

**TOWN OF MOUNT PLEASANT, SOUTH CAROLINA  
POLICE, JUDICIAL & LEGAL COMMITTEE  
Monday, March 4, 2019**

**Municipal Complex, Committee Meeting Room, 3<sup>rd</sup> Floor**

**Minutes**

**Members Present:** Mayor Will Haynie, Chair, Gary Santos, Joe Bustos, GM Whitley

**Staff Present:** Eric DeMoura, Christiane Farrell, Levica Kirvin, Chief Ritchie

**Also Present:** David Pagliarini, Corporation Counsel

Mayor Haynie called the meeting to order at 10:38am.

**1. Approval of Minutes from the February 4, 2019 meeting**

*Mayor Haynie asked that the minutes from February 4, 2019 meeting be approved. Mr. Santos made the motion for approval of the minutes as amended; seconded by Ms. Whitley. Motion carried unanimously.*

**2. Public Comments**

Mayor Haynie stated that as things transpire with Council that it is always best if someone is here to address a particular issue to address it now because you do not know what might get tabled or delayed and it is sad if people leave and wanted to speak but their issue never got brought up. He added that he urges anyone who wishes to speak to speak now and you will be heard as nothing changes right now.

Mayor Haynie asked for any public comments and added they would have 2 minutes and would need their name and address.

Mr. Steve Brock of 34 Hopetown Road stated that he would like to commend the Committee for taking up this subject which has caused him

some sleepless nights. He added that he is somewhat zealous on some of these issues.

Mr. Brock stated that his personal belief is that Open Government is an absolute right of the people and the people should know what you are doing and everything that is being said. He added that he realizes this is not a practical outlook because people can not know it all but he believes that if the question is asked "Is everything being done to inform people and are we giving as much information as we can and is it the best" that he does not think many of the questions that face the committee are that difficult, nevertheless he would like to address one or two.

Mr. Brock stated that on executive sessions he has seen on the statement at the end of the agenda that the committee may act on things out of executive session and that has always bothered him as it does not go on to say, "upon amendment of the agenda" and he does not know about that as he has not heard it spoken to.

Mr. Brock stated that matters can not be taken up that are not on the agenda as found in a case he took the Supreme Court some years ago. He added that if you take that away it does not matter when you schedule your executive sessions, if you are going in to deal with whatever matters are allowed by 30-4-70 it will not matter as you will not make a decision as you are in there for the purposes of taking up matters that are believed to be better discussed privately by State Law.

Mr. Brock stated if you put them in the beginning or in the end it does not matter as nothing will get done out of an executive session that is not on the agenda. He added that he hoped everyone was together on that one.

Mr. Brock stated the committee system has always bothered me for one reason and that is that the committees over a spread of 20 years have become very powerful to the point that they often skip the part where they

are not supposed to act on matters but to recommend. He added that there was a recommendation to leave committee reports out of the meetings, but he feels that would be a bad idea if the committees are operating as they should. He stated that committees take up matters that are referred from Council and do not start there.

Mr. Brock stated that the committee should do everything they can to clarify whatever it is and take it to Council and present it and if done appropriately it really can not be left off the agenda as it is important to hear the reports that are going to Council.

Mr. Brock stated that one thing on the public comments is that after sitting thru many meetings where public comments include awards and presentations that seem to go on for a long time and he stated that he would like to see that taken out of the beginning of the meetings and he feels the meetings would be more productive as the Committees time and publics time is better spent with the business of the Town.

Mayor Haynie thanked Mr. Brock and stated he thinks he will find that they are thinking alike on a lot of ways.

### **3. Police matters**

#### **a. Employee years of service recognition**

Chief Ritchie stated that he had the honor and privilege of recognizing FTO Bradley Strode for 10 years of service to the Town of Mount Pleasant. He added that he is a Citadel graduate and is from the local area and has served in the Marine Corp.

Chief Ritchie stated that over FTO Strode's 10 years working, he has worked his way thru the ranks to the position of Field Training Officer which Chief Ritchie stated in his mind is one of the most important jobs in the police department.

Chief Ritchie stated that FTO Strode takes the new officers and teaches them the Mount Pleasant way and how to be a proper officer by community policing and also teaches them what is important to the Town's residents and how to be safe and do the job as professionally as they can.

Chief Ritchie stated that FTO Strode is also a member of the SWAT team and one of the snipers which is an elite group to be on and he feels everyone on the team is well trained and they all take their job very seriously.

Chief Ritchie stated that also over FTO Strode's 10 years that he has been very much involved in various community outreach programs that the Department does, and he has immersed himself into making sure that not only police services are met but the other needs of the citizens are met.

#### **4. Judicial Matters**

**No agenda items**

#### **5. Legal matters**

##### **a. Consideration of a firefighter staffing ordinance**

Mayor Haynie asked if this was a result of the referral from the last Council meeting.

Mr. DeMoura stated that yes it was.

Mr. DeMoura stated that the idea is currently the Department runs a minimum of 3 personnel per vehicle and this would take it to a minimum of 4 personnel.

Mr. DeMoura stated that a minimum of 3, but at various times depending on who is working that day, with sick leave, vacation leave, training, etc.

that normally above 3 is run. He added that some days it is 4 and some days more than that and some days it is less, but never below 3.

Mr. DeMoura stated that this proposed ordinance would take this amount to a minimum of 4 personnel all the times and require staff to make sure through overtime, etc. that this level is met.

Chief Mixon stated that in his mind the strategic plan has been approved and staffing is addressed in that. He added that staffing is an important thing and he worries that with the revenue outlook if the Department moves in that direction it does tie the Town's hands to be committed to that and the majority of the Department's strategic plan would not be funded.

Chief Mixon stated that Austin had done this but that they moved that way after they had already had the staffing for 6 years, so they had vetted it and were able to make sure they could fiscally fund it and that it worked for their jurisdiction.

Mr. Santos stated that during the finance committee meeting there were a couple of issues relating to the Fire Department that they asked to go back to the Fire Committee and he believes this should go back to them as well and while they are looking at the other issues than that is one other issue they can look at as well and then come back with a recommendation.

Mayor Haynie stated that the committee does not do fire truck staffing here, but they do ordinances.

Mr. Pagliarini stated to reset the conversation and while these are crucial policy decision and absolutely important this is the Police, Judicial & Legal Committee and as he understands the agenda item is the consideration of an ordinance and so hopefully the focus is on whether there could be an ordinance to effectuate this.

Mayor Haynie stated that his question to Mr. Pagliarini is that if this is done by ordinance than what constitutes a violation of that ordinance.

Mr. Pagliarini stated that the Mayor had just touched on Legal' s concern which is if this is done by ordinance any action that may or may not meet that ordinance would be in violation of our own ordinances.

Mayor Haynie asked who would enforce that.

Mr. Pagliarini stated that the Town would have to enforce that, or they could be subject to civil liability potentially in an incident for violation of the Town's own ordinances. He added that staffing levels or HR matters of this sort are not necessarily dictated by ordinance.

Mayor Haynie asked that in the Austen law what is the penalty for the violation of that ordinance.

Chief Mixon stated that he did not believe that was laid out in the ordinance but there were some provisions given as to when they do not have to do it such as emergency situations.

Mayor Haynie asked if there had ever been arrests, violations or citations in Austen. He asked if the Chief would have to send men out to inspect how many left the fire station on a vehicle.

Mr. Pagliarini stated that he did not think it was couched as a criminal penalty ordinance like many of the Town's ordinances are civil matters and there is not going to be a penalty associated with it but typically he believes that most of the HR matters and staffing levels are flexible and need to be flexible. He added that while that could be written into an ordinance that ordinance would have to be amended every time there was a change in policy and procedure which is okay, but he feels there is a reason why the

Town does not govern it's HR matters by ordinance which is due to the unweilding difficult nature of it.

Mr. Bustos stated that he just wanted to make sure he understands that if there is a circumstance, if the Town had this ordinance, and if for whatever reason there was not 4 on the truck than the truck could not move.

Mr. Pagliarini stated that would be a challenge for the Town's leadership to take any action that would be in perceived violation of the Town's ordinance, realizes emergency always exist, that is the precise issue if there is a technical violation of the ordinances how can it be written in a way that provides the leaders the ability and it can be written in that emergency situations as the Chief explained the emergency situations will be covered.

Mr. Pagliarini stated that to answer the questions the ordinance can be written in such a way to hopefully prevent that from happening, but he does not believe every scenario can be predicted in an ordinance.

Mayor Haynie asked if there were any more questions or comments and to give your name and address and you would have 2 minutes.

Kevin Cunnane of 3032 River Vista Way stated that this ordinance would prevent what happened over the last 10 to 15 years where the Town went from 4 ladder trucks down to 2 trucks. He added that no one knew what happened and why that occurred.

Mr. Cunnane stated that there may have been an obscure fire committee which does meet regularly so there is no public following on that as when the fire committee meet 3 and 4 times a year they did not have a regular following and the public is not plugged into it.

Mr. Cunnane stated that if Council must change a law than that will be noticed, and it will give the Chief the discretion when a firefighter is sick, etc.

you will not be putting 4 on the truck. He added that what this does is bring the Town up to a level of professionalism that this size town needs. He stated that we have buildings being built and properties being turned into hotels and a new city being built along the waterfront at Patriots Point and the first new engine company has 3 firefighters.

Mr. Cunnane stated that you can not stretch a stand pipe hose with 3 firefighters. He added that 1 must pump at the truck, and 2 firefighters are not stretching a hose off a stand pipe and you must wait for the 2<sup>nd</sup> one.

Mr. Cunnane stated that with 4 firefighters you get in there quicker and the water is getting there and that is really the issue and it was spelled out over the 4 months of review and the Chief brought stuff up along the way saying it was better to have 4 at a high rise fire and the question now if do we leave things with our fingers crossed or do we say it is time to grow the fire department to the size of the town.

Mr. Cunnane stated that he would like to see this come to a vote and he would like to see all the people who are against having the best fire service whether it is in Committee or in Council and see who wants it as he believes the public wants it.

Mayor Haynie asked if there was any desired action at this time.

Ms. Whitley stated that she had a question as to this concept of moving to 4 per truck is this part of the strategic plan of the Fire Department.

Chief Mixon stated that it was in part for the ladder trucks that is where they want to go. He added that for the 2 current ladders there has been 6 additional personnel which brings them up to 4 minimum on those trucks.

Chief Mixon stated that on the 3<sup>rd</sup> ladder that was asked for on the Strat plan that was also asked to be at 4 minimum.

Chief Mixon stated that they are moving in that direction with the ladder trucks and not to say that they may never get there but it is not in the 5-year plan.

Ms. Whitley asked if this proposed ordinance was in the strategic plan. She stated that there was additional staffing in the strategic plan but not to the number that is dictated by the ordinance.

Chief Mixon stated that they are not looking to put those on the engines at this time but are looking to upstaff the ladders with the minimum of 4 and reconfigure the deployment model and that is what is in the 5-year strategic plan but not the full roll out of 4 on everything.

Ms. Whitley asked what standards the fire department adheres to in the decision to have 3 minimum per truck and is there a national standard that they adhere to and if the fire department was accredited and what metric was being used right now for the existing strategic plan and existing staffing.

Chief Mixon stated that they will hear the NFPA used a lot which is the national standard who is a non-profit organization and a benchmark organization. He added that for a lot of things the Department looks at their recommendations and try to adhere to it. He stated that it is a big standard and to fully implement the NFPA would cost millions of dollars.

Chief Mixon stated that they are not picking and choosing but are trying to find the things that fit their needs and move towards that. He added that the staffing the NFPA suggest for a town our size is just not affordable, but they are taking a bite out of that with the ladder trucks because that is where he feels they can make a big difference.

Chief Mixon stated that another ladder truck would be positioned in the middle of Town and as Mr. Cunane mentioned that there were 4 ladder trucks in the past but those were staffed with 2 personnel. He added that it

is a reduction of the number of pumps on the street, but they were not as effective because it was 2 personnel.

Chief Mixon stated that there are currently 2 ladder trucks with the addition of Captain on there, so they have that leadership and there are also 4 personnel and moving toward a 3<sup>rd</sup> with a Captain and 4 personnel.

Chief Mixon stated that they did reduce a little but are building back up and those trucks are even better due to staffing and leadership.

Ms. Whitley stated that if there is a strategic plan for the Fire Department and the Town is moving toward fulfilling that strategic plan she does not understand why an ordinance that goes beyond that plan is necessary at this time.

Mayor stated that there being no other discussion the committee would move on to item B.

**b. Consideration of a resolution supporting H3355 also known as the hands free while driving bill**

Mr. DeMoura stated that Mr. Brimmer requested that this item be on the agenda.

Bob Brimmer of 2380 Parsonage Woods Lane stated that as council members that there are a lot of calls and complaints about traffic in this town and the number one complaint typically is the volume of vehicles on the road and a very close second is the condition and safety of the roads and the number of people who seem to be distracted by electronic devices.

Mr. Brimmer stated that he was approached by some residents asking if the Town could put in place a hands-free ordinance to make our roads safer. He

added that he researched this and determined that thru State statute that the Town can not do that by themselves as it has to be a statewide law.

Mr. Brimmer stated that Representative Taylor in Aiken purposed a hands-free ordinance at the state level and it got thru some committees but did not get done in time for it to be passed by the end of the session. He added that he did reintroduce house bill 33-55 which is a hand-free law which increases the fines for using an electronic device and extending it beyond just texting to the use of any electronic devices.

Mr. Brimmer stated that he would like to see the Town support this by resolution saying that this is a public safety issue and we really need to address the safety conditions of our roads.

Mr. Brimmer stated that he believed the committee received a copy of the text via email, so he would just ask for the committee's support on this.

Mr. Santos stated that he agreed, and the roads are getting more dangerous and as traffic gets back up at a stop light there is usually not much time to get thru the light and if the first car is looking down texting on their phone while the light is green there ends up being more and more traffic as it does not flow as freely. He added that this is also another issue as it affects traffic and is a safety issue.

Mr. Santos stated that he thinks it would help our traffic be able to move better if people texting on their phones were not holding up traffic.

Ms. Whitley stated that she also agreed with this and is surprised that there is a ban on texting while driving in the State level, but the fine is so minimal that people do not care. She added the fine is \$25.00 which is ridiculous, and nobody is following that rule.

Ms. Whitley stated that she is fully in support of a resolution to support the hands-free bill.

Mr. Bustos asked Chief Ritchie how many accidents there were that were attributable to cell phones.

Chief Ritchie stated that last year in 2018 officers wrote 33 citations all of which were \$25.00 fines, and all were paid. He added that for collisions the Department was only able to attribute texting to 6 collisions because it is so difficult the way State law is written that you have to get the driver to admit they were texting and that is why they were involved in the collision.

Chief Ritchie stated that only 6 were attributed to texting but there was obviously many more, but you have to be able to reach the level of proving it in court.

Mr. Bustos asked if this just applies to phones or if radios, etc. were considered electronic devices.

Mr. Brimmer stated that there was an extensive definition of this in the statute, but it is any electronic devices such as iPad and GPS and you would be required to use Bluetooth or some type of hands-free device. He added that it would be any device that is hand-held.

Mr. Brimmer stated that for one other point the legal staff did a great job of developing a draft resolution that basically lays out the Town's support for this and he would ask that to be part of the motion and be passed on to Council.

Mr. Bustos stated that he was lukewarm on this because he believes that officers are put in a no-win situation as to proving this unless someone hands over their phone. He added that he will support this but as a practical matter he feels it will be difficult to enforce.

Mr. Brimmer stated that if you read the statute it does say that a police officer is not allowed to take a phone that is prohibited.

Mr. Bustos stated that was his point that if someone does not hand over the phone and says look thru it that it is virtually impossible to enforce that.

Kevin Cunnane of 3032 River Vista Way stated that he had lived somewhere that had this law and he feels Mr. Bustos is correct on that and where it comes in is that you can statutory negligence if there is a lawsuit and you could subpoena the persons records civilly and that means that on the bad accidents they will find out anyway.

Mr. Cunane stated that where he has an issue with this is that he does not like the term DUI-E as to him a DUI is a very serious offense that over the course of the last few decades has really become a scarlet letter and a distraction on someone character who is convicted of it and rightfully so.

Mr. Cunnane stated that to looped in someone who is texting and call it a DUI-E he does not like that and feels DUI has to stand alone as its own serious offense and texting while driving should be separate. He added that this is a titling thing and he hope they get rid of that.

Mayor Haynie stated that he agreed with Mr. Cunane on that.

*Mr. Santos moved to recommend to full council to approve the resolution requesting the state general assembly to pass HR3355 to protect the citizens of this state from distracted driving and texting while driving as written. Ms. Whitley seconded the motion.*

Mayor Haynie stated that the discussion that he has would be the same and asked if there was a way to express the committees support for this but say that driving under the influence is something in which you are impaired and which you remain impaired for a period. He added that this is more of a distraction and there are no field sobriety tests as with the others.

Mayor Haynie stated that there was a motion and a second and ask if there was any further discussion.

*All present were in favor.*

**c. Review of recommendations to improve the structure of the Town Council agenda**

Mayor Haynie stated that he would like to preface this by saying that there are several things that need done and one is just because of the size of the Town and the magnitude of the issues the Town is faced with but when you look at the analysis that the clerk of council gave that 6 of the last 12 meetings have lasted between 4 ½ to 5 ½ hours. He added that a lot of that is awards and recognitions and executive session and those types of things.

Mayor Haynie stated that at a previous meeting the committee asked for recommendations of a way the Town could improve the structure of the Town Council Agenda and along a line that was said earlier by a citizen this really bothered him when some folks showed up to talk about making a street safer in their neighborhood and they ended up having to leave because the meeting went 4 ½ hrs. and this was on the end of the meeting.

Mayor Haynie stated that on this night these citizens were not given good government as they came for something and Council should have been able to get their business done as he was taught in Municipal Association it is a public meeting, but it is not the public's meeting but Council's meeting to be public.

Mayor Haynie stated that it is to Council's meeting to do business in front of the public, so they are looking for ways that if you show up to see Council do their business you are not going to have to leave to go home and take care of family that you will see them do it. He added that it can be done because in that analysis the meetings used to be an hour maybe an hour to an hour

and a half then they were two and a half and now they are four and five and a half hours.

Mayor Haynie stated that the other thing that was mentioned after the last meeting was that when the Council goes into executive session and Council is faced with making settlement details on multi-million-dollar cases that they are tired, worn out and in some cases mad at each other so they need to do a better job at that. He added he wanted to look at some ways to revise the agenda and see if there are ways to make the meetings more efficient.

Mr. DeMoura stated that last month he reviewed some of the ideas and he was asked to go back and take another 30 days and refine the ideas and work on some others and Ms. Farrell has taken the lead on this and is ready to present.

Ms. Farrell stated that last month an overview was given of some potential changes and she was asked to back and look at this issue in more detail which has been done and with some things in mind tried to streamline and increase the efficiency to get to the business part of the meeting more quickly.

Ms. Farrell stated that she thought the best way to illustrate this was to take one of the old agendas and show the committee what it would look like with some of the recommendations. She added that hopefully with that she would like to go over the sample agenda and outline where the changes are and see if committee had any questions with that.

Ms. Farrell stated that the Town's ordinance is a reminder of the particular framework for order of business for the Council meeting so if any changes are made it would require an amendment to the Town's ordinance for the order of business for the meetings.

Ms. Farrell stated that some of the things were minor and will only save a minute here and there but the first one is to remove the compliance with the freedom of information as the Town would not be having a meeting if they were not in compliance with freedom of information.

Ms. Farrell stated that in respect to the awards and presentations there is a lot and the recommendation is to try to limit those a little more by identifying those that are truly significant and those would be the ones that are included.

Ms. Farrell stated that Years of Service for employees right now includes 20, 25 and 30 years and the recommendation is moving the 20 years down to the committees and only keep 25 & 30 years at the Council level. She added that as a matter of information, this year there will be 29 employees who are going to hit the 20, 25- and 30-year marks which is a lot but says something good about the Town but feels moving the 20's will save a little time.

Ms. Farrell stated that another recommendation would be removing the employee of the month. She added that this is something the employee recognition committee has been working on a lot lately and they have some fantastic ideas to try to recognize employees differently in unique ways as right now employees of the month typically ends up being Fire or Police.

Ms. Farrell stated that the ERC has explored some ideas what will bring in some of the other departments and are unique ways to recognize employees.

Ms. Farrell stated that those are some things at the beginning of the agenda that are probably simple to change and would save some time.

Ms. Farrell stated that with respect to public comment that would probably be one of the more significant changes in that all public comment to the beginning of the meeting rather than having the opportunity at the

beginning and with the items. She added that the goal is to let the Council get to their business so let people speak about what their item is that may appear later on the agenda at this point then Council could move into the meeting part of the business.

Mayor Haynie stated that there are people who come and see public comments and their item is way down the list and it eventually gets tabled or deferred and they are bothered that they should have spoken earlier. He added that he does not know if the Committee feels this way, but he does feel like this is limiting or reducing public comment but if anything, it is making sure we actually hear what people who showed up had to say.

Mr. Santos stated that he was the one who wrote that ordinance years ago and the intent was to have them at the beginning of the meeting and it was not done like that. He added he has no issue with that but does believe that was the original intent to have people come up at the beginning while Council makes notes on their comments then when the item comes up Council could refer back to their notes. He added that he is in favor of this.

Mr. Bustos stated that the Planning Committee has been doing this by encouraging everyone to speak up front and it has worked out very well.

Ms. Farrell stated that related to that it has also been included to consider limiting the amount of time that people can speak to one minute per individual. She stated that currently the ordinance says one to three minutes so there is a range and currently the Town is using two.

Ms. Farrell stated this is something the committee would need to discuss whether some folks come prepared and know how to deliver their message in one minute and others who are nervous and not used to speaking and have a tendency to take longer.

Mr. Santos stated that he would like to keep it at two minutes. He added that Mr. Brock had two full minutes of giving the committee some very good information and if you cut it to one he feels you are going to have information that they want to give but there is just no way they can get it out in one minute.

Mr. Santos stated he feels two minutes is a happy medium. He added that it was written up to three minutes, but no Mayor has ever done that, and it has always been two minutes.

Ms. Farrell stated that the next item which would have a more significant change is to allow for consent agenda items. She added she had done some reading to understand and after reviewing her recommendation would be for be only for items up for final reading that had a unanimous approval the month before.

Ms. Farrell stated that planning items or Town Council business items or things that are clear have the consent of the entire body. She added that there are rules about consent agendas such as an item on there that someone is uncomfortable, and they want to talk about than that councilmember can have it removed automatically with no discussion and put on the appropriate place on the agenda.

Ms. Farrell stated that if the Town does this there are some certain things that need done relating back to Robert's Rules in addition to our ordinances. She added that this should get some of the items thru fairly quickly and then as a secondary consideration not only with consent items but also the rest of the agenda items she would also recommend a change in the ordinance where it currently says the administrator has to read the title she would recommend only reading the ordinance number which will again save some time.

Ms. Farrell stated that even though they are a little shorter now the administrator could just say final reading of 00123.

Mr. Haynie asked that in #3 under consent agenda items, final reading, Council would vote on that then someone would move to approve, and the item passes what exactly would the town administrator be reading at that point.

Ms. Farrell stated that he would simply say final reading of ordinance #18040 and that is it.

Mayor Haynie asked if there was any State law that governs that.

Mr. Pagliarini stated that it just needed understood that the agenda rules were put in at a time before electronics so everything you see comes from the perspective of reading it out and that may be important to someone but there is no restriction on how the Town does that.

Mayor Haynie stated that all of this is up on the screen anyway.

Ms. Farrell stated to be clear the title would still be on the agenda but for time saving the whole title would not be read.

Ms. Whitley asked that with the consent agenda items when it says a councilmember can remove the item would that be done in advance of the meeting.

Ms. Farrell stated it could be done at the actual meeting. She added if someone desires discussion about it or questions or whatever the reason it could be moved.

Ms. Whitley asked if it is permitted to bundle these items together so if you have portion #3 you could say consent on items 3-1 thru 3-4 move to approve all four and that can be done in one swoop.

Ms. Farrell stated that yes it could all be done at once and this something the Town would probably want to start easy with such as items up for final reading that have had unanimous approval and things that have no anticipation of concern such as annexations and things of that nature and if it successful then it could be expanded.

Mayor Haney stated that is somewhat how it is done now as there are councilmembers that say I would like to move for final approval of items 3, 6, 9 & 10 and it is done so this goes along those lines of grouping together to move things along.

Mr. Santos asked when it is said to remove an item is that remove from the agenda.

Ms. Farrell stated that would be moved to a different part of the agenda and there would be an explanation on the agendas about consent items and how the process works if items were to be moved.

Mr. Santos stated that he would like to see an example of that some time on what it would look like.

Ms. Farrell stated that for whatever reason you had some concern about an item than a councilmember could say I have questions and would like this moved than it would be moved.

Ms. Farrell stated that Planning would basically stay the same unless items have been moved over from Consent then they would not appear under the old business section.

Ms. Farrell stated that the next significant change that was talked about last month is the committee reports being changed to committee action items only so there would not be reports given by every single committee as often in these long agendas the chairman will just submit them anyway for the

record without going through them. She added that this would remove the reports and the minutes would be available from the committee meetings and they can be linked thru the agenda, so this would only be action items for this part of the agenda.

Ms. Farrell stated that another minor change is to remove the administrators report which typically announces that we have a vacancy and people will generally look on the website for that information.

Ms. Farrell stated that was it as far as the agenda and how it would look different and if the Town moves with this new order of business there are two additional items she would like to address for the committee's consideration. She added the first would be possibly starting the meetings earlier which would be for the purpose of getting those things like awards, presentations, things of those nature, out of the way so the business meeting could hopefully begin by 6pm. She added there were several meetings such as Planning that already begin at 5pm so this is a suggestion, so the actual business can begin at 6pm.

Ms. Farrell stated that the final suggestion is for the ability for councilmembers to add items to the agenda. She added that right now the agenda states any councilmember can place an item on the council agenda and the recommendation is to modify that a little further so that it is clear that it really should go thru the Committee process first as long as that is available and then only placed on the council agenda if for some reason it was not able to be placed on the committee.

Mayor Haynie asked about moving executive session as he understands that council does not want to convene and then immediately go off into the closet. He added that it would be nice from his standpoint to be fresher and a little less tired when they go into that.

Ms. Farrell stated that was talked about and that was how the recommendation for a 5:30 pm start time because the concern was that you do not know how long you are going to be in executive session and if you convene the meeting and you are back there for 5 minutes or 45 minutes the thought is perhaps moving up the start time of the meeting might get to some of the concerns about executive session at the end of the meeting.

Mr. DeMoura stated that what also came up is that if the meeting started earlier and prior to public comment than you would have to be taking on items in executive session that the public did not have a chance to comment on.

Ms. Whitley stated that the one concern she had on section 30.34 was if you do not have a committee that is favorable to your idea but the potential that there are 5 members of council who are not on the committee who might be favorable to your idea that maybe that idea will never get heard by the full council. She added that she feels if something dies in committee and a councilmember wants to put it before the full council that gives too much power to the committee and who is on the committee makes a difference and there might be important matters that 5 members of council may be in favor of and if you can not find a committee to get you there she feels being able to put that on the agenda is important.

Ms. Santos stated that Ms. Whitley took the words right out of his mouth and as well as if an issue comes up after the committee meetings have already taken place than there should be an opportunity to add that to the agenda as well. He added that he does not really care for section 30.34 right now the way it is written.

Mr. DeMoura asked if what he was hearing is that it would require another layer of screening at committee before it can go directly so it has to either not be taken to a vote or have a failed vote and then it would still have to go to committee first.

Ms. Whitley stated that she feel items should still have to got to committee first but if it dies in committee so there is an opportunity for staff to vet things and do the research for it to come before Committee and for other councilmembers to have the opportunity to sit in committee meeting and hear from it and if there is support outside the committee for the issue and the committee declines to put it on the agenda then you could then put it on the Council agenda.

Mr. Santos stated that what he is saying if an item comes up after committee meetings and is relevant to what is being worked on then it ought to be able to be put on the agenda due to it being time-sensitive. He added that if you say you have to wait until the committee process all the way around again, so he feels there should be the opportunity to add to the agenda and if it is something Council does not want to talk about it can be deferred.

Kevin Cunnane of 3032 River Vista Way stated that he would like to echo his colleagues Ms. Whitley and Mr. Santos on 30.34B and he stated he would like to color it a little more as well. He added that when he came on Council after the committees were already established and coincidentally he is not a chairman of any committee so he can not put anything on an agenda on his own free will and it creates a kind of pecking order among council where if you are a chairperson you have certain power and if you are not you have different power which he does not think is the design of the council form of government that the Town has.

Mr. Cunnane stated he feels this one is tough to changes and understands if people do not want to talk about something then say it in front of the public why you do not want to speak about it. He added that this happened to him last month, things got kicked but he noticed a few months ago that Mr. Brimmer had put an item on Planning that related to Transportation and it went thru and everyone agreed with it and it was a great thing but that all requires the chairperson to say okay we will let it thru which creates a

situation where some councilmembers become second rate citizens on the Council where they have to go thru the chairperson for everything.

Mr. Cunnane stated that he believes this section needs re-worked.

Mr. Bustos stated that 5:30pm is about the earliest he wants to go as people need to get home, get something to eat and then come to town hall. He added that at one point the meetings started at 7pm but he feels 5:30pm is early enough.

Mr. Bustos stated that he has always felt that things should be introduced two ways to the committee, one being a topic coming up during discussion at council and council saying committee can you look at this and bring back a recommendation or one of the councilmembers could bring something to the committee.

Mr. Bustos stated that he almost believes that committee should be able to say we do not want to hear that if it relates to the committee the topic should be discussed because if not as he has been listening today that would go to council with no discussion and would probably be kicked back to committee to be vetted so why not go ahead and let it go to committee and tell the chairman if this is something that falls within your committees purview, put it on the agenda and have the discuss.

Mr. Bustos stated he feels this would save time in the Council meeting for all the ping-pong back and forth and if the Council is not pre-disposed to pass it than it will not pass but at least the committee will have looked at it and he feels the committee should like at all these type things before it gets to Council.

Mr. Bustos stated that he is thinking perhaps if it falls within the purview of your committee the chairman should put it on and if it comes with a no recommendation so be it but the person who submitted it can take to

Council but at least at that point there would have been a discussion beforehand during the Council meeting knowing it had been thru committee and it will die for lack of a second.

Mayor Haynie asked Mr. Pagliarini that if in Robert's Rules there was a stated limit of 10 minutes on debate per item and does the Town have a history of ordinances that have changed rules such as the Town has a rule anyone can speak as long as they want on any item or does the Town follow Robert's Rules.

Mr. Pagliarini stated that there is no specific ordinance regarding debates and the Town does defer to Robert's Rules.

Mayor Haynie asked if from the State's standpoint is there a directive on how public business is conducted as in his view the council is there to vote in public which is basically what they are there for. He added that they do committee work and get staffing, but the major role is to vote in public.

Mayor Haynie stated that the more debating in public and thinking out loud and throwing out hypothetical amends we are forcing people to sit thru a long period of time on things that do not have any support.

Mayor Haynie stated that what he is getting at when it comes back to the agenda for the full Council agenda that councilmembers are there to vote. If a councilmember says they want to have a discussion, there is no motion and no committee work and he feels what everyone is going to say is this belongs in whatever committee so he is asking if anyone can put anything on the agenda they could be discussing UFO's and he wanted to know what limits and what is the structure that is intended for a council meeting.

Mr. Pagliarini stated that is the structure that many jurisdictions have no position as to whether there are awards and ceremonies, reports and all of those type things.

Mr. Pagliarini stated the base function is for Council action items but that does not mean you can not discuss items which is in fact one of the tenants of open government and whether that is done at the council meeting or the committee structure he feels is it the council's prerogative.

Mr. Pagliarini stated one thing that they feel needs to be improved is how to get a matter on the committee agenda and he thinks that is what many of the committee has referred to. He added that if you would like to improve the structure there needs to be some clear rules on how it gets on the committee agendas and make it clear and definitive rather than what is in place now.

Mr. Pagliarini stated that there are limits on debate and there is nothing better than the move to call the question. He added that any councilmember can do this when they get into a debate and that has been utilized in the last few months successfully.

Mr. Santos stated that when he was elected in 1996 he was the low person on the totem pole and it was difficult to get things on the agenda and this same ordinance, 98048, about having 3 minutes, before that if you wanted to address council and you wanted to come up the Mayor could tell you that is a Public Service problem and to take it to Public Services and you were not allowed to do it and would not be put on the agenda. He added that the only way he could get in was to put it on Council's agenda, so it did not get to committee and it came on the agenda and got first reading and then it went back to committee where it was discussed, and it would end up passing.

Mr. Santos stated that he hated to not allow a councilmember who is elected by the people of Town if they have something they want on the agenda it ought to be allowed to be on there and if the debate is going to be long than call for question or defer it so there are things that can be done so it is not on the agenda or be discussed for a long time. He added that if they

are elected by the people and are speaking on behalf of the people it should be put on the agenda.

Mayor Haynie asked where the committee goes from here.

Ms. Farrell stated that she had a slide that would wrap it up and then she could get the committee's direction.

Ms. Farrell stated that from the committee's responses she gathers that the changes to the order of business seem to be acceptable to everyone. She added that regarding to public comments she gathers that everyone is okay with moving them to the beginning but do want to keep the timeframe that is currently in place and she will add consent agendas and the modification that the administrator only has to read the title.

Ms. Farrell stated that she believes there is still a little work to be done on 30.34(B) regarding placement but believes everything else with the structure of the agenda sounds acceptable to everyone.

Ms. Farrell stated there are some steps that must be taken relating to Robert's Rules regarding the consent agenda and so that will be folded in. She added she believes this is ready except for the additional work on the 30.34 section.

Mayor Haynie asked Mr. Pagliarini if the committee takes action on some version of this today, would it be first reading this coming Tuesday.

Mr. Pagliarini stated if that is what the committee wishes then first reading could be on Tuesday.

Mayor Haynie stated that there would be public input there and also again at second reading.

*Ms. Whitley moved to recommend to Council to amend the sections of the ordinance as listed above except for section 30.34(B) to change the agenda. Mr. Bustos seconded the motion.*

Mr. Santos stated he would like clarification in reference to public comments in section 30.34(B).

Ms. Whitley stated the committee would not be doing the one about placement of items that part would be taken out.

Mayor Haynie stated that is not moving public comment to only 1 minute.

Ms. Farrell stated that would stay the way it is already written which is 1 to 3 so it is more of policy decision the committee has but it would move all public comments to the beginning of the meeting rather than per item.

Ms. Whitley asked if it would be possible to amend 30.34(B) to what councilmen Bustos said which is the chairman should place items on the committee agenda. She asked if this was 30.34(B) as well.

Mayor Haynie stated that this was the Council agenda.

Mr. Pagliarini stated there was currently nothing identifying that but that is something that could be folded in under the agendas for committees which is what he recommends.

Mayor Haynie stated that the motion will eliminate 30.34(B) but proceed with the others.

Mayor Haynie stated that there was a motion and a second.

*All in present were in favor.*

Ms. Farrell stated that in regard to the time of the meeting she heard a positive comment at least from Mr. Bustos.

Mayor Haynie stated that is something the committee would want to roll out slowly and advise starting such and such month.

Ms. Farrell stated that since the agenda has been posted for this year what the timing for that type of change could occur.

#### **d. Discussion of liquor store densities in Mount Pleasant**

Ms. Whitley stated that she placed this on the agenda at the behest of a citizen of Mount Pleasant who is also a liquor store owner in the Town and had also asked legal to look into it.

Ms. Whitley stated that in 2017 State law changed and a cap was lifted on the number of licenses that an individual could have of the number of liquor stores so there have been more liquor licenses granted and more coming to town. She added that there is a provision in State law that says that a liquor store license can be denied if there are sufficient liquor stores already in an area.

Ms. Whitley stated that she did some additional research and found that the CDC has issued a statement regarding liquor densities and public health & safety and there are other municipalities that have enacted ordinances that limit the densities of liquor stores in a municipality.

Ms. Whitley stated that at the State level no one has ever challenged or used this sufficient provision in the law that says if there are sufficient liquor stores that they can not grant additional liquor licenses in that area.

Ms. Whitley stated that she is throwing this out as this is something she found interesting and with just a quick google search found that there are

over 20 liquor stores in Mt. Pleasant already including Bottles and Total Wine is also coming in. She added that Total Wine was also the lobbyist behind getting the number liquor licenses limits lifted and that has been their MO in other states as well, so they can come in.

Mr. Bustos asked what was efficient.

Ms. Whitley stated that was the question and the other question is does the Town want to have a position on what is efficient or wait and see how many more liquor stores keep coming in as there is no cap. She added that it is an interesting issue to her and she is not sure where it can go or what can be done as a Council, but private citizens can make a statement about what is sufficient but no municipality in the State of South Carolina has ever gone to the State and said we think what we have now is sufficient. She asked if over 20 liquor stores in Mt. Pleasant sufficient and what would be sufficient.

Mr. Santos stated that it should be left for the market forces to decide as in the case of cigarettes, they cause cancer but how many stores are selling cigarettes and that is something you could go after to and say a lot of people are dying of cancer and where does it stop.

Mr. Santos stated that once you get that train rolling and people find more and more things he feels that market force will show if people are not buying it then they will go out of business. He added he does not know where you would draw the line and stop doing this as there are a lot of things out there that we really do not need here but we let the market forces handle that too.

Ms. Whitley stated that the other issue that arises is the protection of small business and part of the reason there were these license caps was to protect small businesses because of industries such as Total Wine have done in coming in and shutting down smaller business with their large facility and in other states they have been violation where they have been selling below cost and she believe that is not forbidden in South Carolina because they

have a volume discount and because they can make it up in other places because they are huge and can sell \$1-\$6.00 below their cost of name brand liquors.

Ms. Whitley stated that it is again a question of market forces and should market forces be allowed to take out the Town's longtime small business owners.

Ms. Whitley stated she did not know whether the committee wanted to go forward with this or she was exploring this at the behest of a citizen.

Mr. Santos stated he would like to follow up by saying where does this stop the Town has Home Depot and Lowes and Costco and what will happen to the smaller businesses such as Royal Hardware. He added that this could keep on going and going but he thinks that market force is more spot on and if they are not going to make it than they will fold up and go on their own, but he feels when you start doing this kind of thing he does not know where it would stop.

Mr. Bustos stated when it comes to sufficient he believes you could have a bar on every corner but if someone shows up at a bar who has had too much to drink then the bar is obligated not to serve them which goes to the heart of sufficiency too. He added that someone does not have to be given every opportunity to have a drink especially if they have had too much.

Mr. Bustos asked if liquor stores could refuse service.

Chief Ritchie stated that yes, they could.

Mayor Haynie stated that the committee is looking more at the sales aspect of this but seem to be very in tuned as far as alcohol related in the Town whether they be crimes or just addiction issues as reference to what is going on this weekend and although opioid abuse and addiction is big part of Our

Community Our Children he thinks we are blessed with a police department that really cares about our citizenry and if we see an increase in alcohol related driving or domestic situations, etc. he thinks that in the context of this conversation that this will all be looked at.

## **6. Adjourn**

There being no further business, the meeting was adjourned at 11:44am.

Minutes submitted by:

Lori Gaskin

03/04/2019