

**TOWN OF MOUNT PLEASANT, SOUTH CAROLINA  
POLICE, JUDICIAL & LEGAL COMMITTEE  
Monday, April 1, 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, LeVica Kirvin, Chief Ritchie, Marcy Cotov,  
Christiane Farrell

Also: David Pagliarini, Corporation Counsel

Mayor Haynie called the meeting to order at 11:06am.

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

Mayor Haynie asked that the minutes from March 4, 2019 meeting be approved.

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

**2. Public Comments**

Mr. Kevin Cunnane, 3032 River Vista Way of Mount Pleasant, stated that he wanted to thank the police department for their response to an incident in Park West where a child was struck and injured by a vehicle. He stated their response time was admirable and that since the incident occurred, there has been an increased police presence in the area which provided citizens a sense of security and care. He stated that none of the propaganda published in the news about the Town matters, he stated that the brand of Mount Pleasant is shown by the police force and the

level of care the Officers show. He further thanked the Chief, the Officers and the police department staff.

Ms. Melinda Hamilton, President of the League of Women Voters, stated that she is a resident of Charleston, but half of the League's members live in Mount Pleasant. She stated that she appreciated being allowed to speak regarding the Equal Rights Amendment. She stated that men and women should be treated equal under the law. She stated that as the 100<sup>th</sup> anniversary of Women's Suffrage is approaching, that many are shocked to learn that the United States Constitution does not guarantee women the same rights as men. She stated that proposed Equal Rights Amendment is 24 words, "Equality of rights under the law shall not be denied or abridged by the United States, or by any State, on account of sex." She stated that the League is proud to work on a bipartisan basis for the Equal Rights Amendment in South Carolina. She stated that the Amendment's leaders in the General Assembly are Gilda Cobb Hunter, a Democrat from Orangeburg who is the longest serving member of the House and Peter McCoy, a Republican from Charleston who is the newly appointed Chair of the Judiciary Committee where the Bill has been assigned. She stated that by ratifying the ERA (Equal Rights Amendment), South Carolina would become the 38<sup>th</sup> and final State needed to meet the threshold for the ERA to become the 28<sup>th</sup> Amendment to the Constitution. She stated that Council's support and advocacy is very important. She stated that the ERA is not a partisan issue but one of universal human rights and that gender equality should be an explicit, basic principle of our society.

Ms. Barbara Fry, 28 Mobile Street of Mount Pleasant, stated that she represents the Equal Means ERA Coalition. She stated that the Coalition is a group of women and men who came together, numbering in the thousands across the State, who support equal justice under law through passage of the Equal Rights Amendment. She stated that the ERA

ratification is long overdue. She stated that 94% of American adults believe that men and women should have equal rights with 80% of them believing that men and women already do. She stated that in 2010 when asked if Courts were wrong for using the 14<sup>th</sup> Amendment's Equal Protection Clause in cases of sex discrimination, she stated that Justice Antonin Scalia replied, "Yes. Sorry to tell you that. Certainly, the Constitution does not require discrimination on the basis of sex, the only issue is whether it prohibits it. It doesn't. Nobody ever thought that was what it meant, nobody ever voted for that." She stated that Justice Scalia went on to say that, "laws are the means to reflect society's current thinking and we have plenty of those." She stated that laws against discrimination are limited and only pertain to certain types of employment or education, she stated that they are not comprehensive and differ from state to state. She further stated that laws are subject to interpretation and revocation by whichever Legislative Body, Court or Administration is currently in power. She stated that a gain in one circumstance can be lose in another. She stated the words of the proposed Amendment are simple, "Equality of Rights under the law shall not be denied or abridged by the United States, or by any State, on account of sex." She further stated that it's time for equality of all South Carolina citizens regardless of sex. She asked for help by passing the resolution in support of the ERA.

Joan Zaleski, resident of Mount Pleasant, stated that she is a member of the Equal Means ERA Coalition of men and women who are asking for the Town's Council to vote in support of the ratification of the Equal Rights Amendment in South Carolina. She stated that there is no place in the Constitution to protect the rights of women. She stated that the Constitution does designate race, religion and nation of origin as suspect classes of citizenship that provide protected status do to their history of discrimination. She stated that because of their history, the previously mentioned classes receive the highest level of Judicial Review of strict

scrutiny. She stated that women have a similar history of discrimination that extends back over 230 years in the Nation's history; however, women are not considered a suspect class and receive a lesser level of intermediate scrutiny in Judicial Review. She stated that if one looks for protection under the law, that distinction makes a huge difference. She further stated that when Court's rule on protected cases where strict scrutiny is applied, the Court rules for the litigant 80% of the time; however, when the Court's rule on the lesser standard of intermediate scrutiny is utilized – which is used only for women – the chance of the Court ruling favorably is reduced to 50%. She stated that having the ERA in place would elevate sex as suspect class of citizenship and that discrimination based on sex would then receive the highest level of strict scrutiny. She stated that that legal protection would greatly improve women's ability to receive fair and equal treatment under the law. Ms. Zaleski stated that she looked forward to having the ERA ratified in her lifetime and asked that Town Council to vote to support the Equal Rights Amendment.

Rob Byko, 2862 Middle Street of Sullivan's Island and Realtor of ERA Wilder Realty in Mount Pleasant and serves as Trustee on the Charleston County Board of Library Board of Trustees. Mr. Byko stated that he appreciated the opportunity to explain why the Town of Mount Pleasant should pass the resolution in support of the ERA. He stated that women are fundamentally equal to men and that it is passed time that the Nation recognized that equality by including in the Constitution. Mr. Byko stated that without the ERA, it is left up to interpretation as to whether the bedrock principles of the Nation's democracy, that all men are created equal...liberty and justice for all...equal justice under the law, apply equally to women and men. He stated that leaving it to interpretation is wrong and that it must be fixed. He stated that equal rights for women would have a positive impact on the lives of women, men and our economy in South Carolina and Mount Pleasant. He stated that according

to WREN (Women's Rights and Empowerment Movement), white women in South Carolina only earn 0.74 on every dollar that a white man earns, African American women only earn 0.53 {on every dollar.} Mr. Byko stated that women serve as a primary or co-breadwinner in two-thirds of South Carolina families. He stated that women are key to South Carolina's economic health and that lower lifetime income for women impact the lives of the woman's children and family members. He stated that economically empowered women are the key to healthy and successful families and intergenerational economic mobility. He stated that 17% of women in South Carolina live in poverty, which is 20% higher than men. He stated that if employed women were paid the same as comparable men, women's poverty rate would be reduced by nearly half.

Pat Sullivan, 1002 Plantation Court of Mount Pleasant, stated that taking minutes is extremely valuable. She stated that there is an item coming up that she spent a couple hours going through minutes on to ensure that she had all of the facts correct. She stated that she thinks the taking of the minutes should continue.

### **3. Police matters**

#### **a. Budget Review FY 2020**

##### **i. Police Department operating expenditures**

##### **ii. Police Department capital and maintenance expenditures**

Mr. DeMoura stated that the Police Department's budget could be located on page 57 of the Budget Book. He stated that he would provide highlights of the Police Department's budget and that Chief Ritchie and Marcy Cotov were there to answer any questions. He stated there was an increase of 1%, which is about \$95,000.00. Mr. DeMoura stated that none of the ebb and flow of the budget represents a decrease in the level of service provided to Mount Pleasant residents by the Police Department. He provided the example of a decrease in the budget for next year of \$271,000.00, which represents an expense in the current

year's budget for body cameras and the service with them, the service being a one-time expense. Mr. DeMoura explained that the addition of the SRO's (School Resource Officer) this current fiscal year contributed to the salary variance for next year's budget. Mr. DeMoura stated that next year's budget reflects a 4%, on average, pay for performance as well as a 1% retirement match.

Mayor Haynie inquired as to whether the pay for performance averages out to 4% for those who receive it or if all Officers will receive the 4%. Mr. DeMoura stated that 4% is the average, higher performers may receive more than 4% while less will be received by those didn't score as high.

Mr. DeMoura addressed overtime for the Police Department, which is proposed to decrease by \$130,000.00, almost \$136,000.00, in next years budget. He stated that does not reflect a reduction in service, that the prior overtime was in relation to prep for Hurricane Florence. Mr. DeMoura further stated that additional items that differ from last year's, include the Animal Society and Crisis Chaplaincy. He stated that previously those items were handled under Aide to Outside Agencies, but year after year they receive funding due to their direct importance to the Police Department, he stated that the amount could be changed should Council see fit. He stated that if Council is not comfortable with the two agencies being housed there, that they could be moved back to the non-departmental line with the other agencies that are considered for funding. Mr. DeMoura went on to address notable changes to the budget such as repairs to radios and other capital items that have been moved out of individual department budgets and moved to capital which, he stated, is better place to house the money, he stated that this has been the trend with all departmental budgets so that all the Town's capital can be managed in one area.

In regards to CIP, Mr. DeMoura directed attention to page 148 of the budget which shows the Police/Fire Training Facility, he states that this is

an on-going project as one of the largest components of the facility is a shooting range which is a primary pursuit by the Chief and his staff – and one that has been going on for quite some time as the range is very expensive due to the requirement of it being an indoor range. Mr. DeMoura stated that when the use of the property was originally approved years ago, the caveat on approval was that it could not be an outdoor firing range. He stated that the cost for the indoor range is very steep and that they had not been able to reach it yet. Mr. DeMoura stated that the addition of 24 new police cruisers accounted for certain line item increases, he elaborated that there is a maintenance schedule for the cruisers and that it is important to replace a significant amount of the older cruisers just to stay current.

Mayor Hanie inquired as to whether those cruisers were in fact replacements to which Mr. DeMoura confirmed that they were.

Mr. DeMoura concluded with they are not requesting additional officers, they are proposing to remain at the same level of 166 officers and he asked the Council committee is there were any questions.

Mr. Santos asked the Chief if there were any more plans to add motorcycles to the fleet, as the motorcycle officers did a great job and were needed. Chief Ritchie responded to Mr. Santos stating that there is a plan to add more but that is contingent upon finding officers who will ride the motorcycles. Chief Ritchie stated that there are several officers who have expressed interest but upon returning home and discussing with their significant other, those numbers often diminish. Chief Ritchie stated that additional motorcycle officers are still in the plan, it is just a matter of identifying the officers who wish to ride and getting them through the extensive training.

Mayor Haynie inquired as to how many motorcycle officers there currently were, to which Chief Ritchie replied that there were currently

two in place with the hopes to add two more for a total of 4 motorcycle officers.

Ms. Whitley inquired as to the two non-governmental agencies that are being funded with the budget shifting over. Mr. DeMoura stated that they were Crisis Chaplaincy and the animal shelter. Ms. Whitley questioned if Dee Norton did a lot of work with the Police Department and whether they would be an appropriate agency to move to the same line item. She also queried as to where the line will be drawn for which agencies have their budget line item moved and how they would then be funded. Mr. DeMoura responded that the proposal was to have it funded directly out of the police department. He stated that both agencies mentioned have received sizeable contributions over the years and are operating as a de facto wing of the police department. He stated that while Dee Norton is certainly worthy, they don't usually receive the same amount of funding throughout the year.

Mayor Haynie requested that if the proposal is approved, that the same standard of checks, such as their audited financials and their 501-C3 status, be continued as there is a certain level of scrutiny for the community development grants which he doesn't want to lose track of and wants to ensure they are properly using their funding.

Mayor Haynie questioned Chief Ritchie as to whether or not he felt good about the budget. Chief Ritchie stated that he felt very good about the budget, that anytime there is a need, staff and Council has always been willing to step up and meet those needs.

Mayor Haynie stated that, while not necessarily a budget issue, that the State has been paying more attention to the Police Academy and their backlog. Mayor Haynie stated that while the Town does not run that Academy, he does understand that it can affect the timing of getting Officers on the line that have been hired. He inquired as to whether that

needed to be addressed in the budget. Chief Ritchie stated that starting in May, the Police Department has gotten approval from the Academy for the Department to start running its own academy here locally. Chief Ritchie stated that the Mount Pleasant Police Department staff is working on getting the lesson plans from the Academy, but their plans will go a step above what the Academy provides. He stated that outside agencies like College of Charleston and Moncks Corner have already committed to sending their Officers to Mount Pleasant's academy. He stated that those agencies will also send instructors from their force to teach and train at the academy in Mount Pleasant. Chief Ritchie stated that all instructors will be certified through the Police Academy and once he gets the nod to start the program, there will be 4 weeks of training here and then the new officers will be moved to the Police Academy for their final 8 weeks of training. Chief Ritchie also explained that they have several pre-certified officers who apply from Out-of-State. In previous years they had to go to the Academy for six weeks, but due to the reformatting and because they've trained in their State, now they have one week of legals in house to ensure they understand State laws and they then go to the Academy for a week to drive and shoot before being released with certification. Chief Ritchie then stipulated that those officers will still have to go through the Department's field training and confirmed that the Department was not cutting back nor watering down their training.

Mayor Haynie asked Ms. Cotov if she, as the keeper of the budget, had any additional comments to which Ms. Cotov stated that she did not.

*Mr. Santos moved to approve item 3(a)(i) and (ii) as described by staff; seconded by Ms. Whitley. All in favor.*

#### **4. Judicial matters**

##### **a. Budget Review FY 2020**

##### **i. Court Administration operating expenditures**

Mr. DeMoura stated that historically the Municipal Court budget is one of the leanest budgets in the Town and that there was not much action within the budget that required review. Mr. DeMoura explained that under Contractual Services is the public defender's annual contract, which is a requirement by State law, that line item is at \$41,000.00 and has been working well. Mr. DeMoura stated that was the only item of note to be addressed unless the Court Administrator, Ms. LeVica Kirvin, would like to add comment. Ms. Kirvin stated that she did not have anything to add.

Mayor Haynie inquired from Ms. Kirvin as to whether they were giving the Municipal Court the necessary resources and manpower to fulfill the duties required. Ms. Kirvin responded that the Department does well with what is provided and that the Department is very budget conscience.

Mayor Haynie stated that he wanted to publicly acknowledge a conversation he had with a newly appointed Judge who praised the Town's Municipal Court and more specifically, how Ms. Kirvin ran the Department. Ms. Kirvin thanked Mayor Haynie for the praise and redirected the compliment back to her Department staff stating that it was a team effort.

*Mr. Santos moved to approve item 4(a)(i) as described by staff; seconded by Ms. Whitley. All in favor.*

## **5. Legal Matters**

### **a. Budget Review FY 2020**

#### **i. Legal Department operating expenditures**

Mr. DeMoura indicated that the budget review could be located on Page 32 of the Budget Book. He stated that like the Municipal Court, there was not much new activity. He indicated that overall there was a

decrease of \$48,000.00, most of which represented fees and costs associated with the Park West litigation which created an increase this current year. Mr. DeMoura explained that this proposal represented year 3 of 4 of the contract with the current legal team and that there have been no new positions added with the legal team, including the Solicitor and support staff. He stated that for current personnel, the same compensation and pension has been recommended.

Mayor Haynie stated that he and Ms. Whitley have had conversations regarding the structure of the Legal Department and for that reason, he would like to examine further before approving the budget.

*Mayor Haynie asked the Committee if there was a motion to bring the operating expenditures for the legal department back for approval next month after further discussion and review. Ms. Whitley so moved; seconded by Mr. Bustos.*

Mr. Santos stated that he would be voting no because he was satisfied with the way things were currently being handled.

*Motion passed with a 3-1 vote with Mayor Haynie, Mr. Bustos and Ms. Whitley in favor; Mr. Santos opposed.*

**b. Consideration of a resolution supporting the Equal Rights Amendment and SC bills H.3391 and H.3340**

Mayor Haynie asked if Ms. Whitley would like to start on the topic.

Ms. Whitley started by thanking the League of Women Voters for bringing the issue to her attention. She stated that often it is assumed that equal rights to men and women is codified in the Constitution, and while there are many legislative decisions that make that indication, going this additional step and adding it to the Constitution once and for

all is very important. Ms. Whitley stated that there is only one more State needed for the Amendment to go through and she believes the City of Charleston and City of Columbia have already passed a resolution in favor of the ERA. She stated that Mount Pleasant being the 4<sup>th</sup> largest municipality in the State of South Carolina, the Town coming on board would send a message to the State House that this is an important bill to move forward for the State of South Carolina. Ms. Whitley commended the women and men who spoke earlier in the meeting for laying forth the need for the bill.

*Ms. Whitley made a motion to approve a resolution supporting the Equal Rights Amendment and SC bills H.3391 and H.3340; seconded by Mr. Santos.*

Mayor Haynie stipulated that there was a Motion and a second and now the Committee would discuss. Mr. Bustos stated that certainly women and men should be treated equally; however, he stated that he had not had a chance to read SC bills H.3391 and H.3340 to see what the proposed bills said, and before he voted on it, he would like to read them. Mr. Bustos further stated that he was reluctant to be in the business of doing resolutions for possible Constitutional amendments as Council's normal dealings are with matters that impact Mount Pleasant, operationally. Mr. Bustos reiterated that he would like to read the proposed bills before saying he supports them and repeated his hesitation in the Town of Mount Pleasant getting into the State and Federal government's business.

Mayor Haynie stated that Council recently passed several nondiscrimination ordinances about discrimination in housing and employment for one's race, gender, or sexual orientation. He stated those actions should be an indicator of the Town of Mount Pleasant's position on equality. Mayor Haynie stated that the other resolutions that have been offered have had to do with the affect that the State might have

on the things that have been passed in the Town, such as plastic ordinance or the Child Luring Act. He stated that standing in judgement of the United States Constitution on an issue that has been identified as partisan in the past, despite being bipartisan now, is something that the Mayor states he does not want to take lightly, nor does he want to open the flood gates for citizens to request the Council pass resolutions regarding gun ownership and gun rights and things of that nature. He stated that if the matter does not pass today, that it should be brought back for a broader discussion as he is not aware of Town Council having gone down the road of Constitutional amendments. Mayor Haynie indicated that he does not want to say no, but rather can the matter be brought back another day.

Mr. Santos stated that he is all for approving the resolution now as it is an important issue. Mr. Santos stated that regarding Mr. Bustos' hesitation to get involved in State and Federal government, he was discouraged from pursuing the smoking ordinance as he was told the State was headed in that direction and the States ordinance would trump the Town's; however, that did not end up happening. Mr. Santos stated that had the Smoking Ordinance not been voted on, smoking would still be allowed in Town of Mount Pleasant's restaurants. Mr. Santos stated that the Council should take this opportunity to be leaders and take a stand with the other communities on the issue.

Mayor Haynie indicated that he understood but had additional questions such as what happens to Title 9, women's sports, The League of Women Voters and whether those would then be viewed as discriminatory.

Mayor Haynie reiterated that he did not want to say no today. He stated that he was elected to take care of growth, drainage and all the things a municipality does; however, the current proposal puts him in the middle of a Constitutional Amendment discussion that was not a part of his run for Council, nor Mayor. He stated that he does not want to pretend to be

an expert on all the potential ramifications the proposed Amendment could create, ramifications that could affect the Town of Mount Pleasant's activities. He further stated that prior to endorsing something as serious as a Constitutional Amendment, without prior discussion with the Town, is jumping to get in front of an issue that hasn't been reviewed yet.

Ms. Whitley requested to read the text of the proposed bill. Mayor Haynie granted Ms. Whitley request. In reading the proposed bill, Ms. Whitley said, "Equality of rights under the law must not be denied or abridged by the United States, or by any State, on account of sex."

Mayor Haynie stated that the text doesn't just say we're recognizing that for females, it's stating that any gender, any sex, can then make a potential allegation of discrimination and he would like to explore the potential ramifications before endorsing a bill that could possibly undo all the Town's recreational leagues or anything of that magnitude. He stated it is worth studying and looking into and not rushing into approval today.

Ms. Whitley stated that this is a resolution in support of the bill, it's not a Town ordinance, Council would not be creating any cause of actions by passing the resolution. She stated that passing the resolution would show that Council is in support of the concept that women are equal to men.

Mayor Haynie interjected that the bill doesn't state that women are equal to men, it said "the basis of sex" which is what worries him. He stated that he would like to probe the depths of the bill before endorsing it.

Mr. Santos stated that passing the resolution just supports it and is a means to get to full Council for a vote. He stated that it should be sent up to full Council for a decision.

*Motion failed with a 2-2 vote with Ms. Whitley and Mr. Santos in favor; Mayor Haynie and Mr. Bustos opposed.*

*The Chair made a Motion to bring the item back to Committee at a later date after further discussion and study; seconded by Ms. Whitley.*

Mr. Bustos stated that his reluctance is that he has not read proposed bills H.3391 and H.3340, and he should have that opportunity before voting on it.

Ms. Whitley stated that a meeting could be set up with the League of Women Voters so that the Committee could be educated on the matter.

Mr. Santos stated that he would be voting against the Motion, not because he is not for it coming back but rather it should be voted on and approved now so that it can be sent up to full Council as it is an important issue and should be moved forward on. He concluded that his no vote is not a vote against it, rather he is against delaying it as it should be on full Council's agenda for a vote at the next meeting.

Ms. Whitley stated that she wants the resolution to get passed but if it takes time for people to get comfortable with the concept of nondiscrimination against women, she is okay with bringing it back once there has been further review.

Mayor Haynie stated that he hopes she does not take anyone's stance as discrimination against women as that is not what anyone is advocating.

*Motion passed with a 3-1 vote with Mayor Haynie, Mr. Bustos and Ms. Whitley in favor; Mr. Santos opposed.*

**c. Discussion and potential recommendation for amendments to section 30.34(B) of the Code of Ordinances pertaining to improvements of the Town Council agenda**

Mayor Haynie indicated that all of Council, except for one, voted at the last meeting on the first reading of this item. He inquired as to whether

they are delving into other agenda items or making changes to the first reading.

Mr. Pagliarini stated that this is the second part of that which related to agenda items and how they will be dealt with.

Ms. Farrell stated that the Mayor was correct, that last month they moved forward with several changes to the agendas. She stated that there was one item that was brought before this Committee last month that needed further discussion. She stated that the matter was how items appear on the Council agendas when they are submitted by a council member. Ms. Farrell stated that today, that was the only matter being discussed as everything else was moving forward for final reading. Ms. Farrell indicated that shown on the screen was the current text for review and any proposed changes could be discussed today.

Mr. Pagliarini stated that it was also an opportunity to discuss how matters get on a Committee agenda, if they so choose to provide guidance on that as well.

Ms. Farrell read section 30.34(B) as currently written, "All matters will be placed in the Town Council's agenda for regular monthly meetings if submitted by any Council member in writing to the Town Administrator by 4:30PM on Thursday prior to the scheduled Council meeting." Ms. Farrell stated that the sentence that requires primary focus would be the last one read.

Mayor Haynie stated that what was read is the code as currently written and what had been talked about was not taking away Council member's rights to put something on the full Council agenda, but the Council member would have had to first attempt to put it on a Committee agenda. Mayor Haynie stated that what needed to be discussed was the potential ramifications of that and what the conditions would be. He stated that if the Committee chairman said yes, it would be addressed at

the next month meeting, it would still be a yes unless it is something that is extremely time sensitive which could then be accommodated. Mayor Haynie stated that there is a Committee structure for a reason and the item should be taken to Committee first, if the Committee says no, the Committee will not bring that up. He stated that at that point the member would have the right to take it to the full Council agenda. Mayor Haynie asked how the Committee felt about the potential recommendation for amendment.

Mr. Santos stated that he liked what was currently in place and that he did not see a reason to change. He stated that if a matter is important to a member that they should have the opportunity to bring it to full Council.

Ms. Whitley stated that working through Committees is the way that Council should work and that items should first go through Committee to be properly vetted and to have full information. She stated that if it dies in Committee it should still have the opportunity to go to full Council since the Committees only represent a subset of people and there is still the potential to get enough votes once reviewed by full Council. She stated that taking it to Committee first is an important step in the process as it gives notice to all the members of Council that something is on the agenda and coming up through the process. She stated that going through Committee first would save the time at Council meetings and prevent it from just being deferred back to Committee.

Mr. Bustos stated that everything should go through Committee, and through the appropriate committee. He stated that there have been times that something goes to Staff and comes back with something typed up by Staff as if it's already a completed action when it shouldn't be a completed action until Council says there's been a vote and it should be done. Mr. Bustos confirmed that not only should it go through

committee first, it should also go a step further to ensure it goes through the appropriate committee before it goes to full Council.

Mayor Haynie asked if a Motion to amend this section of the code and indicated that the exact wording could not be crafted right then but that they could direct Legal and Staff to come back with the proposed wording to accomplish that goal. Mayor Haynie stated that members would still have a right to go directly to the agenda, but you would have to be denied that opportunity at the appropriate committee in order to go straight to the Council agenda.

Ms. Whitley stated that there could be an exception to that rule for matters that are time sensitive. Mayor Haynie stated he was in agreement with that exception.

*Mr. Bustos made a motion to ask Staff to continue to work on Section 30.34(B) as discussed; seconded by Ms. Whitley.*

Mr. Santos stated that he does not have an issue with bringing an item to Committee first, but he does not want to take away a member's opportunity after the Committee meeting if something comes up that needs to come to Council's agenda. He further stated that what he likes what is currently written and there is no reason to change it.

Mayor Haynie stated that Council meetings are not public hearings, they are a public action of the Council where the Council votes publicly. He stated that when the agenda is used for public hearings and then the action goes back to a committee, there are citizens waiting to see a vote on something that affects their daily life while Council is discussing matters that won't even have a binding action of Council on that night. Mayor Haynie stated that Council is trying to ensure that if you show up for a Council meeting to see a vote or make a public comment that they are not held up by Council discussion as that does not serve the citizen well.

*Motion passed with a 3-1 vote with Mayor Haynie, Mr. Bustos and Ms. Whitley in favor; Mr. Santos opposed.*

**d. Formula for counting election ballots**

Mr. Bustos stated that in 2013 Council changed the way ballots are counted and implemented a run-off type election, prior to that change it was the top four vote getters won the election. He stated that currently the ballots are counted as follows, “when more persons are seeking election, the two or more offices constituting a group than there are offices to be filled, the majority shall be ascertained by dividing the total vote cast for all candidates by the number of offices to be filled and by dividing the result by two. Any excess of the sum so ascertained shall be majority and the candidates who obtain the majority shall be declared elected. If more candidates obtain a majority than there are offices to be filled, those having the highest vote equal to the number of offices to be filled shall be declared elected.” Mr. Bustos explained that what the text implied was that there is a formula for determining who gets into office; however, he contends that the formula is confusing and caused an issue in a previous election where there was a run-off and the 5<sup>th</sup> person, who was the 3<sup>rd</sup> person in the run-off, was 900 votes below what the candidate in the 4<sup>th</sup> position had, it required another election, which tax payers paid for, and the results didn’t change. He stated that in using the current run-off count, if there were six candidates and they received the formula majority, still only the top four would be considered elected. Mr. Bustos stated that the method used prior to 2013 is approved by South Carolina State Code, as is the current method, but the prior method works just as well and would save the Town of Mount Pleasant money in the case there was a run-off election as well as alleviate turmoil in Council.

*Mr. Bustos made a recommendation to Committee that they go back to the prior method of counting ballots before it was changed in 2013; seconded by Ms. Whitley.*

Mayor Haynie stated that before a discussion was initiated, he had a question for Mr. Pagliarini as to the timing of the recommendation since it is a Municipal election year and if there would be deadlines to take into consideration. Mr. Pagliarini stated this item would not be anything that had to be taken to ballot or to the Board of Elections, rather it would just be a Town preference and having it decided by August is the standard recommendation. Mr. Pagliarini stated that if there was a first reading in April there shouldn't be an issue having it decided in that time frame. Ms. Whitley stated that this would a money saving opportunity and would get Council members seated quickly and working.

*Motion passes; all in favor.*

**e. Discussion of the content and detail of minutes of council meetings to include State legal requirements, Roberts Rules of Order requirements, and the staff/time expense consumed by our current method**

Mayor Haynie stated that according to Roberts Rules of Order, minutes are supposed to memorialize who was present, the final version of a motion and who Council heard from in the meeting. He stated that it does not include all the banter between members. He stated that staff is typing memoirs instead of minutes. He stated that the minutes from the Council retreat took Staff two and a half weeks to type at eight hours per day, which took the Staff member away from her job duties and resulted in less help for Council. He further stated that though the motions may be recorded correctly, he will not vouch that each word that each person spoke was intended the way it was expressed in the minutes. He stated that was is supposed to be voted on in approval of minutes, according to Roberts Rules of Order, is what the motion was, who was present and a

general synopsis of what occurred – not every word spoken by every person.

Mr. Pagliarini stated that Mayor Haynie was correct not only by Roberts Rules of Order, but also according to State law which provides similar requirements as Roberts Rules.

Mayor Haynie stated there is video of each Council meeting and audio of Committee meetings. He stated that when there is a misunderstanding in the minutes that are typed, neither the video nor audio lie. He stated that this would not adversely affect transparency. Mayor Haynie asked if there was a breakdown of the expense the typed minutes, in their current form, costs the Town each year.

Mr. DeMoura stated that the typed minutes cost all departments, and ranges in the tens of thousands of dollars and countless man hours.

Mayor Haynie inquired from the Committee as to their thoughts and what the best first step.

Mr. Santos stated that he has been doing this a long time and the minutes are not verbatim but rather a synopsis. He stated that some members talk more than others and that and they should just get to the facts of the issue. He stated that he researches minutes frequently. He stated that it should fall on members to not talk as much and just get down to the facts so that meetings would end in a timely manner and create less minutes to type. He stated that the Mayor always has the option to tell a speaker or a member to get to the matter at hand and then move on. He stated that he would like to explore that option first as he would like members to have the right to say what they want to and then have the minutes available for all to review.

Mayor Haynie stated that there have been Council members request Staff to insert one word into minutes. He stated that there was an instance at the December meeting, for which he was not present, and

Council amended the minutes to include a word that he supposedly said but he was not there to vouch or clarify for the word.

Mr. Santos questioned Mr. Pagliarini as to if the minutes were technically verbatim. Mr. Pagliarini stated that in the legal field, they would not be considered verbatim and he stated that they have professionals who type verbatim for Court purposes. Mr. Santos stated that it is very important that citizens be able to read the minutes and the burden should fall to Council members to get right to the point as to move the meetings forward.

Ms. Whitley stated that upon initial review, she agreed with Mr. Santos; however, since hearing from Staff about the amount of hours it takes and the volume of the minutes, she believes that doing what is required by State Law and then providing hyperlinks to the video and audio would be a time saver to staff and would still provide an opportunity to community residents to go back and see what occurred in meetings. She stated that what happened in the vote is more important than all the lengthy discussions that occurs leading up to the vote.

Mr. Santos inquired as to what a citizen who does not have a computer would do since they would not be able to play the audio or video. Mayor Haynie stated that he fundamentally disagreed on the purpose of minutes. Mayor Haynie stated that if there is a request for a transcript, verbatim or not, that is different than what is required by State law and Roberts Rules of Order to show what the actions of this body are, resulting in the ordinances that are lived by. He stated that a yes vote is a yes and a no is a no and that including the discussion of how members feel leading up to the vote ultimately does not affect it as the vote is either a yes or a no.

Mr. Bustos stated that all he is concerned about is transparency and that there is a permanent record of what Council does and what is voted on.

He stated that the current system used is redundant as there are audio and/or video tapes of all meetings. He stated that if a citizen wanted a typed transcript of a specific topic, they could request it. Mr. Bustos inquired as to where the minutes are stored. Mr. DeMoura stated that they are mostly stored in closets at Town Hall and in the Ordinance Room.

Mayor Haynie asked if there was a record of the number of times citizens, out of 87,000, access the typed minutes online. Mr. DeMoura stated that over the course of one calendar year, Council agendas and minutes are accessed 1,347 times which equates to 112 per month, and what has been learned from those figures is that those numbers are mostly Staff members that have gone back to review what transpired.

Mr. DeMoura stated that it stands to reason, in a community this large, that the facts show that not many residents access the Town's website to review minutes and agendas.

Ms. Whitley stated that she does not think giving broad access to individual Town members to demand or request transcripts is a good trend to start. She stated the recordings are available online and should be utilized. Ms. Whitley stated that there is likely at least one member who would request a transcript and at that point Staff would be typing it for just one person as opposed to the whole Town. She further stated that if someone is not able to open the link, that they could go to the Senior Center or they could come to Town Hall to have them printed.

Mayor Haynie posed the question as to what could be done to get some relief to Staff members who are inundated with task of typing minutes. He stated he does not approve of the work load Council is asking of them by transcribing the minutes. He queried as to whether the Town needed to hire additional employees with responsibility of typing all of the minutes or is it something that could be contracted out.

Mr. DeMoura stated that what the Mayor is seeing in his office is occurring in all departments because departments carry the load for other committees and other special boards that are meeting. Mr. DeMoura further stated that at this pace, unless there is a change in policy, the Town would have to hire additional employees just because of minutes.

Mr. Bustos asked Mr. DeMoura how Council could effect this change and if they could make a recommendation at Council.

Mr. DeMoura stated that would be correct and the new policy could be put into place.

*Mr. Bustos made a recommendation to Committee that they go to the method of relying on recordings and having minutes done in accordance with Roberts Rule of Order and by State law; seconded by Ms. Whitley.*

*Motion passed with a 3-1 vote with Mayor Haynie, Mr. Bustos and Ms. Whitley in favor; Mr. Santos opposed.*

## **6. Adjourn**

There being no further business, the meeting was adjourned at 12:14pm.

Minutes submitted by:

Jocelyn Campbell

