

**TOWN OF MOUNT PLEASANT, SOUTH CAROLINA  
POLICE, JUDICIAL & LEGAL COMMITTEE  
Tuesday, April 3, 2018**

**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  
Staff: Eric DeMoura, Chief, Ritchie, LeVica Kirvin  
Also: David Pagliarini, Corporation Counsel  
Absent: G.M. Whitley

Mayor Haynie called the meeting to order at 12:00pm.

**1. Approval of Minutes from the March 5, 2018 meeting**

Mayor Haynie asked that the minutes from March 5, 2018 meeting be approved.

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

**2. Public Comments**

Caroline Bradner, 328 East Bay, commented on the environmentally responsible packaging and products ordinance. She stated she wanted everyone to be aware that there is no pending litigation against any ban of this caliber in South Carolina.

Kelly Thorvalson with the South Carolina Aquarium, stated she has presented a few times about the harms of plastic to marine life and specifically to sea turtles. She stated they have seen an extraordinary increase of turtles coming in with plastics. Ms. Thorvalson stated she

wanted to share some numbers that have been entered into their citizen science platform, the litter free digital journal. She explained it is a litter tracker. Ms. Thorvalson stated the litter tracker has been in place for a year. She added the information if not all encompassing however the data is telling. Ms. Thorvalson provided a handout to the committee. She explained the first chart is a pie chart with the largest piece of the pie consisting of 36 percent which contains various plastics. The second largest, she explained, is cigarette butts and added unfortunately will remain at that level. The third largest piece, she noted, is Styrofoam, which is a single type of material that is used. Ms. Thorvalson explained the pie chart is then broken down to a bar graph to depict the various plastics by type. The first bar is 11,038 pieces of plastics, which includes various plastics that are hard to break down. She stated plastic food wrappers and film are depicted next behind various plastics with plastic bottles second. She stated plastic bags are the third highest single plastic item that is found and picked up, disposed of properly and recorded in the litter free digital journal. Ms. Thorvalson stated of the eight single plastic items listed, straws and stirrers also made the chart as the seventh highest single type of plastic. She stated she hopes the committee will continue to consider how important doing away with these materials that are easily replaced.

Cheryl Carmack, 1630 Meeting Street, Unit 205, stated she works for Charleston Waterkeeper as the staff scientist and volunteer coordinator. She stated she was present to speak in favor of the environmentally acceptable packaging ordinance. She stated similar rules have been passed in the local communities of Folly Beach and Isle of Palms. Ms. Carmack stated numerous businesses can and already do comply such as Snapper Jacks, The Windjammer, Rita's, Taco Boy and Lost Dog Café. She stated the Ordinance gives the opportunity for everyone to work together and ensures the switch goes as smoothly and easily as possible by including the one-year period along with some exceptions and a hardship exemption. Ms. Carmack stated Charleston Waterkeeper is ready to work with the Town and businesses to educate the public about the new rules, why they are important and how they protect our local waterways.

Ms. Carmack stated she manages and coordinates all their volunteer activities and added she personally participate in all clean-up activities. She stated last year she organized 24 clean-ups in our local waterways during which they removed 14 tons of debris and the majority of it was plastic. Ms. Carmack stated plastic pollution impacts everyone and added this Ordinance will go a long way to fix that problem and thanked the committee for their consideration.

Mayor Haynie thanked Ms. Carmack for all her good work on behalf of the natural environment and added it is very much appreciated.

Ms. Lia Colabello, 558 Palmetto Battery Way, stated she has been in marine plastic pollution for 5 years and ocean conservation for more than 10 years. She stated she has a company called Plastic Pollution Solutions where she works with international organizations to help them reduce their plastic footprint. Ms. Colabello stated she is in support of Ordinance 18024 and read the following:

While consumers are led to believe that plastic bags, Styrofoam containers and straws are free, grocery stores and other establishments bury the cost of these plastics in the price of goods sold. External costs are not accounted for which include waste management costs, litter clean-up costs, taxes, cost to other industries such as fishing, tourism, cattle, cotton, environmental costs and human health costs. Essentially, the overall cost of single use plastics is much greater than the private costs of providing the single use plastic to the consumer in the first place. Not only are these social costs immediate but they will linger well into the future accumulating from generation to generation. One of the topics that has not been discussed is the cost of Nano plastics in the food chain. Nano plastics are so small that they can pass through cell walls. This is a newer field of study, but research indicates that Nano size polyethylene can pass through embryo walls that are present in yolk sacs of juvenile fish. Additional research shows that Nano plastics are passing through the blood brain barrier of fish as well causing brain damage. Single use plastics such as bags, straws and Styrofoam containers account for 25 percent of all plastics manufactured annually, which is about 380

million metric tons currently according to economists. This number is expected to double in 20 years. If you think that there is a lot of plastic litter drifting around Mount Pleasant now just wait. So, of all the plastics produced, a quarter of it is for single use, use once, discard after five minutes. So, population growth and the proliferation of single use plastics will follow that growth trend and the plastics industry is eager to continue to put these products that easily leak into the environment and consumer hands so there is a flood of plastics coming down the pipe. And if Town of Mount Pleasant does not act soon, the chance to do anything about this, at the municipal level, may be taken from us at the state level. Town Council has a real opportunity to demonstrate concern about the cost of plastic pollution in the environment and to society overall now and well into the future.

### **3. Police matters**

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

Chief Ritchie stated he had the honor and privilege of recognizing two officers for five years of loyal service to the Town.

He recognized Patrol Officer First Class Richards for five years and stated he is currently assigned to the Patrol Bureau protecting all the town's citizens. Chief Ritchie stated Officer Richards is very involved in community policing and many activities to better the community. Chief Ritchie explained there is a Senior Police Officer stripe that can be earned. He stated once an officer has completed their initial field training, academy training and get off probation they are asked to select a career path. He explained over the next three years officers are afforded the opportunity to take specialized training in these career paths to earn the stripe along with a little more pay. Chief Ritchie stated officers pick a discipline such as investigations, traffic or narcotics to name a few. He explained Officer Richards chose Master Patrol Officer

which is a sampling of all the different disciplines within the agency, making him a well-rounded solid patrol officer. Chief Ritchie stated he first wanted to recognize Officer Richards for his five years of service. Chief Ritchie then awarded Officer Richards with the rank of Senior Police Officer.

Chief Ritchie recognized Field Training Officer (FTO) Blaschke for five years of loyal service with the Town of Mount Pleasant Police Department. He stated FTO Blaschke has risen to the rank of Field Training Officer where he is responsible for the training of all the new officers that have been brought on the force as the Police Department continues to grow. Chief Ritchie explained that in addition to Field Training Officer, Officer Blaschke completed the requirements to earn the rank and recognition of Senior Police Officer as well. He stated he wanted to first recognize and thank FTO Blaschke for his five years of service. And secondly recognized FTO Blaschke and awarded him with Senior Police Officer and a job well done.

## **b. Budget Review FY 2019**

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

Mr. DeMoura asked the committee to turn to the Police Department tab in the proposed budget. He stated the Police Department is the largest department in terms of expenditures in the Town. Mr. DeMoura stated they are proposing the Police Department budget increase \$969,000 for the next fiscal year. Mr. DeMoura stated the increase includes staff, vehicle fuel and some capital equipment. He explained the increase in salaries is the result of the School Resource Officers (SRO) being placed in every public elementary school, which has been a priority of Council. Mr. DeMoura explained the costs associated to support the men and women in the Police Department to include health insurance, federal requirements like social security match and one large expenditure is the one percent mandatory retirement contribution as required by the State of South Carolina at a substantial level of \$150,000.

Mr. DeMoura stated two other items that are driving the increase in addition to staff and the items that support them is the replacement of the body cameras who have served them well. Mr. DeMoura stated he believed Mount Pleasant was the first Police Department in South Carolina that had them. He explained there is now a newer better technology out that they would like to equip the officers with and the cost associated with that is \$271,000. Mr. DeMoura stated what is also driving the budget expenditures is last year they had the cost for the security personnel listed under the General Government budget. It has now been moved to the Police budget. He explained it is under the supervision of the Police Department, so it is best placed in their budget. The cost associated with the security personnel is \$160,000.

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

Mr. DeMoura stated from a capital point of view they are proposing 37 patrol cars be replaced for next year. He stated they also have the vehicles necessary to support the new SROs in the schools.

Mr. DeMoura stated in addition to the vehicles on the capital side is a contribution to the Police/Fire Training Facility. He explained both Fire and Police collectively will be contributing, and they are proposing \$800,000 to support the training facility. Mr. DeMoura stated they are trying to build the budget to reach what needs to go there in the long term.

Mr. Bustos asked if there was going to be a pistol range in the new facility. Chief Ritchie stated they were hoping to have one, but he did not believe there would be one in this facility. He added they are working on it and it is something that wants to happen.

Mayor Haynie asked where the Police Department does go to qualify.

Chief Ritchie stated they go to several different places. ATP Gun Shop lets them use their facility. He added Charleston City, when they have availability, let's them use their range.

Mr. Bustos asked if they were still located on Maybelline.

Chief Ritchie stated that was a county range and they are at Moncks Corner now. He added they also have a contract with a local gun range that allows the snipers to shoot and SWAT team to train there as it has a longer range.

Mr. Bustos stated that is something that is really needed as they cannot be driving all over the state to practice a basic skill.

Mayor Haynie asked if it would be possible to have one at the facility up in Awendaw.

Mr. DeMoura stated it is possible and during the approval process in Charleston County, where the property is located, it was required that they not have an open-air range. He explained it therefore pushes them inside and early estimates on that project would be approximately 1 million dollars plus to go ahead and construct an indoor range. He stated the Chief has been looking at grant money around the country to try and reach that. He added grant money is harder and harder to find. Mr. DeMoura agreed there is a need.

Mr. Santos asked the Chief if the Police Department ever uses the facility at Twin Ponds.

Chief Ritchie stated they have however, being a public range, it makes it difficult for them to practice there. The Police Department has certain safety precautions they take and would be best without the public as their shooting standards are not quite the same as the Police Department.

Mr. DeMoura stated they would appreciate a consideration to forward this budget to the Budget Committee of Council.

*Mr. Santos moved to forward the Police Department budget to Council for approval; seconded by Mr. Bustos. All in favor.*

**c. Announcement of intent to provide law enforcement support to the City of Myrtle Beach**

Chief Ritchie stated they have been asked for the past several years to assist Myrtle Beach and North Myrtle Beach during their bike weeks. He

explained during this time there is a lot of traffic and crowd control and they cannot handle it by themselves. Chief Ritchie stated this year they would be sending their two motors to assist them. He stated the overtime, lodging and food is all paid for by the City of Myrtle Beach. Chief Ritchie stated the two officers will receive additional training before they go. He added it is a positive experience for our officers to be exposed to the training and these types of events. Chief Ritchie stated that if the need arises they could always call on Myrtle Beach and North Myrtle Beach to come assist as needed with our events as they continue to grow. Chief Ritchie explained he wanted to make the committee aware of their support to the Myrtle Beach area during their event.

Mayor Haynie asked if we receive reciprocal help with the bridge run weekend or anything from Myrtle Beach. Chief Ritchie stated the Chiefs have all reached out to offer support however they have not needed to call on them yet as there is so much support in the surrounding local agencies but they all stand ready to assist whenever there is a need.

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

##### **a. Budget Review FY 2019**

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

Mr. DeMoura asked the committee to turn to the Court tab of the budget. He explained except for just a few dollars the budget is flat overall. Mr. DeMoura stated there are increases on the salary side which includes the four percent on average increase in salaries and the fringes that are associated with it. Mr. DeMoura added what is offsetting the budget is the little bit of a decrease under Contractual Services. Mr. DeMoura stated included in the Court's budget is the mandatory retirement increase. Mr. DeMoura stated there are also some additional funds to support the public defender.

Mayor Haynie asked Ms. Kirvin if the budget works. Ms. Kirvin stated that it does.

Mayor Haynie asked if the committee had any questions.

*Mr. Bustos moved to recommend approval of the Court Administration budget to Council; seconded by Mr. Santos. All in favor.*

## **5. Legal matters**

### **a. Budget Review FY 2019**

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

Mr. DeMoura stated there is an increase of about five percent in the Legal Department operating expenditures, which is just about \$54,000 for next year and most of it is listed under Contractual. He stated the mandatory retirement increase is included as well. Mr. DeMoura stated also listed is the next year's increase for the legal contract and a small increase in legal fees for litigation.

Mayor Haynie asked if there was a three percent increase for litigation. Mr. DeMoura confirmed that was correct. Mayor Haynie asked what that involved. Mr. Pagliarini stated the large pending matter is the Town of Mount Pleasant involved in the Park West case and he added will hopefully be tried this spring. He stated other than that, there are no significant legal matters on the horizon, however that could change at any moment as sometimes there is no forewarning if there is going to be a lawsuit brought against the Town. Mr. Pagliarini stated they have had somewhat of an uptake in appeals from the various Boards in the last few months. He explained they are not considered significant matters as these appeals do not ask for damages from the Town but that is what they have pending right now.

Mayor Haynie asked the committee if they had any comments or questions.

*Mr. Santos moved to recommend approval of the Legal Department operating expenditures to Council; seconded by Mr. Bustos. All in favor.*

#### **b. Review of legal expenditures for the prior three fiscal years**

Ms. Marcy Cotov stated the committee had requested this information at the last meeting. She explained she took the actual budget for the Fiscal Year 2016, Fiscal Year 2017 and Fiscal Year 2018 through March 20<sup>th</sup>. She stated she pulled out the specific vendors, so they would see how much was paid in each of the accounts to the specific vendor and then “other” and finally the total of the actual budget. Ms. Cotov noted the salary lines is strictly the Solicitor and two legal secretaries. She explained the litigation has changed over time, they used to have it all grouped together but starting in Fiscal Year 2018 they split out expert fees, and what are other costs like court reporters versus what truly is the fee they would pay attorney fees whether it is our legal team or another attorney.

Mayor Haynie asked how the insurance works through the Municipal Association of South Carolina as they seem to handle our land use litigation. Ms. Cotov stated our legal team worked on having that provision added two years ago. She explained as those issue arise, they are sent to them and they determine whether it falls within the range of what they have. Mayor Haynie asked if “they” is the insurer. Ms. Cotov stated it is the Municipal pool. Ms. Cotov stated that since she has been employed with the Town she has seen some of them kicked out and classified a different way. She stated they do pursue it and have made some use of it as it is available.

Mayor Haynie stated when they were sued in the case of Sullivan’s Point as well as the Bell Hall suit the coverage was used.

Mr. DeMoura stated it would also be used day to day, for a trip on the sidewalk, or if someone breaks an arm at the Recreation Center. This type of litigation would also be covered under that umbrella.

Mayor Haynie asked how many cases the Municipal Association is handling for them right now. Mr. Pagliarini stated they keep an active list which he would be happy to send the committee. He added at this point the list exceed 25 cases in their various forms at any one time.

Mayor Haynie asked if some of the cases are on the smaller side. Mr. Pagliarini confirmed a lot of them are slip and falls, things of that nature.

He added they also receive matters that are possible lawsuits that end up being resolved by our insurance carrier before they become lawsuits. Mr. Pagliarini stated they do keep a list and if the committee would like to see it he would be happy to send it to them. Mayor Haynie thanked Mr. Pagliarini.

**c. An Ordinance amending Title V (Public Services) by adding a new Chapter 53 pertaining to environmentally acceptable packaging and products. (Ord. No. 18024)**

Mayor Haynie recapped that the First Reading was done at the March council meeting and explained it would be due for the Second Reading one week from today. Council had decided there might be some wording council members wanted to tweak a little bit. Mayor Haynie asked if Legal had received some suggested edits to this Ordinance and if so can they review the edits briefly now at this meeting.

Mr. Pagliarini stated this item was heard in the prior committee, but it was more on the basis of restaurants and how they were going to deal with it. He stated, from the legal perspective, these proposed changes by several of the council members have not yet been discussed and this is the opportunity to do that. Mr. Pagliarini stated the committee was looking at a red line version of the proposed changes by several of the council members. He explained Legal has tried to identify in the margins who requested the changes. He stated the number of proposed changes is significant. Mr. Pagliarini stated there have been several options proposed and those options can be anywhere from not enacting this, to enacting it as it was originally written, to enacting portions of it. He stated there was some discussion in committee yesterday about changes along the way. He asked for the committee to keep in mind, as currently written, this Ordinance provides essentially a one-year break in period for our businesses to comply with the Ordinance. Mr. Pagliarini explained that changes can be made at any time and if council were to pass all, some, or any portion of this, changes could be made along the way. He added they have seen other jurisdictions extend the period beyond the initial time frame and believes they have not seen any reduce it. He stated there are

several options, and several ways they can proceed. Mr. Pagliarini stated, from a legal recommendation, the things he suggested that need to be worked out are what exact items does council wish to cover initially. He added there has been discussion about plastic bags, food service ware and several different items that are covered in the Ordinance and it would depend on what council would like to start with or enact in full. He stated beyond that there was some discussion around the First Reading regarding the penalties and enforcement. Mr. Pagliarini stated these items should be discussed because there are some provisions in the Ordinance about warnings and then moving forward it gets a little firmer. He stated whether council would like to have some immediate penalty, or some warning period, however they decide it could be accommodated. Mr. Pagliarini added there were some other concerns about litigation. He stated Legal has not been able to find any significant reported litigation as far as challenges to these types of ordinances. He explained there has been litigation surrounding the edges of them but not any direct concern or attacks on the ordinances themselves. Mr. Pagliarini added therefore there is a good history of being able to defend these types of ordinances from a legal standpoint.

Mayor Haynie asked if there was an update from where the bill stands in Columbia. Mr. Pagliarini stated Legal thinks it is still in subcommittee at this time. Mayor Haynie asked if it was in the Senate after having passed the House. Mr. Pagliarini stated that was correct.

Caroline Bradner, 328 East Bay, stated it had passed the House and is scheduled for the Senate, Labor, Commerce and Industry Committee on April 12<sup>th</sup> after being rescheduled.

Mayor Haynie thanked Ms. Bradner. He stated his understanding was this would have had to be in place in January to be exempt from whatever they may pass. Ms. Bradner agreed and stated originally, they had it dated January 31<sup>st</sup> of 2017 and amended it to 2018 and then they amended it to accommodate Surf Side and other areas that have already done it. Mayor Haynie stated those areas who have already put this in place are Surf Side,

Isle of Palms and Folly Beach. Ms. Bradner added Beaufort County is also included.

Mayor Haynie stated he wants to see this Ordinance pass and for it be effective and enforceable on the scale of a town the size of ours. He added we are not a county with different municipalities we are one big municipality. Mayor Haynie stated he would like an Ordinance that is defensible both locally and at the state level. He stated a lot of the suggested edits are going in that direction. He added they are getting away from suggesting to businesses what they charge for certain components and telling them they discourage them offering straws or utensils and is glad because that is not their place.

Mayor Haynie asked with all the suggested edits if they are still focusing on the big threat to our natural resources which is single use bags and styrofoam. Mr. Pagliarini confirmed that was correct. He stated 53.02, the single use of plastic carry out bags as well as 53.03, the polyethylene plastic foam disposable food service ware are the two major elements and appear to be even with the changes in tact at this point.

Mayor Haynie stated he has a couple of concerns regarding how this could be enforced with shipping packaging. He stated if a pack and mail company get something shipped to them by Amazon and somebody returns the item because it is the wrong one, how can it be determined if that person is vending that stuff or just repackaging and sending it out. He added there is no way of stopping Amazon from shipping those items with that type of packaging here. He stated he would like to see it stopped however but does not see how that can be enforced and is open to suggestions. Mayor Haynie reiterated he wants to go after the plastic bags and the styrofoam, he just does not know with items being shipped to homes for personal use how an individual would discard the packing material without being in violation of the Ordinance. Mayor Haynie also expressed concern about the cutlery and it was confirmed the cutlery would be removed. Mayor Haynie asked if the cup lids would be included. Mr. Owens stated straws were included.

Mayor Haynie stated another concern he has is the fines and the offense wording. He asked for the first year the Ordinance is in effect if warnings could be handed out because generally with the growth of the town and the number of new businesses someone may innocently not be aware. He suggested that perhaps when new businesses open the town advises of the new ordinances that the business should be aware of.

Mr. Pagliarini stated that is always an issue with enforcement and added the year period is on the shorter side of what they see. The year period could be an educational time and would not be enforced until the penalties take effect. He stated they could have a structured system, which is contemplated in the Ordinance, first warning and then maybe a second warning and finally a third. He stated, from the legal standpoint, this is something they would like council to weigh in on, what penalty structure council would like to see implemented. He added as written it provides enough notice, but they are not the ones operating the businesses who will be affected by the Ordinance. Mr. Pagliarini stated he cannot say what the practicality is of everybody understanding and gathering what they are facing as far as inventory and action in the next year.

Mayor Haynie asked in the other places who have passed this when a chain restaurant comes into your area how does the town make certain they are aware before they order a six-month supply of their Styrofoam clam shells. He asked if there is an education system available in Beaufort County to handle this type of situation. Ms. Bradner stated Beaufort County is just embarking on their one-year period. They have a combination of community presentations and a rollout education outreach program. She added she would have to ask if they have a plan for new businesses coming in as to how they are going to make them aware.

Mayor Haynie asked if Beaufort County had the one year wait period from enactment to enforcement. Ms. Bradner stated they did. Mayor Haynie stated they may want to take note of that. He added it does not sound that hard to have a primer, for businesses coming to Mount Pleasant and explain the rules are a little different here.

Mr. Santos stated he agrees but when you go to a municipality and open a business you must learn what the laws are in that area. He stated a business cannot just stumble in and apologize later for not knowing. Mr. Santos stated it behooves the owner of the business to find out what the laws are when they move in, so they are educated and know from the start that they are acting according to the law. He stated it is like the Smoking Ordinance, if you live in another municipality where smoking is permitted you cannot come to Mount Pleasant and smoke. You need to be informed when you go to a different municipality. Mr. Santos stated businesses usually have attorneys that work for them and should be keep abreast of all the laws wherever they go.

Mr. Bustos stated his edit suggested changing it to a prohibition of single use plastic bags and include styrofoam. He stated a concern he has is he does not believe the Police Department is the right agency to enforce this. Mr. Bustos stated the Police Officers are out patrolling and answering calls and for someone to place a call reporting a business for using plastic bags he does not think the Police Department is the right agency to respond. He stated the one thing they will never know is how much crime is prevented just by an officer driving by and when you take that officer off his assigned route, you never know what he prevents just by being in the vicinity. He added he does not think it is good use of an officer's time. Mr. Bustos stated the police need to be patrolling, answering calls and helping citizens who may be in distress. He stated he does not think this is a good use.

Mr. Bustos stated he also does not believe in Section .08E, that violations chapter would be declared a public nuisance. He stated he would have a hard time, with someone who may have inadvertently packaged something in a plastic bag and handed it to someone, even if they received a ticket, being called a public nuisance. He added an intoxicated person staggering on the sidewalk is a public nuisance, a plastic bag is not.

Mr. Bustos stated by enlarge he agrees with Mayor Haynie and added if they were to change this for plastic bags and styrofoam products, if they found it needed to be made broader later it can be changed, it can be made more stringent, or broader later. He stated but to start right from the

beginning being this broad is inappropriate and added it is also not an effective use of our Police Department's time.

Mayor Haynie asked if it was to be changed how can it be enforced.

Mr. DeMoura stated their best bet would be making it part of Code Enforcement in the Planning Department.

Mr. Bustos agreed that would be good place for it.

Mr. Santos asked the Chief how many calls they receive regarding the smoking ordinance that was passed some years ago. Chief Ritchie stated there are not too many. He stated they had one recently and it was handled when addressed and no one was ticketed.

*Mr. Santos moved to approve the Ordinance 18024 including all the changes that have been recommended and added from the other council members.*

Mayor Haynie stated he wanted to ask a few procedural questions. He stated the Public Services Committee would be meeting that afternoon and would be going through the same process. He asked if it is anticipated that Tuesday night they will receive an amalgamation of suggested edits. Mr. Pagliarini stated there may be more edits to come and added some of the changes regarding enforcement are significant whether that is going to be through Code Enforcement or the Police Department. He added if this committee votes that way it gives Legal a way to move forward, adding someone else may feel different and that would be a discussion for Council. Mr. Pagliarini stated when Mr. Santos refers to putting it in that form what he anticipates is putting it a form showing various options and if they can narrow down the items that council generally agrees on through the committee process and then highlight the areas of discussion that would be easier for Legal. He asked if that is how the committee would rather see it.

Mayor Haynie asked if that would leave it open for further editing between now and Tuesday. He stated he thought that is what Mr. Santos was wanting, to incorporate these changes and then there would be more deliberation.

Mayor Haynie stated he would like to see public nuisance taken out to a code violation. He added it is a matter of words, but it is still a violation, it is just not a public nuisance. Mayor Haynie asked if that was included in Mr. Santos motion.

Mr. Santos stated that could be included in the motion, but he really thinks the code enforcement officer is all over the place now and has a lot on his plate. He would not like to add more to it. Mr. Santos stated when the police are involved people tend to pay a little bit more attention. He added if the police receive a complaint they hold a little bit more weight than the code enforcement officer.

Mayor Haynie stated the motion is to incorporate at least these changes as part of the editing process between now and Tuesday as there may be more edits. Mr. Santos stated that was correct.

*Mayor Haynie seconded the motion.*

Mr. Bustos asked what happens to the notion of looking at the Police Department versus Code Enforcement.

Mayor Haynie stated there is another full committee to look at this that afternoon and then full council will be looking at it next week.

Mr. DeMoura stated it is not on Public Services agenda today, but it seems like an issue since the First Reading was had last month, it would be deliberated at council.

Mr. Pagliarini stated Legal wants to provide something so that at council they all have identified, at the very least a general overview. He added they cannot agree to any amendments until council but they all understand the general consensus of maybe what is agreed to and then the items that might warrant further discussion.

Mr. Bustos asked if that suggestion will be in what is going to council.

Mr. Pagliarini stated right now as it stands, from a legal perspective, what passed at First Reading is there, these proposals are working documents that will be provided to Council for discussion purposes so that they can make appropriate motions at Council.

Mayor Haynie stated they have a year before this goes into effect, and they can work on those changes if they choose to.

Mr. Bustos asked why they are voting since they have given the suggested edits they should move on. He added if it is all going to be for general discussion, at council, then they do not need a recommendation.

Mayor Haynie stated his understanding was the motion was that they were saying they see the changes and like the edits, they want to at least do this for discussion.

Mr. Santos stated what he is saying is to approve this Ordinance with these exceptions included.

Mr. Pagliarini stated that is the recommendation to council.

Mr. Santos stated that was the motion and second to do that. He stated when it comes to council that is when the discussion of Code Enforcement Officer can happen. Mr. Santos added seems like that is one of the only few things that will be discussed so it should not be a big problem. He stated everyone has had an opportunity to weigh in and they are including all the opportunities in the Ordinance and that seems to be the only sticking point. All of Council will make the decision at the council meeting.

Mr. Bustos reiterated he supported the Ordinance at First Reading, but it is still too broad. He cannot support it.

Mr. Santos stated he could make that decision at the council meeting.

Mr. Bustos stated he could not support it now as it is still too broad.

Mayor Haynie stated there was a motion and a second.

*Motion passed with a 2-1 vote with Mayor Haynie and Mr. Santos in favor; Mr. Bustos opposed.*

## **6. Adjourn**

There being no further business, the meeting was adjourned at 12:54pm.

Minutes submitted by:

Laurie Wilson

04/05/2018