

**TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
POLICE, JUDICIAL & LEGAL COMMITTEE
Monday, August 6, 2018**

Municipal Complex, Committee Meeting Room, 3rd Floor

Minutes

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

Absent: GM Whitley

Staff Present: Eric DeMoura, Marie Isaac, Chief Ritchie

Also Present: David Pagliarini, Corporation Counsel

Mayor Haynie called the meeting to order at 10:45am.

1. Approval of Minutes from the July 2, 2018 meeting

Mayor Haynie asked that the minutes from July 2, 2018 meeting be approved.

Mr. Santos made the motion for approval; seconded by Mr. Bustos. Motion carried unanimously.

2. Public Comments

None

3. Police matters

**a. Consideration of amendments to the Town of Mount Pleasant
Code of Ordinances, Chapter 112: Towing**

Chief Ritchie asked that if it would not be inappropriate he would take item “b” first.

Mayor Haynie stated he believed it would be okay with the State if he did it that way since it is an announcement and does not involve a vote.

Chief Ritchie stated that he was proud to announce that on July 28, 2018 the Mount Pleasant Police Department was in Michigan at the CALEA Conference for the department's 9th re-accreditation award.

Chief Ritchie stated that things went very well and the Department was re-accredited as Gold Standard with Excellence. He added that what that means is Agencies can be accredited by submitting to 80% of their policies and procedures but Mount Pleasant opted to submit 100% and there were zero deficiencies coming out of the accreditation hearings.

Chief Ritchie stated that he is very proud of the Agency and the men and women who do the work every day to make the Department look that good.

Chief Ritchie stated that he would make a formal presentation to Council when the actual award is mailed to the Department.

Mayor Haynie asked if it would make it by next week's Council.

Chief Ritchie stated that it could but if not then hopefully for September.

Mayor Haynie stated that it has been a big summer for the Town of Mount Pleasant with All-American City and now the re-accreditation.

Chief Ritchie stated that when he introduced himself and the team at the hearings he did make mention that the Town had just been identified as an All-American City and he felt it was very nice to be able to mention that as well.

Mayor Haynie stated that he looks forward to the big award.

Mayor Haynie stated the committee would now go back to item "a".

Chief Ritchie stated that this is a recommendation by the Police Department to amend the towing and wrecker service ordinance.

Chief Ritchie stated that for many years there have been 3 towing companies and sometimes just 2 and one of the requirements was to be a business within the Town of Mount Pleasant. Chief Ritchie added that although in the past that it has served the Town but now with the growth and traffic we feel the need to cast that further and allow other towing services from outside of Mount Pleasant to assist us.

Chief Ritchie stated that the Department has run into several situations where, although these companies try hard, they cannot always make it in a timely manner to the tows. He added that just this past weekend it was over an hour and a half before a wrecker was able to respond to the accident scene.

Chief Ritchie stated that the local companies have been talked to and they understand the Department's need to serve the community and get tow trucks to these wrecks/disabled and get the roads cleared as soon as possible.

Chief Ritchie stated that one of the issues they have run into is the ability to hire drivers that can live/work here so what he is recommending is a 4-mile radius from the Town of Mount Pleasant which would bring in some companies that will apply that are already established and working for other agencies and have large enough companies that can supply tow trucks for the Town.

Chief Ritchie stated that this is the main change and that is to open the pool up to other companies outside of Mount Pleasant with the understanding that these companies will have to be licensed to do business in the Town even though their brick and mortar may be outside of this jurisdiction.

Chief Ritchie stated that he would be happy to answer any questions or address any concerns.

Mr. Santos stated that if you call AAA, for instance, that Jennings Towing comes from North Charleston to take care of you and they take a while. He added that one of the issues he has is that the Tow Companies do not clean up well. He stated that in front of his neighborhood he is constantly picking up glass and debris from wrecks and feels the companies we are using now are not doing a good job cleaning up after wrecks.

Mr. Santos stated that whoever is decided upon to use they need to be made to clean up well because it is not happening right now at least in front of his neighborhood.

Chief Ritchie stated that he understood and this was something that can certainly be passed on, even currently, because they are required to clean up from the accident and the Department can make sure officers on the scene are reminding them of that before they leave the scene.

Mayor Haynie asked if this needed done by a vote.

Mr. DeMoura stated that it did as it is an ordinance change.

Mr. Bustos moved to recommend to Town Council that Chapter 112: Towing to include the recommendations by Chief Ritchie. Mr. Santos seconded the motion. All present were in favor.

b. Special Announcement with regard to reaccreditation

4. Judicial matters

No agenda items

5. Legal matters

a. **An Ordinance amending Title IX (General Regulations) by adding a new Chapter 98 titled Prevention of Discrimination in the Rental or Sale of Housing. (Ord. No. 18044)**

Mayor Haynie stated that this had come before the Committee before and all that needed figured out was some enforcement items of that.

Mr. DeMoura stated that they feel it is ready based on what they heard from Committee and Council. He added that there were some adjustments to the penalty.

Mr. Pagliarini stated that the decision had been made for first reading but is subject to change. He added that this has been very well vetted that the civil penalty much like what is enforced in the smoking ordinance is probably the best way to go about this.

Mr. Pagliarini stated that decision brings in comments from Ms. Whitley who is the originator of these various ordinances, Police Department, Legal Department and staff in general.

Mayor Haynie asked if the committee wanted to do the amendments together.

Mr. DeMoura stated that the committee could take them both together if they liked.

b. **An Ordinance amending Title IX (General Regulations) by adding a new Chapter 99 Titled Equal Enjoyment and Privileges to Public Accommodations. (Ord. No. 18045)**

Mayor Haynie asked Mr. Pagliarini if he would touch briefly on this item.

Mr. Pagliarini stated that they are two separate ordinances. He added that one relates more to housing and housing discrimination and the other is public access and accommodations.

Mr. Pagliarini stated that as previously stated at Committee that several municipalities passed similar type legislations several years ago under the Federal and State all religion, race, those types of items are covered under law, however, when it comes to sexual orientation and gender identity that those are not covered and this would cover that gap at the local level.

Mayor Haynie asked if the Town had passed these on first reading or did they get sent back.

Mr. Pagliarini stated that they were sent back to discuss the penalty and at whether it would be enforced by the police department or civil penalty.

Mayor Haynie asked if both would involve a civil penalty for violation.

Mr. Pagliarini stated that yes, they would.

Mr. Santos moved to recommend to Council to approve, under 5 a & b, the ordinances as described by staff. Mr. Bustos seconded the motion. All present were in favor.

Mayor Haynie asked if there was any public comment at this time.

Colleen Condon of 1705 West Sandcroft, Charleston SC stated that everyone knows that Mount Pleasant is a great place to live and she congratulated the Town on the All-American City award.

Ms. Condon stated that she wanted to really help promote that it is known that Mount Pleasant is a place that is an All-American City for everybody.

She added that it is hard to imagine in 2018 that problems still occur but that indeed there are still problems and she feels these ordinances will prevent anybody from being stopped from walking into a restaurant because they are transgender or from renting a home because they are gay.

Ms. Condon stated that it is still hard to believe these things are still happening but added that prior to the meeting she was speaking to Mayor Haynie and Councilman Bustos and there was this exact situation in Summerville just two weeks ago where someone stated they did not rent to gay folks and it was said to her and another lawyer and she added she knows that is something Mount Pleasant would not want over here so she appreciates the Town acknowledging this and that it has already been adopted by the City of Charleston and other municipalities as well.

Ms. Condon stated that if she could be of any help with the alliance to please let her know.

Mayor Haynie thanked Ms. Condon for her service on County Council and Carta.

c. Review of the notification process for Design Review Board projects

Mayor Haynie stated that it was decided on to look at this and see where improvements could be made.

Mayor Haynie stated he would take public comment at this time so the committee could look at what the Town does and see where enhancements can be made.

Mr. Cunnane stated that this came about after heavy criticism of Home Depot being up against the road and how that could that be possible and who approved it. He added that it was not approved by Council other than an impact fee but the Design Review Board (DRB) has the ultimate say on

whether that happens and that is just one way with another way being getting rid of the urban corridors which he hopes to see soon.

Mr. Cunnane stated that the neighbors should know about this before the big concrete wall evades their neighborhood and now the question is how you notify people ahead of time of the hearings, etc. that the DRB does and he stated he would also like to see the urban corridors done away with as well but that is not at this juncture yet.

Mr. Cunane stated he would like the DRB to let people know ahead of time and how they will be told.

Mayor Haynie stated with that in mind he would like to look into what the Town does and how the Town arrived at this point.

Mr. DeMoura stated that he asked Jeff Ulma to come up as the Planning Development Department staff supports the DRB but the DRB has the same notice requirements as Town Council. He added we do not go as far as posting properties and things like that, but it is noticed.

Mr. DeMoura stated that when it comes to the project in question there was more than just the DRB notice for that project. A sketch plan showed the location of the wall along the road at the Planning Commission level, Committee level, Council level for approval and DRB. He added that for that particular project there were at least four opportunities for public involvement.

Mr. Santos stated that the Town also has a program called Notify Me than anybody can sign up for and get notified on a host of different things and he asked if something like this would be included as well.

Mr. DeMoura stated that every agenda goes out thru Notify Me.

Mr. Santos stated that he knows a lot of people get it but maybe a lot of people do not know about it as well and maybe if the Town could do some type of public relations where citizens can be notified about this process that way they will get notified on these things when they come up ahead of time even before they come up on the agendas.

Mayor Haynie asked if the Town puts out the yellow signs for DRB the same way the Town does for BOZA.

Mr. DeMoura stated that the Town did not because it is not a public hearing.

Mayor Haynie stated that it is not technically a public hearing so what is it.

Mr. Pagliarini stated that it is a public meeting and open.

Mr. Ulma stated that DRB agendas and the attachments would be posted on the website and those links and that information would be available for people to look at.

Mayor Haynie stated that there would be no way to know based on the site itself like you see all over Town the yellow BOZA signs.

Mr. Ulma stated that was correct and that there were no properties posting for review of projects like that.

Mr. DeMoura suggested that the issue with that project was not a lack of notice. He added the Town could post every property at a DRB, but he is not sure that would generate increased awareness or attendance at the meeting.

Mayor Haynie asked if the Committee decided they wanted to could they legally do that and post DRB will be considering this.

Mr. Pagliarini stated that that was correct and the State provides minimum notice requirements typically for public hearings and the Town or any municipality can exceed those notices but what he would suggest, however, that this would be one consideration for this Committee and Council is that DRB is but one entity and would an increase in standard which is acceptable for DRB or all the other various boards and commissions as he thinks there are some consideration to the others as well-meaning why should DRB have this increased and not the others.

Mr. Pagliarini stated that he does not believe it is illegal to segregate DRB but that is just one consideration for the Committee and Council.

Mayor Haynie stated that he guessed you could say why not things going before Planning Commission as well.

Mr. Pagliarini stated that Planning Commission for public hearings and then we also have Old Village Historic District would affect properties and that would be the limit of properties.

Mr. Ulma stated that similar to DRB the Planning Commission for instance reviews sketch plans for new subdivisions and while that is open to the public is does not have a required posting or public hearing notice so there are a variety of different processes that do not utilize either posting directly on property or public hearing advertisements.

Mr. Ulma stated that as both gentleman have stated there are opportunities to investigate and look at options and alternatives. He added that posting a lot of signs is a lot of additional impact.

Mayor Haynie asked who does post signs.

Mr. Ulma stated that his staff posts the signs.

Mayor Haynie stated he would like to turn the tables a little bit as there are some members of the Media in the back and said he would put them on the spot for a change and asked if they get notice or follow like if there is a DRB hearing and do they get that off the Notify Me app?

Ms. Witte of the Moultrie News stated that they did.

Mayor Haynie asked that with the coming change over in the Moultrie News will they stay as engaged as they are now.

Mayor Haynie stated as there are people saying they did not realize Home Depot was going to look like that and if something comes down the line in the future they can say they are going before DRB and this is what they are asking to get approved and we did everything we could to put the notice out.

Mr. DeMoura stated that those documents are posted online.

Mr. Ulma stated that was correct and their agendas link to their materials and in fact for Home Depot part of those submittals includes several perspectives of the project's color rendering and there is a sheet that shows views 1,2,3 and 4 and with that rendering and architectural details which is what DRB is also looking in addition to the site, that information was out there for people to look at.

Mr. Ulma stated that how you pick up on that and reading site plans is not the easiest thing and there are dozens of sheets, so people do need to know what they are looking at which is not easy.

Mr. Ulma stated that his recommendation is always for people to call and ask. He added if you see something and have a question his Department is there, and staff can explain those things.

Mayor Haynie asked if there was a more efficient digital way to include notification by area to HOA's.

Ms. Sims stated that could certainly be looked at to see if there is a possibility for GEO location. She added that right now it is broken down by the actual board or commission and their agendas as to how they would receive that information.

Mayor Haynie stated that he noticed also as the Police Department makes good use of the Next-Door App. He added that when the Police Department posts anything on Next Door it gets a huge response more so than the others he sees. He added that maybe the old fashioned putting a sign in the ground is not the most effective way to do this but maybe a digital way can be found.

Mayor Haynie asked if the Committee members would like to investigate some of these with staff and keep having this conversation.

All were in favor.

Mayor Haynie stated that if there are better ways to get the information out like Next Door or specific emails to HOA's because there is a DRB review of something near their neighborhoods that would be good.

Mr. Ulma stated that another tool his Department uses is the development map so there is out on the web as well the map that shows the location of the various items going to the boards and commissions as they are moving thru. He added that someone looking at that in their area would be able to identify a pin that would say within your area is a site-plan that is going to DRB, there is a re-zoning, all the different activities that are getting reviewed are shown on that Geographic Information System (GIS) map on the website which is another tool.

Mayor Haynie stated that the Committee would continue this conversation on DRB notifications.

6. Adjourn

There being no further business, the meeting was adjourned at 11:07am.

Minutes submitted by:

Lori Gaskin

08/06/2018