

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

**Municipal Complex, Committee Meeting Room, 3<sup>rd</sup> Floor  
100 Ann Edwards Lane  
Mount Pleasant, SC 29464**

**Minutes**

Present: Mayor Will Haynie, Chair, Gary Santos, Joe Bustos, G.M. Whitley

Staff: Eric DeMoura

Also: David Pagliarini, Corporation Counsel

Mayor Haynie called the meeting to order at 9:48am.

**1. Approval of Minutes from the December 3, 2018 meeting.**

Mayor Haynie asked that the minutes from December 3, 2018 meeting be approved.

*Mr. Santos made the motion for approval; seconded by Ms. Whitley. All in favor.*

**2. Public Comments**

Mayor Haynie asked if anyone from the public would like to address the Committee.

Ms. Donna Brown Newton, 941 Long Point Rd. of Mount Pleasant, stated she wanted to express her concern about an event that occurred on December 16<sup>th</sup> in the Snowden community. She stated the jeopardy the residents were faced with because of the excessive police officer presence while searching for a suspected car thief. Ms. Newton explained she lives in a predominantly black community. She stated the police were searching for a young black youth who reportedly had a

weapon. Ms. Newton stated out of her driveway, on Long Point Rd., there was a police officer standing with a rifle in hand. She added there were police officers throughout the community, also armed with rifles, searching for this individual. Ms. Newton stated she is concerned because it is a black community and with a general description of a black male, anybody could be hurt or injured or accidentally killed. She added along with the police presence were dogs and helicopters going through the area. Ms. Newton explained she understood it was a serious matter because someone had stolen a car and the person reportedly had a weapon.

Ms. Newton stated as a mother and a grandmother of young black youths her concern is the way in which these youths are being shot and killed for just being in a neighborhood. She explained to have so many police officers in that area and not know who they are looking for, as everyone is a suspect, was a danger to the community. She stated she was more afraid of the officers than she was of the suspect with the weapon.

Ms. Newton stated the next day she called to express her concern to the Chief of Police and was told he could not talk with her, a resident of the community, about an issue and that he was only allowed to talk to certain individuals in the community. She stated she was disrespected. Ms. Newton stated since she lives in that community, she should be able to talk to the Chief of Police to express her concern regarding his police officers in the area as well as the excessive use of search in that particular incident.

Ms. Newton stated her concern was the excessive police presence. She stated she was afraid for the safety of the residents in the community as someone could have been killed, an officer or a resident, since they were searching for someone with a general description of a young black male and there are quite a few black males living in that area.

Mr. Bustos stated he appreciated Ms. Newton's comments and would like to give Ms. Newton the other side of that argument. He explained that his wife was with her 93-year-old mother at Town Center when the two young men hit their car with them in it while trying to get his

mother-in-law out. He stated a gun does not do any good sitting in the car or holster if an officer is about to address someone who may be armed. Mr. Bustos stated the police are there to make this a safer community and it is not a safer community when young men, black or white, are stealing cars and running into others in a shopping area.

Ms. Plachette Grant, 1684 Latroy Avenue, Mount Pleasant of the Snowden community, was at the meeting to follow up on a previous discussion about the possibility of having a police officer assigned to the area during the school year for drivers to be able to get out of their community safely. Ms. Grant explained the residents cannot safely get out of Snowden during school hours. She stated the Mayor had previously mentioned possibly having a police officer in the intersection to help. Ms. Grant stated there are more teenagers driving, her son will be getting his license soon, and she is terrified of the fact that she can barely get out of the neighborhood and her concern is for young drivers trying to do the same. She asked Mayor Haynie where they were in the process.

Mayor Haynie asked if that discussion took place during a PJJ Committee meeting.

Ms. Grant stated it was during the time when they discussed the Long Point expansion.

Mayor Haynie stated he would follow up with the Police Department to see what had been done.

Mr. Kevin Cunnane, 3032 River Vista Way of Mount Pleasant, stated he wanted to comment on today's agenda, item number 5, listed under legal matters; Discussion regarding improvements to the Town Council agenda. He stated when he reads the item description or anyone from the community reads that they have no idea what is going to be discussed. Mr. Cunnane stated it is not only the Town Council agendas that need to be addressed, the Committee agendas do as well.

### **3. Police Matters**

No agenda items

### **4. Judicial matters**

No agenda items

### **5. Legal Matters**

#### **a. Discussion regarding improvements to the Town Council agenda**

Mayor Haynie stated the Town Council meetings have grown excessively long. He stated he noticed some citizens, who attended the last Town Council meeting, wanting to address Council on an issue regarding a public safety matter on their road in Park West, having to leave before it was discussed or voted on because the meeting went on for hours. He stated when you have a family and you live all the way across town, and you want to address your Council on an issue that is vital to your family and your property when they have been there for hours on hours partially violates Roberts Rules of Order which is by Ordinance how the Town operates. Mayor Haynie stated they need to take a look at what is currently being done so that if a resident attends a Council meeting expecting to see their issue addressed or expecting to address Council, they get the chance. Mayor Haynie explained they are looking at a few ways that will not drastically affect Council meetings but will make the meeting more streamlined and efficient. He stated in doing so, when someone wants to address an issue there is a much better chance of being able to do that and not having to leave and go home.

Mayor Haynie referred to a chart, put together by staff, depicting the length of Council meetings. He explained in 2011 the longest meeting was 1 hour and 51 minutes. In 2014, the longest meeting was 4 hours and 20 minutes and in 2018 there was a meeting that lasted 5 hours and

30 minutes, another that was 4 hours and 44 minutes, another that ran 5 hours and 17 minutes and another 4 hours and 27 minutes.

He explained staff was asked to look at what takes up the most time and suggest ways to make the meetings more efficient.

Mr. DeMoura stated a summary of proposed changes would begin with separating Public Hearings from the Awards and Presentations creating two separate agenda items. He suggested making Public Hearings a standalone item and to limit Awards and Presentations. Mr. DeMoura stated the Awards and Presentation segment, although wonderful at times, can exceed an hour. He suggested limiting those to truly outstanding achievements. Mr. DeMoura stated employee recognitions could be recognized at the respective Committee of Council rather than at the full Council meeting.

Mr. DeMoura suggested changing Correspondence and Public Statements, a line on the agenda, to Public Comment. He stated Council could choose to have all public comment occur at that point. And no public comment allowed under individual items on the agenda. He added it is not the public's meeting, it is a Council meeting that the public can witness and follow.

Mr. DeMoura stated they could include a Consent agenda. He explained this would be a new section that would be added and follow Public Comment. He stated it would be restricted to final reading items, on previously unanimous items at Council, with the caveat, that any Council member could pull out one of those items if he or she felt that more discussion was warranted.

Mr. DeMoura stated Planning items would remain the same, unless there were some final reading items that went to a Consent agenda. He stated Committee Reports could be removed entirely from the agenda as the meetings are public and recorded and have the Committee minutes linked to the agenda for reference.

Mayor Haynie stated unless a Committee had a motion that needed Council. Mr. DeMoura agreed.

Mr. DeMoura stated they are still working on some other verbiage items with Legal.

Mr. DeMoura explained it is important to have clarity in the Ordinance title, so the public knows what is happening. He added sometimes the Ordinance titles are so long there is some question whether they are adding more clarity or less clarity due to the lengths.

Mr. DeMoura stated it would require steps to modify the agenda because the way the Council agenda is structured has been in our Code of Ordinances for a long time. He explained there would have to be an Ordinance amendment, essentially to adopt a New Order of Business and adopt any future amendments. Council would also have to adopt a special rule allowing for a Consent agenda. Mr. DeMoura added he believed it is allowed in Robert's Rules, but not necessarily specified in the Ordinances.

Mr. DeMoura suggested limiting the ability for any Council member to put an item on the agenda if a Committee option is available first. He stated that tends to add considerable length of time to the Council agenda. He explained if there was no other forum for that Council member's suggestion to be heard, then the Council agenda may be appropriate.

Mayor Haynie asked Mr. Pagliarini if there are some significant things that Council has done in the past, so they are not just dealing with Robert's Rules, but with amendments to that.

Mr. Pagliarini explained the Town Ordinances take precedence. If it is in the Town Ordinance as a procedural matter that is number one, anything not covered then goes to Robert's Rules and a hierarchy down the line.

He stated the order of the current agenda is dictated by our Ordinance, 20.29, that says how meetings shall run. He stated it is within Council's discretion to change how meetings are run, the order of the agenda, the speakers, the time and how matters get on an agenda. Mr. Pagliarini reiterated that Council has a significant amount of discretion as to how the agendas are laid out and what is on those agendas.

Mayor Haynie stated part of the reason the meetings run so long is that everybody wants a verbatim transcript of the minutes and Roberts Rules states that is not the case. He added Roberts Rules states that when you have a guest speaker the name and subject of a guest speaker or other program may be given but no summary of the talk. Mayor Haynie stated another section in Roberts Rules states "the most frequent mistakes for trying to summarize reports offered and arguments made and debate and including all the amendments and other secondary motions in fact in standard form the minutes should generally include only what was done not what was said". He added Roberts Rules states speakers are supposed to be recognized twice. Mayor Haynie stated, as the Chair, has that been amended so if someone wants to speak three times on an issue is he violating Roberts Rules or is a Committee member violating Roberts Rules if they speak the third time or is the Chair violating Roberts Rules if they let that person speak.

Mr. Pagliarini stated our Ordinances are the first level of law and our Ordinances essentially say that anyone can speak on any non-agenda item at the beginning of the meeting during Public Comment and there is nothing specific in our Ordinance that says someone cannot speak twice.

Mayor Haynie stated he was referring to Council members, when there is a motion.

Mr. Pagliarini stated it would come directly a matter of Chair Order at that point and anyone can make a motion to call to question and it is not something our Council has been, over the years, deliberative and

allowance of that, but there are several mechanisms to where they could shorten that discussion if warranted. He added any Council member has the authority to make that motion.

Mr. Santos stated in 1998 when he wrote the Ordinance regarding public speaking it was for people to have an opportunity to speak at the beginning of a Council meeting. He stated it was not to have the public speak during the Council meeting because it is a Council meeting. When the public is allowed to speak at the beginning it is more of a citizen meeting with Council but once that public speaking period is over now it becomes the Council meeting and they are conducting business at that time. He stated that would significantly help with time along with Committee Reports being passed along to the Clerk of Council.

Mayor Haynie asked if Mr. Santos wanted all public comment done at the beginning of the meeting.

Mr. Santos confirmed public comment should be done at the beginning and suggested if the citizens attending the meeting agree with the speaker have them stand up or raise their hand so that citizens do not come up and say the same thing twice. He stated the opportunity for the public would be to speak during the Public Comment section and Council members could note what was being said and when the item comes up on the agenda, they have the information in front of them and decide from there.

Mayor Haynie stated by moving Public Comment to the beginning a citizen attending the Council meeting, who signs up to speak, will absolutely know they will get to address their issue. It will not be deferred, it will not be late at night before having an opportunity to speak. The individual will absolutely get to speak to the issue during Public Comment without anything getting in the way.

Ms. Whitley stated she agreed with Mr. Santos by having the Public Comment at the beginning of the meeting would help streamline the meeting. She stated removing Committee Reports from the agenda would also help. Ms. Whitley stated moving Awards and Presentations to the appropriate Committee, unless it is a major award, would be another way to save time. Ms. Whitley stated she was concerned with the item of changing how they allow Council members to put items on the agenda. She stated the appropriate forum is at Committee but sometimes the Committee Chair does not put something on the agenda or does not hold a meeting then there is no opportunity for that item to be on the agenda. She explained her concern is when a situation arises when there is a lone voice and, in the past, the difficulty of getting an item on the agenda when that occurred. She stated as elected officials, Council members voices should be heard. Ms. Whitley stated if there was a process put in place where an item goes on the Committee agenda first but if you cannot get it on the agenda then it can fall to the Council agenda. She stated most of their work is to be done at Committee so if something comes to the main agenda it can be deferred back to Committee but that is an unnecessary step if they can change things to where they must go through Committee before it comes to full Council.

Mayor Haynie asked if the Committee agrees that a Consent agenda would be a very good thing to do. He asked Mr. Pagliarini if there was any legal problem putting that in place.

Mr. Pagliarini stated there would not be any legal issue. He stated in many of the meetings now, they may decide to take items 5,6,7 and 8 together so some form of that is currently being done. The Consent agenda does allow for any one Council member, to oppose taking an item together, even though it was unanimous at first reading, and have the flexibility to discuss it again.

Mayor Haynie asked if only that one item could be taken out.

Mr. Pagliarini stated that is how it would be designed.

Mayor Haynie stated so what is left on the Consent agenda gets voted on all at once.

Mayor Haynie asked about separating Public Hearings. He stated he did not quite understand how that would work. Mayor Haynie stated when a Public Hearing ends Council is supposed to gavel it shut because it marks that Public Hearing is over.

Mayor Haynie asked if a Public Hearing must occur after Council convenes or if the hearing can take place before a meeting.

Mr. Pagliarini stated a special meeting could be set for Public Hearings which has been done before. He explained many jurisdictions have executive session at 5pm or special items, as long as it is properly advertised and meets the requirements under State law, it could theoretically be done at any time.

Mayor Haynie stated he would like to see executive session moved to the beginning of the evening instead of the end. He stated it is very, very late and they are making extremely crucial decisions. He stated if there was a way to go into executive session before 6 o'clock, even as a special meeting, before the monthly Council meeting, it would be helpful. He stated they would also have a compelling reason to finish up by 6pm in order to start the monthly meeting.

Mayor Haynie asked the Committee for their input.

Mr. Bustos stated he agreed they could be more efficient with the agenda items. He also agreed with Ms. Whitley that if an individual Council member wants to put an item on the Committee agenda and the Chair denies the request then that Council member can go ahead and place it on the Council agenda. He stated the next step in the process

would be to have Legal consolidate some of the suggestions and make change recommendations to the current Ordinances.

*Mr. Bustos moved to recommend moving the Committee Reports item as a non-discussion item, moving speakers to the beginning of the meeting under Public Comment, and create a Consent agenda as well as placing a matter on the Council agenda after reasonable effort to put it on the appropriate Committee.*

Ms. Whitley stated they would also like to move the Awards and Presentations.

Mr. Pagliarini stated the Awards and Presentations would be an administrative issue. He added since by Ordinance the Council meetings start at 6pm it would be up to the Administrator, Mayor and Council member discretion whether to have certain items heard at a special meeting at 5pm on a case by case basis. Mr. Pagliarini stated executive session could be moved up the problem would be if you get a lot of people leaving a room at the beginning with a lot of people sitting there it might be better served as a special meeting.

*Mr. Santos seconded the motion.*

Mayor Haynie asked if there was any discussion.

Mr. Santos stated he had one concern about coming to Committee first. He explained past administrations sometimes their Committee was front loaded with people who agreed with the Chair so it would not be heard at Committee, so it went to full Council. He stated they should always retain the right to be able to put something directly on the Council agenda. Mr. Santos stated if it goes to a Committee that is controlled by a person who does not like what another member is saying, then it would not get out of Committee and if it cannot be put on Council there is a risk of the item never being heard. He agreed to start with Committee but if it

does not get the attention it needs, a member should always have the choice to place it on the Council agenda. He stated it should always work out through Committee. As elected officials they all have the right to put an item on the Council agenda for the public to hear.

Mayor Haynie stated there was a motion and a second.

*All present voted in favor.*

Mayor Haynie asked if this would come as a recommendation from Committee to Council this month or did they need to work on restating an Ordinance for next month.

Mr. DeMoura asked if they could bring the item back to Committee next month and review the Ordinance amendments and would also provide an example of what the new agenda would look like versus the old agenda.

Mayor Haynie agreed that would be a good idea.

## **6. Adjourn**

There being no further business, the meeting was adjourned at 10:17am.

Minutes submitted by:

Laurie Wilson

02/06/2019