheme of things, war and world issues, and then local issues regarding voting districts and fairness for everyone. She recalled the at-large voting method in the early 80's under which she was first elected and then the change to 4-2-1 in 1988. She pointed out the 6-1 was an option, but in working with the NAACP a compromise 4-2-1 was adopted. She said the 4-2-1 plan had worked over the years, but a 5-1-1 plan would ensure that minorities are elected in the future. She said she had heard in the community that a 5-1-1 plan would create another minority district, and that is not true. She pointed out Aiken is changing and there may not be two African-Americans in the future. She pointed out there are a lot of Hispanics moving in the area. She said other concerns about a 5-1-1 is that Councilmembers will only be concerned about their district. She said she did not feel that Councilmembers are that protective of just their district, but look at the community as a whole and what is best for the whole community. She said she hoped the citizens are smart enough to not get the Justice Department involved in our business.

Councilman Smith stated the 4-2-1 Plan had served Aiken well, and it would be nice if Aiken could keep the 4-2-1. He said, however, he did not feel Aiken could keep the plan under the circumstances that prevail. He said two African-Americans had been on Council since 1989 with a 4-2-1 system. He said having the minorities on Council representing 30% of the population is very important, and, for the reasons Mayor Cavanaugh has stated, the only way to do that on our own without the Justice Department is to have the 5-1-1 Plan. He said he felt the 5-1-1 plan is fair and he did not think Council would become a divided Council under the 5-1-1 plan.

Councilman Cuning pointed out that even with the growth of the city the minority population had remained the same at 30%. He said the city had grown by 6,000 people, and 1,500 were minorities. He said he believes that the majority of the people in the City of Aiken do not vote according to race, but they do vote according to party.

Mayor Cavanaugh stated he liked the 4-2-1 Plan also, but at this time we have to consider all the other facts and conditions. He said the matter will be up to the citizens of Aiken to decide.

BOARDS AND COMMISSIONSAppointmentsBarnett, MaryPark CommissionPeterson, SteveGeneral Aviation Commission

Councilwoman Clyburn stated she would like to reappoint Mary Barnett to the Park Commission.

Councilwoman Vaughters stated she would like to appoint Dr. Steve Peterson, of 807 Valley View Street, to replace Barry Johnson. She stated Dr. Peterson was a retired chemist from the Savannah River Site and a retired pilot. He has a son who is a commercial pilot.

These appointments will be placed on the next agenda for Council's action.

EXECUTIVE SESSIONPurchase of PropertyShaws Creek Water Shed

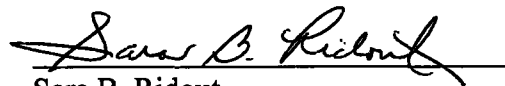
Mayor Cavanaugh stated Council needed to go into executive session to discuss a possible purchase of property.

Councilman Smith moved, seconded by Councilman Sprawls and unanimously approved, that Council go into executive session to discuss the possible purchase of property. Besides Council those present included: Roger LeDuc, Gary Smith, Sara Ridout, Lee Dane, Harry Shealy, John Oakman, and Rosamond McDuffie.

Council went into executive session at 9:45 P.M. After discussion Councilman Smith moved, seconded by Councilman Sprawls that the executive session end. The executive session ended at 11 P.M.

ADJOURNMENT

There being no further business the meeting adjourned at 11 P.M.


Sara B. Ridout
City Clerk